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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 13 May 2003, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, JP declared the meeting open at 6.00pm.

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 Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Basil Franchina	North Ward
Cr Ian Ker	South Ward - Deputy Mayor
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
Jenny D'Anger	Journalist – Voice News
Lisa Calautti	Journalist – Guardian Express
Leith Paganoni	Journalist - The West Australian

Approximately 23 Members of the Public , including 3 children

(c) Members on Leave of Absence:

Nil

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

1. Mrs Karen Kerlin of 92 Anzac Street, Mount Hawthorn - Item 10.1.14. Mrs Kerlin stated that she was the co-owner of the property and referred to a faxed copy of plans sent to all Councillors and the Mayor last week which included a request for a minor variation to one of the setbacks from 1.5 metres to 1.14 metres. She outlined her reasons for the requested variation, including that other developments also on corner sites have had similar minor variations approved, it is the secondary boundary to the property, the designer has advised the break in the wall will add visual appeal to the home and the development with the variation is compatible with the area. She requested Council to support the application with the minor variation.

Mayor Catania advised that the following two items had been withdrawn from tonight's Agenda.

Item 10.1.1 This item was withdrawn by the Chief Executive Officer because a number of conditions had not been met.

Item 10.1.20 This item was withdrawn by the applicant.

2. Mr Charlie Cerais of 79 Auckland Street, North Perth - Item 10.1.8. He stated he lived adjacent to the proposed development and referred to the plan drawn by the Town, and the east elevation. He advised that the open area of balcony looks directly into his living area and the balcony on the other side looks directly into his patio area, and this had not been taken into consideration in the application. He requested that Councillors refuse the application due to the overlooking, and the other factors that he had advised in a letter already sent to Council.
3. Mr Cosi Schirripa of 66 Auckland Street, North Perth, Chairman of the North Perth Precinct Group - Item 10.1.8 and 10.1.9. Stated that both these developments were inappropriate. He outlined the following reasons why the Precinct Group strongly opposed the development, including;
 - the adverse impact on neighbours and the area in general
 - non compliance in a number of areas
 - contravenes the Residential Design Codes concerning privacy/overlooking, solar access and shading, rear setbacks and primary street driveway
 - contravenes the Planning and Building Policies relating to character and building scale
 - contravenes the Eton Locality Policy Statement

He requested that Council refuse the application based on the non-compliance.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.10pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 22 April 2003.

Moved Cr Ker, Seconded Cr Chester

That the Minutes of the Ordinary Meeting of Council held on 22 April 2003 be confirmed as a true and correct record.

CARRIED (9-0)

6.2 Special Meeting of Council held on 6 May 2003.

Moved Cr Ker, Seconded Cr Lake

That the Minutes of the Special Meeting of Council held on 6 May 2003 be confirmed as a true and correct record.

Cr Franchina asked if the Public Question Time was recorded in full in the Minutes.

Chief Executive Officer, Mr John Giorgi responded that the process had not been changed and a précis of Public Question Time was recorded in the Minutes in accordance with the Local Government Act. He also advised that a report should be available for the next Ordinary Meeting of Council concerning the recording of Meetings.

Cr Franchina asked who decides what is included in the précis in the Minutes.

Chief Executive Officer, Mr John Giorgi responded that the Minutes Secretary prepared the draft Minutes, including the précis, and this draft was then referred to the Chief Executive Officer to verify, and then to the Council for confirmation.

CARRIED (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Employee of the Month Award for the Town of Vincent for May 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 and a certificate, and their photograph is displayed in the Administration Centre Foyer, in the Library and at Beatty Park Leisure Centre.

He announced that for May 2003, the award is presented to Jacinta Anthony, Manager Community Development & Administrative Services, and that Jacinta was nominated by a number of Elected Members, who contacted the Town's CEO after the Anzac Day Ceremony 2003.

Mayor Catania congratulated Jacinta, and Community Development staff, for organising a most successful event. He stated that many positive comments were received from members of the community, politicians and veterans who attended the ceremony, and that overall, the standard of the Town's Community Events are well organised, well attended and well received by the community.

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

8. DECLARATION OF INTERESTS

- 8.1 Mayor Catania declared a financial interest in Item 10.3.1 – Investment Report. His interest being that he is Chairperson of the Board of Directors of the North Perth Bendigo Bank.
- 8.2 Cr Doran-Wu declared a financial interest in Item 10.3.7 – Community and Welfare Grants and Donations. Her interest being that she is an employee of the Loftus Community Centre which is a potential recipient of a grant.
- 8.3 Cr Franchina declared a proximity interest in Item 10.1.19 - No. 378 (Lot 2) Oxford Street, Mount Hawthorn - Proposed Change of Use from Office to Consulting Rooms. His interest being that he owns property in close proximity.
- 8.4 Cr Franchina declared a proximity interest in Items 10.4.8, 10.4.9 and 10.4.10, each of which relates to the tenders for the Perth Oval Redevelopment. His interest being that his daughter owns property in close proximity.

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

Nil.

10. REPORTS

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

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

Items 10.1.14, 10.1.8 and 10.1.9.

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 10.3.3 and 10.3.4.

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, 10.4.2 and 10.4.6.
Cr Lake	10.1.12 and 10.2.1.
Cr Chester	10.1.10, 10.1.11, 10.1.13, 10.2.3, and 10.3.7.
Cr Torre	Nil.
Cr Doran-Wu	12.1.
Cr Farrell	Nil.
Cr Cohen	10.2.4.
Cr Franchina	10.3.6.
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 10.1.19, 10.3.1, 10.3.7, 10.4.8, 10.4.9 and 10.4.10.

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

Items 10.1.2, 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.15, 10.1.16, 10.1.17, 10.1.18, 10.1.21, 10.1.22, 10.2.2, 10.2.5, 10.3.2, 10.3.5, 10.4.1, 10.4.3 and 10.4.4.

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

Items 10.4.7, 10.4.8, 10.4.9 and 10.4.10.

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

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

Items 10.1.2, 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.15, 10.1.16, 10.1.17, 10.1.18, 10.1.21, 10.1.22, 10.2.2, 10.2.5, 10.3.2, 10.3.5, 10.4.1, 10.4.3, 10.4.4 and 10.4.5.

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

Items 10.1.14, 10.1.8 and 10.1.9.

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

Items 10.3.3 and 10.3.4.

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

Items 10.1.7, 10.1.9, 10.4.2, 10.4.6, 10.1.12, 10.2.1, 10.1.10, 10.1.11, 10.1.13, 10.2.3, 10.3.7, 12.1, 10.2.4 and 10.3.6

(e) **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 10.1.19, 10.3.1, 10.3.7, 10.4.8, 10.4.9 and 10.4.10.

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

Items 10.4.7, 10.4.8, 10.4.9 and 10.4.10.

Moved Cr Ker, Seconded Cr Chester

That the following unopposed items be moved en bloc;

Items 10.1.2, 10.1.3, 10.1.4, 10.1.5, 10.1.6, 10.1.15, 10.1.16, 10.1.17, 10.1.18, 10.1.21, 10.1.22, 10.2.2, 10.2.5, 10.3.2, 10.3.5, 10.4.1, 10.4.3, 10.4.4 and 10.4.5.

CARRIED (9-0)

10.1.2 No. 628 (Lot 95) Beaufort Street, Mount Lawley - Proposed Created Roof Sign to Existing Eating House

Ward:	South	Date:	5 May 2003
Precinct:	Mount Lawley Centre, P11	File Ref:	PRO0126;00/33/154 9
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 S Ottobriano on behalf of the owners I and E Bercove for the proposed created roof sign to existing eating house at No. 628 (Lot 95) Beaufort Street, Mount Lawley, as shown on plans stamp-dated 26 March 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including relevant Australian Standards and noise regulations;*
- (ii) the signage shall not have flashing or intermittent lighting; 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 10.1.2

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (9-0)

LANDOWNER: I and E Bercove
APPLICANT: S Ottobriano
ZONING: Metropolitan Region Scheme: Urban - abuts an Other Regional Road
Town Planning Scheme No.1: District Centre - abuts an Other Regional Road
EXISTING LAND USE: Eating House
COMPLIANCE:

Use Class	Eating House
Use Classification	"P"
Lot Area	473 square metres

Requirement of Town's Policy	Required	Proposed
Created Roof Sign	Not to project more than 300 millimetres from the portion of the building to which it is attached	989 millimetres

SITE HISTORY:

The site is currently utilised as an Eating House accommodating the Monte Fiore restaurant. On 8 October 2001, conditional Planning Approval under delegated authority was given for signage for the restaurant. The signage consisted of one double sided illuminated projecting sign attached to the fascia of the building located above the awning. To date, this approved sign has not been installed.

DETAILS:

The applicant seeks approval for a created roof sign, which consists of one double sided partially internally illuminated sign attached to the fascia above the awning of the building, and projecting above the roof line. The sign will display the restaurant's name and logo.

CONSULTATION/ADVERTISING:

The proposal was advertised and no objections were received.

The proposal occurs along Beaufort Street, which is classified as an Other Regional Road (ORR) Reservation. The proposal did not require referral to the Department for Planning and Infrastructure as the development involves no encroachment upon the road reservation and does not involve additional, relocated or new access onto Beaufort Street.

COMMENTS:

Created Roof Sign - Projection From Building

The Town's Policy relating to 'Signs and Advertising' stipulates that a created roof sign should not project more than 300 millimetres from the portion of the building to which the sign is being attached. The applicant seeks a projection of 989 millimetres.

The projecting sign previously approved by the Town permitted a projection of 1.0 metre. A projection of only 300 millimetres would result in the proposed sign being ineffective in the proposed location, as a passer-by would not see the signage due to the substantial awnings that are affixed to the business on Beaufort Street. As such, a greater projection than prescribed by the Town's Policy is necessary in order for the signage to be visually recognisable.

It is considered that the proposed sign, taking into account its appropriate colouration, design and size, will not form an unduly prominent element within the streetscape of the area and therefore will not detract aesthetically from the appearance of the area. On this basis, the variation in the permitted projection of the sign is considered appropriate.

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

10.1.3 No. 45 (Lot 203) Ellesmere Street, Mount Hawthorn - Proposed Carport Addition to Existing Single House

Ward:	North	Date:	5 May 2003
Precinct:	Mount Hawthorn; P1	File Ref:	PRO 2308; 00/33/1566
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 owners MH and ML Lovegrove for proposed carport addition to existing single house at No. 45 (Lot 203) Ellesmere Street, Mount Hawthorn, and as shown on plans stamp-dated 2 April 2003, subject to:

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the width of the carport being reduced so as to not exceed 50 per cent of the frontage width at the building line. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (ii) 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 dwelling on its southern side;*
- (iii) no part of the roof, including gutters (other than metal beams) shall be setback nearer than 500 millimetres from the eastern boundary, and any columns within this setback shall be constructed from brick and/or metal not more than 350 millimetres in width or breadth;*
- (iv) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (v) a visual truncation of 2 metres by 2 metres at the intersection of the driveway and footpath shall be provided at the owner's cost;*
- (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 \$220 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) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (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); and*
- (xii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Ellesmere 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;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.3

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (9-0)

LANDOWNER: MH and ML Lovegrove
APPLICANT: As above
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	491 square metres

Requirement	Required	Proposed
Front Setback and Width	4.0 metres or carports can be located within the front setback area, provided that the width of the carport does not exceed 50 per cent of the frontage at the building line and the construction allows for unobstructed views of the dwelling	Nil and 50.86 per cent of the frontage
Eastern Side Setback	1.0 metre	Nil

SITE HISTORY:

The site currently supports a single storey single house.

DETAILS:

The applicant seeks to erect a carport within the front setback area.

CONSULTATION/ADVERTISING:

The proposal was advertised and no submissions were received.

COMMENTS:

Front Setback

The Residential Design Codes (R Codes) generally require a 4.0 metres front setback, however when considering carports such structures can be located within the front setback area, provided that the width of the carport does not exceed 50 per cent of the frontage at the building line, and the construction allows for unobstructed views of the dwelling.

The applicant seeks a nil front setback in accordance with the above provision. The design of the carport is that of an open steel structure that permits unobstructed views to the dwelling.

Width

The carport's width will require marginal reduction in order for the carport to only represent 50 per cent of the frontage width of the site at the point of the building line. As submitted, the proposal represents 50.86 per cent of this frontage. As such, this element should be conditioned accordingly to address this aspect.

Eastern Side Setback

Generally the R Codes would require a 1.0 metre side setback, whereas the applicant seeks a nil setback. The proposal only intends to erect lightweight steel columns to the boundary and this open form of construction is considered to have minimal undue impact on the affected neighbour. On this basis, the reduced setback is considered acceptable.

Generally the proposal will have no unreasonable detrimental impact on the amenity and streetscape of the area. Accordingly, the proposal is recommended for approval, subject to standard conditions and conditions to address the above matters.

10.1.4 No. 4 (Lot 200) Camelia Street, North Perth - Proposed Alterations and Additions to Existing Single House

Ward:	South	Date:	5 May 2003
Precinct:	Smith's Lake, P6	File Ref:	PRO 2302; 00/33/1557
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 owners R Nossiter and L Grech for proposed alterations and additions to existing single house at No. 4 (Lot 200) Camelia Street, North Perth, and as shown on plans stamp-dated 14 April 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 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;*
- (iv) details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (v) 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*
- (vi) to protect the reasonable privacy of the adjacent residents, the northern elevation of the raised rear verandah shall be screened with a permanent obscured material and to be non-openable to a minimum height 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;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.4

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (9-0)

LANDOWNER: R Nossiter and L Grech
APPLICANT: As above
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	597 square metres

Requirement	Required	Proposed
Northern side setback	4.0 metres, or for wall heights to be compatible with adjoining wall heights and as a 'seamless' extension in relation to existing form as per Town's Policy relating to Local Character	Minimum 1.0 metre
Wall Height	3.0 metres, or as a 'seamless' extension in relation to existing form as per Town's Policy relating to Local Character	Maximum 4.6 metres for extension
Cone of Vision Verandah (raised)	7.5 metres	6.1 metres

SITE HISTORY:

The site currently supports a single storey single house.

DETAILS:

The applicant seeks to undertake alterations and additions to the existing residence. The proposal include a new bathroom, laundry, verandah and covered outdoor drying area. The dwelling is not listed on the Town's Municipal Heritage Inventory.

CONSULTATION/ADVERTISING:

The proposal was advertised and no submissions were received.

COMMENTS:

Demolition

The Town's Heritage Officer has reviewed the application and raises no objection to the proposal.

Setbacks

The Residential Design Codes (R Codes) would require the northern elevation to be setback 4.0 metres from the subject boundary, whereas the applicant proposes a minimum setback of 1.0 metre from this boundary. The applicant seeks this reduced setback in order to allow the extension to be a continuation from the existing dwelling. The Town's Policy relating to Local Character promotes this approach to achieve seamless extensions. Furthermore, the bathroom and laundry alterations actually occur within the existing footprint of the building, with the extension being limited to the covered drying area and verandah. As such, on this basis and the fact that no overshadowing will result, the relaxation to allow a seamless extension is supported.

Wall Height

The R Codes permits a single storey wall height of 3.0 metres. The proposal submitted by the applicant seeks a maximum wall height of 4.6 metres. This additional height is created by the fact that there is a significant change in levels over the site with the rear portion of the dwelling being considerably lower than the original front portion of the residence. As a result of maintaining the roofline, a higher wall height is required. The Town's Policy relating to Local Character further supports this approach to extensions, and with the higher wall height causing no undue harm to neighbours, no objection is raised.

Cone of Vision

The applicant proposes a rear verandah element which is raised off the natural ground level (NGL) in order to maintain the finished floor level (FFL) of the residence. This results in the verandah being approximately 1.3 metres above the NGL and as a consequence poses overlooking issues to neighbours. A raised verandah element would require a 7.5 metres setback to boundaries under the R Codes. The proposal achieves a 6.1 metres setback to the southern boundary. In order to prevent undue overlooking to the neighbouring property, it is necessary to impose screening requirements to this elevation.

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 conditions and conditions to address the above matters.

10.1.5 No. 4 (Lot 260) Turner Street, Highgate - Proposed Alterations and Additions (Bathroom, Laundry, Toilet and Front Fence Only) to Existing Single House

Ward:	South	Date:	5 May 2003
Precinct:	Forrest, P14	File Ref:	PRO 1617; 00/33/1561
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 M Georgevic for proposed alterations and additions (bathroom, laundry, toilet and front fence only) to existing single house at No. 4 (Lot 260) Turner Street, Highgate, and as shown on plans stamp-dated 28 March 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) subject to first obtaining the consent of the owners of No. 6 Turner Street and No. 69 Lord Street, Highgate for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 6 Turner Street and No. 69 Lord Street, Highgate in a good and clean condition; and*
- (v) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Turner Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.5

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (9-0)

LANDOWNER: M Georgevic
APPLICANT: As above
ZONING: Metropolitan Region Scheme: Urban Town Planning Scheme
 No.1: Residential R80 - Residential R60 applies
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	225 square metres

Requirement	Required	Proposed
Setbacks		
Western side setback	1.5 metres	Nil
Rear setback	1.0 metre	Minimum nil
Car Parking	1 car bay (permitted under the terms of the Forrest Precinct Policy)	Nil

SITE HISTORY:

The site currently supports a single storey single house. The applicant previously applied for alterations and extensions to the residence, including a two storey addition which was conditionally approved by the Town on 9 January 2001. The applicant did not have sufficient funds to enact this approval and it has therefore lapsed. The applicant now only seeks to pursue a portion of this proposal being the bathroom, laundry and toilet addition and the proposed front fence.

DETAILS:

The applicant seeks to undertake alterations and additions to the existing residence, which includes replacing an existing bathroom and shed with a bathroom, laundry and toilet and the addition of a front fence. The dwelling is listed on the Town's Interim Heritage Database.

CONSULTATION/ADVERTISING:

The proposal was advertised and no submissions were received.

COMMENTS:

Setbacks

The proposed bathroom, laundry and toilet addition would require a 1.5 metres setback to the western side boundary under the provisions of the Residential Design Codes (R Codes). The applicant seeks a nil setback to this boundary, which represents a continuation of the existing house wall. Furthermore, the existing structures in this location also incorporate a nil setback. Coupling consideration of this with the fact that the proposed parapet will be 3.241 metres in height and that no undue overshadowing will be caused (due to the location of north), this relaxation in setback to permit the continuation of the parapet is considered acceptable.

In addition the R Codes would require a 1.0 metre southern (rear) setback, and again the applicant seeks a nil setback for the extension.

The proposed parapet wall is only 2.4 metres in length and the site is at a lower ground level than the rear dwelling. Again, due to the site's orientation in relation to the north-point, the reduced setback will not result in any undue overshadowing. Therefore, this minor wall in the subject location is considered to have no undue effect on the neighbours and is therefore acceptable.

Car Parking

The Forrest Precinct Policy permits car parking to be reduced to the provision of only one bay per dwelling, as opposed to the R Code requirement for two bays. The existing dwelling currently provides no car parking onsite. As this is an existing situation, it is considered suitable for the existing car parking arrangement to continue.

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 conditions and conditions to address the above matters.

10.1.6 No. 663 (Lot 53) (Strata Lots 5 & 6) (Units 6 & 7) Newcastle Street, Leederville - Proposed Alterations and Additions to Approved Eating House and Winebar

Ward:	South	Date:	7 May 2003
Precinct:	Oxford Centre, P4	File Ref:	PRO0817;00/33/153 9
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 Oldfield Knott Architects Pty Ltd on behalf of the owners of Strata Plan 10630 for proposed alterations and additions to approved eating house and winebar on No.663 (Lot 53) (Strata Lots 5 & 6) (Units 6 & 7) Newcastle Street, Leederville, as shown on the plans stamp dated 2 May 2003 , subject to:

- (i) the public floor area shall be limited to a maximum of 221.55 square metres;*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) the hours of operation shall be limited to 6:00am to 12:00 midnight Monday to Tuesday, 6:00am to 1:00am Wednesday to Thursday, 6:00am to 2:00am Friday to Saturday, and 12:00 noon to 12:00 midnight Sunday, inclusive;*
- (v) the winebar shall be incidental and ancillary to, and associated with the eating house;*
- (vi) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vii) any building fit out, alterations and/or additions should address the following requirements for people with disabilities:*
 - (a) level access into the building;*
 - (b) any new or altered entrances to the building having a minimum doorway width of 850 millimetres in accordance with Australian Standards (AS) 1428.2; and*
 - (c) any new counters in accordance with AS 1428.2 - clause 24;*
- (viii) a detailed management plan that addresses the control of noise, traffic, car parking, litter and anti-social behaviour (to reasonable levels) associated with the development shall be submitted and approved prior to the first occupation of the development, and thereafter implemented and maintained;*

- (ix) *the activities and doors and windows fronting the accessway and car parking area shall maintain an active and interactive relationship with the accessway and car parking area;*
- (x) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the new gates to open outward but not beyond the boundary lines. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (xi) *prior to the first occupation of the development, two (2) class two and four (4) class three bicycle parking facilities shall be provided at a location convenient to the entrance of the development within the subject property. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.6

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (9-0)

LANDOWNER: Owners of Strata Plan 10630
APPLICANT: Oldfield Knott Architects Pty Ltd
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No. 1: District Centre
EXISTING LAND USE: Commercial Development

COMPLIANCE:

Use Class	Eating House
Use Classification	'P'
Lot Area	7163 square metres

Car Parking

Car parking Requirement (nearest whole number) • Eating House (221.55 square metres)	49 bays
Apply the adjustment factors ▪ 0.80 (within 800 metres of a rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of an existing public car park with excess of 75 bays. ▪ 0.90 (within a District Centre zone) ▪ 0.95 (provision of bicycle parking facilities - due to the requirement/condition to provide such facilities)	0.49419
Car parking requirement with adjustment factor applied (49 car bays X 0.49419)	24.21 car bays
Minus the car parking provided on site (8 bays)*	16.21 car bays
Minus the most recently approved on site car parking shortfall*	25.4 car bays
Resultant surplus (16.21 - 25.4 car bays)	9.19 car bays

* This data is derived from Item 10.1.14 to the Ordinary Meeting of Council held on 27 August 2002.

Bicycle Parking Facilities:

Required	Provided
1 space (Class 1 or 2) per 100 square metres of public area for employee, therefore 2 spaces required.	No bicycle parking shown on plans.
2 spaces (Class 3) plus 1 space per 100 square metres of public area for visitors, therefore 4 spaces required.	No bicycle parking shown on plans.

SITE HISTORY:

- 12 October 1998 The Council at its Ordinary Meeting granted conditional approval for a change of use from fast food outlet/eating house and shop/showroom/office to eating house and winebar with special facilities licence.
- 20 November 2001 The Council at its Ordinary Meeting granted conditional approval for a change of use from fast food outlet/eating house and shop/showroom/office to eating house and winebar with special facilities licence.
- 27 June 2002 Development Application received for internal redesign and courtyard facility to the approved eating house and winebar. The Applicant requested modifications to the internal layout of the eating house and winebar and also included an outdoor courtyard/alfresco dining area. This proposal was placed on hold as the strata owners effectively did not support the proposal as it was partly on common land.
- 12 August 2002 A revised request was received that limits the Alfresco Dining Area to land owned by the Water Corporation. A letter of support was also submitted by the Water Corporation, which details the lease agreement over this portion of land.
- 27 August 2002 The Council at its Ordinary Meeting granted conditional approval for alterations and additions including an alfresco dining area to the approved eating house and winebar.

DETAILS:

The proposal will result in 165.2 square metres of public floor area plus a courtyard for eating and/or drinking of 56.35 square metres resulting in a public area/public assembly area of 221.55 square metres. It is also proposed for the courtyard area to be enclosed with a permanent structure. The structure will comprise a skillion polycarbonate roof with retractable fabric screens and removable gates and side panels faced with brushwood.

CONSULTATION/ADVERTISING:

One verbal submission was received during the advertising period. Issues raised included the increase of public floor area and the impact on car parking. The revised plans received by the Town on 2 May 2003 differ from the plans that were advertised in that it included an enclosed structure to the courtyard. The objection relates to the use and not the structure proposed under this application and therefore does not need to be readvertised. The strata manager has advised that the strata company approves of the plans submitted to the Town on 2 May 2003.

COMMENTS:

In light of the above, including compliance with the car parking requirement, the proposal is not considered to have an adverse impact on the amenity of the area and is supportable, provided the conditions as contained in the Officer Recommendation, including the provision of the required bicycle parking facilities and control of the scale and nature of the use, are applied accordingly.

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

10.1.15 No. 25 (Lot 82) Coronation Street, North Perth - Proposed Demolition of Existing Dwelling and Construction of a Single House

Ward:	North	Date:	5 May 2003
Precinct:	Smiths Lake, P6	File Ref:	PRO 2264; 00/33/1505
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 Peter Stannard Homes on behalf of the owners I and A Kutasi for proposed demolition of existing dwelling and construction of a single house on No.25 (Lot 82) Coronation Street, North Perth as shown on plans stamp-dated 20 February 2003, 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 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) a visual truncation of 2 metres by 2 metres at the intersection of driveway and right of way shall be provided at the owner's cost;*
- (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) *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;*
- (x) *subject to first obtaining the consent of the owners of No. 23 Coronation Street and No. 27 Coronation 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. 23 Coronation Street and No. 27 Coronation Street in a good and clean condition;*
- (xi) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Coronation Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (xii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xiii) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (xiv) *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.

COUNCIL DECISION ITEM 10.1.15

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (9-0)

LANDOWNER: I and A Kutasi
APPLICANT: Peter Stannard Homes
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	382 square metres

Setback	Required	Provided
North (WIR, Ensuite, Kitchen)	1.5 metres	Nil
South (Living, Study)	1.5 metres	1 metre
South (Garage)	1.5 metres	Nil
Height	Required	Provided
Max Wall Height	3 metres	Max 3.3 metres
Parapet Wall Height		
North Parapet Wall	Max 3.5 metres Av 3 metres	Max 4.1 metres Av 3.9 metres

SITE HISTORY:

The site is occupied by a single storey circa 1920 single house. There is an unsealed 5.0 metres wide right of way along the rear of the lot. Town records indicate that the right of way is privately owned.

DETAILS:

Approval is sought for the demolition of the existing single house and the construction of a "single storey" single house. The proposal generally complies with the Residential Design Codes (R Codes) and the Town's Town Planning Scheme No. 1 and Policies with the exception of the above non-compliances.

CONSULTATION/ADVERTISING:

The proposal was advertised and one objection was received from the south neighbour. In summary, the letter expresses concerns about the garage boundary wall, the setback variation involved with the living and study on the south side, the second parapet wall on the north side and the hard stand parking bay. These aspects of the application will be addressed in the comments section below.

COMMENTS:**Demolition**

A detailed heritage assessment is contained in the Appendix 10.1.15.

The subject dwelling is dated circa 1920 and represents a part of the building stock built immediately following the First World War. The dwelling is rendered brick and few features and fittings are intact. The place is not rare and is considered to be of little aesthetic, historic, scientific and social value, although the place may be said to have little to some representative value as a post World War One dwelling. The subject dwelling contributes to the streetscape in terms of traditional setbacks and building style.

The place, being the existing dwelling at No.25 (Lot 82) Coronation Street, North Perth, has insufficient cultural heritage significance for entry into the Town's Municipal Heritage Inventory.

In light of the above, it is recommended that approval be granted for the demolition of the existing dwelling, subject to standard conditions.

North Setback

The proposed setback variation corresponds with the kitchen, ensuite, walk-in-robe and verandah. The proposed wall varies from the setback provisions by 1.5metres. However, as the proposed wall is to be located on the boundary, it requires an assessment against the provision in the R Codes with relation to Buildings on Boundary. The wall is proposed at a maximum height of 4.1 metres with a total length of 10.85 metres. Compliance has been met with the provisions in the R Codes with the exception of the height by a maximum of 0.6 metre. This variation is due to the slight slope in the natural ground level. The wall is single storey in nature and has the consent from the adjoining affected neighbour to the north side. The variation is not considered to be excessive or to cause an undue adverse impact upon the amenity of the adjoining residence. On this basis, the variation is therefore supported.

South Setback

The applicant seeks a variation to the setback to the south side boundary comprising the garage, study and living. The garage involves a boundary wall on the south boundary and the study and living areas vary from the setback requirements by 0.5 metre. The setback of the study and living is considered to be a minor variation. Being single storey, the setback variation is not deemed to cause an undue adverse impact to the south adjoining neighbour. Furthermore, it is considered that in this instance, a 1 metre setback creates a similar visual impression as a 1.5 metres setback, which would then comply. The setback variation is considered acceptable and therefore supported.

In relation to the proposed boundary wall of the garage, the setback requirement is 1.5 metres. The wall is single storey and located towards the rear of the lot. The R Codes stipulate that boundary walls are permitted on only one side boundary. This represents a variation to that provision as there are two boundary walls proposed. However, this provision can be varied with consideration given to the nature of the garage boundary wall and lack of adverse impact. Furthermore, imposing the setback requirement would create an area of unusable space and take away from the functionality of the backyard area that has been proposed. In this instance, the boundary wall is supported.

Maximum Wall Height

The maximum wall height proposed exceeds the requirement by a maximum of 0.3 metre. This is attributed to the gentle fall in the natural ground level at the point where the wall height was measured. The height variation is not considered to be excessive and not deemed to cause any undue adverse impact to the adjoining and surrounding properties. On this basis, the variation is considered to be acceptable.

Hard Stand Parking Bay

Concern was raised about the hard stand parking bay in the objection letter received. The hard stand parking bay merely represents an uncovered parking space to accommodate the provision of two car parking bays as required in the R Codes. This ensures that the open space requirement is not compromised, as site cover has already reached its 55 per cent maximum limit. It is considered that the parking configuration is acceptable and therefore supported.

In light of the above, it is recommended that approval be granted for the demolition of the existing dwelling and for the construction of the proposed dwelling, subject to standard conditions.

10.1.16 No. 59 (Lot 257) Dunedin Street, Mount Hawthorn – Proposed Demolition of Existing Dwelling and Construction of a Two Storey Single House

Ward:	North	Date:	7 May 2003
Precinct:	Mount Hawthorn, P1	File Ref:	PRO2262; 00/33/1503
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 Anthony Michael Design and Drafting on behalf of the owner D Limnios for proposed demolition of existing dwelling and construction of a two storey single house at No. 59 (Lot 257) Dunedin Street, Mount Hawthorn and as shown on the plans stamp dated 19 February 2003 (residence to be demolished and existing residence) and 1 May 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) subject to first obtaining the consent of the owners of No. 61 (Lot 256) Dunedin 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. 61 (Lot 256) Dunedin Street, in a good and clean condition;*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Dunedin Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
 - (a) the two (2) windows to the retreat on the first floor level on the northern elevation; and*
 - (b) the windows to bedroom 2 and bedroom 3 on the first floor level on the western elevation;*

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

- (v) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the crossover being perpendicular to the road; and*
 - (b) *the total width of the garage not exceeding 50 percent of the frontage width of the lot;*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (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) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (viii) *a visual truncation of 2 metres by 2 metres at the intersection of the driveway and the footpath shall be provided at the owner's cost;*
- (ix) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (x) *a road and verge security deposit bond and/or bank guarantee of \$550.00 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (xi) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xii) *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;*
- (xiii) *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*
- (xiv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xv) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (xvi) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Ker, Seconded Cr Chester

That the following amended recommendation be adopted.

AMENDED RECOMMENDATION:

Add the following new clause (xvii) to the previous recommendation:

"(xvii) prior to the issue of a Building Licence, a detailed Arboriculturist report justifying removal of the two (2) on site mature Jacaranda trees shall be submitted to and approved by the Town's Parks Services;"

CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.16

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Anthony Michael Design and Drafting on behalf of the owner D Limnios for proposed proposed demolition of existing dwelling and construction of a two storey single house at No. 59 (Lot 257) Dunedin Street, Mount Hawthorn and as shown on the plans stamp dated 19 February 2003 (residence to be demolished and existing residence) and 1 May 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) subject to first obtaining the consent of the owners of No. 61 (Lot 256) Dunedin 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. 61 (Lot 256) Dunedin Street, in a good and clean condition;*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Dunedin Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
 - (a) the two (2) windows to the retreat on the first floor level on the northern elevation; and*
 - (b) the windows to bedroom 2 and bedroom 3 on the first floor level on the western elevation;*

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

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

(a) *the crossover being perpendicular to the road; and*

(b) *the total width of the garage not exceeding 50 percent of the frontage width of the lot;*

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

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

(viii) *a visual truncation of 2 metres by 2 metres at the intersection of the driveway and the footpath shall be provided at the owner's cost;*

(ix) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*

(x) *a road and verge security deposit bond and/or bank guarantee of \$550.00 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*

(xi) *the construction of crossovers shall be in accordance with the Town's specifications;*

(xii) *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;*

(xiii) *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*

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

- (xv) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (xvi) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (xvii) *prior to the issue of a Building Licence, a detailed Arboriculturist report justifying removal of the two (2) on site mature Jacaranda trees shall be submitted to and approved by the Town's Parks Services;*

to the satisfaction of the Chief Executive Officer.

FURTHER REPORT:

Locality

The proforma Ordinary Meeting agenda report states the subject Precinct, but not the subject Locality. The Officer agenda report usually addresses the Locality and its Policy if the proposal does not comply with the relevant Locality Statement Policy. In this case, it is considered that the subject proposal complies with the relevant Ellesmere Locality Policy, especially in terms of desired future character, height and front setbacks.

Side Setbacks

The first floor southern side setback requires a 4.8 metre setbacks as it has a major opening. A reduced setback of 1.5 metres is considered acceptable in this instance, as detailed in the Officer report.

Privacy

Relevant screening conditions have been applied with regard to the potential for unreasonable overlooking from habitable room windows on the first floor northern and western elevations, in accordance with the privacy requirements of the Residential Design Codes.

With regard to the screening of the master bedroom, privacy conditions are mainly applied to openings, which unreasonably overlook residential properties behind the street setback line. The master bedroom window overlooks Dunedin Street and as such does not require to be screened; in fact, the Residential Design Codes require at least one habitable room window of the dwelling to have a clear view of the street. This promotes an active interaction and casual surveillance between the development and the street.

Visual Truncations

A visual truncation of 2 metres by 2 metres is the standard visual truncation requirement of the Town's Technical Services and the Town's *Policy relating to Visual Sight Line Truncations - Driveways and Rights of Way (ROW's)*.

Existing Trees

The proposal involves removal of two (2) existing mature Jacaranda trees on-site in order to facilitate the subject development. These trees are listed on the Town's Interim Significant Tree Data Base - List 2 - Possible Inventory Inclusion.

Consultants are currently undertaking a review of the Significant Tree Inventory and the Interim Significant Tree Data Bases, on behalf of the Town, to ascertain which trees should be on the Inventory and protected accordingly. This review is expected to be completed in June 2003.

The proposed removal of the two (2) mature trees has been addressed in the above Amended Recommendation - new clause (xvii).

Written Justification

Clause 2.4.6 of the Residential Design Codes may request the following information from the applicant;

- *"written justification where an acceptable development provision has not been satisfied."*

In this instance, verbal discussions between the applicant and the Town's Officers were undertaken and changes were made to the original plans, which satisfied the requirements of the Town.

LANDOWNER: D Linnios
APPLICANT: Anthony Michael Design and Drafting
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	455 square metres

Requirements	Required	Proposed
Setbacks -		
Northern side (Ground Floor)	1.5 metres	Nil - 1.5 metres
Northern side (First Floor)	4.6 metres	1.5 metres - 2.5 metres
Southern side (Ground Floor)	1.5 metres	1.0 metre
Southern side (First Floor)	4.8 metres	1.5 metres
Privacy - North (windows to retreat)	Window to habitable room (other than bedroom) within 6.0 metres of a property boundary more than 0.5 metre above natural ground level to be screened	No screening shown (screening condition applied)
West (windows to bedroom 2 and bedroom 3)	Bedroom window within 4.5 metres of a property boundary more than 0.5 metre above natural ground level to be screened	No screening shown (screening condition applied)

Setback of Garages and Carports	Width of garage/carport not to exceed 50 percent of the frontage of the lot	50.8 percent
	Garage to be at/behind main building wall	Setback 5.0 metres in line with porch
Vehicular access	Use of right of way	Parking off Dunedin Street

SITE HISTORY:

The subject site is occupied by a single storey dwelling. The surrounding area is characterised by single storey dwellings.

CONSULTATION/ADVERTISING:

There were two objections received during the advertising period. Issues raised included the variations to setbacks, and the potential for overlooking and overshadowing onto the adjacent property.

DETAILS:

Approval is sought for the demolition of an existing dwelling and the construction of a two storey single house.

COMMENTS:

Demolition

The subject place is a brick and decramastic tiled dwelling that, according to the City of Perth Building Licence archive cards, was constructed in 1927. A number of alterations have been undertaken to the external fabric and these have impacted on the authenticity and integrity of the place. The place is a very basic dwelling of the Interwar period that has undergone significant alterations. Overall it is considered to have little to no cultural heritage value and does not warrant a full heritage assessment. Dunedin Street is characterised by single-storey detached residences and the subject place makes a limited contribution to the street in terms of its detached, single-storey scale and massing. It is considered that its contribution to Dunedin Street is limited to these aspects and it otherwise contributes little to the amenity of the area.

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

Setbacks

It is considered that the side setback variations do not present an unreasonable loss of amenity to the adjacent properties and given the overlooking habitable room openings at first floor level are conditioned to be screened in accordance with the Residential Design Codes, the variations to setbacks are considered supportable.

The ground floor northern side setback variation (parapet wall) is considered supportable as there are no unreasonable adverse effect on the adjacent properties.

Privacy

With regard to the potential for unreasonable overlooking from the habitable room and windows on the first floor northern and western elevations, it is considered necessary that relevant screening conditions are applied to these openings to comply with the privacy requirements of the Residential Design Codes.

In the recent Ordinary Meetings of Council, the Council has been prepared to vary the privacy requirements of the Residential Design Codes by allowing the overlooking window to be top hinged and the obscured portion of the window to be openable to a maximum of 20 degrees.

Garage

The garage comprises 50.8 percent of the frontage of the lot and therefore does not comply with the Acceptable Development component of the Residential Design Codes, as such a condition has been applied for the garage to comply with the requirements of the Residential Design Codes.

The Town's Policy relating to street setbacks requires the garage to be setback at /behind the main building wall. In this instance, the garage is proposed to be setback in front of the main building wall. This is conceded acceptable in this instance as the garage is setback 5.0 metres from the street, the porch/balcony above is in front of the garage, and the master bedroom with front major window above the garage is 6.02 metres from the street.

Access

The property has rear access off a right of way. In this instance, the vehicular access is proposed to/from Dunedin Street. This is supportable as there are only sixteen properties which have access from the right of way and the right of way has no through access with the end of the right of way abutting a residential lot. Also the majority of lots have limited subdivision potential, and use Dunedin Street for vehicular access. As such, access from Dunedin Street is supported in this instance.

Overshadowing

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

Summary

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

10.1.17 No. 15 (Lot 51) Randell Place, Perth - Proposed Demolition of Existing Dwelling and Construction of a Two Storey Single House

Ward:	South	Date:	6 May 2003
Precinct:	Hyde Park, P12	File Ref:	PRO 2300; 00/33/1550
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 Homestyle on behalf of the owner N Farkas for proposed demolition of existing dwelling and construction of a two storey single house on No. 15 (Lot 51) Randell Place, Perth as shown on plans stamp-dated 24 March 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) a visual truncation of 2 metres by 2 metres at the intersection of driveway and footpath shall be provided at the owner's cost;*
- (v) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vi) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vii) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (viii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to bedroom 2 and Bedroom 3 on the north east elevation, on the first floor shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees;*

- (ix) *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 wall of the dwelling;*
- (x) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the maximum total width of the carport being reduced to 5.4 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (xi) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Randell Place 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;*
- (xii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (xiii) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.17

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (9-0)

LANDOWNER: N Farkas
APPLICANT: Homestyle
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R80

EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House	
Use Classification	"P"	
Lot Area	230 square metres	
Setback	Required	Provided
South East Lower Floor	1.5 metres	1.01 metres to 2.4metres
South East Upper Floor	1.5 metres	1.01 metres

Privacy Setbacks	Required	Provided
Bed 1	4.5 metres	2.8 metres to North West Boundary
Bed 2	4.5 metres	3.2 metres to North West Boundary
Bed 3	4.5 metres	2.5 metres to South East Boundary
Carport	Required	Provided
Carport Width	Width of carport not to exceed 50 percent of the lot frontage at the building line.	Width of carport occupies 57 percent of the lot frontage at the building line.
Carport Door as per Residential Design Codes	Carport to be without a door unless that door is visually permeable.	Solid garage door

SITE HISTORY:

The site is occupied by a small red brick dwelling with a low pitch asbestos roof.

DETAILS:

The proposal involves the demolition of the existing single house and the construction of a two storey single house. The proposal generally complies with the Residential Design Codes (R Codes) and the Town's Town Planning Scheme No. 1 and Policies with the exception of the above non-compliances.

CONSULTATION/ADVERTISING:

The proposal was advertised and one objection was received by the Town from the south east neighbour. In short, the letter mentions the following;

"I consider the "provided" setbacks for the above proposal adversely affects my property for the following reasons:

- 1. The height of proposed building wall will create shade into my back yard and*
- 2. The proposed Bedroom 3 window, which overlooks into my first floor accommodation, will affect my privacy."*

COMMENTS:

Demolition

The existing dwelling is a small red brick dwelling.

Plans submitted by the owner dated 1977 suggest that the dwelling was constructed in this year. It has a low pitched roof, distributed to one side, with aluminium windows and asbestos 'super 6' roof cladding. The dwelling has no other notable features.

The place is not considered to have any heritage significance and does not warrant a heritage assessment. On this basis, the proposed demolition is supported.

Overshadowing

In response to the concerns raised with regards to overshadowing from the proposed single house, an overshadowing assessment was conducted to establish the extent of overshadowing the development would impose onto the adjoining affected property being No. 309 Bulwer Street. The outcome of this assessment established that a total of 25.3 square metres of the adjoining property will be overshadowed. This equates to 4.6 percent. This is considered to be within the requirements as per the Residential Design Codes (R Codes). The R Codes stipulate that the shadow cast onto the adjoining property must not exceed 50 percent. Furthermore, the shadow affects yard area where there is no notable outdoor living used by the adjoining neighbours. The overshadowing is therefore in full compliance with the requirements of the R Codes and considered acceptable.

South East Lower Setback

The proposed setback variation corresponds with the lower floor. There is a maximum variation of up to 0.5 metre. The proposed variation is not deemed to create an undue adverse impact to the adjoining affected neighbour as the subject lot affects the rear portion of the property where there is no building structure and no apparent outdoor living area. Furthermore, the nature of the subject lot presents some limitations due to the narrow frontage and small depth. Such a variation is therefore considered minor and thus accepted.

South East Upper Setback

The applicant seeks a variation to the upper floor setback on the south east elevation. The variation pertains to the entire upper floor level. There is a maximum variation of 0.5 metre, which is considered minor. Imposing a further 0.5 metre to the setback is not deemed necessary and will create smaller living areas on a lot that is already restrictive in terms of its size. In addition, it is considered that a further 0.5 metre to the setback will create very little difference in terms of its appearance and effect to the adjoining neighbour. On this basis, the variation is deemed to be acceptable and therefore supported.

Privacy Setbacks

The windows pertaining to bedroom 2 and bedroom 3 on the upper floor of the subject development do not meet the necessary required distances for maintaining privacy as per the R Codes. Bedroom 2 is deficient by 1.3 metres to the north west boundary and bedroom 3 is deficient by 2 metres to the south east boundary. To address any potential undue overlooking, appropriate screening as per the requirements of the R Codes should be applied to the windows. The variations to the required setbacks are therefore considered acceptable and supported with the condition of screening being applied to the windows for bedroom 2 and bedroom 3.

The upper floor window applicable to bedroom 1 also does not meet the required privacy setback distance to the north west boundary. However, in this particular instance, screening is not considered necessary as the window would overlook Randell Place and a zincalume double garage to the north west adjoining property.

Carport

The proposed double carport is located 1.5 metres from the front boundary and exceeds the total lot frontage width at the building line by 7 percent. The carport cannot be accommodated elsewhere on the lot. Furthermore, reducing the width of the carport for two vehicles to the absolute minimum requirement as per the R Codes will continue to result in a variation. However, to assist in reducing the visual impact of the carport to the streetscape and the proposed development, it is considered appropriate to reduce the width of the carport to the minimum requirements as per the R Codes. The result will be a variation to the requirement by 3 percent as opposed to 7 percent.

The proposed carport is not permitted to have a solid door as it is located within the front setback area. For security measures and visual aesthetics, the Town's policy permits open type gates/panels. As the carport is located at the front of the proposed development, it is considered imperative that its visual prominence to the overall development and streetscape be reduced. This is achieved by ensuring that the solid door is deleted or replaced with an open type gate/panel, thus maintaining vision to the main dwelling and softening its overall visual impact.

In view of the above, it is considered that the proposed development is a substantial improvement to the site and general area. The variations proposed are viewed as minor given the obvious limitations of the subject lot. It is therefore recommended that the proposal be approved, subject to standard conditions and appropriate conditions, to address the above matters.

10.1.18 No. 59 (Lot 4) Bulwer Street, Perth - Retrospective Application for Proposed Change of Use from Vehicle Sales Premises to Shop (Garden Centre) with Ancillary Open Air Display Area, Sail Shades and Signage

Ward:	South	Date:	5 May 2003
Precinct:	Beaufort, P13	File Ref:	PRO 0780; 00/33/1577
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 S De Vaney on behalf of the owners B Singh and G Kaur for retrospective application for proposed change of use from vehicle sales premises to shop (garden centre) with ancillary open air display area, sail shades and signage at No. 59 (Lot 4) Bulwer Street, Perth, and as shown on plans stamp-dated 7 April 2003, subject to:

- (i) a structural engineer's certification confirming that the existing sail shade structures and signage are structurally sound shall be submitted to and approved by the Town within 28 days of the date of the approval notification;*
- (ii) compliance with all relevant Environmental Health, Engineering and Building requirements, including relevant Australian Standards and noise regulations;*
- (iii) the signage shall not have flashing or intermittent lighting;*
- (iv) the site shall be provided with a minimum of two (2) onsite car parking bays and the car parking area on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town; and*
- (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;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.18

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (9-0)

LANDOWNER: B Singh and G Kaur
APPLICANT: S De Vaney
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential/Commercial R80
EXISTING LAND USE: Unauthorised shop (garden centre) with ancillary open air display

COMPLIANCE:

Use Class	Shop
Use Classification	"AA"
Lot Area	433 square metres

Requirement	Required	Proposed
Car Parking	4 bays	2 bays
Signage	Not to be erected prior to the issue of Planning Approval and a Sign Licence	Erected prior to obtaining approval
Sail Shades	Requirement for a Building Licence	Erected prior to obtaining approval
Use	Commercial uses not to develop independent of Residential uses	Commercial use only

SITE HISTORY:

The site was previously utilised as a car sales premises, with this use being granted approval on 16 December 1996.

DETAILS:

The applicant seeks to establish a Garden Centre on the site, which falls within the use class of a shop within the Town's Town Planning Scheme No. 1. In support of predominant use as a shop, the applicant intends to establish an open air display component for the plants and associated retail items. This outdoor area is located forward of the existing buildings on the site and will incorporate two sail shades to be erected to protect the plants. The proposal involves no alteration to the existing buildings on-site.

It should be noted that the business commenced operation on-site since early April 2003. The applicant saw the need to commence operation as this coincided with the lease arrangements for the property, and avoided the applicant not operating while meeting lease repayments.

The documentation in support of the application as submitted by the applicant is "*Laid on the Table*".

CONSULTATION/ADVERTISING:

The applicant has provided the signatures of all surrounding neighbours in support of the proposal, and therefore advertising was not required.

COMMENTS:

Proposed Use

The Beaufort Precinct Policy promotes the residential/commercial area being transformed from a predominantly commercial area to one of compatible residential and commercial uses over time, with commercial uses not being permitted to develop independently of residential uses.

It further states that a variety of compatible commercial uses are to be encouraged, with these uses mostly being to service the city centre and the research and development, community services of the adjacent East Perth Redevelopment Area. Generally the Policy supports professional office based businesses. However, reference is drawn to the permissibility of uses identified in Table 1 of the Scheme. Furthermore, emphasis is placed on landscaping and amenity, and provision of adequate car parking.

The previous use as a car sales premises as established a wholly commercial use for the site, which was supported through the proposal obtaining Planning Approval. This establishes the deviation from the Precinct Policy, which does not support wholly commercial uses. Furthermore, the application seeks a change of use proposal rather than a redevelopment proposal, and due to the difference in nature of the proposal, it is considered that an intermediary use is considered appropriate for this site. By allowing a shop to operate from the existing site, involving no change to the existing buildings on-site and very little construction work, does not prevent the wider redevelopment of this site for a residential or mixed residential/commercial development at some time in the future. This pressure for redevelopment will be mostly market driven and at this time full compliance with the Precinct Policy can be sought.

However, as a transitional medium, as recognised in the Policy, a garden centre is considered to meet the intent of the Policy, by establishing a low impact use that does not conflict with the existing surrounding residential uses within the area. Furthermore, the proposed garden centre will service these residential uses in the immediate area as well as surrounding areas, such as the East Perth Redevelopment area, which again was the intention of the Policy.

Parking and Access

The applicant intends to provide two (2) car parking bays on-site to service customers. In this area there is also street parking available with the site being in close proximity to Perth Oval and the public car park located along Beaufort Street on the corner of Greenway Street.

Based on the uses onsite 2.55 car bays would be required for the shop component, 0.168 bays would be required for the office component and 0.54 bays would be required for the open air display component, amounting to a total requirement for four (4) bays.

Clause 10 of the Town's Parking and Access Policy allows for car parking requirements to be adjusted in certain circumstances. In this instance, the following adjustment criteria and reduction factors are applicable:

Car Parking Requirement (nearest whole number)	4 car bays
Apply the adjustment factors.	(0.61)
<ul style="list-style-type: none"> • 0.85 (within 800 metres of a railway station) • 0.85 (within 400 metres of a bus stop/station) • 0.85 (within 400 metres of existing public car parking with an excess of 75 spaces) 	2.44 car bays
Minus the car parking provided on site.	2 car bays
Resultant shortfall	0.44 car bay

The Policy states that *"if the relevant shortfall of parking is less than or equal to 0.5 bays, no parking bays or cash-in-lieu of parking is required for the shortfall"*.

Signage

The proposed signs are fully compliant with the requirements of the Town's Signs and Advertising Policy with respect to the location, appearance, size and safety considerations. However, as the business has commenced operation, the signage has in fact been erected prior to Planning Approval having been granted and therefore prior to a Sign Licence having been issued by the Town. In order to overcome this issue, it is considered necessary to require certification of the signs to ensure their size, placement and attachment technique meets the Town's requirements and is consistent with the information contained within the application.

Sail Shades

The proposed shades are fully compliant with the parameters of Minor Nature Development under the terms of the Town's Policy. However, as they were erected prior to obtaining Planning Approval, the appropriate Building Licence was not obtained. As such, it is considered that Engineering Certification should be obtained for the structures.

Conclusion

The Beaufort Street Precinct Policy acknowledges that the desired mixed use approach for this area is a long term initiative, thereby recognising the need for transitional uses within the area. The proposed garden centre use (shop) is considered to meet these objectives of the Policy while also being able to service the local and wider community needs and a low impact use with respect to surrounding residential uses, which are also important considerations within the intent of the Policy. Therefore, it is considered that the proposed change of use to a shop, on an established commercial site is considered appropriate in this instance. Accordingly, the proposal is recommended for approval, subject to standard conditions and conditions to address the above matters.

10.1.21 No.147 (Lot 115) Lincoln Street, Corner Bulwer Avenue, Perth (Highgate Primary School) - Proposed Entry in the State Register of Heritage Places

Ward:	South	Date:	5 May 2003
Precinct:	Hyde Park, P12	File Ref:	PRO2042
Reporting Officer(s):	A Nancarrow		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council advises the Heritage Council of Western Australia that it:

- (i) *supports the proposed entry of the Highgate Primary School, at No.147 (Lot 115) Lincoln Street, corner Bulwer Avenue, Perth in the State Register of Heritage Places; and*
- (ii) *does not wish to send a representative to attend the meeting of the Heritage Council when the proposed registration of the above place will be considered.*

COUNCIL DECISION ITEM 10.1.21

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (9-0)

SITE HISTORY:

The subject site is occupied by the Highgate Primary School, which comprises a Senior School (1895) and former Infants' School (1900) in the Federation Arts and Crafts Style; former Teacher's Quarters (1898) in a modest Federation Queen Anne Style; Shelter Shed (c.1948), former Manual Training building (1914) and Pavillion Classroom from the Gold Boom and Interwar periods. The buildings are constructed in varying combinations of face brickwork, limestone, render and corrugated iron.

The assessment of cultural heritage significance for Highgate Primary School states that the place has significance for the following reasons:

- the place is a rare example of a group of school facilities in Federation styles dating from the 1890s, and the former Teacher's Quarters is one of the few remaining in the metropolitan area;
- the individual components of the place collectively form a handsome, efficient, adaptable and integrated cultural environment of a large Federation period public school, despite being developed in numerous small increments;
- the place demonstrates, through its application of an expanding model of school and consistently large school population, the rapid development of the Highgate area in the first half of the twentieth century;
- the development of facilities at the place, and changes in the nature of usage of those facilities, demonstrates the evolution of public school education from 1895 to the 1930s;

- the place has social significance for past and present students, staff and community connected with the school through its continual use as an educational facility from 1892 to 2003; and
- the place contributes to the community's sense of place, through its distinctive appearance, and as a large, longstanding educational facility in the local area.

DETAILS:

On 22 April 2003, the Town received correspondence from the Heritage Council of Western Australia advising that the Highgate Primary School is being considered for entry in the State Register of Heritage Places. The documentation concerning the place is scheduled for presentation to a meeting of the Register Committee of the Heritage Council in the near future, with a recommendation that the place is of sufficient cultural heritage significance to warrant consideration for entry in the Register.

A copy of the accompanying documentation is included as Appendix 10.1.21 to this report.

CONSULTATION/ADVERTISING:

The Town has until 15 May 2003 to provide comments to the Heritage Council of Western Australia on the proposed entry of the place in the State Register of Heritage Places.

COMMENTS:

The Town has had the opportunity to consider the assessment of cultural heritage significance for the Highgate Primary School and concurs with the statement of significance for the place. It is recommended that the Council advises the Heritage Council of Western Australia that it supports the proposed entry of the Highgate Primary School in the State Register of Heritage Places. It is not considered necessary that a representative from the Town attend the meeting of the Heritage Council when the proposed registration of the place will be considered.

10.1.22 Mount Hawthorn Telephone Exchange at No. 129 (Lot 100) Scarborough Beach Road, Corner Oxford Street, Mount Hawthorn - Telecommunications Low - Impact Facility Notification

Ward:	North	Date:	5 May 2003
Precinct:	Mount Hawthorn Centre, P2	File Ref:	PRO1181; PLA0001
Reporting Officer(s):	Y Scheidegger		
Checked/Endorsed by:	D Abel, R Boardman,		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

the Council authorises the Chief Executive Officer to organise a meeting with representatives from Telstra and the Town's Elected Members and relevant Officers to discuss design options for screening of the Telecommunications Low - Impact Facility on the Mount Hawthorn Telephone Exchange at No. 129 (Lot 100) Scarborough Beach Road, corner Oxford Street, Mount Hawthorn.

COUNCIL DECISION ITEM 10.1.22

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (9-0)

DETAILS:

The Town received a letter from Telstra on 16 August 2002, regarding the installation of a telecommunications low-impact facility (5.3 metres high pod located on the northeast corner of the building and colour matched to the white roof) on the Mount Hawthorn Telephone Exchange at No. 129 (Lot 100) Scarborough Beach Road, corner Oxford Street, Mount Hawthorn.

The Town expressed its concerns regarding the visual impact of the proposal in a letter dated 4 September 2002 and requested that an alternative design be pursued to reduce the visual impact of the facility on the surrounding area. In accordance with the Council resolution at the Ordinary Meeting held on 13 June 2000 relating to telecommunications low-impact facility notification procedure, the Town notified on 4 September 2003 the affected Local Precinct Groups and Elected Members of the telecommunications low-impact facility.

Telstra submitted revised plans on 19 September 2002, which included the pod being designed as a chimney with a height of 5.3 metres located on the northeast corner of the building, to better integrate it into the existing streetscape.

A site meeting was held on 30 October 2002 between an Officer of the Town and representatives from Telstra to discuss this design proposal. The Officer considered the proposal generally supportable, however, concerns were still being expressed by Elected Members that the redesign still did not adequately address the visual impact issue and this was conveyed to Telstra.

On 13 January 2003, Telstra submitted its third design proposal, which was also considered acceptable to the Town, however, due to the previous concerns raised by Elected Members, it was decided that a Delegated Authority Report be submitted to the Council for its consideration and determination.

It should be acknowledged that Telstra has proactively considered and addressed the visual impact of the telecommunications low-impact-facility and has provided the Town with three proposals. As the proposal is a telecommunications low-impact facility, approval is not required by the Town, however, the Officers of the Town and Telstra have a collaborative working relationship. The second and third proposals are considered to be in line with the principles of the Town's Draft Telecommunications Facilities Strategy (TFS) and therefore supportable.

This matter was addressed in a similar Delegated Authority Report referred to Elected Members on 13 February 2003. Two Elected Members submitted objections to this matter being determined under delegated authority.

The Town requested the reasons for the Elected Members' objections and at the time of this Report being prepared the following comments have been received from Councillor Helen Doran-Wu:

"Regarding the Telecom Tower corner Oxford Street and Scarborough Beach Road:

- 1) suggestion from the public for a public open space and clock tower.*
- 2) current proposal is very high and unimaginative.*
- 3) want an appropriate entry statement to Mt Hawthorn."*

The proposal is a telecommunications low impact facility, which does not require Council approval. The suggestion of a clock tower situated in public open space or an appropriate entry statement to Mount Hawthorn can be considered, however, the telecommunications facility would not be able to be developed as a low impact telecommunications facility. The Draft TFS does support this type of telecommunications installation, however, until the Draft TFS is adopted by the Council and delegation given to the Town for the roll-out of these innovatively designed telecommunications facilities, Carriers are not encouraged to submit development applications for non-low impact telecommunications facilities. The current proposal does comply with the principles and intentions of the Draft TFS (including its design and height) and is therefore supported.

The Council at its Ordinary Meeting held on 25 February 2003 considered the above matter and resolved the following:

"That the Council,

- (i) NOTES the Telecommunications Low - Impact Facility (as shown on drawing DWG. No. W101221, Sheet No. 3, Issue 4, dated 6 January 2003) on the Mount Hawthorn Telephone Exchange at No. 129 (Lot 100) Scarborough Beach Road, corner Oxford Street, Mount Hawthorn; and*
- (ii) requests that a more innovative alternative design be submitted."*

The Town received a letter dated 2 April 2003 from Telstra regarding the above Council resolution. The letter is summarised as follows:

"Further to your correspondence of 11 March 2003, where council noted the proposal and requested 'a more innovative design be submitted', we understand council's position on the matter, however, given the protracted nature of this proposal [initial proposal sent to council 16 August 2002] we are now in a position that we can not delay the installation any longer.

We are intending to install the mount in the location shown on drawing W101221 sheet 3 issue 4 which was forwarded to you on 21/02/03 within the next week, however we will not proceed with the antennas or cladding until council officers have viewed it. At this stage we will not install any shrouding as this item will be subject to further negotiation with you. Once installed we will seek your input regarding the general size etc and if deemed acceptable we will progress the chimney cladding and antennas or if council feel that the chimney is still too bulky then we will, as an interim measure, replace it with just the pole [mount] section and flush mounted antennas to that pole mount. We will then leave that arrangement in situ until a new direction is given for the shrouding or some other solution is agreed.

We will need council to provide some direction regarding the type of design that council envisages, as to date, we have obviously not provided council with what it is looking for and we feel that we cannot continue to provide design suggestions which council considers acceptable. I would like to remind council that this proposal is a low impact proposal and, whilst we would like to satisfy council, this process is not a requirement under the code."

To date, the Town's Officers have generally supported the designs submitted by Telstra as they comply with the intentions and principles outlined in the Town's Draft Telecommunications Facilities Strategy. It has come to a point that the Town's officers are unable to offer any further designs options that would be considered acceptable to the Council, particularly as this proposed telecommunications low impact facility is exempt from the requirement to obtain Planning Approval.

COMMENTS:

In light of the above, it is recommended that the Council authorises the Chief Executive Officer to organise a meeting with representatives from Telstra and the Town's Elected Members and relevant Officers to discuss design options for screening of the Telecommunications Low - Impact Facility on the Mount Hawthorn Telephone Exchange at No. 129 (Lot 100) Scarborough Beach Road, corner Oxford Street, Mount Hawthorn.

**10.2.2 Proposed Rehabilitation and Streetscape Improvements Carr Street -
Between Charles and Fitzgerald Streets, Perth**

Ward:	South	Date:	5 May 2003
Precinct:	Beaufort P13	File Ref:	TES0178/TES0080
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the proposed rehabilitation and streetscape improvements on Carr Street between Charles and Fitzgerald Streets, North Perth;*
- (ii) *APPROVES the implementation of the proposed improvements as shown on attached Plan No 2116-CP-2, estimated to cost \$140,000, and where possible incorporates the suggestions received from the community; and*
- (iii) *advises all the respondents of its resolution.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

As previously reported to Council under delegated authority 18 December 2002 to 10 February 2003, the Town was successful in receiving Metropolitan Regional Road funding for pavement rehabilitation works in the section of Carr Street between Charles and Fitzgerald Streets. In addition, Council has allocated funds to carry out improvement works in the street to give the road a more residential flavour.

The Council subsequently adopted the following resolution:

“That the Council;

- (i) *receives the report on the proposed rehabilitation and streetscape improvements on Carr Street between Charles and Fitzgerald Streets, North Perth;*
- (ii) *adopts in principle the proposed improvement options as shown on attached Plan Nos 2133-CP-1 and Plan No 2133-CP-2;*
- (iii) *advertises the proposal in accordance with Council Policy No. 4.1.21 "Community Consultation" to all affected owners and occupiers within the designated area for a period of not less than twenty one (21) days and invite written submissions on the proposal;*

- (iv) *consults with both Main Roads WA and the Department of Planning and Infrastructure and seeks comments regarding the possible impact on the level of service of Carr Street/Fitzgerald Street should Option 1, as shown on Plan No. 2133-CP.1, be implemented; and*
- (v) *considers a further report on this matter at the conclusion of the consultation period."*

DETAILS:

Proposals advertised to Community

In accordance with clause (iii) of the Council's resolution, on 26 February 2003, 128 letters were distributed to owner/occupiers, together with Main Roads WA and the Department of Planning and Infrastructure.

The two proposals advertised to the community included the following improvements:

- Brick paved/landscaped only statements
- Embayed (red asphalt) parking bays
- Nibs (brick paved)
- On-road cycle lanes
- Road rehabilitation/resurfacing
- Bicycle actuated traffic signals

Option 1 (Plan 2133-CP.1) differed from Option 2 (Plan 2133-CP.2) in that the two existing traffic lanes (east bound) at the Fitzgerald Street end were reduced to a single lane.

Option 1 was considered the preferred option, however, it was suggested the reduction of a traffic lane could impact the level of service of the road.

In both proposals a previous request from Main Roads WA in 2001 to extend the length of the right turn at the Charles Street end of Carr Street (west bound) and making the right turn lane a dedicated right turn only, was included.

Community Consultation Results

At the conclusion of the consultation period, 34 responses were received with 23 in favour of the proposal, without expressing a preference for either option, four (4) respondents were in favour of option one and seven (7) respondents expressed concerns regarding lane reductions, especially at the Fitzgerald Street end.

Comments

Reduction of traffic lane at the Fitzgerald Street end

This proposal was intended to improve the streetscape amenity of the street, however, it was considered the reduction of a traffic lane could have a detrimental impact on the 'level of service' of the road.

A number of residents and the Department of Planning and Infrastructure (DPI) are opposed to the proposal as outlined on Plan No 2133-CP.1, i.e reducing the traffic lanes at Fitzgerald Street.

In addition, MRWA advised that a detailed analysis would be required. The analysis would compare the following scenarios:

- The existing layout using existing traffic volumes
- Existing layout using existing traffic volumes increased by 10%
- Proposed layout using existing traffic volumes
- Proposed layout using existing traffic volumes increased by 10%

Due to the opposition to the proposed road layout changes from a number of respondents including DPI, the proposed detailed analysis required before MRWA would approve the changes, the large number of respondents (23 out of 34) being in favour of the proposal without expressing a preference for either option and the requirement that the Town must complete the required works by 30 June 2003 to be eligible for State funding, it is considered that the suggested reduction in lanes at the Fitzgerald Street end of Carr Street should not proceed.

Narrowing of Road

Several respondents were against narrowing the road. In effect there will be NO narrowing of the road carriageway width. Existing on-road parking will be formalised with line marking and embayment nibs and cycle lanes will be line marked. The road will continue to function as it currently does, i.e. as a two way single lane roadway with roadside parking.

It is considered that the proposed road layout as outlined on Plan No 2133-CP.2 be retained

Property Access

Some concerns were raised regarding property access. No access to properties will be detrimentally affected by the proposal.

On Road Parking

In 2000 MRWA wrote to the Town requesting comments on a proposal to change the west bound right hand lane (Carr Street east of Charles Street) to be right turn only and leaving the left hand lane as straight through/left turn (no change).

This proposal was incorporated in both Carr Street upgrade options (Plan No 2133-CP.1 and Plan No 2133-CP.2). This proposal will result in the loss of approximately three (3) on road parking bays. Two (2) of the 34, respondents expressed concerns regarding the loss of on-road parking bays.

It is considered that the proposed changes will result in positive traffic safety improvements at the Charles/Vincent intersection in terms of restricting traffic to a single 'straight through lane' across Charles street. In addition this initiative may reduce the through traffic into the Cleaver precinct 40kph Local Area Traffic Zone (LATZ)

On Road cycleway

Carr Street forms a major east / west cycle route as part of the Town's Local Bicycle Network – Route V14. The on road cycle route has been formalised in Carr Street west of Charles Street and east of Carr Street. The proposal as outlined on Plan No. 2133-CP.2 will link the two.

CONSULTATION/ADVERTISING:

It is recommended that the respondents be advised of the Council's resolution.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

As previously reported to the Council, the estimated cost for implementing the proposal is in the order of \$143,000. The Council has allocated \$145,000 in the 2002/2003 budget to carry the improvement works in Carr Street.

COMMENTS:

This work was scheduled for implementation in February/March 2003 in accordance with the Capital Works Schedule, however, a formal response was not received from MRWA until mid April 2003. The Town has received a state Metropolitan Regional Road Grant for the road rehabilitation component of the works and these funds MUST be expended prior to 30 June 2003.

Carr Street is classified as a local distributor in accordance with the Metropolitan Functional Road Hierarchy and forms part of the Local Bicycle Network. It also forms a major bus route to and from the City.

The high volume of buses using the street on a daily basis has been of concern to some residents, however, measures to find alternative routes for buses have not being supported by the State Government.

The road is in very poor condition and there is scope for some streetscape improvements, safety improvements and improved cycle facilities.

The majority of respondents have indicated they are generally in favour of the proposal and, where possible, suggestions received will be incorporated in the upgrade works.

It is therefore recommended that the Council receives the report on the proposed rehabilitation and streetscape improvements on Carr Street between Charles and Fitzgerald Streets, approves the implementation of the proposed improvements as shown on attached Plan No 2116-CP-2 and, where possible, incorporates the suggestions received from the community, and advises all the respondents of its resolution.

10.2.5 Proposed Infrastructure Improvements – Austen Lane, Leederville

Ward:	North Ward	Date:	7 May 2003
Precinct:	Leederville Precinct P3	File Ref:	TES0515
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) receives the report on the proposed Infrastructure Improvement in Austen Lane, Leederville;*
- (ii) APPROVES the installation of a footpath and additional street trees on the southern side of Austen Lane as shown on attached Plan No. 2147-CP-1A;*
- (iii) defers the installation of speed humps to allow monitoring of traffic volumes and speed over the next twelve months; and*
- (iv) advises the respondents of this resolution.*

COUNCIL DECISION ITEM 10.2.5

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

In response to representations from residents, Council approved an allocation of \$15,000 in the 2002/03 capital works budget to undertake traffic calming and streetscape improvement works in Austen Lane, Leederville.

In accordance with Council's public consultation policy, in March 2003 a letter of explanation, concept plan (2147-CP-1) and comment sheet were distributed to the residents of Austen Lane and those of Bourke, Galway and Loftus Streets, whose properties have rear access to Austen Lane, seeking their comments on the proposed works.

DETAILS:

Community Consultation

In response to the Town's letter seeking residents' views on the proposed Austen Lane Traffic Calming and Streetscape Improvements works, some fourteen (14) submissions were received from a total of 44 letters delivered, representing 32% of those canvassed.

The following is an extract from the Town's explanation letter outlining the proposed works:

The extent of the proposed works, as shown on drawing No. 2147-CP-1, includes a new cast in-situ concrete footpath along the southern side of the street, additional street trees and low profile 'speed humps'. The works, if endorsed by residents, will also include some drainage modifications near the Loftus Street end of Austen Lane.

In respect of the placement on the footpath on the southern side of Austen Lane, it is preferable, for safety reasons, to have pedestrian access on the illuminated side of the road.

(Note: the existing streetlights are located on the southern side of Austen Lane).

While street trees have been planted previously, and to some extent struggled, the proposed footpath will better define the verge area, offering the trees greater protection as well being an aesthetic improvement over the current state of the verge. Further, additional trees will be planted to ensure even spacing. Where the proposed footpath intersects with a vehicle access, the crossover will be either reconstructed or re-laid (if brick paved), as necessary.

In respect of the traffic calming issues the following explanation was provided:

While speeding does not appear to be a significant problem in Austen Lane, in light of the residents' concerns, a series of low profile speed humps will also be installed as a traffic calming measure.

Summary of Comments (refer attached)

Of the fourteen (14) responses received the views expressed ranged from whole hearted support to total disagreement.

Nine (9), out of the fourteen (14) respondents, were in favour of the proposal while two (2) respondents were in favour but were opposed to the speed humps and three respondents were against the proposal.

Therefore the responses and comments provided by the residents of Austen Lane and the abutting streets indicates that majority (some 79%) of the respondents are in board agreement with intent of the plan. That is to provide safe pedestrian access as the number of dwellings fronting Austen Lane increases, and improved amenity and aesthetics by the planting of additional street trees.

In respect of the proposed speed humps most respondents were either against or at best ambivalent to their introduction with several residents expressing the opinion that they didn't think there was a speeding problem.

STRATEGIC IMPLICATIONS:

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

CONSULTATION/ADVERTISING:

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

FINANCIAL IMPLICATIONS:

The existing 2002/03 capital works budget allocation of \$15,000 is sufficient to undertake streetscape improvement works as shown on plan 2147-CP-1A.

COMMENTS:

Based on the comments received it is proposed to defer the installation of speed humps and to monitor the situation by deploying traffic classifiers in over the next 12 months. If the data indicates that a problem exists or is developing, as a consequence of development, the matter would then be reconsidered.

It is however recommended that the Council approves the installation of a footpath and additional street trees on the southern side of Austen Lane as shown on Plan No. 2147-CP-1A and advises the respondents of its resolution.

10.3.2 Authorisation of Expenditure for the Period 01 April – 30 April 2003

Ward:		Date:	7 May 2003
Precinct:		File Ref:	FIN0033
Reporting Officer(s):	P Forte		
Checked/Endorsed by:	N Forsyth		
Amended by:			

OFFICER RECOMMENDATION:

That;

- (i) *the Schedule of Accounts for the period 1 April – 30 April 2003 be confirmed 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 be confirmed and be included in the Minutes;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office be confirmed and be included in the Minutes;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office be confirmed and included in the Minutes;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors be confirmed and included in the Minutes; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans be confirmed and included in the Minutes.*

COUNCIL DECISION ITEM 10.3.2

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (9-0)

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	\$900,000.00
	EFT	\$881,973.10
Total Municipal Account		\$1,781,973.10
Advance Account		
Automatic Cheques	38928, 42662-43081	\$790,466.41
Manual Cheques		\$0.00
Transfer of Creditors by EFT Batch 85 – 94		\$1,466,964.34
Australia Post Lease Equipment	April 2003	\$311.77
Transfer of Payroll by EFT	April 2003	\$426,538.69
Transfer of PAYG Tax by EFT	April 2003	\$127,199.67
Transfer of Child Support by EFT	April 2003	\$624.46
Transfer of Superannuation by EFT City of Perth	April 2003	\$4,627.46
Local Government	April 2003	\$5,047.46
Total Advance Account		\$2,821,780.26
Bank Charges & Other Minor Debits		
Bank Charges – CBA		\$4,612.64
Lease Fees		\$1,169.32
Corporate MasterCards		\$4,103.43
Total Bank Charges & Other Minor Debits		\$9,885.39
Less GST effect on Advance Account		-\$85,756.00
Total Payments		\$4,527,882.75

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.

10.3.5 Summer Concerts in the Park

Ward:	Both	Date:	6 May 2003
Precinct:	All	File Ref:	CMS0075
Reporting Officer(s):	D Spurgeon		
Checked/Endorsed by:	J Anthony/M Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That Council;

- (i) *APPROVES the expansion of the Town's Summer Concerts in the Park series to six concerts; and*
- (ii) *lists extra funds to a total of \$20,000 for the expanded programme of Summer Concerts in the Park on the 2003/2004 Draft Budget.*

COUNCIL DECISION ITEM 10.3.5

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

A notice of motion by Councillor Simon Chester was tabled at the Ordinary Meeting of Council on 11 March 2003 with the following recommendation:

"That the Council authorises the Chief Executive Officer to;

- (i) *investigate the Town of Vincent providing six concerts in the Town's Summer Series of Concerts in the Park with;*
 - (a) *the current venues being used; and*
 - (b) *means being identified to encourage Town of Vincent artists' participation; and*
- (ii) *prepare a report on the proposal, including financial and budget implications for consideration during the 2003/2004 Budget deliberations."*

DETAILS:

The Summer Concerts in the Park Series is a popular annual event within the Town of Vincent. Providing favourable weather conditions, the concerts will attract in excess of three hundred people for each concert.

At the last summer concert for 2003, held at Banks Reserve in March, a survey was collected from a sample of 63 participants regarding how often people believed that the summer concerts should be held each year.

Of those surveyed, 11% advised that the summer concerts should be held once a week over summer, 54% wanted to see two summer concerts a month and 24% were happy with one concert per month over summer. Eleven percent made other comments regarding the number of concerts that should be held.

The current venues being used for the Summer Concerts in the Park series are Hyde Park in Perth, Braithwaite Park in Mount Hawthorn and Banks Reserve in Mt Lawley. These three reserves are very scenic, and are popular locations for the concerts. If the concert series was to be expanded to six concerts, the same venues should be used with two concerts at each rather than the current one at each.

By using the three current venues, localised communities within the Town of Vincent have the opportunity to attend concerts that are near by.

If the Summer Concerts in the Park series was to be expanded to six concerts over summer, two or three smaller, local bands could be presented at each of the three extra concerts. By using such bands, groups within the Town of Vincent would be given the opportunity to showcase their talents to the rest of the community and the costs associated with booking one, bigger band would also be decreased. Advertising for interested parties to participate would be used to provide relevant details to the Town of Vincent for assessment, before being engaged to perform.

A suitable marketing plan based on previous feedback received at the concert series will be developed to encourage local participation and attendance.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000 – 2002 - Key Result Area 2.1: *“Publicly celebrate and promote the Town’s diversity”*.

FINANCIAL/BUDGET IMPLICATIONS:

Currently the Total Budget for the three annual summer concerts is \$11,000. This budget comes entirely from the Families in the Park account. By increasing the Summer Concert Series from three concerts to six concerts approximately \$9,000 would need to be added to the existing budget. The \$9,000 would cover hiring of three extra bands, staging and PA equipment as well as increased advertising and staff overtime costs. Typesetting for the advertisements, flyer production, banner production and sundry costs would not need to be significantly increased to cover the three extra concerts.

Therefore, in order to increase the number of summer concerts from three to six, the applicable budget would need to be increased from \$11,000 to \$20,000.

COMMENTS:

The Town supports the increase to the number of concerts in the park as they are very popular events with the community and reflect well on the Town. The three new events will provide an opportunity for local talent to perform at these concerts.

10.4.1 Use of Common Seal

Ward:	-	Date:	5 May 2003
Precinct:	-	File Ref:	ADM0042
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi		
Amended by:	-		

RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.4.1

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (9-0)

DETAILS:

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

Date	Document	No of copies	Details
14/04/03	Lease	3	Town of Vincent and Multicultural Services Centre of WA Inc, 20 View Street, North Perth 6006 re: 4 View Street, North Perth
15/04/03	Deed of Covenant	4	Town of Vincent and A.C. Di Toro, C.I. Di Toro of 10 Ebsworth Street, Mount Lawley and Adelaide Bank Ltd re: No. 10 (Lots 277 and 411) Ebsworth Street, Mount Lawley - Alterations and Single Storey Additions to Existing Single House
29/04/03	Contract Documents	2	Town of Vincent and Leederville Gardens (Inc) of 37 Britannia Road, Leederville and Mr C.F. Christmass and Mrs A.J.C. Christmass re: Unit 59, Leederville Gardens
29/04/03	Deed for Reduction in Service Fees	2	Town of Vincent and Leederville Gardens (Inc) of 37 Britannia Road, Leederville and Mr C.F. Christmass and Mrs A.J.C. Christmass re: Unit 59, Leederville Gardens
30/04/03	Section 70A Notification	1	Town of Vincent and Christian Community Inc of 4 Monmouth Street, Mount Lawley re: Lots 285 and 286 on Plan 1237 (Sheet 1) - (Alma Road (corner Leake Street, North Perth)
05/05/03	Sub-Lease	3	Town of Vincent and the Minister for Education (the sub-lessor), @ 151 Royal Street, East Perth and Kidz Galore Pty Ltd (the sub-lessee) of 10 Greenhaven Glades, Neerabup and Ms A.P. Bird and Mr K.J. Bird of 10 Greenhaven Glades, Neerabup (the Guarantor)
06/05/03	Application for New Titles	3	Town of Vincent re: Lots 200, 201 and 202 being part of the land on deposited Plan 30987 (remaining portions of Right of Way after Oak Lane was created)

10.4.3 Election Results May 2003 and Result of the Plebiscite to Decide the Method of Election of the Mayor

Ward:	Both	Date:	6 May 2003
Precinct:	All	File Ref:	ADM0057
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES the results of the Mayor and Councillor election 2003 and the plebiscite to decide the Method of Election of the Mayor;*
- (ii) *NOTES that in view of the overwhelming result of the electors who voted in favour of Election of the Mayor by Electors, that the Council retains the current method of Election of the Mayor by the Electors;*
- (iii) *APPROVES the following new draft Policy No 4.1.22 - "Process to be Followed Prior to Deciding to Changing the Method of Election of the Mayor";*

"POLICY NO: 4.1.22

**PROCESS TO BE FOLLOWED PRIOR TO
DECIDING TO CHANGE THE
METHOD OF ELECTION OF THE MAYOR**

OBJECTIVE

To provide a process to be followed by the Council prior to it deciding to change the Method of Election of the Mayor.

POLICY STATEMENT

- 1) *Prior to deciding to change the method of Election of the Mayor the Council will conduct a Plebiscite of the Electors by Postal Vote.*
 - 2) *The Council will take cognisance of the result of the plebiscite prior to deciding the method."*
- (iv) *authorises the Chief Executive Officer to:*
- (a) *advertise the proposed policy for a period of twenty one (21) days, seeking public comment;*
 - (b) *report back to the Council with any public comments received; and*
 - (c) *include the proposed policy in the Policy Manual if no public submissions are received.*

COUNCIL DECISION ITEM 10.4.3

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

On 3 May 2003, elections were held for the Office of Mayor and Councillors and a plebiscite to determine the Method of Election of the Mayor.

The results are as follows:

1. Office of Mayor

Mayor Nick Catania was returned - 4,678 votes (73.25%) - expiry term 5 May 2007.

Maria Franchina - 1,708 votes (26.75%)

Total Votes - 6,386

2. Office of Councillor

North Ward (previously Mount Hawthorn Ward)

Cr Simon Chester and new Cr, Steed Farrell, were elected unopposed - expiry term 5 May 2007.

Cr David Drewett did not seek re-election.

South Ward (previously North Perth Ward)

The following nominees were elected:

	Votes	%
Sally Lake	1,219	(19.66%)
Maddalena Torre	1,027	(16.56%)

Expiry term 5 May 2007

Other results:

	Votes	%
Dudley Maier	1,023	(16.50%)
Nick Geronimos	835	(13.47%)
Paul Connelly	530	(8.55%)
Peter Grant	511	(8.24%)
Matt Buckels	450	(7.26%)
Kate Hall	335	(5.40%)
Elena Jeffreys	271	(4.37%)
Total Votes	6,201	(100%)

3. Plebiscite to determine the Election of Mayor

	Votes	%
Election by the Electors	5,632	(90.28%)
Election by the Councillors	582	(9.32%)
Informal	24	(0.40%)
Total Votes	6,238	

At the Council meeting held on 25 February 2003, the Council resolved as follows;

"That the Council;

- (1) RECEIVES the report on proposed Plebiscite to decide the Method of the Election of the Mayor; and*
- (2) APPROVES of the following question to be asked in the proposed Plebiscite and the supporting information;*

"Question

Which method of filling the Office of Mayor do you prefer?

Elected by the Electors

OR

Elected by the Council from amongst the Councillors"

DETAILS:

At the meeting of 14 May 2002, the Council resolved to change the method of electing the Mayor.

Following the Council decision, there was considerable ratepayer opposition and media comment including print, radio and television coverage, about the matter, more particularly, about the lack of community consultation.

On Monday 27 May 2002, a public meeting was held at Royal Park Hall and was attended by approximately 250-300 concerned persons. It is understood that this meeting passed several motions, including that the Council rescind its decision at the Council Meeting of 28 May 2002.

At the Council Meeting held on 28 May 2002, the Council received a motion to consider under "Urgent Business" to rescind sub-clause (vi). This motion was Lost 5-4.

On Wednesday, 29 May 2002, the Minister for Local Government, the Hon Tom Stephens, telephoned and called upon the Town's Chief Executive Officer. He expressed his comments about the Council decision. Later that day, he wrote to the Town's Chief Executive Officer. In summary, in relation to the legality of the matter, he advised as follows;

- Based on advice from the Crown Solicitor's office, the Minister expressed *"doubts that relate to the question of the manner and the form of the motion."*
- The Crown Solicitor's advice queried a possible contravention of the Council's Standing Orders.

3. The Minister expressed the view that the preamble to the new clause (iv) appears simply to indicate that the Council wishes to advise the Local Government Advisory Board. Furthermore, he expressed the view that the actual decision to change the method had not been taken.
4. The Minister expressed the view *"that prior to removing the right of electors to directly electing their Mayor, a Council should consult with electors."* He intends to bring forward amendments to the Local Government Act that would *"entrench that requirement to consult through a plebiscite of electors."*

At the Council meeting held on 11 June 2002, the matter of method of election of the Mayor was considered and determined as detailed above.

LEGAL/POLICY IMPLICATIONS:

Proposed Changes to the Local Government Act

Proposed changes to the Local Government Act 1995 requiring local governments to carry out consultation with their electors prior to changing a method of election of the Mayor have not yet been advanced to a stage where it can be introduced in to the Parliament.

To avoid a repetition of this Council's action to change the method of election of the Mayor without prior consultation of the ratepayers and residents, it is appropriate for the Council to adopt a policy to provide guidance for the Council in the future.

STRATEGIC IMPLICATIONS:

The proposed plebiscite is not listed in the Town's Strategic Plan 2000-2002 as the matter arose during consideration of a report relating to a review of the Town's Wards and Boundaries.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$14,000 has been included in the Town's 2002/2003 Budget to conduct the proposed plebiscite.

COMMENT:

The plebiscite result has provided an opportunity for the Town's ratepayers to voice their opinion on the method of election of the Mayor. The results are overwhelming to retain the current Method of Election of the Mayor. The Council should, therefore, consider the results of the plebiscite and retain the current method. Furthermore, to prevent a recurrence of trying to change the method without community consultation, the Council should introduce a policy requiring community consultation and taking cognisance of the community views.

10.4.4 Draft Strategic Plan 2002-2007

Ward:	Both	Date:	6 May 2003
Precinct:	All	File Ref:	ADM0038
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:			
Amended by:			

OFFICER RECOMMENDATION:

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.*

COUNCIL DECISION ITEM 10.4.4

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

At the Ordinary Meeting of the Council held on 17 December 2002, the following recommendation was adopted;

"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 appointment of Bessen Consulting Services, the Principal Bevan Bessen held a series of short meetings with the Chief Executive Officer, Executive Managers and the Mayor, to outline the process and timeline for the preparation of the Strategic Plan.

The consultant then conducted three (3) workshops to facilitate input into the preparation of the Strategic Plan document.

Two (2) workshops involving the Elected Members, Chief Executive Officer, Executive Managers and Section Managers were held on 7 and 26 November 2002 respectively.

A further workshop, which was advertised on 30 November 2002, was held on the 4th December 2002 for members of the community to have their input into the Plan.

A second Community Workshop was held on Thursday 30 January 2003. Results of this workshop were received from the consultant on 20 February 2003.

The Draft Strategic Plan was advertised on 28 February 2003 and comments closed on 11 April 2003. A total of five (5) submissions were received from:

1. Claisebrook Catchment Group

Supports the addition of all items added at the community workshops on 4 December 2002 and 30 January 2003 and in particular draw attention to the items indicated in Key Result Area One: Environment and Infrastructure.

2. Hyde Park Precinct Group

Supports the addition of all items added by the community at the workshops held on 4 December 2002 and 30 January 2003, and included in the document titled "Review of Strategic Plan Community Consultation Workshop 30 January 2003" and "Updated 11 February 2003".

3. Mt Hawthorn Precinct Group

Requests that the Administration and Council read the "Review of Strategic Plan Community Consultation Workshop - 30 January 2003" prepared by Bessen Consulting Services.

4. Ms Lucia Dedear, Buxton Street, Mt Hawthorn
Mr Tony Keene, Kalgoorlie Street, Mt Hawthorn

Requests that all the suggestions, amendments and additions made at the community consultation workshops as noted in the "Review of Strategic Plan Community Consultation Workshop - 30 January 2003" prepared by Bessen Consulting Services be presented to Council before a decision is made on the approval of the final Strategic Plan for our Town.

5. Mr Dudley Maier, Chatsworth Road, Highgate

Believes that more work needs to be done on the Plan, in particular in areas as follows:

- The Town's responsibilities are not clearly documented.
- No clear vision.
- The action plans are not clearly related to the visions.
- There are no priorities given.

Supports the additions to the Action Plans which came from the second workshop and which were included in the document dated 11 February 2003.

In summary, the submissions support the suggestions, comments and amendments made at the second Community Workshop held on 30 January 2003. These are shown in Appendix 10.4.4. Suggested changes are in bold.

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:

The Draft Strategic Plan was advertised on 28 February 2003 for a period of forty two (42) days for public submissions and comment.

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.

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:

Further costs of approximately \$1,500 will be required for a facilitator.

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.

However, in view of the Independent Organisational Review recommendation and submissions received, it is important to revisit and further consider the matter.

10.4.5 Coronial Inquest into the Drowning Incident at Beatty Park Leisure on 25 January 2002 - Progress Report No 2

Ward:	South	Date:	6 May 2003
Precinct:	-	File Ref:	CMS0078
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the Progress Report No 2 on the incidents which occurred at Beatty Park Leisure Centre on Friday 25 January 2002 and Wednesday 6 February 2002;
- (ii) **NOTES** that a Coronial Inquest into the death of Rebecca Brentnall will be held on 19 May 2003 and that the Chief Executive Officer, John Giorgi, Manager-Beatty Park Leisure Centre, Centre Supervisor and two Lifeguards have been summonsed to give evidence at the Inquest; and
- (iii) **ENDORSES** the action of the Chief Executive Officer to instruct solicitors to represent the Town at the Inquest.

COUNCIL DECISION ITEM 10.4.5

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

At the Ordinary Meeting of the Council held on 12 February 2002, the Council considered Progress Report No 1 and resolved as follows:

"That the Council;

- (i) *receives the Chief Executive Officer's report on the incidents which occurred at Beatty Park Leisure Centre on Friday 25 January 2002 and Wednesday 6 February 2002; and*
- (ii) *recognises the efforts of the young boy and girls who separately assisted in the incidents by awarding Certificates of Appreciation, together with a small gift each."*

It was previously reported that two (2) serious incidents occurred at Beatty Park Leisure Centre involving a tragic child drowning and a near drowning of a 22 year old male in January and February 2002, as follows:

25th January 2002

On Friday 25 January 2002 a seven year old child drowned in the indoor pool at Beatty Park Leisure Centre during a school holiday outing organised by the YMCA. A YMCA school holiday group was booked in for a visit to the Centre on the day. There were 48 children accompanied by 11 adult supervisors.

At approximately 1.30pm, the Centre Lifeguards were alerted by a ten year old boy, who was not with the YMCA group, of a young unconscious girl in the water. The Centre Staff immediately enacted the emergency incident procedures and commenced resuscitation.

Resuscitation continued until the ambulance arrived. The ambulance officers took control and conveyed the young girl to Princess Margaret Hospital, where she was pronounced dead a short time later.

Crisis counselling was provided to Beatty Park Leisure Centre Staff after the incident and at the time of writing this report with two staff who were distressed by the incident are still receiving counselling. The Town contacted with the young boy who assisted and has offered support and counselling.

A media release was also issued and considerable television, radio and newspaper coverage followed.

The efforts of the young boy who assisted in the incident were recognised and he was presented with a Certificate of Appreciation and a small gift at a ceremony held at his school. This was reported in "The West Australian" newspaper.

The Coroner's Office carried out an investigation of the drowning incident.

6 February 2002

At approximately 4.30pm on Wednesday 6 February 2002 Lifeguards retrieved a 22 year old male from the bottom of the dive pool (4.88 metres deep) at the Beatty Park Leisure Centre.

Lifeguards commenced resuscitation and were assisted by a doctor, whose children were also attending the Centre. An ambulance was called and he was conveyed to the QEII Medical Centre where he was placed in intensive care and is listed in a critical but stable condition.

Shortly before the incident, Lifeguards had observed this male "duck-diving" to the bottom of the pool. It is understood that the male is an overseas student attending St. Marks International School, Highgate.

Chief Executive Officer, John Giorgi, is satisfied that Lifeguards acted in a professional and competent manner and that emergency procedures were followed.

Intense media interest in this matter (television, radio and newspaper) occurred and a media briefing was conducted by the Mayor and Chief Executive Officer on Thursday 7 February 2002.

The young man subsequently recovered in hospital and suffered no long term injury. He has since returned to Europe.

FINANCIAL/BUDGET IMPLICATIONS:

Legal representation at the Inquest, together with pre-meetings is estimated to cost approximately \$15,000 to \$20,000 plus GST. The legal costs to date have been approximately \$12,000.

LEGAL IMPLICATIONS:

The CEO carried out an exhaustive inquiry into the drowning incident, near drowning incident and other associated safety aspects at Beatty Park Leisure Centre.

A comprehensive report was submitted to the Coroner in August 2002, together with signed statements of staff involved in the drowning incident and witnesses. The statements were prepared by the staff for the CEO. Experienced solicitors assisted in the inquiry. A copy of the CEO's Report Executive Summary are attached on a confidential basis. It is recommended that this remain confidential due to the forthcoming Inquest. All recommendations made by the CEO have since been implemented.

A coronial inquest into this incident will be held on 19 May 2003. The Town's CEO, Manager Beatty Park Leisure Centre, Centre Supervisor and two Lifeguards have been summonsed to give evidence at the Inquest. It has been indicated that the Inquest will take about five (5) days.

The Town's insurers have also been notified.

The Chief Executive Officer is not anticipating any "adverse findings" against the Town or its staff involved in this tragic incident. However, it is important to have legal representation at the Inquest to ensure that all legal aspects are appropriately dealt with. Furthermore, the Town's solicitors will have prior access to all statements and evidence to be presented at the Inquest.

COMMENT:

The Chief Executive Officer is satisfied that the Centre Staff acted in a professional and competent manner and followed the emergency procedures. A further report will be submitted after the State Coroner has published his findings. It is pleasing to note that there have been no major incidents at Beatty Park since February 2002.

10.1.14 No.92 (Lot 1) Anzac Road, Corner of Flinders Street, Mount Hawthorn - Proposed Demolition of Existing Dwelling and Construction of Single House

Ward:	North	Date:	5 May 2003
Precinct:	Mount Hawthorn, P1	File Ref:	PRO2285; (00/33/1530)
Reporting Officer(s):	H Eames, C Mooney		
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 Homestyle on behalf of the owners K M Faries and B J Kerlin for the proposed demolition of the existing dwelling and construction of single house at No.92 (Lot 1) Anzac Road, corner of Flinders Street, Mount Hawthorn, subject to:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (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 \$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;*
- (v) 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);*
- (vi) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) a visual truncation of 2 metres by 2 metres at the intersection of the driveway and the footpath shall be provided at the owner's cost;*
- (viii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the minimum secondary street setback to Flinders Street being 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; and*
- (ix) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Chester, Seconded Cr Doran-Wu

That the following amended recommendation be adopted.

AMENDED RECOMMENDATION:

Amend the preamble to the previous recommendation as follows:

"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 Homestyle on behalf of the owners K M Faries and B J Kerlin for the proposed demolition of the existing dwelling and construction of single house at No.92 (Lot 1) Anzac Road, corner of Flinders Street, Mount Hawthorn, as shown on plans stamp-dated 5 March 2003, subject to;"

Add the following new clause (x) to the previous recommendation as follows:

"(x) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates along and within the front setback area of Anzac Road and Flinders 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;"

Moved Cr Doran-Wu, Seconded Cr Lake

That clause (viii) be deleted and the following clauses renumbered accordingly.

AMENDMENT CARRIED (9-0)

Moved Cr Ker, Seconded Cr Doran-Wu

That clause (vii) be amended by deleting "2" twice and replacing with "1.5" as follows:

"(vii) a visual truncation of 1.5 metres by 1.5 metres at the intersection of the driveway and the footpath shall be provided at the owner's cost;"

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

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 Homestyle on behalf of the owners K M Faries and B J Kerlin for the proposed demolition of the existing dwelling and construction of single house at No.92 (Lot 1) Anzac Road, corner of Flinders Street, Mount Hawthorn, as shown on plans stamp-dated 5 March 2003, subject to;

- (i) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (ii) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (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 \$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;*
- (v) *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);*
- (vi) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) *a visual truncation of 1.5 metres by 1.5 metres at the intersection of the driveway and the footpath shall be provided at the owner's cost;*
- (viii) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (ix) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates along and within the front setback area of Anzac Road and Flinders 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;*

to the satisfaction of the Chief Executive Officer.

ADDITIONAL COMMENTS:

The floor plan of the proposed single storey single house was inadvertently not included in the agenda. A copy of this floor plan is attached.

LANDOWNER: B J Kerlin & K M Faries
APPLICANT: Homestyle
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	468 square metres	
Requirements	Required	Proposed
Eastern Boundary Setback	1.5 metres	2.6 metres to 1.17 metres
Secondary Street - Flinders Street	1.5 metres	1.5 metres to 1.14 metres

SITE HISTORY:

The site is occupied by a brick and corrugated iron dwelling that was constructed in 1928.

DETAILS:

Approval is sought for the demolition of the existing dwelling and construction of a single storey single house.

CONSULTATION/ADVERTISING:

Demolition applications for places not listed on the Town's Municipal Heritage Inventory are not required to be advertised.

There were no objections received during the advertising period for the proposed development.

COMMENTS:

Demolition

A detailed heritage assessment is contained in the Appendix 10.1.14.

The subject dwelling is dated 1928 and represents a part of the typical building stock built during the inter war period of 1919 and 1939. As such, the dwelling has little to some representative value. The dwelling is brick with corrugated iron roof and most features and fittings are intact. While some original features such as windows and ceilings are of interest, it is not considered that these features alone justify the retention of the house or qualify the place for consideration for entrance into the Town's Municipal Heritage Inventory. The place is not rare and is considered to be of little aesthetic, historic, scientific and social value. The subject dwelling contributes to the streetscape in terms of traditional setbacks and building style.

The place has only little to some cultural heritage significance being representative of the typical building stock constructed in the period 1919 to 1939. However, it is considered that the place does not meet the minimum criteria for entry into the Town's Municipal Heritage Inventory.

Development

The eastern boundary setback variation as outlined in the Compliance Table is considered acceptable, as it is generally minor in nature and will not unduly affect the amenity of the adjoining properties. The layout adjacent to the eastern boundary accommodates effective use of space for the proposed single storey single house enhancing the amenity of the development. The secondary street setback variation to Flinders Street is not supported and is addressed through an appropriate condition.

Apart from the minor variation to the setback requirements, the remaining aspects of the proposed single storey single house is compliant with the requirements of the Residential Design Codes and the Town's Policies.

Summary

In light of the above, it is recommended that approval be granted for the demolition of the existing dwelling and development of a single storey house, subject to standard conditions and appropriate conditions to address the above matters.

10.1.8 No. 81 (Lot 246) Auckland Street, North Perth – Proposed Two-Storey Grouped Dwelling to Existing Single House

Ward:	North	Date:	6 May 2003
Precinct:	North Perth, P8	File Ref:	PRO2282; 00/33/1527
Reporting Officer(s):	C Mooney,		
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 Iliadis and Associates Architects Pty Ltd on behalf of the owner Daktiki Holdings Pty Ltd for proposed two-storey grouped dwelling to existing single house at No. 81 (Lot 246) Auckland Street, North Perth, and as shown on the plans stamp dated 5 March 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 Auckland 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;*
- (ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window(s) to the master bedroom on the western elevation on the first floor shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
- (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) the construction of crossovers shall be in accordance with the Town's specifications;*
- (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) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Auckland 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);*
- (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;and*
- (ix) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.8

Moved Cr Torre , Seconded Cr Chester

That this item "LIE ON THE TABLE", so that the applicant can address the issues of overlooking, setbacks and the driveway.

CARRIED (9-0)

LANDOWNER: Daktiki Holding Pty Ltd
APPLICANT: Iliadis and Associates Architects Pty Ltd
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R30/40
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Grouped Dwelling
Use Classification	"P"
Lot Area	594 square metres

Requirements		Provided
Primary Street	Driveways not to occupy more than 40 percent of the frontage of a property	68 per cent
Privacy - Western Elevation Master Bedroom Window	Permanent vertical screening to be provided to restrict views if setback less than 4.5 metres from neighbouring properties boundaries.	2.4 metres (screening condition imposed)
Setback - Western Elevation Upper Floor	2.3 metres	1.05 metres to 2.75 metres

SITE HISTORY:

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

CONSULTATION/ADVERTISING:

There were three objections received during the advertising period. The details of the submissions are comprehensive and are to be "*Laid on the Table*" and circulated separately to Elected Members.

The following points outline the main issues of the submissions:

- Scheme Amendment No. 11: The scheme amendment was supported by 81 per cent of the residents within the Eton Locality to rezone the area from R30/40 to R20.
- The proposed development is not consistent with the amenity of the area in relation to the Eton Locality Statement.
- Visual privacy.
- Ground levels of the development site/height of block.
- Solar access/overshadowing.
- Rear boundary setback.
- Loss of mature trees.
- Driveway width.
- Excess traffic and noise the proposed dwelling may cause.
- Over-development.
- Investor development in the area.

DETAILS:

Approval is sought for construction of one (1) two storey grouped dwelling to existing single house.

COMMENTS:

Privacy

With regard to objectors' concerns over privacy, the appropriate screening conditions have been placed in order to comply with the privacy requirements of the Residential Design Codes. The proposal has also screened the balcony from the master bedroom and setback the balcony from the activities room, both located adjacent to the southern boundary, both which are in accordance with the requirements of the Residential Design Codes.

In a recent Ordinary Meeting of Council, the Council has been prepared to vary the Privacy requirements of the Residential Design Codes by allowing the overlooking window to be top hinged and the obscured portion of the window to be openable to a maximum of 20 degrees.

In regard to the upper floor privacy concerns on the northern elevation, in relation to the activities room, bedroom 3 and bedroom 2, screening conditions are not required as this portion of the proposal is adjacent to a local reserve area, which is screened by mature trees.

Setback

The boundary setback variation as outlined in the Compliance Table is considered acceptable as it is generally minor in nature. The upper floor setback variation on the western elevation is considered appropriate as the majority of the setback, and that to the master bedroom, is setback in compliance with the requirements of the Residential Design Codes. Therefore, the setback variation is considered not to unduly affect the amenity of the adjoining properties.

Primary Street - Driveway Width and Street Trees

With regard to the requirements of driveway width and occupation of the frontage of the property, the proposal aims to widen the existing crossover to be able to provide two car parking bays for the existing dwelling. The design of the crossover also aims to separate the two properties to individualise the grouped dwellings. In the instance of subdivision, the access crossover for the existing dwelling is less than the 40 percent, and is therefore considered appropriate. In relation to concerns over street trees, the appropriate condition addressing this has been placed, and the applicant aims to retain the verge tree and replant in a more appropriate position.

Mature Trees

The proposal seeks to remove three trees located within the development site. In regard to concerns over the loss of mature trees, the trees are not listed on the Town's Significant Tree Inventory or Interim Databases, therefore their removal is supported.

Fill

In regard to concerns over site fill, the proposal does not exceed 0.5 metre, and is compliant with the requirements of the Residential Design Codes. The proposal generally retains the natural ground level of the site with variation to natural ground levels being less than 0.3 metre.

Overshadowing

In relation to the concerns raised in regard to overshadowing, the proposal is well within the requirements of the Residential Design Codes. The actual percentage of overshadowing onto the adjacent southern property is 9.94 per cent. The Residential Design Codes permits a maximum of 50 per cent overshadowing onto the adjoining site, for areas zoned between R40 to RIC. Therefore, it is compliant and not considered to unduly affect the amenity of the adjoining property.

Eton Locality

The Eton Locality Statement states the following:

"Single houses will remain the predominant dwelling types within this Locality. On those larger lots which can accommodate additional housing, infill development will be favoured. Grouped Dwellings developments comprising two or more new dwellings are also appropriate.

The retention and/or restoration of established houses which are indicative of the era in which the Locality was developed and generally contribute to its existing character will be encouraged. An increase in housing density for new infill development will be permitted where certain criteria can be met."

The proposal has retained the existing dwelling, which is indicative of the 1930's building stock and is providing infill development; therefore the proposal fulfills the current Locality Statement.

Scheme Amendment No. 11

It should be noted that the subject property is located within the Town's Eton Locality which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment is at present with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final determination. The proposal represents a density code of R40.

Traffic and Noise

With regard to concerns over excess traffic and noise, the addition of a residential dwelling will not unduly increase noise or traffic flows on Auckland Street. Therefore, the dwelling is deemed not to unduly impact on the amenity of the area, in respect to the above concerns.

Over Development and Investor Development

In regard to concerns of over development of the proposal, the development generally complies with the current requirements of the Residential Design Codes and Town's Policies, and meets the site requirements for its current residential zoning.

In relation to concerns of over investor development, the Town is not in a position to determine and/or control the type of residential investment that occurs within the Town.

Summary

The proposal generally meets the current requirements of the Residential Design Codes and the Town's Policies, and will not unduly adversely affect the amenity and streetscape of the area. Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

10.1.9 No. 12 (Lot 2) Haynes Street, North Perth - Proposed Demolition of Existing Single House and Construction of Two (2) Two Storey Single Houses

Ward:	North	Date:	7 May 2003
Precinct:	North Perth, P8	File Ref:	PRO 2306; 00/33/1564
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 V Lynch on behalf of the owners G and V Lynch for proposed demolition of existing single house and construction of two (2) two storey single houses at No. 12 (Lot 2) Haynes Street, North Perth, and as shown on plans stamp-dated 31 March 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) detailed plans of site works, including identification of drainage shall be submitted with the Building Licence application;*
- (iii) a visual truncation of 2 metres by 2 metres at the intersection of the driveway and footpath shall be provided at the owner's cost;*
- (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 \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vi) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) 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); and*
- (x) to protect the reasonable privacy of the adjacent residents:*
 - (a) the upper level south facing windows to bedroom 1 for Houses 1 and 2;*
 - (b) the upper level east facing windows to bedroom 1 for House 2; and*
 - (c) the upper level west fast facing window to bedroom 1 for House 1;**shall be screened with a permanent obscured material and to be non-openable to a minimum height 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;*

- (xi) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Haynes 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) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Haynes Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*
- (xiv) *prior to the issue of Building Licence revised plans shall be submitted and approved demonstrating the main entrance/front door to both Houses 1 and 2 being directly visible from Haynes Street.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (xv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.9

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

LOST (0-9)

Reasons:

- 1. Excessive width of the garage doors.**
- 2. Non-compliance as per the Compliance Table in the report.**
- 3. Lack of interaction with the streetscape.**

LANDOWNER:	G and V Lynch
APPLICANT:	V Lynch
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	685 square metres

Requirement	Required	Proposed
Setbacks		
House 1		
Eastern side - ground level	1.5 metres	Minimum nil
Eastern side - upper level	3.3 metres	Minimum nil
Western side - ground level (wall from the garage to kitchen only)	1.5 metres	Minimum 1.225 metres for porch
Western side - upper level	1.5 metres	Minimum 1.225 metres
House 2		
Eastern side - ground level	1.5 metres	Minimum 1.225 metres
Eastern side - upper level	3.3 metres	Minimum 1.225 metres
Western side - ground level	1.5 metres	Minimum nil
Western side - upper level	3.3 metres	Minimum nil
Cone of Vision		
House 1 and 2		
Bed 1 - southern upper level window	4.5 metres	2.2 metres
Retreat - northern upper level window	6.0 metres	0.8 metre
House 1 Bed 1- western upper level window	4.5 metres	1.225 metres
House 2 Bed 1- eastern upper level window	4.5 metres	1.225 metres
Garage Width	Maximum 50 per cent of the frontage at the building line	67.7 per cent for each house

SITE HISTORY:

The site currently supports a single storey single house.

DETAILS:

The applicant seeks to demolish the existing house and replace this with two (2), two storey single houses.

CONSULTATION/ADVERTISING:

The proposal was advertised and one submission was received within this time. The submission from the western neighbour raises objections to the proposed development based on privacy concerns particularly in relation to House 1, bedroom 1, which overlooks the objector's front yard, and in relation to House 1 being built in close proximity to the boundary and the potential of the upper storey to block sunlight to the objector's dwelling.

The objector's concerns will be addressed within the relevant sections of the report.

COMMENTS:

Demolition

The subject place is a brick and tile dwelling that, according to the City of Perth Building Licence archive cards, was constructed in 1949 for J.A. Lang. It is one of many thousands of houses that were constructed in Perth during the immediate post-war period, when the demand for housing was exceptionally high. It was a period of austerity due to the strict limits that the government placed on the use of building materials at the time. The place has undergone some additions since its original construction, including sleep-out additions to the rear. Most of the 1949 fabric is in place, albeit in a fair to poor condition.

The place is representative of the austere nature of housing from the immediate post-war period, but it is not considered to be a unique or endangered example of its type. The place is not considered to meet the threshold for entry in the Municipal Heritage Inventory and it is considered that a full heritage assessment is not required in this instance. It is recommended that the application to demolish the place be approved, subject to standard conditions.

Setbacks

House 1

Eastern Side Ground and Upper Level Setbacks

The proposed eastern side setbacks for the dwelling are internal to the development and affect proposed House 2. The applicant seeks to utilise parapet walls on this boundary as part of the design and placement of the dwelling on the lot. The Residential Design Codes (R Codes) permits a wall to be built up to the boundary, located behind the front setback line where the wall abuts an existing or simultaneously constructed wall of similar or greater dimension. Under this provision, this relaxation in setbacks to the eastern boundary is considered acceptable.

Western Side Ground Level Setback

Due to the design of the ground floor of the dwelling incorporating a significant break in the wall to accommodate a courtyard the setbacks for the wall can be treated in two parts. The rear element of the wall comprising the length associated with bedroom 3, toilet and bathroom complies with the setback requirements of the R Codes. With respect to the remainder of the wall (from the garage to the kitchen) requires a setback of 1.5 metres. The predominant setback of this wall is a minimum of 1.585 metres from the boundary. A slight reduction in setback to 1.225 metres is proposed to accommodate the porch. This reduced setback for the porch element is not considered to have any undue effect on the adjacent neighbour, due to the construction being located at ground level, having an equivalent wall height of 2.72 metres and not casting any undue shadow onto the neighbouring property. This minor relaxation to accommodate the porch is considered suitable.

Western Side Upper Level Setback

Based on the length and height of the upper level and the fact that there are no major openings, the R Codes require a 1.5 metres setback. In this instance, the applicant proposes a reduced setback of 1.225 metres for a portion of the wall, with the remaining setback being at 2.425 metres from the boundary. The reduced setback element is for a wall length of 6.0 metres only, which accommodates bedroom 1 and the ensuite facilities. This minor relaxation in setback is not considered to have any undue adverse impact on the neighbour, and in particular does not create undue privacy concerns or overshadowing to this property due to the location of north. On this basis, the relaxation is considered appropriate.

House 2

Eastern Side Ground Level Setback

Again, due to the design incorporating a break in the wall to accommodate a courtyard, the setbacks for the wall can be treated in two parts. Similar to House 1, the rear portion of the wall requires a setback of 1.0 metre from the boundary, which is achieved. The remainder of the wall will again require a 1.5 metres setback. Again, the majority of the wall achieves this setback with the porch element being 1.225 metres from this boundary. Again this minor relaxation is not considered to cause any undue significant harm to the eastern neighbour and is therefore acceptable.

Eastern Side Upper Level Setback

Similar to House 1, the setback situation for the upper level of House 2 requires a relaxation. Again, based on the length and height of the upper level and the fact that there are no major openings, the R Codes require a 1.5 metres setback. In this instance, the applicant proposes a reduced setback of 1.225 metres for a portion of the wall, with the remaining setback being at 2.425 metres from the boundary. The reduced setback element is for a wall length of 6.0 metres only, which accommodates bedroom 1 and the ensuite facilities. This minor relaxation in setback is not considered to have any undue adverse impact on the neighbour, and in particular does not create undue privacy concerns or overshadowing to this property due to the location of north. On this basis, the relaxation is considered appropriate.

Western Side Ground and Upper Level Setbacks

In a similar nature to House 1, the design of the proposal incorporates parapet walls between the two houses. Again, the R Codes permits this form of construction where there are simultaneously constructed walls behind the front setback line.

With respect to the objector's comments, the relaxations proposed to the ground and upper levels are considered minor in nature, and that substantially the dwelling is in accordance with the intent of the setback requirements of the R Codes. Furthermore, the relevant western elevation does not raise undue privacy or overshadowing concerns, thereby causing no undue harm to the objector.

Cone of Vision

Houses 1 and 2 - Bedroom 1 Upper Level Southern Window Setback

The upper levels each provide a south facing window to bedroom 1. Due to the location of these windows, they provide the potential for overlooking to the two side neighbours under the provisions of the cone of vision. These windows would require a 4.5 metres setback and only achieve a setback of 2.2 metres from each respective side boundary. As such, it is recommended that these windows be appropriately screened to address this.

Houses 1 and 2 - Bedroom 1 Upper Level Eastern and Western Window Setback

The upper levels each provide an eastern and western facing window, respectively, to bedroom 1. Although the applicant has provided highlight windows for both of these openings, there is insufficient detail in regard to the sill height. As such, it is recommended that the relevant screening conditions are placed to ensure compliance with the privacy requirements of the R Codes.

Houses 1 and 2 - Retreat Upper Level Northern Window Setback

The upper levels also each provide the retreat area associated with bedroom 1 a window which faces north. The respective windows are located within the site itself, they overlook only onto roof space and the void between the proposed dwellings. Therefore, it is considered that in this instance screening conditions are not appropriate.

With respect to the concerns of the western neighbour the R Codes clearly address that areas subject to privacy considerations only occur behind its street setback line. As such, any area forward of the street setback area is not considered sensitive and therefore does not require the application of the cone of vision.

Garage Doors

The R Codes require that garage doors are no more than 50 per cent of the frontage at the point of the building line. In this instance, the individual garage doors for both dwellings represent 67.7 per cent of the frontages at the point of the building line. This variation is considered acceptable as the garage doors include design features to reduce the door' visual impact. In addition, the garages are setback at a minimum of 6 metres and their front setback is staggered which further reduces their visual impact.. The proposal also provides for a significant functional balcony over the entire width of the garage, which provides further amenity and interaction with the streetscape. Nevertheless, revised plans should be submitted and approved by the Town showing the front of the dwellings being clearly visible from Haynes Street, to address further streetscape concerns.

Scheme Amendment No. 11

It should be noted that the subject property is located within the Town's Eton Locality which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment is at present with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final determination. The proposal represents a density code of R30.

Conclusion

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.

10.3.3 Review of the 2002 / 2003 Annual Budget

Ward:	N/A	Date:	6 May 2003
Precinct:	N/A	File Ref:	FIN0025
Reporting Officer(s):	N Forsyth, M Rootsey		
Checked/Endorsed by:	M Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That the Council APPROVES BY ABSOLUTE MAJORITY the adjustments of the 2002/03 Annual Budget as detailed in this report.

COUNCIL DECISION ITEM 10.3.3

Moved Cr Ker, Seconded Cr Cohen

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (9-0)

DETAILS:

The Town, as part of its management procedures, reviews its budget on a regular basis to make adjustments for any major variations or additional requirements to the adopted Budget.

A review has been undertaken as at 31st March 2003 to adjust for any major variances or additional items required or the inclusion of previous decisions of the Council.

The following details are provided:

Beatty Park - Purchase of Additional Equipment - \$5,680

New stove at Café - \$3,000

Purchase of a new stove for the Café due to age and need of urgent repair for the current one. It was deemed uneconomical to repair the previous stove. This is to be funded by the monies which were to be used to purchase a dishwasher, this is now deemed to be of a lower priority.

Funding Implication:

Expenditure to be funded from savings on purchase of a dishwasher at Café.

Air Conditioner Swim School Office - \$1,800

The office has had major problems due to its problems with the direct sunlight. For Occupational and Health reasons, a decision has been made to use funds allocated for the purchase of an ice machine at the Café to purchase an air conditioner in this small office. This will ensure that room temperatures will comply with Occupational Health Regulations.

Funding Implication:

Expenditure to be funded from the savings on the purchase of an ice machine at the Café.

Vitamix Drink Machine - \$880

A Vitamix Drink Machine was purchased instead of the funds being used for the purchase as budgeted for a blender food processor.

Funding Implication:

Expenditure to be funded from savings on the purchase of the food processor.

Independent Organisational Review - \$4,500

The approved tender was slightly above the budgeted funds for this project.

Funding Implication:

Increased budgeted expenditure.

North Perth Town Hall Equipment - \$4,390

As part of the North Perth Town Hall refurbishment a new public address system and associated speakers have been purchased, the funding for these acquisitions was included in the refurbishment budget under specified maintenance.

Funding Implication:

Reallocation from specified maintenance budget. No impact on financial position.

Perth Oval Assets - \$3,500

As a result of the relinquishment of the lease at Perth Oval by Embassy Caterers, in accordance with the Council resolution item 7.1 at the Ordinary meeting of Council held 28 January 2003 the purchase of a number of assets from Embassy Caterers were approved.

Funding Implication:

Increased budget expenditure.

Auckland/Hobart Reserve Fencing - \$7,500

Additional fencing at Auckland/Hobart Reserve, this has been included as a safety issue.

Funding Implications:

Increased budget expenditure.

Road to Recovery Projects - \$88,440

The following projects have been removed from the Roads to Recovery schedule:

William Street – resurfacing (\$70,000) and Fitzgerald Street – lighting upgrade (\$18,440) as these projects will not be undertaken in this financial year.

These projects which will be replaced by Federation Street – resurfacing (\$40,000), Chelmsford Road – resurfacing (\$30,000) and Pier, Brewer, Bulwer Streets – lighting upgrade (\$18,440).

Funding Implications

No impact on financial position.

Leederville Gardens Workshop - \$25,000

The construction of the workshop at the Leederville Gardens Retirement Village to be funded from Leederville Gardens Reserve Fund.

Leederville Gardens Operating Surplus - \$29,000

The surplus for the year 2001/02 was \$59,000 an increase of \$29,000 over the budgeted estimate, this amount will subsequently be transferred to the Leederville Gardens Reserve Fund.

Air-conditioning Unit – Mt Hawthorn Primary School - \$4,462

The Town has purchased the air-conditioning unit with 50% of the cost being funded by the Education Department. The Town's portion is to be funded from the Emergency Building Fund and therefore no impact on the overall financial position.

Funding Implications

No impact on financial position.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002
Key Result area 4.3(a)
Develop short-medium term financial plan.

FINANCIAL/BUDGET IMPLICATIONS:

At the end of the third quarter of the year, with the inclusion of the reported adjustments, there is an estimated surplus on the 2002/03 budget of \$37,209.

COMMENTS:

The Town reviews the budget at the end of each quarter, however at the end of the first quarter no adjustments were made. This is the final review for this financial year.

10.3.4 Adoption of Draft Principal Activities Plan 2003-2007

Ward:	-	Date:	30 April 2003
Precinct:	-	File Ref:	ADM0039
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:			
Amended by:			

OFFICER RECOMMENDATION:

That;

- (i) *the Council ADOPTS BY AN ABSOLUTE MAJORITY the Draft Principal Activities Plan for the four (4) year period 2003-2007, circulated to Elected Members and as "Laid on the Table";*
- (ii) *the Draft Principal Activities Plan be advertised on a local basis for a period of forty-two (42) days, seeking written submissions from members of the public;*
- (iii) *the Council further considers the Draft Principal Activities Plan and any submissions at the conclusion of the statutory public advertising period; and*
- (iv) *a briefing session be held for all community/precinct and business groups.*

Moved Cr Chester, Seconded Cr Lake

That a new clause (v) is added to the previous recommendation as follows;

- "(v) *that in the event the proposed amendments to the Local Government Act in regard to the preparation of a Principal Activity Plans are not adopted, that prior to the end of the year ending December 2003, the Principal Activity Plan 2003-2007 is reviewed to align it with the then adopted Strategic Plan 2002-2007. "*

AMENDMENT CARRIED (9-0)

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

COUNCIL DECISION ITEM 10.3.4

That;

- (i) *the Council ADOPTS BY AN ABSOLUTE MAJORITY the Draft Principal Activities Plan for the four (4) year period 2003-2007, circulated to Elected Members and as "Laid on the Table";*
- (ii) *the Draft Principal Activities Plan be advertised on a local basis for a period of forty-two (42) days, seeking written submissions from members of the public;*
- (iii) *the Council further considers the Draft Principal Activities Plan and any submissions at the conclusion of the statutory public advertising period;*
- (iv) *a briefing session be held for all community/precinct and business groups; and*

-
- (v) *that in the event the proposed amendments to the Local Government Act in regard to the preparation of a Principal Activity Plans are not adopted, that prior to the end of the year ending December 2003, the Principal Activity Plan 2003-2007 is reviewed to align it with the then adopted Strategic Plan 2002-2007.*
-

BACKGROUND:

The Local Government Act 1995 requires each Local Government to adopt a Principal Activities Plan for a period of four or more years and for the plan to be annually reviewed.

DETAILS:

This current Principal Activities Plan has been prepared by the Chief Executive Officer and Executive Managers in conjunction with Managers and Administration Staff to identify significant areas of the Council's operations for the above mentioned period.

LEGAL/POLICY:

The Local Government Act 1995 states:

5.52 The Local Government Act definition of "Principal Activity" includes -

- (a) a major capital works project to be undertaken by the local government;
- (b) a major service to be provided by the local government;
- (c) a programme for the replacement of the local government's major assets;
- (d) major land transactions and major trading undertakings within the meaning of Section 3.59; and
- (e) such other activities as may be prescribed.

Principal Activities Plans

- 5.56 (1) Each Financial Year a local government is to prepare a plan for the next four or more financial years.
- (2) The plan is to contain details of:
- (a) the principal activities that are proposed to be commenced or to be continued in each financial year affected by the plan;
 - (b) the objectives of each principal activity;
 - (c) the estimated cost of, and proposed means of funding, each principal activity;
 - (d) how the local government proposes to assess its performance in relation to each principal activity;
 - (e) the estimated income and expenditure for each financial year affected by the plan; and
 - (f) such other matters as may be prescribed.

CONSULTATION/ADVERTISING:

The Draft Principal Activities Plan will be advertised on a local basis. It will be sent to all Community/Precinct and Business Groups and placed on the Town's web page.

Notice of Proposed Plans for Principal Activities

The Local Government Act states as follows;

- “5.57 (1) After preparing a plan under section 5.56, the local government is to;
- (a) give local public notice in accordance with subsection (2); and
 - (b) make available for public inspection copies of the proposed plan at the local government offices and at each local government library in the district.
- (2) The local public notice is to contain;
- (a) notification that a plan for the local government's principal activities for the next 4 or more years has been prepared;
 - (b) details of where and when the plan may be inspected; and
 - (c) an invitation for submissions in relation to the plan to be made by members of the public within 42 days of the day on which local public notice was first given.

Acceptance of plans for principal activities

- 5.58 *The local government is to consider any submissions received in relation to a plan prepared under section 5.56 and may accept the plan with or without modification.”*

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 – Key Result Area 4.3 – “Continue to improve financial management”, 4.3(a) “Develop short-medium term financial plans”.

FINANCIAL/BUDGET IMPLICATIONS:

The Plan provides a financial look ahead for the period, however it must be noted that revenues and expenditure included are indicative and it should not be taken that the amounts contained in the Plan will either be allocated to projects or initiatives included or funded from the sources indicated.

COMMENT:

The format of this Draft Principal Activity Plan has been amended to separate the financial information from the details on the Strategic Links, Key Performance Indicators and the Projects and Initiatives.

The Projects and Initiatives in the Plan have been updated to reflect the new period covered.

It should be noted that in the Review of the Local Government Act 1995 which is currently being undertaken, it is recommending the following in regard to the Principal Activity Plan.

There are various amendments to the sections relating to the plan of principal activities.

Amendments are proposed to the Local Government forward planning provisions to ensure that the plans developed are consistent with community designs and that there is flexibility for Local Governments to prepare plans that meet corporate needs. This will require the following amendments:

- Sections 5.52, 5.56, 5.57 and 5.58 are to be deleted;
- Any reference in the act (or regulations) to Principal Activity Plans is to be removed.

A statement is to be included in Section 2.7 to require Council to plan for the future. The procedure for the making and the content of such plans shall be as prescribed in regulations.

The amendments to the Local Government Act are currently in the parliamentary process, therefore it is likely that this will be the last Principal Activity Plan adopted by the Council.

This plan for years 2003-2007 provides for an extensive range of services, projects and initiatives to be undertaken. There are a number of significant infrastructure projects that will come to fruition during this period.

The Plan is recommended to the Council for public advertising and adoption.

Mayor Catania announced that he had declared a financial interest in this item and departed the Chamber at 6.30pm. He did not speak or vote on the item. Deputy Mayor, Cr Ker assumed the Chair.

10.3.1 Investment Report

Ward:	N/A	Date:	01 May 2003
Precinct:	N/A	File Ref:	FIN0033
Reporting Officer(s):	C Liddelow		
Checked/Endorsed by:	N Forsyth		
Amended by:			

OFFICER RECOMMENDATION:

That the Investment Report for the month ended 30 April 2003 be received.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Chester, Seconded Cr Cohen

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(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 April 2003 were \$12,621,580 compared with \$11,616,580 at 31 March 2003. At 30 April 2002, \$11,561,525 was invested.

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

	Budget	Actual	%
	\$	\$	
Municipal	300,000	250,313	83.44
Reserve	355,100	275,379	77.55

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 6.32pm and resumed the Chair. He was advised that Item 10.3.1 was carried (8-0).

Mayor Catania announced that Cr Doran-Wu declared a financial interest in Item 10.3.7. Cr Doran-Wu departed the Chamber at 6.32pm. She did not speak or vote on the item.

10.3.7 Community and Welfare Grants and Donations 2003/2004

Ward:	Both	Date:	6 May 2003
Precinct:	All	File Ref:	FIN0113
Reporting Officer(s):	A Hope		
Checked/Endorsed by:	J Anthony/M Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That the Council APPROVES the following donations to be listed in the Draft 2003/2004 Budget:

<i>ANAWIM</i>	<i>\$ 1,210.00</i>
<i>Carers WA</i>	<i>\$ 2,000.00</i>
<i>Ethnic Child Care Resource Unit</i>	<i>\$ 500.00</i>
<i>Greek Welfare Centre</i>	<i>\$ 2,000.00</i>
<i>Loftus Community Centre</i>	<i>\$ 15,000.00</i>
<i>Mental Health Law Centre</i>	<i>\$ 500.00</i>
<i>Multicultural Services Centre</i>	<i>\$ 3,000.00</i>
<i>Passages Resource Centre</i>	<i>\$ 2,000.00</i>
<i>People Who Care</i>	<i>\$ 2,920.00</i>
<i>Playgroups</i>	<i>\$ 3,000.00</i>
<i>Rosewood Care Group</i>	<i>\$ 12,000.00</i>
<i>St Hilda's Anglican Church</i>	<i>\$ 2,000.00</i>
<i>Touch Australia</i>	<i>\$ 2,000.00</i>
<i>Toy Libraries</i>	<i>\$ 1,500.00</i>
<i>Volunteer Task Force</i>	<i>\$ 3,870.00</i>
<i>WA AIDS Council</i>	<i>\$ 1,500.00</i>
<i>Welfare Rights and Advocacy Service</i>	<i>\$ 500.00</i>
<i>Women's Health Care House</i>	<i>\$ 800.00</i>
<i>50 Piu' FENACOM – Italian Pensioners Society</i>	<i>\$ 2,000.00</i>
<i>Sundry Donations</i>	<i>\$ 5,000.00</i>
TOTAL	\$ 63,300.00

COUNCIL DECISION ITEM 10.3.7

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

CARRIED (7-1)

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

Against
Mayor Catania

(Cr Doran-Wu was absent from the Chamber and did not vote.)

BACKGROUND:

At the Ordinary Council meeting of the 8th April 2003 the following recommendation was adopted:

“That this item be DEFERRED for further investigation and an alternative assessment (as per the tender's evaluation) be included in the report.”

DETAILS:

Community and Welfare Grants and Donations 2003/2004

In accordance with the Community and Welfare Grants and Donations Guidelines, the scheme was advertised in two local papers during the month of January inviting applications for funding which resulted in 20 applications.

Each application has been rated on a standard scale against a standard set of criteria. The ratings scale is shown below:

Criteria	Weighting
Adherence to policy guidelines	30%
Benefit to Town of Vincent residents	20%
Financial viability of the project or program	10%
Previous grants acquitted satisfactorily	10%
Targets vulnerable and disadvantaged groups in the community	10%
A unique service that meets the needs of the community	10%
Demonstrated experience in delivering the service or program	10%
	100%

A summary of the applications and their ratings is shown below:

Applications recommended for funding:

Organisation	ANAWIM (Aboriginal Women's Night Shelter)
Purpose of Funding	ANAWIM will open a new Night Shelter this month. The funds would be used to provide clients staying overnight with necessary items of clothing, personal care items, food, medication, carry bags for luggage and to cover the cost bus and train fares so that residents can return home. Funds would also be used to purchase a first aid kit.
Target Group	The new Night Shelter targets Aboriginal women who are homeless or intoxicated and frequenting public places such as parks in the Town of Vincent.
Services Provided by the Organisation	ANAWIM currently operates as a refuge for lone Aboriginal women who are escaping domestic, family or social violence. It provides supported accommodation, non-residential support services and medium term accommodation. The new Night Shelter began operating this month.
Incorporated	Yes
Number of Vincent Residents Served	Whilst many of the women using the overnight shelter may reside outside the Town of Vincent, many of the Town's residents living in the Highgate area will benefit from the new service provided by ANAWIM as it will assist in reducing the occurrence of people sleeping and using alcohol and drugs in local parks and streets.
Comments	The Night Shelter is a response to an identified need in this area for temporary shelter for Aboriginal women who are homeless or itinerant and have problems associated with alcohol and drug misuse.
Amount Requested	\$1,210.00
Amount Recommended	\$1,210.00

ANAWIM	Raw Score	Weighted Score	%
Adherence to policy guidelines	8	2.40	24.00%
Benefit to Town of Vincent residents	7	1.40	14.00%
Financial viability of the project or program	10	1.00	10.00%
Previous grants acquitted satisfactorily	10	1.00	10.00%
Targets vulnerable and disadvantaged groups in the community	10	1.00	10.00%
A unique service that meets the needs of the community	10	1.00	10.00%
Demonstrated experience in delivering the service or program	10	1.00	10.00%
	65	8.80	88.00%

Organisation	Carers WA
Purpose of Funding	To provide social events for family carers living in the Town of Vincent who would otherwise be unable to afford to attend such events. Funds would be used to pay for the hire of facilities, transport and promotion of the program. Over the past two years Carers WA has developed a social support program called "Linking Together" to aid carers living in and around the Town of Vincent. Groups of carers meet each month at local cafes, parks and halls to socialise with one another.
Target Group	Any family carer caring for a family member or friend who has a disability, chronic or mental illness, is frail aged living in WA.
Services Provided by the Organisation	Carers WA provide information, resources, support, counselling and referrals for Family Cares.
Incorporated	Yes
Number of Vincent Residents Served	117 carers living in the Town of Vincent are took part in the program last year.
Comments	This program will specifically benefit carers living in the Town of Vincent.
Amount Requested	\$2,500.00
Amount Recommended	\$2,000.00

Carers WA	Raw Score	Weighted Score	%
Adherence to policy guidelines	8	2.40	24.00%
Benefit to Town of Vincent residents	8	1.60	16.00%
Financial viability of the project or program	9	0.90	9.00%
Previous grants acquitted satisfactorily	10	1.00	10.00%
Targets vulnerable and disadvantaged groups in the community	9	0.90	9.00%
A unique service that meets the needs of the community	8	0.80	8.00%
Demonstrated experience in delivering the service or program	9	0.90	9.00%
	61	8.50	85.00%

Organisation	Ethnic Child Care Resource Unit
Purpose of Funding	To provide gifts to needy families as part of celebrations such as Luna New Year and the end of Ramadan.
Target Group	Families with young children from Chinese and Muslim backgrounds.
Services Provided by the Organisation	The Ethnic Child Care Resource Unit facilitates and promotes the participation of children and families and individuals from culturally and linguistically diverse (CALD) backgrounds in Children's Services by: Assisting services to meet individual needs through culturally and linguistically diverse programs; Promoting awareness, understanding and acceptance of diversity through education, training, resources and community networking; and Providing individual and community advocacy on inclusion issues in Children's Services on a local and national level. Services include a library, information and training, multicultural bilingual workers and a diversity shop.
Number of Vincent Residents Served	Approximately 750 residents.
Incorporated	Yes
Comments	
Amount Requested	\$4,750.00
Amount Recommended	\$500.00

Ethnic Child Care Resource Unit	Raw Score	Weighted Score	%
Adherence to policy guidelines	2	0.60	6.00%
Benefit to Town of Vincent residents	2	0.40	4.00%
Financial viability of the project or program	5	0.50	5.00%
Previous grants acquitted satisfactorily	8	0.80	8.00%
Targets vulnerable and disadvantaged groups in the community	7	0.70	7.00%
A unique service that meets the needs of the community	5	0.50	5.00%
Demonstrated experience in delivering the service or program	8	0.80	8.00%
	37	4.30	43.00%

Organisation	Greek Welfare Centre
Purpose of Funding	Funds would be used to assist the organisation to operate its current range of services and establish a "Senior Home Visiting Service" within its existing welfare service.
Target Group	Socially isolated older people and people with disabilities.
Services Provided by the Organisation	Bilingual welfare assistance (casework and counselling) to disadvantaged Greek families and individuals, experiencing financial, employment, health, education, language, social and psychological problems. Social and welfare support to Greek seniors provided through Day Centre activities and outings for the socially isolated, frail and well aged.
Incorporated	Yes
Number of Vincent Residents Served	Approximately 292 Vincent residents accessed the services provided by this organisation in the last financial year. This number represents 80% of the total number of people using the service.
Comments	Greek speaking people represent a significant proportion of the Town's residents aged over 55 years of age. This organisation services a large number of Town of Vincent residents in this age group.
Amount Requested	\$5,000.00
Amount Recommended	\$2,000.00

Greek Welfare Centre	Raw Score	Weighted Score	%
Adherence to policy guidelines	3	0.90	9.00%
Benefit to Town of Vincent residents	7	1.40	14.00%
Financial viability of the project or program	5	0.50	5.00%
Previous grants acquitted satisfactorily	7	0.70	7.00%
Targets vulnerable and disadvantaged groups in the community	7	0.70	7.00%
A unique service that meets the needs of the community	6	0.60	6.00%
Demonstrated experience in delivering the service or program	7	0.70	7.00%
	42	5.50	55.00%

Organisation	Loftus Community Centre
Purpose of Funding	To assist the Loftus Community Centre to meet its operational costs including lease fee, building insurance, rates, public liability insurance and promotion of the Centre.
Target Group	All residents living in and nearby the Town of Vincent.
Services Provided by the Organisation	<ul style="list-style-type: none"> . Creche . Personal development courses . Playgroups . Three Plus Club . Toy Library . Seniors Programs . Post Natal Depression Support Group . Child Care Cooperative . Rooms for hire to the community . School holiday activities . Venue for many other community groups . Training for volunteers . Leisure courses . Student placements
Number of Vincent Residents Served	940 family members in total use the centre. Approximately 60% of users are Town of Vincent residents.
Comments	The programs offered at the Loftus Community Centre are well used. The Manager Community Development and Administrative Services and the Community Development and Disability Services Officers work closely with the centre.
Amount Requested	\$15,000.00
Amount Recommended	\$15,000.00

Loftus Community Centre	Raw Score	Weighted Score	%
Adherence to policy guidelines	8	2.40	24.00%
Benefit to Town of Vincent residents	9	1.80	18.00%
Financial viability of the project or program	8	0.80	8.00%
Previous grants acquitted satisfactorily	9	0.90	9.00%
Targets vulnerable and disadvantaged groups in the community	6	0.60	6.00%
A unique service that meets the needs of the community	8	0.80	8.00%
Demonstrated experience in delivering the service or program	9	0.90	9.00%
	57	8.20	82.00%

Organisation	Mental Health Law Centre
Purpose of Funding	The funds would be used to cover the cost of producing and distributing fact sheets and 7 separate pamphlets concerning issues such as Guardianship and involuntary admission to a mental health facility. The fact sheets were developed using funds provided by the Town in the 2001/2002 funding round.
Target Group	People with a psychiatric disability including seniors, young people and people from culturally and linguistically diverse backgrounds. Carers, service providers and other legal services.
Incorporated	Yes
Services Provided by the Organisation	The service promotes the legal and social rights and responsibilities of mental health consumers. Services include: Legal advice, advocacy, support, referral and representation Education for consumers about their legal rights Legal education, training and resources to the community to increase awareness of mental health legal issues Evaluation and monitoring of laws, legal and mental health service standards, policies and procedures.
Incorporated	Yes
Number of Vincent Residents Served	This organisation provided services to 1614 people in the last financial year. The number of Vincent residents in unknown.
Comments	It is appropriate that the Town of Vincent provide an amount that is less than that requested as the Town already provided funding for the completion of this specific project in the 2001/2002 funding round.
Amount Requested	\$2,200.00
Amount Recommended	\$500.00

Mental Health Law Centre	Raw Score	Weighted Score	%
Adherence to policy guidelines	5	1.50	15.00%
Benefit to Town of Vincent residents	5	1.00	10.00%
Financial viability of the project or program	7	0.70	7.00%
Previous grants acquitted satisfactorily	7	0.70	7.00%
Targets vulnerable and disadvantaged groups in the community	8	0.80	8.00%
A unique service that meets the needs of the community	7	0.70	7.00%
Demonstrated experience in delivering the service or program	6	0.60	6.00%
	45	6.00	60.00%

Organisation	Multicultural Services Centre of WA
Purpose of Funding	The funds would be used to expand the operation of the Multicultural Services Centre's Evening Legal Service from one evening to two evenings per week.
Target Group	People from non-English speaking backgrounds living in the Town of Vincent and surrounding areas.
Services Provided by the Organisation	Aged care, community settlement, crisis accommodation, emergency relief, employment, training and education, legal advice, advocacy and casework. The Evening Legal Service operates each Tuesday from 5.00 – 7.30pm. It is staffed by solicitors working "pro-bono". The lawyers travel at their own cost from their offices in the City.
Number of Vincent Residents Served	500 Town of Vincent residents used the Centre's Legal Service in the last financial year. It is not clear how many of these people accessed the Evening Legal Service.
Comments	The increase in demand indicates that this is a valuable and useful service that is accessible to Town of Vincent residents.
Amount Requested	\$14,036.00
Amount Recommended	\$3,000.00

Multicultural Services Centre of WA	Raw Score	Weighted Score	%
Adherence to policy guidelines	3	0.90	9.00%
Benefit to Town of Vincent residents	5	1.00	10.00%
Financial viability of the project or program	7	0.70	7.00%
Previous grants acquitted satisfactorily	7	0.70	7.00%
Targets vulnerable and disadvantaged groups in the community	7	0.70	7.00%
A unique service that meets the needs of the community	7	0.70	7.00%
Demonstrated experience in delivering the service or program	7	0.70	7.00%
	43	5.40	54.00%

Organisation	Passages Resource Centre
Purpose of Funding	Funds will be used to run a Healthy Cooking Group. This will involve clients learning how to budget, shop and prepare healthy, low cost meals. Funds will be used to purchase fresh and packaged food, hygiene and cleaning products.
Target Group	Street present young people, primarily with issues of homelessness and drug and alcohol misuse.
Services Provided by the Organisation	Services provided by Passages include: <ul style="list-style-type: none"> • Relevant information and referrals for street present young people to appropriate services and agencies • Hospitality within a safe environment where young people feel safe and welcome • Laundry, shower, kitchen and meal facilities. • Access to computers for preparing resumes and job applications. • Clothing bank

	<ul style="list-style-type: none"> • Medical and toiletry kits • Weekly groups including PASH (Promoting Adolescent Sexual Health) and arts projects. Development of programs that address issues in the community related to alcohol and drug use, health, nutrition and the need for recreational and leisure activities.
Incorporated	Yes
Number of Vincent Residents Served	<p>Passages provided services to 1271 new clients this year. The total number of recorded client contacts (includes repeat clients) is 5420.</p> <p>Due to the transient nature of the clients who use the service, it is difficult to determine the exact number of Town of Vincent residents using the service.</p>
Comments	<p>Passages provides services to young people who are most disadvantaged, particularly those living on the street. The assistance offered meets very basic and concrete needs.</p> <p>The Healthy Cooking Program was initiated in 1999 with the support of the Town of Vincent. It has been running successfully ever since. It was established at the request of the young people accessing the centre.</p>
Amount Requested	\$2,000.00
Amount Recommended	\$2,000 00

Passages Resource Centre	Raw Score	Weighted Score	%
Adherence to policy guidelines	9	2.70	27.00%
Benefit to Town of Vincent residents	5	1.00	10.00%
Financial viability of the project or program	9	0.90	9.00%
Previous grants acquitted satisfactorily	9	0.90	9.00%
Targets vulnerable and disadvantaged groups in the community	9	0.90	9.00%
A unique service that meets the needs of the community	8	0.80	8.00%
Demonstrated experience in delivering the service or program	9	0.90	9.00%
	58	8.10	81.00%

Organisation	People Who Care
Purpose of Funding	To increase the provision of transport to residents of the Town of Vincent. This would include transport for social reasons and for shopping.
Target Group	Seniors and people with disabilities.
Services Provided by the Organisation	Gardening, transport, Community Visitors Scheme, home maintenance, social outings, a leisure centre for seniors and an OP Shop.
Number of Vincent Residents Served	People Who Care provided services to 420 Town of Vincent residents in the last financial year. This number represents 12% of the total number of clients serviced.
Comments	People Who Care have had an increase in the number of requests from seniors in the Town of Vincent requiring transport to shopping centres and for social visits to friends and family. They are the only organisation providing subsidised transport for shopping and social trips to seniors in the Town of Vincent.
Amount Requested	\$2,920.00
Amount Recommended	\$2,920.00

	Raw Score	Weighted Score	%
People Who Care			
Adherence to policy guidelines	9	2.70	27.00%
Benefit to Town of Vincent residents	9	1.80	18.00%
Financial viability of the project or program	9	0.90	9.00%
Previous grants acquitted satisfactorily	8	0.80	8.00%
Targets vulnerable and disadvantaged groups in the community	8	0.80	8.00%
A unique service that meets the needs of the community	7	0.70	7.00%
Demonstrated experience in delivering the service or program	9	0.90	9.00%
	59	8.60	86.00%

Organisation	Rosewood Care Group
Purpose of Funding	To cover costs associated with providing delivered meals to frail aged people in the Town of Vincent and surrounding areas.
Target Group	Frail aged.
Services Provided by the Organisation	This service provides hostel accommodation for elderly and frail aged people and coordination of the delivery of meals from Meals on Wheels. Other services include hairdressing, podiatry, dining room meals and activities. This service assists elderly residents in the Town of Vincent to remain living independently in their homes for as long as possible.
Incorporated	Yes
Number of Vincent Residents Served	70 residents (approx. 18,500 meals).
Comments	There is a high demand for services provided by this organisation. The Town has made approximately 65 referrals for Meals on Wheels and podiatry services during the past financial year.
Amount Requested	\$12,000.00
Amount Recommended	\$12,000.00

Rosewood Care Group	Raw Score	Weighted Score	%
Adherence to policy guidelines	9	2.70	27.00%
Benefit to Town of Vincent residents	10	2.00	20.00%
Financial viability of the project or program	10	1.00	10.00%
Previous grants acquitted satisfactorily	8	0.80	8.00%
Targets vulnerable and disadvantaged groups in the community	8	0.80	8.00%
A unique service that meets the needs of the community	10	1.00	10.00%
Demonstrated experience in delivering the service or program	10	1.00	10.00%
	65	9.30	93.00%

Organisation	St Hilda's Anglican Church, North Perth.
Purpose of Funding	<p>To continue to provide English conversational classes in a community setting to people from culturally and linguistically diverse backgrounds who experience isolation due to language barriers.</p> <p>The classes are currently run by Multicultural Services Centre of WA with the support of the Town of Vincent, and St Hilda's Anglican Church (provision of venue).</p> <p>In particular, the classes aim to meet the needs of migrants who are intimidated by the formal system, but who will be able to integrate into the community once they have an adequate grasp of English.</p> <p>Funds would be used to cover teaching fees, some advertising, and materials.</p> <p>Three 2 hour classes will be run each week on an ongoing basis.</p>
Target Group	People of all ages who are socially isolated and from non-English speaking backgrounds.
Services Provided by the Organisation	All the services of a multicultural church i.e. spiritual activities, welfare and counselling.
Number of Vincent Residents Served	<ul style="list-style-type: none"> The church provides services to approximately 4500 Town of Vincent residents. Currently 2 of the students attending classes are residents of the Town of Vincent.
Comments	<ul style="list-style-type: none"> The English conversational classes that are currently being taught by Erika Bentel and Joanne Baitz, at St Hilda's Anglican Church Hall, under the umbrella of Multicultural Services Centre are well run and well attended. Very few Town of Vincent residents currently access the English classes. The Town has asked the applicant to provide a strategy for encouraging enrolments by Town of Vincent residents. The Town may consider providing additional funding in the future if a higher number of residents attend the classes in this financial year.
Amount Requested	\$14,000.00
Amount Recommended	\$2,000.00

St Hilda's Anglican Church	Raw Score	Weighted Score	%
Adherence to policy guidelines	9	2.70	27.00%
Benefit to Town of Vincent residents	2	0.40	4.00%
Financial viability of the project or program	8	0.80	8.00%
Previous grants acquitted satisfactorily	10	1.00	10.00%
Targets vulnerable and disadvantaged groups in the community	8	0.80	8.00%
A unique service that meets the needs of the community	6	0.60	6.00%
Demonstrated experience in delivering the service or program	9	0.90	9.00%
	52	7.20	72.00%

Organisation	Touch Australia Inc
Purpose of Funding	Funds would be used to provide an outreach service for disadvantaged people, including homeless youth, women and families who are in need in the Town of Vincent.
Services Provided by the Organisation	Provision of emergency relief, social support, advocacy, counselling, emergency accommodation and a soup kitchen.
Target Group	Young people, families and seniors who are at risk.
Number of Vincent Residents Served	112 people in the Town of Vincent were assisted. 50 – 70 people visit the centre each week.
Incorporated	Yes
Comments	<ul style="list-style-type: none"> • Touch Australia have operated a services targeting people who are homeless and disadvantaged in the Town of Vincent for the past four years. • The demand for their services in this area, particularly emergency relief, has grown to the point that they now have an office in Cleaver Street, West Perth.
Amount Requested	\$10,000.00
Amount Recommended	\$2,000.00 for the provision of emergency relief.

Touch Australia	Raw Score	Weighted Score	%
Adherence to policy guidelines	7	2.10	21.00%
Benefit to Town of Vincent residents	7	1.40	14.00%
Financial viability of the project or program	7	0.70	7.00%
Previous grants acquitted satisfactorily	3	0.30	3.00%
Targets vulnerable and disadvantaged groups in the community	9	0.90	9.00%
A unique service that meets the needs of the community	7	0.70	7.00%
Demonstrated experience in delivering the service or program	8	0.80	8.00%
	48	6.90	69.00%

Organisation	Volunteer Task Force
Purpose of Funding	Funds will be used to expand the Social Support Service provided by Volunteer Task Force to allow a greater servicing of aged people and people with a disability. This program was previously called "Live a Lot". Volunteers will be linked to socially isolated older residents and will undertake the following activities: <ul style="list-style-type: none"> ▪ Outings, including going for a walk, a drive or out for coffee. ▪ Participating in a leisure activity together in the Town of Vincent. ▪ Visiting clients in their homes to provide company and to play card or board games. ▪ Shopping on a regular basis or for a one off item.
Target Group	Seniors living in the Town of Vincent.
Services Provided by the Organisation	Volunteer Task Force provides community support to the elderly, people with disabilities and people who are disadvantaged such as single parents. Services include home maintenance, social support, gardening and transport to medical appointments. This service assists elderly people and those with disabilities to live independently in the community for as long as possible, thus, preventing early or unnecessary admission to hostel or other high care facilities.
Incorporated	Yes
Proportion of client base living in the Town	92 clients living in the Town of Vincent received services 240 times, for a total of 667 hours. This number represents 6% of the total number of clients serviced.
Comments	This program will benefit many disadvantaged and socially isolated seniors living in the Town of Vincent.
Amount Requested	\$3,870.00
Amount Recommended	\$3,870.00

Volunteer Task Force	Raw Score	Weighted Score	%
Adherence to policy guidelines	6	1.80	18.00%
Benefit to Town of Vincent residents	8	1.60	16.00%
Financial viability of the project or program	9	0.90	9.00%
Previous grants acquitted satisfactorily	9	0.90	9.00%
Targets vulnerable and disadvantaged groups in the community	9	0.90	9.00%
A unique service that meets the needs of the community	8	0.80	8.00%
Demonstrated experience in delivering the service or program	9	0.90	9.00%
	58	7.80	78.00%

Organisation	WA AIDS Council
Purpose of Funding	Funding towards the HIV Emergency Assistance Fund which provides emergency relief to clients experiencing financial hardship and who are finding it difficult to meet the most basic costs of daily living.
Target Group	People living with HIV/AIDS
Services Provided by the Organisation	Welfare and Housing Assistance; Client Assisted and Supported Accommodation; Treatments Information and Education; Living Futures Program; HIV Assistance Fund; Transport Assistance; Care Team Assistance; Buddy Program and Living Well Program.
Number of Vincent Residents Served	27 residents in living in the Town used the HIV emergency assistance fund last financial year. Clients may access the fund on more than one occasion.
Incorporated	Yes
Comments	<ul style="list-style-type: none"> This organisation provides a large proportion of its services to Vincent residents. Many clients are single and, therefore, not eligible for emergency relief through Family and Children's Services and many other welfare providers. Fear of discrimination regarding their HIV status, limits the services that many people living with HIV/AIDS can access.
Amount Requested	\$2,000.00
Amount Recommended	\$1,500.00

WA AIDS COUNCIL	Raw Score	Weighted Score	%
Adherence to policy guidelines	9	2.70	27.00%
Benefit to Town of Vincent residents	7	1.40	14.00%
Financial viability of the project or program	9	0.90	9.00%
Previous grants acquitted satisfactorily	9	0.90	9.00%
Targets vulnerable and disadvantaged groups in the community	9	0.90	9.00%
A unique service that meets the needs of the community	8	0.80	8.00%
Demonstrated experience in delivering the service or program	9	0.90	9.00%
	60	8.50	85.00%

Organisation	Welfare Rights and Advocacy Service
Purpose of Funding	The funds would be used to develop key information products for people from non-English speaking backgrounds concerning their rights when dealing with Centrelink. The information would be targeted at newer and emerging communities from Somalia, Ethiopia and Eritrea.
Target Group	Families – including two parent and single parent.
Services Provided by the Organisation	Provision of a community legal centre offering advice on tenancy, consumer rights, neighbour disputes, legal aid, income support programs, welfare and welfare rights service. Information kits and sessions, community development involving the development of new services and projects.
Incorporated	Yes
Number of Vincent Residents Served	394 people living in the Town accessed services provided by this organisation. This number represents 22% of the total number of people serviced.
Comments	This is a valuable and necessary project, however, data from the 2001 Census indicates that less than 6 people from each of cultural groups targeted reside in the Town.
Amount Requested	\$4,000.00
Amount Recommended	\$500.00

	Raw Score	Weighted Score	%
Welfare Rights and Advocacy Service			
Adherence to policy guidelines	6	1.80	18.00%
Benefit to Town of Vincent residents	2	0.40	4.00%
Financial viability of the project or program	8	0.80	8.00%
Previous grants acquitted satisfactorily	10	1.00	10.00%
Targets vulnerable and disadvantaged groups in the community	8	0.80	8.00%
A unique service that meets the needs of the community	6	0.60	6.00%
Demonstrated experience in delivering the service or program	9	0.90	9.00%
	49	6.30	63.00%

Organisation	Women's Health Care House – Mental Health Community Outreach Project
Purpose of Funding	Funds would be used to cover the annual cost of entry and attendance for various structured activities at Beatty Park Leisure Centre. The project enables women using the services of the Community Mental Health Outreach Project to access facilities and exercise programs where they would otherwise be unable to due to limited financial resources. The women are accompanied by two social workers.
Target Group	Women and children where the mother has a mental illness. Age range approximately 20 – 50 years.
Services Provided by the Organisation	The service aims to strengthen the community support networks of women who have a mental illness and enhance their personal coping strategies in order to minimise the stress and disruption of mental illness.
Number of Vincent Residents Served	33 women living in the Town of Vincent access this service. This represents 50% of the total number of women accessing the program.
Comments	<ul style="list-style-type: none"> • This project is focusing on very practical ways to minimise the stress associated with mental illness and assist women with a mental illness to build support networks and interact in a positive way with their children. • The Town has funded this project for the past four years. Feedback from clients indicates that participation in the exercise program is of benefit to their health, fitness, sense of wellbeing and confidence, relationship with their children and establishing friendships with other mothers. Many mothers have booked their children into vacation swimming classes at Beatty Park.
Amount Requested	\$800.00
Amount Recommended	\$800.00

Women's Health Care House - Mental Health Community Outreach Project	Raw Score	Weighted Score	%
Adherence to policy guidelines	9	2.70	27.00%
Benefit to Town of Vincent residents	7	1.40	14.00%
Financial viability of the project or program	10	1.00	10.00%
Previous grants acquitted satisfactorily	10	1.00	10.00%
Targets vulnerable and disadvantaged groups in the community	9	0.90	9.00%
A unique service that meets the needs of the community	8	0.80	8.00%
Demonstrated experience in delivering the service or program	10	1.00	10.00%
	63	8.80	88.00%

Organisation	50 Piu' FENACOM
Purpose of Funding	To coordinate and facilitate three 10 week terms of comprehensive elementary information technology (IT) courses. The courses will be made available to all members of the association and will be taught in languages other than English.
Target Group	Seniors from non-English speaking background, primarily Italian.
Services Provided by the Organisation	<ul style="list-style-type: none"> • Assisting members in receiving social and welfare benefits and entitlements from European localities in accordance with Australian pension and entitlement laws. • Cross cultural activities and events including English classes, cultural conferences, theatrical performances, gala balls and dinners. • A free service for members for processing tax returns, and assisting with Centrelink payments and benefits from the Federal and state governments. • Translation and interpreting service for members.
Incorporated	Yes
Number of Vincent Residents Served	420 Vincent residents accessed services and programs provided by this agency in the last financial year. This represents 70% of the total number of clients serviced.
Comments	There are a large number of seniors from an Italian background living in the Town. There is a demand amongst seniors for computer courses that cater to their needs in an atmosphere in which they already feel comfortable.
Amount Requested	\$7,000.00
Amount Recommended	\$2,000.00 to assist with instructors fees.

50 Piu' FENACOM	Raw Score	Weighted Score	%
Adherence to policy guidelines	5	1.50	15.00%
Benefit to Town of Vincent residents	7	1.40	14.00%
Financial viability of the project or program	7	0.70	7.00%
Previous grants acquitted satisfactorily	7	0.70	7.00%
Targets vulnerable and disadvantaged groups in the community	7	0.70	7.00%
A unique service that meets the needs of the community	7	0.70	7.00%
Demonstrated experience in delivering the service or program	7	0.70	7.00%
	47	6.40	64.00%

Applications not recommended for funding:

Organisation	Ethnic Communities Council
Purpose of Funding	The funds would be used to provide English classes in an informal setting for people from culturally and linguistically diverse backgrounds.
Target Group	People from culturally and linguistically diverse backgrounds living in Australia on Temporary Protection Visas.
Services Provided by the Organisation	Assistance to all migrants and refugees, particularly those from non-English speaking backgrounds.
Incorporated	Yes
Number of Vincent Residents Served	Approximately 3600 residents benefited from services provided by the Ethnic Communities Council.
Comments	St Hilda's Church has applied for funds to run English classes for migrants and refugees. These classes have been run successfully for the past year. It would be a better use of resources to provide funds to St Hilda's and recommend that ECC direct people wanting to participate in English classes to this service.
Amount Requested	\$2,500.00
Amount Recommended	Nil

	Raw Score	Weighted Score	%
Ethnic Communities Council			
Adherence to policy guidelines	3	0.90	9.00%
Benefit to Town of Vincent residents	2	0.40	4.00%
Financial viability of the project or program	3	0.30	3.00%
Previous grants acquitted satisfactorily	4	0.40	4.00%
Targets vulnerable and disadvantaged groups in the community	6	0.60	6.00%
A unique service that meets the needs of the community	2	0.20	2.00%
Demonstrated experience in delivering the service or program	2	0.20	2.00%
	22	3.00	30.00%

Organisation	Narkling Network Reading Group Project
Purpose of Funding	Funding would be used to maintain a coordinator to run the Narkling Network Reading Group Project within the Town of Vincent and other areas. The project would provide support for people with developmental disabilities to use the Town of Vincent Library and alternative to print resources in their area. Support would be provided by volunteer mentors recruited from the Town. This program is currently running with some assistance from the Town of Vincent.
Target Group	Members of the Vincent community aged 18 years and over with a disability, specifically people with a developmental disability.
Services Provided by the Organisation	The aim of Narkling is to improve language and literacy skills for people with reading difficulties. Narkling provides reading kits that can be used by people who cannot access standard print material, including people with: <ul style="list-style-type: none"> • Intellectual disability • Past difficulty or lack of opportunity to learn and read • Acquired brain dysfunction • Dyslexia • English as a new language • Hearing impairment
Incorporated	Yes
Number of Vincent Residents Served	In 2001- 2002 the Narkling Network Reading Group assisted 65 adults who have a developmental disability. 2 of these people live in the Town of Vincent. 12% of the reading mentors live in the Town of Vincent.
Comments	This is a valuable program, however, in the past financial year most of the people assisted were from outside the Town of Vincent. It may be more appropriate for Narkling to apply for an ad hoc Community and Welfare Donation to assist individual clients from the Town of Vincent as necessary. According to the "Community and Welfare Grants and Donations" Policy, funding may not be granted for the payment of salaries and wages.
Amount Requested	\$4000.00
Amount Recommended	Nil Requests for ad hoc donations for individual clients living in the Town of Vincent will be considered as appropriate.

Narkling Networking Group	Raw Score	Weighted Score	%
Adherence to policy guidelines	1	0.30	3.00%
Benefit to Town of Vincent residents	2	0.40	4.00%
Financial viability of the project or program	5	0.50	5.00%
Previous grants acquitted satisfactorily	5	0.50	5.00%
Targets vulnerable and disadvantaged groups in the community	7	0.70	7.00%
A unique service that meets the needs of the community	7	0.70	7.00%
Demonstrated experience in delivering the service or program	5	0.50	5.00%
	32	3.60	36.00%

Applications funded according to an alternative arrangement:

Organisation	Toy Libraries and Playgroups
Purpose of Funding	To support the running of local groups
Target Group	Families living in the Town of Vincent
Services Provided by the Organisation	The toy libraries provide access to a toy loan service and information for families. The playgroups offer the opportunity for parents to socialise and gain support while their children have the opportunity to make friends and learn a range of social skills in a fun setting.
Number of Vincent Residents Served	Both toy libraries and playgroups are situated in the Town and the majority of people accessing them come from the local area.
Comments	There are a number of toy libraries and playgroups situated in the Town which provide a valuable service to local residents. Throughout the year the Town is approached by each group requesting funds. This donation would formalise the funding arrangement we have with them and assist in streamlining the donations process.
Amount Requested	\$3,000.00
Amount Recommended	\$500 for each organisation

Organisation	Loftus Playgroup Inc
Purpose of Funding	Funds would be used to purchase an Internet domain and develop a web page to provide people in the community with another avenue to access information about the playgroup.
Target Group	Families with children aged 0 – 3 years.
Services Provided by the Organisation	The Loftus Playgroup provides a safe environment with educational toys and art and craft supplies to maximise learning, in a fun way, for children aged between birth and school age. The playgroup also provides a supportive environment for parents/carers to share ideas and information.
Number of Vincent Residents Served	74 Town of Vincent residents were members of the Loftus Centre Playgroup last financial year. This represents 95% of the total number of users.
Comments	The Town now provides all playgroups with a standard donation each financial year to assist with the promotion of the group.
Amount Requested	\$1500.00
Amount Recommended	\$500 as per existing arrangement for playgroups and toy libraries.

SUMMARY OF RATINGS:

Summary of ratings for applications recommended for funding:

Organisation	Raw Score	Weighted Score	Percentage
ANAWIM	65	8.80	88%
Carers WA	61	8.50	85%
Ethnic Child Care Resource Unit	37	4.30	43%
Greek Welfare Centre	42	5.50	55%
Loftus Community Centre	57	8.20	82%
Mental Health Law Centre	45	6.00	60%
Multicultural Services Centre	43	5.40	54%
Passages Resource Centre	58	8.10	81%
People Who Care	59	8.60	86%
Rosewood Care Group	65	9.30	93%
St Hilda's Anglican Church	52	7.20	72%
Touch Australia Inc (Church)	48	6.90	69%
Volunteer Task Force	58	7.80	78%
WA AIDS Council	60	8.50	85%
Welfare, Rights and Advocacy Service	49	6.30	63%
Women's Health Care House	63	8.80	88%
50 Piu' FENACOM – Italian Pensioners Society	47	6.40	64%

Summary of ratings for applications not recommended for funding:

Organisation	Raw Score	Weighted Score	Percentage
Ethnic Communities Council	22	3.00	30%
Narkaling Networking Group	32	3.60	36%

CONSULTATION/ADVERTISING:

The scheme was advertised in two (2) local papers during the month of January.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Draft Strategic Plan 2000 – 2002 – Key Result Area 2.1: *“Celebrate and acknowledge the Town’s social diversity.”*

and

Key Result Area 2.4: *“Review the range of community services provided.”*

FINANCIAL/BUDGET IMPLICATIONS:

Community & Welfare Donations

The table below details the financial implications of the welfare donations scheme over the past two years. It also details the amount requested this financial year and the funding which is recommended.

Organisation	Funding (01/02)	Funding (02/03)	Funding Requested (02/03)	Funding Recommended (03/04)
African Community in WA	Nil	500	N/A	-
ANAWIM	N/A	N/A	1,210	1,210
Ave Maria House	1,000	500	N/A	-
Beehive Industries	2,000	1,000	N/A	-
Carers WA		1,000	2,500	2,000
Ethnic Child Care Resource Unit	600	Nil	4,750	500
Ethnic Communities Council	N/A	N/A	2,500	Nil
Filipino – Australian Club of Perth		500	N/A	-
Greek Welfare Centre		2,000	5,000	2,000
Headquarters		4,000	N/A	N/A
Loftus Community Centre	15,000	15,000	15,000	15,000
Loftus Centre Playgroup	Nil	N/A	1500	See Playgroups
Mental Health Law Centre	1,000	1,000	2,200	500.00
Multicultural Services Centre	3,000	N/A	14,036	3,000
Narkaling Networking Group		2,000	4,000	Nil
Passages Resource Centre	2,000	2,000	2,000	2,000
People Who Care	5,000	N/A	2,920	2,920
Playgroups		3,500	3,000	3,000
Rosewood Care Group	12,000	12,000	12,000	12,000
St Hilda’s Anglican Church	N/A	N/A	14000	2,000
Touch Australia Inc (Church)	2,000	N/A	10,000	2,000
Toy Libraries		1,500	1,500	1,500
Volunteer Task Force	3,000	3,700	3,870	3,870
WA AIDS Council	2,000	1,500	2,000	1,500
WA Deaf Society		1,000	N/A	-
Welfare, Rights and Advocacy Service	1,000	Nil	4,000	500.00
Women’s Health Care House		5,263.22	800	800
50 Piu’ FENACOM – Italian Pensioners Society	2,000	2,000	7,000	2,000
Sundry Donations	6,000	5,000	5,000	5,000
TOTAL			\$120786.00	\$63,300.00

Ad Hoc/Sundry Donations

In the 2002/2003 Budget \$5000.00 was allocated to cover sundry donations. It is recommended that an amount of \$5000.00 be allocated for sundry donations in the Draft 2003/2004 budget.

2003/2004 Draft Budget

An amount of \$63300.00 has been allocated for Community and Welfare Grants and Donations in the Draft Budget for 2003/2004.

COMMENTS:

As indicated by the number of applications received this year for Community and Welfare Grants, there are many not for profit organisations requiring assistance to provide key services to the Town's residents.

The Town recognises the valid requests for funding from all applicants, however in many cases the amount recommended is lower than that requested due to the limited funds available for grants. Priority has been given to funding those organisations to which the Town regularly makes referrals, and whose services directly or indirectly benefit a large number of the Town's residents and best reflect the needs of the local community.

Since the introduction of the Community and Welfare Donations the total amount of funding requested has increased as shown in the table below:

FINANCIAL YEAR	AMOUNT REQUESTED	AMOUNT DONATED
1996/1997	\$43,000.00	\$40,110.00
1997/1998	\$72,500.00	\$45,300.00
1998/1999	\$129,000.00	\$51,740.00
1999/2000	\$95,940.00	\$55,500.00
2000/2001	\$1,39507.00	\$55,000.00
2001/2002	\$1,28133.20	\$59,368.00
2002/2003	\$1,67172.00	\$63,700.00
2003/2004	\$1,20786.00	\$63,300.00

Regular Annual Grants

The Town supports the following organisations annually as it relies heavily upon them to take referrals from Community Development and other Town of Vincent Officers:

- Loftus Community Centre;
- People Who Care;
- Rosewood Care Group; and
- Volunteer Task Force.

It is recommended that the Council continue to support these groups at the recommended level of funding, as the Town would not be in a position to meet the level of funding required to provide these services itself.

Regular Annual Grants to Playgroups and Toy Libraries Located in the Town

Over the past few years the Town has received a number of applications for funding from playgroups and toy libraries located in the Town. While the Town recognises that playgroups and toy libraries provide an essential service to many families living in the Town, it has not always been possible to grant funding because the groups have asked for items which cannot be funded under the Community and Welfare Grants guidelines. A fair and equitable way to provide assistance to playgroups and toy libraries is to make a regular annual grant of a specified amount to each group to assist them with the cost of advertising and promotion. It is recommended that \$500 be allocated to each of 6 playgroups and 3 toy libraries located in the Town of Vincent in the 2003/2004 budget.

This money would be distributed to the following:

Toy Libraries: Noah's Ark Toy Library
Mount Hawthorn Toy Library
Leederville Toy Library

Playgroups: Highgate/Forrest Park Playgroup
North Perth Playgroup
Loftus Community Centre Playgroup
Mount Hawthorn Playgroup
Earlybirds Playgroup
St Hilda's Playgroup

Cr Doran-Wu returned to the Chamber at 6.37pm and was advised by Mayor Catania that Item 10.3.7 was carried (7-1).

Mayor Catania announced that Cr Franchina declared a proximity interest in Item 10.1.19. Cr Franchina departed the Chamber at 6.37pm. He did not speak or vote on the item.

10.1.19 No. 378 (Lot 2) Oxford Street, Mount Hawthorn - Proposed Change of Use from Office to Consulting Rooms

Ward:	North	Date:	2 May 2003
Precinct:	Mount Hawthorn Centre,P2	File Ref:	PRO2312; 00/33/1572
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 T Farrow on behalf of the owner J Ballato, for proposed change of use from office to consulting rooms at No.378 (Lot 2) Oxford Street, Mount Hawthorn, as shown on plans stamp-dated 3 April 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements, including the provision of toilet facilities and a car parking space for people with disabilities in accordance with the Building Code of Australia (BCA) and Disability Discrimination Act;*
- (ii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) a maximum of three (3) consulting rooms shall be used at the premises at any one time;*
- (v) hours of operation shall be restricted to the following times, 7am to 7pm Monday to Friday and 7am to 12pm on Saturday, inclusive;*
- (vi) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vii) this approval for consulting rooms is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*
- (viii) the use of the consulting rooms shall be restricted to occupational therapy only; and*

- (ix) *no massage activity of a commercial nature shall occur at the premises, unless it is directly related to the treatment of neuromusculoskeletal ailments;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Torre

A new clause (x) be added as follows:

- "(x) *Prior to the first occupation of the development, "the" practitioners operating at the property shall be formally qualified in the treatment of neuromusculoskeletal ailments, and details of the names and formal education qualifications(s) of the practitioners relating to neuromusculoskeletal ailments shall be submitted for approval by the Town.*"

AMENDMENT CARRIED (8-0)

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

MOTION AS AMENDED CARRIED (8-0)

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

COUNCIL DECISION ITEM 10.1.19

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by T Farrow on behalf of the owner J Ballato, for proposed change of use from office to consulting rooms at No.378 (Lot 2) Oxford Street, Mount Hawthorn, as shown on plans stamp-dated 3 April 2003, subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements, including the provision of toilet facilities and a car parking space for people with disabilities in accordance with the Building Code of Australia (BCA) and Disability Discrimination Act;*
- (ii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) *a maximum of three (3) consulting rooms shall be used at the premises at any one time;*

- (v) *hours of operation shall be restricted to the following times, 7am to 7pm Monday to Friday and 7am to 12pm on Saturday, inclusive;*
- (vi) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vii) *this approval for consulting rooms is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use;*
- (viii) *the use of the consulting rooms shall be restricted to occupational therapy only;*
- (ix) *no massage activity of a commercial nature shall occur at the premises, unless it is directly related to the treatment of neuromusculoskeletal ailments; and*
- (x) *prior to the first occupation of the development, "the" practitioners operating at the property shall be formally qualified in the treatment of neuromusculoskeletal ailments, and details of the names and formal education qualifications(s) of the practitioners relating to neuromusculoskeletal ailments shall be submitted for approval by the Town.*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: J Ballato
APPLICANT: T Farrow
ZONING: Metropolitan Region Scheme: Urban Town Planning Scheme
No.1: Commercial
EXISTING LAND USE: Office

COMPLIANCE:

Use Class	Consulting Rooms
Use Classification	"AA"
Lot Area	478 square metres

SITE HISTORY:

The site was previously used as an office. However, there is no Town record to readily confirm the formal approval of this use.

DETAILS:

The subject proposal involves a change of use from an office to consulting rooms in the commercial zoning. The consulting room use will involve providing diagnosis and treatment in neuromusculoskeletal problems.

The applicant submitted the following information to further explain the nature of the proposed use, qualifications and background.

"The centre will provide assessment, diagnosis and treatment of neuromusculoskeletal injuries through a multi variant diagnostic base.

The center will be a clinical placement for undergraduate education.

The center will provide ongoing undergraduate education.

The center will provide ongoing post graduate education.

The center will provide multi practitioner availability for clients. ...

Health Central is a group of treating practitioners who are dealing with an array of neuromusculoskeletal problems.

All practitioners at the Centre have been treating for many years and bring a wealth of experience in myofascial medicine to the clinic.

The senior practitioner has treated at 8 World Championships, has received many awards for excellence in treating including the Australian Sports Medal from the Queen on the year 2000 Honors List.

He has also been the immediate past president of the Occupational Therapy Association and has been a past member of the National Counsel.

He has also undertaken a multitude of post graduate courses throughout Australia since 1995."

CONSULTATION/ADVERTISING:

The proposal was advertised and no objection was received by the Town.

COMMENTS:

Consulting Rooms Use

The consulting rooms use is classified 'AA' in the commercial zone as per the Town's Town Planning Scheme No.1. The Scheme defines 'AA' as follows;

"means that the use is not permitted unless Council has exercised its discretion by granting planning approval."

In light of the details provided by the applicant and the recommended conditions to be applied, the proposed use is considered acceptable.

Structural Component

The proposed use is to be conducted in an existing building where no structural modifications are proposed to the building.

Parking

The Town's Policy relating to parking requires that three car parking bays per consulting room be provided on site. Three consulting rooms are proposed which, therefore requires nine car parking bays. There are nine car parking bays proposed on site.

Two pairs of tandem car parking bays are proposed, and will be allocated to staff. This leaves 5 single car parking bays for clients and visitors to utilise. In this instance, the proposed parking arrangement is considered acceptable and therefore supported.

Following an assessment of the proposal, the application is considered acceptable, subject to standard and appropriate conditions to address the above matters.

Cr Franchina returned to the Chamber at 6.41pm and was advised by Mayor Catania that Item 10.1.19 was carried (8-0) with an amendment.

10.4.2 Appointment of Council Delegates to Statutory Authorities, Committees and Advisory Groups

Ward:	-	Date:	6 May 2003
Precinct:	-	File Ref:	ORG0045, CVC0017, CMS0067, PRO0689, TES0334, ORG0064
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi		
Amended by:			

OFFICER RECOMMENDATION:

That the Council appoints BY AN ABSOLUTE MAJORITY delegates to the various Statutory Authorities, Committees and Advisory Groups as contained in Appendix 10.4.2, attached to this report.

COUNCIL DECISION ITEM 10.4.2

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Ker, Seconded Cr Lake

That the Proposed Deputies for the Leederville Gardens Inc. Board be as follows;

1. Cr Lake
2. Cr Ker
3. Cr Doran-Wu

CARRIED BY AN ABSOLUTE MAJORITY (9-0)

Moved Cr Ker, Seconded Cr Lake

That the Proposed Deputy for the Metropolitan Regional Recreation Advisory Committee be as follows;

1. Cr Doran-Wu

CARRIED BY AN ABSOLUTE MAJORITY (9-0)

Moved Cr Ker, Seconded Cr Chester

That the Proposed Deputy for Safer WA (Western Suburbs) be as follows;

1. Cr Lake

CARRIED BY AN ABSOLUTE MAJORITY (9-0)

Moved Cr Chester, Seconded Cr Ker

That the Proposed Deputy for Vincent Community Recreation Association Inc. be as follows;

1. Cr Farrell

CARRIED BY AN ABSOLUTE MAJORITY (9-0)

Moved Cr Lake, Seconded Cr Ker

That the Proposed Deputy for the Youth Council be as follows;

1. *Cr Chester*

CARRIED BY AN ABSOLUTE MAJORITY (9-0)

Moved Cr Ker, Seconded Cr Chester

That all other proposed Delegates and Deputies be confirmed as per the Draft document "Town of Vincent Proposed Appointments of Council Delegates to Statutory Authorities/Committees" as issued to the Mayor and Councillors at tonight's meeting.

CARRIED BY AN ABSOLUTE MAJORITY (9-0)

Moved Cr Ker, Seconded Cr Torre

That the Advisory Group nominations be for a term of 2 (two) years, and the members as shown on the circulated Draft document be approved.

CARRIED BY AN ABSOLUTE MAJORITY (9-0)

Moved Cr Lake, Seconded Cr Cohen

Expressed appreciation to Cr Franchina for his work on the Leederville Gardens Inc. Board and the Garden Awards and requested this be recorded in the minutes.

CARRIED (9-0)

Cr Cohen advised that the meeting dates of the Safer WA, for which she had been nominated, will clash with the meeting of the Seniors Advisory Groups, for which she had also been nominated.

Moved Cr Chester, Seconded Cr Lake

That it was agreed all nominations except the vacancy of Proposed Delegate for the Safer WA (Western Suburbs) were completed and it would be endeavoured to nominate the Delegate for the Safer WA (Western Suburbs) as soon as possible.

CARRIED BY AN ABSOLUTE MAJORITY (9-0)

The List of Delegates to Various Statutory Authorities/Committees and Advisory Groups is as follows;

LIST OF DELEGATES TO VARIOUS STATUTORY AUTHORITIES/COMMITTEES AND ADVISORY GROUPS							
OCCASIONAL COMMITTEES	Current Delegate	Deputy	Proposed Delegate	Proposed Deputy(s)	Meeting Time	Frequency	Duration
Audit Committee (Town of Vincent)	Mayor Cr Ker CEO EMCS	- - - -	1. <i>Mayor</i> 2. <i>Deputy Mayor</i> 3. CEO 4. EMCS	- - - -	TBA	1 per year	1-2 hours
Central Councils' Local Emergency Management Advisory Committee	Manager Law & Order Services	Senior Ranger	Manager Law & Order Services	Senior Ranger	3pm	1 st Thursday bi monthly	1-2 hours
Claisebrook Catchment Group Inc	Manager Parks Services	EMTS	Manager Park Services	EMTS	6pm	Monthly (usually on a Monday)	1-2 Hours
East Perth Redevelopment Authority Government Liaison Committee	CEO	Executive Manager	CEO	Executive Manager	8.30am	Monthly (Thursday)	2 Hours
Headquarters Youth Recreation, Cultural and Arts Association Inc "HQ"	Mayor EMCS	Cr Chester CEO	1. <i>Mayor</i> 2. EMCS	1. <i>Cr Chester</i> 2. CEO	4pm	Monthly 4th Thursday	1-2 hours
Leederville Gardens Inc. Board * Note 1	<i>Cr Drewett</i> Cr Franchina Cr Doran-Wu	Mayor Cr Chester <i>Cr Piper</i>	1. <i>Mayor</i> 2. <i>Cr Chester</i> 3. <i>Cr Farrell</i>	1. Cr Lake 2. Cr Ker 3. Cr Doran-Wu	4pm	2 Monthly (Tuesday)	<i>Approx</i> 1.5 hours
Local Government Association – Central Metropolitan Zone	Cr Ker CEO (voting member)	<i>Cr Hall</i> Executive Manager	1. <i>Cr Ker</i> 2. <i>Cr Farrell</i>	1. <i>CEO</i>	6.00pm	2 Monthly (Thursday)	<i>Approx</i> 1.5 to 2 hours
Local Government Road Safety Council (LGA Rep)	Cr Ker	-	1. <i>Cr Ker</i>	Nil			
Local Metropolitan Community Reference Committee – Adolescent and Child Support Service (ACSS) Residential Facility	Cr Doran-Wu	-	1. <i>Cr Doran-Wu</i>	Nil	TBA	2 Monthly	<i>Approx</i> 3 hours
Metropolitan Regional Recreation Advisory Committee (NMRRAC)	-	-	1. <i>Cr Torre</i>	1. Cr Doran-Wu	TBA	3 times per year	2-3 hours
Mindarie Regional Council	<i>Cr Drewett</i> CEO (non-voting)	Mayor	1. <i>Mayor</i> 2. CEO (non-voting)	1. <i>Cr Ker</i> 2. CEO (non-voting)	4.30pm	3 rd Thursday of month	<i>Approx</i> 30 mins to 1 hour
Mindarie – Strategic Planning	EMTS	CEO	EMTS	CEO	8.30am	4 th Friday of month	
Mindarie – Technical Committee	EMTS	CEO	EMTS	CEO	8.30am	First Friday of month	
North West District Planning Committee	<i>Cr Hall</i>	Mgr Planning &	1. <i>Cr Chester</i>	1. <i>Cr Ker</i>	8.30am	Bi-monthly	<i>Approx</i> 1

LIST OF DELEGATES TO VARIOUS STATUTORY AUTHORITIES/COMMITTEES AND ADVISORY GROUPS							
OCCASIONAL COMMITTEES	Current Delegate	Deputy	Proposed Delegate	Proposed Deputy(s)	Meeting Time	Frequency	Duration
* Note 2	EMEDS (non-voting)	Building Services	2. EMEDS (non-voting)	2. Mgr Pln & Bld Svc		(Thursday)	½ hours
North Perth Migrant Resource Centre Multicultural House Committee	CEO	Executive Manager	CEO	Executive Manager		3 times a year	1-2 hours
North West Metropolitan Road Sub-Group	EMTS	Mgr Engineering Design Services	EMTS	Mgr Engineering Design Services	To be advised	Annually	Approx 2-3 hours
Safer WA (Western Suburbs)	<i>Cr Piper</i>	Cr Doran-Wu ML&OS Safer Vincent Co-ordinator	1. <i>tba</i>	1. Cr Lake 2. Mgr Law & Order Services 3. Safer Vincent Co-ordinator	5.30pm	Monthly (2 nd Wednesday)	Approx 2 hours
Swan Catchment Council (WAMA Rep)	Mgr Services Parks	-	Mgr Park Services	-	9.30am	Monthly - 3 RD Wednesday	3 ½ hours
Swan River Trust (only matters relating to Town of Vincent)	Cr Cohen	<i>Cr Piper</i>	1. <i>Cr Ker</i>	1. <i>Cr Cohen</i>	To be advised	To be advised	
Tamala Park - CEO's Working Group			<i>CEO</i>	-	9.30am	Monthly Monday	Approx 1 hour
Vincent Community Recreation Association Inc.	<i>Cr Hall</i> CEO EMCS	Cr Ker	1. <i>Cr Lake</i> 2. CEO 3. EMCS	1. Cr Farrell	8.00am or 9.00am	Bi-Monthly (3 rd or 4 th Wednesday)	Approx 1 hour
Vulnerable Road Users Taskforce (WAMA Rep)	Cr Ker	-	Cr Ker	-	TBA	TBA	TBA
WA Analytical Committee (WAMA Rep) (*Note 2)	EMEDS	-	EMEDS	-	10.30am	3 monthly – 1st Friday, (i.e. June/Sept/Dec 2000)	Approx 2 hours
Youth Council	<i>Cr Drewett</i>	<i>Cr Piper</i>	1. <i>Cr Torre</i>	1. Cr Chester	TBA	TBA	TBA

*Note (1) The Constitution of Leederville Gardens Inc provides for the Town of Vincent to nominate 3 persons to the Board of Management. Appointees need not be elected Members of Council.

*Note (2) Ministerial Appointment - Appropriate Council Officers to also attend as required.

BACKGROUND:

As a part of the Council's role in governing for the Town, Elected Members and/or Council Officers represent the Council on a wide range of Statutory Authorities, Committees and Advisory Groups.

These are shown in the attached Appendix and it is necessary that the Council determine its delegates these.

10.4.6 Information Bulletin

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

RECOMMENDATION:

That the Information Bulletin dated 13 May 2003, as distributed with the Agenda, be received.

Moved Cr Ker, Seconded Cr Doran-Wu

That the following amended recommendation be adopted.

AMENDED RECOMMENDATION:

Amend the previous recommendation and add a new clause (ii) as follows:

"That;

- (i) the Information Bulletin dated 13 May 2003, as distributed with the Agenda, be received; and*
- (ii) the Council;*
 - (a) whilst acknowledging the substantial improvements from the original Green Bill, expresses its continuing concern that the model of regulation incorporated in the Bill has been found ineffective elsewhere;*
 - (b) notes the following matters that are still of particular concern in the current Bill:*
 - (1) the ability of the State Government to make regulations to specify places where street prostitution and soliciting are not illegal (S208 (2)(a)) with no requirement to consult with affected local governments or local communities;*
 - (2) the process for licensing of existing brothels (Schedule 3) which requires the Board to 'liaise with the local government of the district' on a range of matters but without any right of appeal by the local government against a decision of the Board; and*
 - (3) the fact that the Minister for Police, in her second reading speech on the Bill, makes no mention of local government being consulted or having any role in the development of regulations other than those relating to planning controls;*
 - (c) communicates the matters in (ii) (a) and (b) above to the Western Australian Local Government Association for inclusion in its further position paper; and*
 - (d) requests the Chief Executive Officer to submit a further report on the new Prostitution Control Bill 2003 to the Ordinary Meeting of Council to be held on 27 May 2003."*

CARRIED (9-0)

COUNCIL DECISION ITEM 10.4.6

That;

- (i) *the Information Bulletin dated 13 May 2003, as distributed with the Agenda, be received; and*
- (ii) *the Council;*
 - (a) *whilst acknowledging the substantial improvements from the original Green Bill, expresses its continuing concern that the model of regulation incorporated in the Bill has been found ineffective elsewhere;*
 - (b) *notes the following matters that are still of particular concern in the current Bill:*
 - (1) *the ability of the State Government to make regulations to specify places where street prostitution and soliciting are not illegal (S208 (2)(a)) with no requirement to consult with affected local governments or local communities;*
 - (2) *the process for licensing of existing brothels (Schedule 3) which requires the Board to 'liaise with the local government of the district' on a range of matters but without any right of appeal by the local government against a decision of the Board; and*
 - (3) *the fact that the Minister for Police, in her second reading speech on the Bill, makes no mention of local government being consulted or having any role in the development of regulations other than those relating to planning controls;*
 - (c) *communicates the matters in (ii) (a) and (b) above to the Western Australian Local Government Association for inclusion in its further position paper; and*
 - (d) *requests the Chief Executive Officer to submit a further report on the new Prostitution Control Bill 2003 to the Ordinary Meeting of Council to be held on 27 May 2003.*

DETAILS:

The items included in the Information Bulletin dated 13 May 2003 are as follows:

ITEM	DESCRIPTION
IB01	Acknowledgement letter from the Office of the Minister for Planning and Infrastructure - Town of Vincent Town Planning Scheme No. 1 Amendment No. 11 - rezoning the land contained in the "Eton - Locality Plan 7"
IB02	Rangers' Statistics for January, February and March 2003
IB03	Western Australian Local Government Association Info Page - Proposed Prostitution Control Bill 2003
IB04	Western Australian Local Government Association - Proposal for a Local Government Disciplinary Tribunal - Bulletin No 2 - April 2003
IB05	Western Australian Electoral Commission - Town of Vincent Council Elections - 3 May 2003

10.1.12 No. 53 (Lot 21) Redfern Street, North Perth - Proposed Alterations, Additions and Carport to and Partial Demolition of the Existing Single House

Ward:	North	Date:	5 May 2003
Precinct:	North Perth, P8	File Ref:	PRO 2303; 00/33/1558
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 I Kirkady on behalf of the owner C Hagarty for proposed alterations, additions and carport to and partial demolition of the existing single house at No. 53 (Lot 21) Redfern Street, North Perth, and as shown on plans stamp-dated 28 March 2003, subject to:

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

(a) *the natural ground levels of the site for the areas adjacent to the living room, kitchen and decking space;*

(b) *the proposed finished floor levels in relation to the natural ground levels for the living room, kitchen and decking space; and*

(c) *to protect the reasonable privacy of the adjacent residents;*

(i) *the southern facing living room windows;*

(ii) *the western elevation of the deck; and*

(iii) *any portion of the southern elevation of the deck that has a finished floor level greater than 0.5 metre above natural ground level, which is closer to the eastern and western side boundaries than 7.5 metres;*

being screened with a permanent obscured material and to be non-openable to a minimum height 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;

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) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted);*

- (iv) *no part of the roof, including gutters (other than metal beams) shall be setback nearer than 500 millimetres from the western boundary, and any columns within this setback shall be constructed from brick and/or metal not more than 350 millimetres in width or breadth;*
- (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 visual truncation of 2 metres by 2 metres at the intersection of the driveway and footpath shall be provided at the owner's cost;*
- (vii) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (viii) *the construction of crossovers shall be 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) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application; 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 Chester, Seconded Cr Ker

That the following recommendation be adopted.

AMENDED RECOMMENDATION:

Add the following new clause (xii) to the previous recommendation:

- "(xii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates along and within the front setback area of Redfern 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;"*

Moved Cr Lake, Seconded Cr Chester

Amend clause (i)(c) by inserting the words "OR, alternative screening may be provided by planting mature vegetation to a suitable height." after the words "to a maximum of 20 degrees" as follows;

- "(i) (c) to protect the reasonable privacy of the adjacent residents;*
- (i) the southern facing living room windows;*
- (ii) the western elevation of the deck; and*
- (iii) any portion of the southern elevation of the deck that has a finished floor level greater than 0.5 metre above natural ground level, which is closer to the eastern and western side boundaries than 7.5 metres;*

being screened with a permanent obscured material and to be non-openable to a minimum height 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, alternative screening may be provided by planting mature vegetation to a suitable height."

CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.12

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 I Kirkady on behalf of the owner C Hagarty for proposed alterations, additions and carport to and partial demolition of the existing single house at No. 53 (Lot 21) Redfern Street, North Perth, and as shown on plans stamp-dated 28 March 2003, subject to:

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the natural ground levels of the site for the areas adjacent to the living room, kitchen and decking space;*
 - (b) the proposed finished floor levels in relation to the natural ground levels for the living room, kitchen and decking space; and*
 - (c) to protect the reasonable privacy of the adjacent residents;*
 - (i) the southern facing living room windows;*
 - (ii) the western elevation of the deck; and*

- (iii) *any portion of the southern elevation of the deck that has a finished floor level greater than 0.5 metre above natural ground level, which is closer to the eastern and western side boundaries than 7.5 metres;*

being screened with a permanent obscured material and to be non-openable to a minimum height 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, alternative screening may be provided by planting mature vegetation to a suitable height.

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) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted);*
- (iv) *no part of the roof, including gutters (other than metal beams) shall be setback nearer than 500 millimetres from the western boundary, and any columns within this setback shall be constructed from brick and/or metal not more than 350 millimetres in width or breadth;*
- (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 visual truncation of 2 metres by 2 metres at the intersection of the driveway and footpath shall be provided at the owner's cost;*
- (vii) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (viii) *the construction of crossovers shall be 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) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*

- (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); and*
- (xii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates along and within the front setback area of Redfern 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;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: C Hagarty
APPLICANT: I Kirkady
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R30/40 (R30 applies for the proposal)
EXISTING LAND USE: Single House
COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	481 square metres

Requirement	Required	Proposed
SETBACKS		
Carport		
Front setback	4.0 metres	Nil
Western side setback	1.0 metre	Nil
Extension		
Eastern side setback	3.8 metres	0.9 metre
Western side setback	3.8 metres	Minimum 1.07 metres
Wall Height		
Roof above	3.0 metres	Maximum 3.3 metres
Concealed roof	4.0 metres	Maximum 5.2 metres
Cone of Vision (based on finished floor levels greater than 0.5 metre above natural ground level)		
Living room northern window	6.0 metres	1.8 metres
Living room southern windows	6.0 metres	3.5 metres
Deck - Western side	7.5 metres	6.0 metres
Car Parking	To be accessed off the existing right of way	Proposed access from the gazetted road

SITE HISTORY:

The site currently supports a single storey single house.

DETAILS:

The applicant seeks to undertake alterations and additions to the residence to accommodate "single storey" additions, inclusive of a carport addition within the front setback area. The proposal involves partial demolition.

CONSULTATION/ADVERTISING:

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

COMMENTS:

Demolition

The Town's Heritage Officer advised that the property is not listed on the Town of Vincent Municipal Heritage Inventory. As such, the proposal is subject to general Town Planning Scheme provisions and Policies, thereby raising no objection to the proposed demolition works.

Setbacks Carport

Front Setback

The Residential Design Codes (R Codes) permits carports to be located within the street setback area where it does not constitute more than 50 per cent of the width of the frontage of the property at the point of the building line. In this instance, the carport's width represents 49.2 per cent of this frontage and is therefore compliant with the requirements. In addition, the carport is of an open design that allows unobstructed views of the dwelling. On this basis, the carport located within the setback area is considered suitable.

Western Side Setback

The R Codes generally require a 1.0 metre setback for the proposal from the side boundary. In this instance, the applicant is seeking a relaxation to a nil setback. The reduced setback to accommodate the posts of the proposed carport are not considered to have any undue effect on the neighbouring property and on this basis, the relaxation is considered suitable.

Extension

The applicant seeks to reconfigure the internal layout of the existing toilet, kitchen and bathroom facilities, which involves the alteration of the existing roof design. In addition, a further extension of a living area and outdoor deck is proposed. This proposal involves the demolition of an external toilet and laundry structure located on the eastern side of the property. As part of the application it is intended to continue the existing raised finished floor level (FFL) of the residence within the proposed extensions. It is applicable to note that there is a significant change in levels over the site in an east to west direction. The FFL on the eastern side of the residence is only approximately 0.4 metre above natural ground level (NGL) whereas on the western side this FFL increases to 1.1 metres above NGL.

Eastern Side Setback

The R Codes would require the eastern setback to be 3.8 metres from the boundary based on the length and height of the wall, and the fact that it incorporates major openings. The applicant seeks a continuation of the existing setback onsite, that being 0.9 metre from the boundary. The Town's Policy relating to 'Local Character' promotes additions and alterations continuing the existing side setbacks in order to provide for a seamless extension.

The extension of 8.5 metres at ground level is not considered to have any undue impact on the neighbouring property inclusive of no overlooking or undue overshadowing being created. As such on this basis, the reduced setback is considered suitable.

Western Side Setback

Again the R Codes would require a 4.4 metres setback to this boundary, with the applicant proposing a minimum setback of 1.07 metres for a portion of the extension. This reduced setback is only to accommodate the living area, which is 5.1 metres in length. In addition, the existing setback of the dwelling is less than that required under the Codes. It is considered this living room wall will not cause undue harm on the neighbouring property under the considerations of overshadowing, bulk and scale and amenity. Furthermore, the configuration of the extension in this location allows the applicant to preserve their rear yard. On this basis, the relaxation is considered suitable.

Wall Height

The proposed reconfiguration of the rear of the dwelling to accommodate the revised bathroom, laundry and ensuite also proposes to alter the existing roof design from a pitched frame to a concealed roof. This concealed roof element is continued for the living room and kitchen extension. The R Codes permit a wall height of 4.0 metres when utilising a concealed roof, and in this instance the applicant seeks a maximum height of 5.2 metres. This additional height is contributed to by the fact that the existing residence has a significant raised FFL of 1.1 metres above natural ground level as addressed above.

In addition, the additional wall height allows the applicant to have highlight windows on the north facing elevation for the living room/kitchen, which are depicted in the drawings as 'Section B'. As there are no external opening from the side elevations of the living room/kitchen structure, it is considered that the lesser setbacks proposed, coupled with the increased wall height, will not have a significant effect on the neighbours. There will be no overshadowing cast by the proposal as identified above, and no further undue effects are foreseen by the raised height. Furthermore, the neighbours did not object within the consultation period. On this basis, the variation is considered acceptable.

Cone of Vision

A number of overlooking concerns result from the proposed extensions sought by the applicant. These concerns are contributed to as a result of the due continuation of the raised FFL's within the residence. From the rear elevation, it is evident that a portion of the residence has a FFL of less than 0.5 metre above NGL, generally located on the eastern side of the proposal, and a portion has a FFL of greater than 0.5 metre above NGL, which is generally on the western side. As such, due to the sloping nature of the ground levels, it is necessary to take the following overlooking concerns into account.

The position of the north facing living room window is such that it is located in approximately the middle of the lot, thus providing ample opportunity to overlook the western neighbour. In accordance with the provisions of the R Codes, it is considered screening should be applied to this window to prevent overlooking to this western neighbour.

To the rear the living room windows and a portion of the deck will have a FFL greater than 0.5 metre above NGL. As such, it is considered that these elements will cause overlooking concerns. The affected living room windows only achieve a setback of 3.5 metres to the western boundary and the deck is only 6.0 metres from this western boundary. In order to address the overlooking issues, the west elevation of the deck should be screened, as should the living room windows to prevent undue overlooking to the western neighbour in light of the fact that this property has a lower ground level than the subject lot.

Because the remainder of the deck is at the existing floor level of the residence, it is considered that overlooking will not occur in an easterly direction as this FFL is consistent with the adjacent development.

Car Parking

Generally the Town's Policies relating to Vehicular Access and Street Setbacks requires that access be provided from a right of way (ROW) where one exists. However, a survey of Redfern Street clearly demonstrates that this requirement has been widely varied in approving numerous carport and garage structures, which are located within the front setback and/or integrated with the dwellings, most often at a lesser setback than prescribed by the R Codes. This survey revealed that there were eight (8) examples of dwellings serviced with open carports located in the front setback area, three (3) examples of dwellings serviced with carports integrated with the dwelling at the building line, and fourteen (14) examples of garage structures which were either integrated in design with the dwelling and/or located forward of the dwelling. This survey applied to both the northern and southern side of Redfern Street. On this basis, there is strong precedent to continue to allow a relaxation of the Town's Policies and to permit car parking to be located off the gazetted road. On this basis, the proposal can be supported.

Conclusion

Taking into account the above, and the suggested conditions to address the relevant non-compliance issues, 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.

10.2.1 Mindarie Regional Council – Secondary Waste Treatment Planning Progress Report No. 3

Ward:	N/A	Date:	2 May 2003
Precinct:	N/A	File Ref:	ENS0016
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. 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.*

COUNCIL DECISION ITEM 10.2.1

Cr Chester departed the Chamber at 7.03pm.

Moved Cr Torre , Seconded Cr Lake

That the recommendation be adopted.

CARRIED (8-0)

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

BACKGROUND:

At the Ordinary Meeting of Council held on 19 November 2002, 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 2;*
- (ii) *notes the activities planned by the Mindarie Regional Council for November 2002 as outlined in Information Bulletin No 2 contained in the report; and*
- (iii) *notes that further reports will be submitted on the Mindarie Regional Council's Secondary Waste Secondary Waste Treatment Planning and associated issues as matters are further progressed.”*

At the MRC's Ordinary Meeting held on 17 April 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 9.2.4 - Secondary Treatment within WA - Progress Report
- Item 9.2.5 - Secondary Waste Treatment Facility - Project Progress Report
- Item 9.2.6 – Secondary Waste Treatment Site Selection

The following report is in line with clause (iii) of the TOV Council's resolution (OMC 19 November 2002).

DETAILS:

Regional Waste Management Plan (Item 9.2.2)

Progress against particular strategies has been as follows:

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. 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:

Completion of a tender exercise for an initial phase of final capping within the southern cells of the stage one landfill. A separate item on this matter is contained in this agenda.

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 Landfill

Liaison with the Department of Environmental Protection Water and Rivers Commission (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 the town 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 resolution in December 2002, invited land owner Councils to consider a proposal to purchase some Lot 118 land. This consideration is in progress

- Diversion of Class 1

Diversion of Class 1 (inert waste) is continuing. Customers 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

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 owner Councils on 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 Tamak Park and the introduction of Secondary Waste Treatment to the region.

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 9.2.4)

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.

Southern Metropolitan Regional Council Projects

The Southern Metropolitan Regional Council has progressed contracts for work associated with the establishment of a Regional Waste Management Park located at Canning vale. This Council has 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 Global Olivine group has obtained environmental approval for the establishment of a facility at Kwinana. The Town of Kwinana has resolved to dispose of waste at the proposed Global Olivine facility, if built.

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.

A number of projects are occurring within Western Australia with regard to the progress towards resource recovery, as an alternative to landfill. Council 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 (9.2.5)

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:

Brightstar Environmental

Waste to Energy via Gasification

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)

- 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

The proposed SWTF project programme is as follows:

	Task	Start	End
1	Community Consultation	July 02	February 03
2	Site Selection		February 03
3	Environmental Approvals	August 02	September 03
4	Prepare tender documents	October 03	November 03
5	Contractors prepare tenders	November 03	January 04
6	Evaluate tenders	January 04	February 04
7	Negotiate with successful tenderer	February 04	March 04
8	Complete land transaction	March 04	April 04
9	Development Application/ Works Approval	March 04	April 04
10	Design and Construction of Facility	May 04	June 05
11	Facility Commissioned	June 05	September 05

Progress Report

Key activities since February 2003 have been as follows:

- Community Engagement with various groups is continuing on technology
- Liaison with the Department of Environmental Protection (DEP) 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

Community Engagement

The Council'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 Council administration, and external consultants, including representatives from BSD/Meinhardt Joint Venture.

Key activities conducted in February 2003 – March 2003 were as follows:

- Liaison with community groups in order to both provide information on the project and to obtain information on community views
- The distribution of educational material, promoted by community representatives Shane Gould and Verity Flugge, across the region
- The formation of a Community Engagement Advisory Group (CEAG)

SWTF WG Meetings

The SWTF WG has met as follows:

- 24 February 2003
- 31 March 2003

Meeting notes have been distributed to all Mindarie Regional Council Councillors, Chief Executive Officers of member Councils and key staff via email

Participation Agreement

The Chief Executive Officer of the 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.

Concept of Resource Recovery Park

The SWTF WG supported this concept in principle

Consultant Report Card

The MRC agreed a model for a consultant report card at its December meeting.

Both the SWTF WG and The Technical Working Group (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 a Community Focus 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)
- Progress of an appropriate level of health impact assessment, to be determined after discussion with Health Department of WA

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.”

Secondary Treatment Planning – Site Selection (9.2.6)

The MRC previously resolved as follows:

“That Council:

- (i) Receive the BSD Consultant/Meinhardt Joint Venture report with respect to the selection of a site for the establishment of a resource recovery facility within the region*
- (ii) Note that report, prepared by consultants Synnott/Mulholland, at Attachment Two to this Item, which provides information on feedback to the site selection report*
- (iii) Note a petition containing 2110 signatures which states “We the Electors of the City of Wanneroo respectfully present this petition signifying that the waste treatment facility, proposed to be located within Lot 4 Flynn Drive Industrial Park, Neerabup is not acceptable and that the Mindarie Regional Council select an alternative site”*
- (iv) Note correspondence from the City of Wanneroo, dated 18 December 2002, and the associated Resolution namely “that Council advise the Mindarie Regional Council that the City of Wanneroo would strongly suggest that they select the technology for the secondary waste treatment prior to making an offer to purchase a suitable site”*
- (v) Initiate the purchase process of 10 hectares of land within the northern section of the Neerabup Industrial Estate, commencing with negotiations with the City of Wanneroo, and Land Corp, for the purchase of a site from their existing land holdings*
- (vi) Negotiates either an option to purchase or a conditional purchase for the site, with the final purchase being conditional on the MRC obtaining environmental and Town Planning approvals for a resource recovery facility on this site*
- (vii) Delegate authority to a group consisting of Chairman, Deputy Chairman, Chair SWTF WG and Chief Executive Officer with respect to these matters described at (v) and (vi) including selection of a preferred site and vendor subject to Council approval at a later meeting*
- (viii) Authorise the commencement of administrative action, in accordance with the Local Government Act 1995, for a major land transaction*
- (ix) Approve the plan to establish Community Engagement Advisory Group*
- (x) Endorse the continuation of community engagement to determine community attitude to technologies for waste processing.”*

The MRC administration, in conjunction with the appointed project team, has conducted further work, in terms of initiation of the purchase process for 10 hectares of land in the Neerabup area. Details of this work are provided in this report.

Methodology

The methodology thus far has been as follows:

- Establishment, with City of Wanneroo, of the infrastructure requirements for the proposed facility
- Communication, with potential vendors – City of Wanneroo and Land Corp – on the issue of purchase conditions

- Receipt of feedback from both of these organisations

City of Wanneroo Response

The City of Wanneroo response is attached. Key points to note are as follows:

- The proposed land for purchase is currently not on the market
- An offer to purchase would be considered subject to
 - final technology selection
 - comprehensive public consultation following technology selection

The disadvantage to Mindarie Regional Council in this position is that no degree of certainty on land availability would exist prior to tender. Subsequent negotiations with Wanneroo may result in a modification to their current position.

Land Corp Response

Various discussions have been held with Land Corp, the most recent being Monday 7 April 2003.

Key outcomes from this meeting is as follows:

- Land Corp has suitable and available land for such a facility at Neerabup
- Land Corp would be prepared to enter into an appropriate transaction with MRC for the purchase of approx 10 ha of land in the Neerabup Industrial Estate when certain conditions are in place
- These conditions are as follows:
 - That the tender package, described as the tender specification and evaluation model, has been endorsed by the appropriate regulatory authorities as well as the community within the region
 - That all appropriate approvals have been obtained from the relevant State agencies, including DEWCP and EPA
- That the site under discussion ie Lot 1002 Pederick Road Neerabup, will be embargoed from consideration for sale to other purchasers until the MRC discussions have been concluded.
- That the following further issues be resolved prior to the conclusion of any transaction:
 - The proposed division of infrastructure responsibilities between Land Corp, MRC and City of Wanneroo
 - The responsibility for meeting the cost of providing temporary services, if required, and local town planning scheme contributions
 - The final size and shape of the lot
 - Detailed sale conditions including potential price

This position is a satisfactory one from the Mindarie Regional Council's standpoint, given that the confirmation of site can occur prior to the tender exercise

Business Plan

A draft Business Plan for a major land transaction is attached for the MRC consideration. ???

The SWTF WG met on 31 March 2003 and developed three potential scenarios, and associated strategies, in terms of Recommendation to Council.

Potential scenarios and associated proposed strategies identified were as follows:

- Scenario One (Strategy)
 - Wanneroo response more favourable than Land Corp response
(Mindarie Regional Council to continue negotiation with Wanneroo as Priority One, Land Corp as Priority Two)
- Scenario Two (Strategy)
 - Wanneroo and Land Corp responses equally favourable
(Mindarie Regional Council to continue negotiations with both parties)
- Scenario Three (Strategy)
 - Land Corp response more favourable than Wanneroo response
(Mindarie Regional Council to negotiate with Land Corp as Priority One, Wanneroo as Priority Two)

The positions of both Land Corp and City of Wanneroo are described in this report.

On the basis of these positions, it is recommended that the MRC pursue further negotiations with both Land Corp, and Wanneroo. This is on the basis that potential still exists to transact with either party, and the competitive situation between vendors is likely to continue to be in Mindarie Regional Council's favour.

The following resolution was subsequently adopted by the MRC:

“That Council:

- (i) endorse the draft Business Plan for advertisement; and*
- (ii) approve a negotiating group, as amended, consisting of Chairman, Chair SWTF WG, Cr Vallelonga and Chief Executive Officer(MRC) to progress the purchase of 10 hectares of land in Neerabup Industrial Estate, via discussion with Land Corp and City of Wanneroo including selection of preferred site and vendor, subject to Council approval at a later meeting.”*

CONSULTATION/ADVERTISING:

N/A

STRATEGIC IMPLICATIONS:

It is too early to predict the strategic implication for the Town's strategic plan, but this would probably fall in the general category in the Town's Draft Strategic Plan 2000-2002 - Key Result Area 3.4(a) *"Develop a waste management strategy that has positive environmental and financial 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 3 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.

Cr Chester returned to the Chamber at 7.04pm.

Mayor Catania requested that the Public Gallery keep quiet.

There was interjection from Ms Kate Hall in the Public Gallery and Mayor Catania requested her to remain quiet or to leave the Public Gallery. Interjections continued and Mayor Catania suggested the Meeting adjourn for five (5) minutes.

Moved Cr Ker, Seconded Cr Chester

That the meeting be adjourned for five (5) minutes at 7.05pm.

CARRIED (8-1)

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

At 7.12pm, Mayor Catania reconvened the meeting.

Present:

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Caroline Cohen	South Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell	North Ward
Cr Basil Franchina	North Ward
Cr Ian Ker	Deputy Mayor - South Ward
Cr Sally Lake	South Ward
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
Jenny D'Anger	Journalist – Voice News
Lisa Calautti	Journalist – Guardian Express
Leith Paganoni	Journalist - The West Australian

Approximately 20 Members of the Public, including 3 children

10.1.10 Nos. 244-260 (Lots W105, 23, 1, 2, 3, 21 & 20) Beaufort Street and Nos. 209 - 219 (Lots W105, 22, 5, 6, W 107 & 123) Stirling Street, Perth - Proposed Lofts and Minor Variations to Stage One of Approved Demolition of Existing Showroom/Warehouse Buildings and Construction of Four-Storey Mixed Use Development, Including One Hundred and Thirty-Six (136) (Including 48 Single Bedroom) Multiple Dwellings, One (1) Local Shop, Nine (9) Offices and Ancillary Facilities

Ward:	North	Date:	8 May 2003
Precinct:	Beaufort, P13	File Ref:	PRO1682; 00/33/1262
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 BY AN ABSOLUTE MAJORITY the application submitted by Pindan Property Group on behalf of the owners Arcadia Asset Pty Ltd for proposed lofts and minor variations to stage one of approved demolition of existing showroom/warehouse buildings and construction of a four-storey mixed use development, including one hundred and thirty-six (136) (including 48 single bedroom) multiple dwellings , one (1) local shop, nine (9) offices and ancillary facilities on Nos.244-260 (Lots W105, 23, 1, 2, 3, 21 & 20) Beaufort Street and Nos. 209-219 (Lots W105, 22, 5, 6, W107 & 123) Stirling Street, Perth as shown on the plans stamp-dated 6 May 2003, subject to:

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) significant design features to the electrical substation, stairwell, bin store and storage areas to reduce the visual impact on Stirling Street and Beaufort Street;*
 - (b) the main entries to the buildings along Beaufort and Stirling Streets being treated with architectural design features/materials/colours, not increasing its height, which provides a more formal entry statement and landmark aspect;*
 - (c) the proposed balconies to Beaufort and Stirling Streets having minimum dimensions of two metres; and*
 - (d) the provision of continuous awnings along Beaufort Street;*
- (ii) the office tenancies adjacent to Beaufort Street shall be limited to a maximum gross floor area of 560 square metres. The commercial tenancies adjacent to Stirling Street shall be limited to the following maximum gross floor areas, local shop - 210 square metres and office 90 square metres;*
- (iii) doors and windows and adjacent floor areas fronting Beaufort and Stirling Streets shall maintain an active and interactive relationship with these streets;*

- (iv) *the "proposed deli/cafe" shall be utilised as a local shop only. Any further change of use requires the submission and approval of a planning application to the Town prior to the commencement of such use;*
- (v) *the support of the Department for Planning and Infrastructure, Western Australian Planning Commission and/or Main Roads Western Australia, and compliance with its comments and conditions at the applicant(s)/owner(s)' full expense;*
- (vi) *the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*
 - (a) *they may be subject to activities, traffic, car parking and/or noise not normally associated with a typical residential development; and*
 - (b) *they should recognise and accept that in selecting to reside in this locality that noise, traffic, car parking and other factors that constitute part of normal commercial and other non-residential activities are likely to occur, which are not normally associated with a typical residential development;*
- (vii) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications, dimensions and manoeuvring area specified in accordance with the Town's Policy - "Parking and Access" and Australian Standards AS2890.1 - 'Off Street Parking', and disabled access bays shall be marked and provided as per ACROD standards;*
- (viii) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (ix) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (x) *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;*
- (xi) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$35,000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xiii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*

- (xiv) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xv) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Stirling Street and Beaufort Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (xvi) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xvii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xviii) *an archival documented record of the place (including detailed photographs prior to and after works to the building, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xix) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$130,000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xx) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xxi) *the Town accepts no liability for the cost of relocating any services that may be required as a consequence of this development. The applicant/owner(s) shall ensure that all services are identified prior to submitting a Building Licence application and that the cost of any service relocations is to be borne by the applicant/owner(s);*

-
- (xxii) *the construction of crossovers shall be in accordance with the Town's specifications, and speed humps shall be provided at entry/exits to Beaufort and Stirling Street;*
- (xxiii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xxiv) *subject to first obtaining the consent of the owners of Nos.199-203 (Lot 50) Stirling Street and Nos.286-288 (Lot W111) Beaufort 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.199-203 (Lot 50) Stirling Street and Nos.286-288 (Lot W111) Beaufort Street in a good and clean condition;*
- (xxv) *compliance with all relevant Environmental Health, Engineering and Building requirements, including pool regulations;*
- (xxvi) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Beaufort Street and Stirling Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xxvii) *prior to the first occupation of the development, the following requirements for people with disabilities shall be addressed:*
- (a) *level access into the eating house and to the end of trip facilities;*
 - (b) *any new or altered entrances to the building having a minimum doorway width of 850 millimetres in accordance with Australian Standards (AS) 1428.2; and*
 - (c) *commercial reception/pay counters in accordance with AS 1428.2 - clause 24;*
- (xxviii) *the undergrounding of power and overhead cable services, and the installation of new embayed car parking (on the Stirling Street verge), footpaths, brick paving, kerbing, lighting, landscaping, lawn, reticulation and mature trees at a minimum height of 3 metres, on the Beaufort Street and Stirling Street verges directly adjacent to the subject land, at the full cost of the owner(s)/applicant(s). A detailed streetscape upgrading plan for the Beaufort Street and Stirling Street verges directly adjacent to the subject land, including these works and a schedule of plant species, 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);*
- (xxix) *if applicable, prior to the issue of a Building Licence, the written approval of the Minister for Lands and/or the Western Australian Planning Commission, whichever is applicable, for the encroachment of any structure(s) over the adjacent Crown land, including roads, shall be obtained and submitted to and approved by the Town;*

(xxx) *prior to the issue of a Building Licence a Construction Staging Plan shall be submitted to and approved by the Town, indicating the staging of the development and all major construction works associated with each stage, with particular reference to the planning conditions that are required to be complied with 'prior to the first occupation of the development; and*

(xxxi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Chester; Seconded Cr Ker

That the following amended recommendation be adopted.

AMENDED RECOMMENDATION:

Add the following new clause (xxxii) to the previous recommendation:

"(xxxii) street trees on Stirling Street shall 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);"

CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.10

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Pindan Property Group on behalf of the owners Arcadia Asset Pty Ltd for proposed lofts and minor variations to stage one of approved demolition of existing showroom/warehouse buildings and construction of a four-storey mixed use development, including one hundred and thirty-six (136) (including 48 single bedroom) multiple dwellings, one (1) local shop, nine (9) offices and ancillary facilities on Nos.244-260 (Lots W105, 23, 1, 2, 3, 21 & 20) Beaufort Street and Nos. 209-219 (Lots W105, 22, 5, 6, W107 & 123) Stirling Street, Perth as shown on the plans stamp-dated 6 May 2003, subject to:

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *significant design features to the electrical substation, stairwell, bin store and storage areas to reduce the visual impact on Stirling Street and Beaufort Street;*
 - (b) *the main entries to the buildings along Beaufort and Stirling Streets being treated with architectural design features/materials/colours, not increasing its height, which provides a more formal entry statement and landmark aspect;*
 - (c) *the proposed balconies to Beaufort and Stirling Streets having minimum dimensions of two metres; and*
 - (d) *the provision of continuous awnings along Beaufort Street;*

- (ii) *the office tenancies adjacent to Beaufort Street shall be limited to a maximum gross floor area of 560 square metres. The commercial tenancies adjacent to Stirling Street shall be limited to the following maximum gross floor areas, local shop - 210 square metres and office 90 square metres;*
- (iii) *doors and windows and adjacent floor areas fronting Beaufort and Stirling Streets shall maintain an active and interactive relationship with these streets;*
- (iv) *the "proposed deli/cafe" shall be utilised as a local shop only. Any further change of use requires the submission and approval of a planning application to the Town prior to the commencement of such use;*
- (v) *the support of the Department for Planning and Infrastructure, Western Australian Planning Commission and/or Main Roads Western Australia, and compliance with its comments and conditions at the applicant(s)/owner(s)' full expense;*
- (vi) *the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*
 - (a) *they may be subject to activities, traffic, car parking and/or noise not normally associated with a typical residential development; and*
 - (b) *they should recognise and accept that in selecting to reside in this locality that noise, traffic, car parking and other factors that constitute part of normal commercial and other non-residential activities are likely to occur, which are not normally associated with a typical residential development;*
- (vii) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications, dimensions and manoeuvring area specified in accordance with the Town's Policy - "Parking and Access" and Australian Standards AS2890.1 - 'Off Street Parking', and disabled access bays shall be marked and provided as per ACROD standards;*
- (viii) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (ix) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (x) *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;*
- (xi) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$35,000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*

- (xiii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (xiv) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xv) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Stirling Street and Beaufort Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (xvi) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xvii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (xviii) *an archival documented record of the place (including detailed photographs prior to and after works to the building, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xix) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$130,000) shall be submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development and Administrative Services Section with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xx) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xxi) *the Town accepts no liability for the cost of relocating any services that may be required as a consequence of this development. The applicant/owner(s) shall ensure that all services are identified prior to submitting a Building Licence application and that the cost of any service relocations is to be borne by the applicant/owner(s);*

- (xxii) *the construction of crossovers shall be in accordance with the Town's specifications, and speed humps shall be provided at entry/exits to Beaufort and Stirling Street;*
- (xxiii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xxiv) *subject to first obtaining the consent of the owners of Nos.199-203 (Lot 50) Stirling Street and Nos.286-288 (Lot W111) Beaufort 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.199-203 (Lot 50) Stirling Street and Nos.286-288 (Lot W111) Beaufort Street in a good and clean condition;*
- (xxv) *compliance with all relevant Environmental Health, Engineering and Building requirements, including pool regulations;*
- (xxvi) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Beaufort Street and Stirling Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xxvii) *prior to the first occupation of the development, the following requirements for people with disabilities shall be addressed:*
- (a) *level access into the eating house and to the end of trip facilities;*
 - (b) *any new or altered entrances to the building having a minimum doorway width of 850 millimetres in accordance with Australian Standards (AS) 1428.2; and*
 - (c) *commercial reception/pay counters in accordance with AS 1428.2 - clause 24;*
- (xxviii) *the undergrounding of power and overhead cable services, and the installation of new embayed car parking (on the Stirling Street verge), footpaths, brick paving, kerbing, lighting, landscaping, lawn, reticulation and mature trees at a minimum height of 3 metres, on the Beaufort Street and Stirling Street verges directly adjacent to the subject land, at the full cost of the owner(s)/applicant(s). A detailed streetscape upgrading plan for the Beaufort Street and Stirling Street verges directly adjacent to the subject land, including these works and a schedule of plant species, 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);*
- (xxix) *if applicable, prior to the issue of a Building Licence, the written approval of the Minister for Lands and/or the Western Australian Planning Commission, whichever is applicable, for the encroachment of any structure(s) over the adjacent Crown land, including roads, shall be obtained and submitted to and approved by the Town;*
- (xxx) *prior to the issue of a Building Licence a Construction Staging Plan shall be submitted to and approved by the Town, indicating the staging of the development and all major construction works associated with each stage, with particular reference to the planning conditions that are required to be complied with 'prior to the first occupation of he development;*

(xxxi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town; and*

(xxxii) *street trees on Stirling Street shall 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: Arcadia Asset Pty Ltd
APPLICANT: Pindan Property Group
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No. 1: Commercial,
 Residential/Commercial R80
EXISTING LAND USE: Showrooms/Warehouses

COMPLIANCE:

Use Class	Multiple Dwelling, Local Shop, Office Building
Use Classification	Commercial Zone - 'AA', 'P', 'P' Residential/Commercial Zone - 'P', 'AA', 'AA'
Lot Area	10647 square metres

COMPARISON TABLE

Block A - Stage 1	Plans Approved 27 August 2002	Revised Plans Received 6 May 2003
Total Plot Ratio Floor Area	4420 square metres	4062 square metres
Wall Height	12.9 metres	11.8 metres
Roof Ridge Height	18.1 metres	17.4 metres

SITE HISTORY:

The Council at its Ordinary Meeting held on 4 December 2001 conditionally approved proposed demolition of existing showroom/warehouse buildings and construction of a four-storey mixed use development, including one hundred and thirty-three (133) multiple dwellings, one (1) eating house, one (1) local shop, two (2) showrooms, seven (7) offices and one (1) real estate office, on the subject land.

The Council at its Ordinary Meeting held on 27 August 2002 conditionally approved proposed demolition of existing showroom/warehouse buildings and construction of a four-storey mixed use development, including one hundred and thirty-six (136) (including 48 single bedroom) multiple dwellings, one (1) local shop, nine (9) offices and ancillary facilities, on the subject land.

DETAILS:

Minor changes are proposed to Stage 1 of the approved plans, including eight (8) lofts with balconies in Block A adjacent to Beaufort Street. Four lofts have frontage to Beaufort Street and four are oriented internally with view towards the ancillary facilities. The overall height has changed along with the total floor area. These changes are the subject of this application and referral to Council for consideration and determination.

The ancillary facilities and Block B of the Stage 1 component have essentially remained the same with no concerning changes to challenge the previous approval and requirements.

In a cover letter dated 5 May 2003 provided by the applicant, details of the current application are provided and quoted below as follows:

"The application is in response to your letter dated 29 April 2003, which requests further council assessment for the proposed 8 Lofts detailed on the attached drawings. Note plot ratio has been dramatically reduced from the existing approval even with the addition of 8 lofts and lofts remain well below the approved roof/ridge line.

According to the Residential Design Codes loft units 48, 49, 62 and 63 require screening to the adjacent properties. Screens to 1.8m have been incorporated in the drawings as specified by the Design Codes.

The original planning application incorporated Stage 1 & 2 of the proposed development. This application is specific to Stage 1 only and please note Stage 2 is currently as per the existing planning approval."

CONSULTATION/ADVERTISING:

This application is not required to be advertised as the proposed modifications do not result in any greater variations to the requirements in relation to the previous approved plans. The matter is also being referred to Council for consideration and determination.

COMMENTS:

Total Floor Area

The total floor area calculated in the revised plans does not result in any greater variation to the plot ratio floor area of Block A than was previously approved. Instead, the total plot ratio floor area of Block A has been significantly reduced by 358 square metres resulting in a development of a lesser scale and bulk. The amendments to the total floor area of Block A are therefore supported.

Heights

In comparing the revised plans to those previously submitted and approved, the revised plans demonstrate a reduction of the overall height of Block A, with the wall height and roof ridge height being reduced by 1.1 metres and 0.7 metre, respectively, when measured from the ground level. As the changes are not proposed to exceed previously approved plans, the amendments relating to the height of Block A are therefore supported.

It is also considered that the lofts provide appropriate vertical articulation and another suitable design element to the Beaufort Street elevation, which will enhance the streetscape and amenity of the area.

In light of the above, it is recommended that the application be approved subject to the above conditions as previously applied in the approval granted on 27 August 2002.

10.1.7 No. 94 (Lot 2) Lincoln Street, Highgate – Proposed Additional Two Storey Grouped Dwelling and Store and Front Screen Wall Additions to Existing Dwelling

Ward:	South	Date:	7 May 2003
Precinct:	Forrest, P14	File Ref:	PRO1752; 00/33/1568
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 T A Blair for proposed additional two storey grouped dwelling and store and front screen wall additions to existing dwelling at No.94 (Lot 2) Lincoln Street, Highgate and as shown on the plans stamp dated 2 April 2003, subject to:

- (i) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates along and within the front setback area of Lincoln 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;*
- (ii) *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;*
- (iii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the balcony to the living room on the western and 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;*
- (iv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to the dining room 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. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;*
- (v) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (vi) *a visual truncation of 2 metres by 2 metres at the intersection of the driveway and the footpath shall be provided at the owner's cost;*

- (vii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (viii) *a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (ix) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (x) *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;*
- (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); and*
- (xii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (xiii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Lincoln Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

to the satisfaction of the Chief Executive Officer.

Moved Cr Ker, Seconded Cr Cohen

That the following amended recommendation be adopted.

AMENDED RECOMMENDATION:

Amend clauses (iii) and (vi) of the previous recommendation and add a new clause (xiv), as follows:

- "(iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the balcony to the living room on the western ~~and 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;*
- (vi) *a visual truncation of \geq 1.5 metres by \geq 1.5 metres at the intersection of the driveway and the footpath shall be provided at the owner's cost;*
- (xiv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the car stands being a minimum width of 3.5 metres;*
 - (b) *the retaining/screen wall between home 1 and the car stands being modified so that it has a 1 metre by 1 metre truncation where it meets the driveway; and*

(c) the deletion of the store additions to the existing dwelling. The Council approves the variation to the store requirements of the Residential Design Codes so that no store is required for the existing dwelling.

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.

COUNCIL DECISION ITEM 10.1.7

Moved Cr Ker, Seconded Cr Torre

That this Item "LIE ON THE TABLE" so that the applicant can address the issues of setbacks, window opening and the amount of screening, the adequacy of open space and the store at the front of the development, and also consider the amended recommendation.

CARRIED (9-0)

COMMENTS:

With regard to clause (iii), the applicant has provided the Town with a letter dated 12 May 2003 from the owners of No. 96B Lincoln Street (north-western neighbours) stating that they 'have no objection to the Southern Wall of the above property not having screening to 1.8m high ... are happy for this not to be screened so ... [applicant/owner] can see the city from the balcony'. Therefore, the southern elevation of the balcony is no longer required to be screened and this clause has been amended accordingly.

With regard to new clause (xiv), the Town's Technical Services has included this condition to allow for adequate manoeuvring to/from the car bays at the rear of the existing dwelling.

LANDOWNER: T A Blair
APPLICANT: T A Blair
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R80
EXISTING LAND USE: Single House
COMPLIANCE:

Use Class	Grouped Dwelling	
Use Classification	"P"	
Lot Area	620 square metres	
Requirements	Required	Proposed
Setbacks -		
Northern side (Ground Floor)	1.5 metres	1.2 - 1.5 metres
Eastern side (Ground Floor)	1.5 metres	1.2 - 1.5 metres
Northern side (First Floor)	1.6 metres	1.2 - 1.5 metres
Eastern side (First Floor)	1.6 metres	1.2 - 1.5 metres
Western side (First Floor)	2.8 metres	1.5 metres

Privacy - Western and Southern Sides (balcony to living)	Balconies within 7.5 metres of a property boundary on the first floor to be screened	No screening shown (screening condition applied)
Screen Walls and Fences	Front walls and fences within the primary street setback area to be visually permeable 1.2 metres above natural ground level.	A solid wall to a height of 1.8 metres proposed within the front setback area along the southern side boundary.

SITE HISTORY:

The subject site is occupied by a single storey character dwelling. The surrounding area is characterised by a mixture of single storey and two storey character dwellings.

CONSULTATION/ADVERTISING:

There was one objection received during the advertising period. Issues raised included the variations to setbacks, and the potential for overlooking onto the adjacent property.

DETAILS:

Approval is sought for the additional two storey grouped dwelling and store and front screen wall additions to the existing dwelling.

COMMENTS:

Privacy

With regard to the potential for unreasonable overlooking from the balcony on the first floor on the southern and western elevations, it is considered necessary that relevant screening conditions are applied to these openings to comply with the privacy requirements of the Residential Design Codes.

The upper floor dining room windows on the southern elevation should be appropriately screened due to the lack of details of the nature of the windows shown on the submitted plans.

Setbacks

It is considered that the side setback variations do not present an unreasonable loss of amenity to the adjacent properties and given the overlooking balcony at first floor level is conditioned to be screened in accordance with the Residential Design Codes, the variations to setbacks are considered supportable.

Screen wall

A 1.8 metres high screen wall is proposed within the front setback area. This screen wall will replace an existing wall to allow for a 2 metres by 2 metres truncation between the driveway and the footpath. As such, the screen wall shall be conditioned to comply with the Town's Policy relating to Screen Walls and Fences.

Summary

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

10.1.11 No. 37 (Lot 1) Cowle Street, West Perth - Proposed Partial Demolition of and Alterations and Additions with Two Storey Extension to Existing Single House

Ward:	South	Date:	5 May 2003
Precinct:	Hyde Park, P12	File Ref:	PRO 2301; 00/33/1551
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 Australian Renovation Group on behalf of the owner P Kalphas for proposed partial demolition of and alterations and additions with two storey extension to existing single house at No. 37 (Lot 1) Cowle Street, West Perth, and as shown on plans stamp-dated 24 March 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) to protect the reasonable privacy of the adjacent residents, the upper floor southern (rear) and western elevations of the balcony shall be screened with a permanent obscured material and to be non-openable to a minimum height 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;*
- (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; and*
- (v) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating two (2) car parking spaces being provided onsite in accordance with the Residential Design Codes. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Torre , Seconded Cr Chester

That the following amended recommendation be adopted.

AMENDED RECOMMENDATION:

Add the following new clause (vi) to the previous recommendation:

"(vi) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates along and within the front setback area of Cowle 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;"

Moved Cr Ker, Seconded Cr Cohen

That clause (ii) be amended and the word "western" be deleted and replaced with the word "eastern" as follows;

"(ii) to protect the reasonable privacy of the adjacent residents, the upper floor southern (rear) and eastern elevations of the balcony shall be screened with a permanent obscured material and to be non-openable to a minimum height 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;"

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.11

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the Australian Renovation Group on behalf of the owner P Kalphas for proposed partial demolition of and alterations and additions with two storey extension to existing single house at No. 37 (Lot 1) Cowle Street, West Perth, and as shown on plans stamp-dated 24 March 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) to protect the reasonable privacy of the adjacent residents, the upper floor southern (rear) and eastern elevations of the balcony shall be screened with a permanent obscured material and to be non-openable to a minimum height 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;*
- (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 two (2) car parking spaces being provided onsite in accordance with the Residential Design Codes. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*

- (vi) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates along and within the front setback area of Cowle 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;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: P Kalphas
APPLICANT: Australian Renovation Group
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R80 - Residential R60 applies
EXISTING LAND USE: Single House

COMPLIANCE:

Use Class	Single House
Use Classification	"P"
Lot Area	761 square metres

Requirement	Required	Proposed
Wall Height		
Ground Level	3.0 metres or as a 'seamless' extension in relation to existing form as per Town's Policy relating to Local Character	Maximum 3.8 metres
Upper Level	6.0 metres	6.1 metres
Cone of Vision		
Upper Level		
Balcony - west elevation	7.5 metres	7.0 metres
Balcony - rear elevation (setback to eastern boundary)	7.5 metres	5.6 metres
Car Parking	2 car parking bays	Nil illustrated, however 2 bays can be accommodated onsite

SITE HISTORY:

The site currently supports a single storey single house.

DETAILS:

The applicant seeks to undertake alterations and additions to the existing residence including two storey additions. All alterations to the dwelling are to the rear of the residence and the proposal involves partial demolition.

CONSULTATION/ADVERTISING:

The proposal was advertised and no submissions were received.

COMMENTS:

Demolition

The Town's Heritage Officer has advised that the dwelling is not listed on the Town's Municipal Heritage Inventory. Based on the minor nature of the proposed demolition works the proposal can be supported, subject to general provisions of the Town Planning Scheme and Policies.

Wall Height

The Residential Design Codes (R Codes) generally allows for a 3.0 metres wall height for single storey construction and a 6.0 metres wall height for two storey construction. The dwelling has an existing maximum ground level wall height of 3.8 metres with the areas affected by the alterations and extensions ranging in wall height from 3.2 metres (still existing wall) to 2.9 metres for the extension at ground level. As such, the single storey additions to the rear of the dwelling are compliant with the R Code requirements and the wall height located below the upper level extensions is as existing, and therefore suitable.

With respect to the upper level, the applicant seeks a minor variation in height to 6.1 metres. A variation of 10 centimetres is considered to have no undue effect on the neighbouring properties or the appearance, bulk and scale of the dwelling and is therefore supported.

Cone of Vision

The balcony on the upper floor requires a setback of 7.5 metres from the side boundaries. Due to the balcony's non-compliance with the setback provisions, this structure causes two elements of concern with respect to overlooking. The subject balcony achieves a 7.0 metres setback from the western elevation to the western boundary and a 5.6 metres setback from the southern (rear) elevation to the eastern boundary. The setback to the eastern boundary accounts for the screening to the eastern elevation of the structure identified on the plans.

As such, due to the potential for undue overlooking to neighbouring properties from an elevated position, it is considered necessary to impose screening requirements to address this.

The upper floor living area windows, which provide access to the balcony, do not pose overlooking concerns to the neighbours. When applying the principle of the cone of vision measurement to the windows, the applied screening to the eastern elevation of the balcony restricts overlooking. Furthermore, at the point which an individual can obtain views past the screening, the required 6.0 metres setback from the boundary is achieved. Accounting for the opposite neighbour, the eastern most window on the rear elevation is setback 9.8 metres to the western boundary, and the other two windows are minor opening, therefore are compliant with the R Code requirements.

Car Parking

The applicant has not identified any onsite parking as part of the application, however there is sufficient room onsite to accommodate this and the proposal should be conditioned accordingly.

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 conditions and conditions to address the above matters.

10.1.13 Nos. 140-142 (Lot 240) Brisbane Street, Perth – Proposed Partial Demolition of and Alterations and Two Storey Additions to Existing Two Grouped Dwellings

Ward:	South	Date:	5 May 2003
Precinct:	Hyde Park, P12	File Ref:	PRO1138; 00/33/1555
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 H Ly on behalf of the owners H & T Ly & T & K Nguyen for proposed partial demolition of and alterations and two storey additions to existing two grouped dwellings at Nos. 140-142 (Lot 240) Brisbane Street, Perth and as shown on the plans stamp dated 27 March 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 Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iii) an archival documented record of the portions of the place proposed to be demolished (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 or Demolition Licence, whichever occurs first;*
- (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 \$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) 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*
- (vii) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Chester; Seconded Cr Ker

That the following amended recommendation be adopted.

AMENDED RECOMMENDATION:

Add the following new clause (viii) to the previous recommendation:

"(viii) 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 along and within the front setback area of Brisbane 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;"

CARRIED (8-1)

For

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

Against

Cr Cohen

COUNCIL DECISION ITEM 10.1.13

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 H Ly on behalf of the owners H & T Ly & T & K Nguyen for proposed partial demolition of and alterations and two storey additions to existing two grouped dwellings at Nos. 140-142 (Lot 240) Brisbane Street, Perth and as shown on the plans stamp dated 27 March 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 Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iii) an archival documented record of the portions of the place proposed to be demolished (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 or Demolition Licence, whichever occurs first;*
- (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 \$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) *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) *compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (viii) *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 along and within the front setback area of Brisbane 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;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: H & T Ly & T & K Nguyen
APPLICANT: H Ly
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R80
EXISTING LAND USE: Two Grouped Dwellings

COMPLIANCE:

Use Class	Grouped Dwellings	
Use Classification	"P"	
Lot Area	486 square metres	
Requirements	Required	Proposed
Setbacks - Eastern side First Floor	1.5 metres	Nil
Western side First Floor	1.5 metres	1.3 metres

SITE HISTORY:

- 22 November 1999 At the Ordinary Meeting of Council an application for change of use and associated alterations and two-storey additions to two existing dwellings to accommodate offices, a shop, one single bedroom dwelling and two multiple dwellings was refused.
- 2 May 2003 Home occupation approval granted for Settlement Agency at No. 142 Brisbane Street, Perth under delegated authority.

The subject site is currently occupied by two single attached residences. The places have been included on the Town's Municipal Heritage Inventory. The property is bounded by residential properties to the north and north-west with a service station and automotive repair business to the east and commercial uses including shops, offices and an eating house to the west.

CONSULTATION/ADVERTISING:

There was one objection received during the advertising period. Issues raised included the variations to setbacks.

DETAILS:

Approval is sought for partial demolition of and alterations and two storey additions to existing two grouped dwellings. The proposal intends to retain the existing dwellings and include a second storey addition, which is proposed fifteen metres from the street.

COMMENTS:

Partial Demolition

The existing dwellings are included on the Town's Municipal Heritage Inventory. They were constructed between 1898 and 1899 and are good examples of the Federation Italianate style. The proposal for a first floor addition located behind the front bulk of the original dwelling, has considered the heritage values of the place and the proposed works are supported.

Setbacks

It is considered that the side setback variations do not present an unreasonable loss of amenity to the adjacent properties and given the dwelling follows the existing building line and intends to retain a property listed on the Town's Municipal Heritage Inventory, as such, the variations to setbacks are considered supportable.

Summary

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

10.2.3 Proposed Parking Restrictions in Sydney Street and Safety Improvements at the Intersection of Sydney Street and Scarborough Beach Road, North Perth

Ward:	North	Date:	2 May 2003
Precinct:	North Perth P8	File Ref:	TES0500
Reporting Officer(s):	A Munyard, R Lotznicher		
Checked/Endorsed by:	R Lotznicher		
Amended by:	-		

RECOMMENDATION:

That the Council;

- (i) receives the report on the Proposed Parking Restrictions in Sydney Street and Safety Improvements at the Intersection of Sydney Street and Scarborough Beach Road, North Perth;*
- (ii) APPROVES the introduction of a one (1) hour parking restriction from 8.00am until 5.30pm Monday to Friday and 8.00am until 12 noon Saturday on both sides of Sydney Street, North Perth, between Haynes Road and Scarborough Beach Road and the proposed modification at the Sydney Street and Scarborough Beach Road intersection as shown on attached Plan No 2155-CP-2;*
- (ii) lists the proposal as outlined on Plan No 2155-CP-2, estimated to cost \$35,000, for consideration in the 2003/2004 draft budget;*
- (iii) places a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs, should the proposal receive funding, and if so, once implemented; and*
- (iv) advises all respondents of its resolution.*

Moved Cr Chester, Seconded Cr Doran-Wu

That the following amended recommendation be adopted.

AMENDED RECOMMENDATION:

Insert an additional clause (v) as follows:

- (v) authorises the Chief Executive Officer to arrange a meeting with the Management of Chubb Security Services to explore parking options for their employees.*

Debate ensued.

CARRIED (9-0)

COUNCIL DECISION ITEM 10.2.3

That the Council;

- (i) *receives the report on the Proposed Parking Restrictions in Sydney Street and Safety Improvements at the Intersection of Sydney Street and Scarborough Beach Road, North Perth;*
 - (ii) *APPROVES the introduction of a one (1) hour parking restriction from 8.00am until 5.30pm Monday to Friday and 8.00am until 12 noon Saturday on both sides of Sydney Street, North Perth, between Haynes Road and Scarborough Beach Road and the proposed modification at the Sydney Street and Scarborough Beach Road intersection as shown on attached Plan No 2155-CP-2;*
 - (ii) *lists the proposal as outlined on Plan No 2155-CP-2, estimated to cost \$35,000, for consideration in the 2003/2004 draft budget;*
 - (iii) *places a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs, should the proposal receive funding, and if so, once implemented;*
 - (iv) *advises all respondents of its resolution; and*
 - (v) *authorises the Chief Executive Officer to arrange a meeting with the Management of Chubb Security Services to explore parking options for their employees.*
-

BACKGROUND:

Residents from Sydney Street recently approached the Town, through Cr Helen Doran Wu, requesting that measures to improve their parking amenity in the street during business hours, be investigated.

In addition, following a site meeting with a number of residents, it was identified that the configuration of the intersection of Scarborough Beach Road and Sydney Street was of concern to the residents and they requested that safety improvements be investigated.

As a result of the residents' concerns, a proposal was prepared and all the residents/businesses in the street were canvassed.

DETAILS:

Following the site meeting, a letter was sent to all residents and business proprietors in Sydney Street requesting their comments on the proposed intersection modifications, and parking restrictions.

Proposed Parking Restrictions

The proposal includes measures to discourage all day parking in Sydney Street by non residents, and promote the availability of free parking in the existing "under utilised" Council owned car park on the west side of the street near the Shalom Dental Clinic.

The proposed improvements to the existing car park include upgrading of the existing line marking and the installation of new blue and white "Parking Place" signage at the entrance, indicating the number of bays available.

A one hour parking restriction between 8.00am and 5.30pm Monday to Friday, and 8.00am and 12 noon Saturday is also proposed on both sides of Sydney Street, between Scarborough Beach Road and Haynes Street.

In addition, residents were advised that, in accordance with the Town's policy, they would be eligible to apply for exemptions from the restrictions for themselves and their visitors.

Traffic and Streetscape Improvements

The proposal includes the installation of a pedestrian refuge island in Sydney Street at the intersection with Scarborough Beach Road, including a brick paved embayed entry statement, embayed parking and several low profile speed humps along Sydney Street. This treatment would channelise traffic into Sydney Street, reduce vehicle speeds and provide a safe crossing point for pedestrians.

Community Consultation Results

Thirty (30) survey letters were distributed to residents and businesses in Sydney Street, and at the conclusion of the consultation period, eighteen (18) responses were received.

The results of the survey are listed below.

Proposal	In Favour	Against	Not Specific
Intersection Modification	13	3	2
Parking Restrictions	14	4	0

Comments

Proposed Parking Restrictions

Objections to the parking restrictions appear to have already been addressed by the proposal when viewed as a whole. These concerns were that residents should be exempt from the restrictions and that alternative parking should be provided for employees and those conducting business in the near vicinity. Residents eligibility for exemption was stated in the survey information, and attention was drawn to the location of the existing Council owned car park in Sydney Street. This car park is currently not time restricted, and therefore is available for use by employees.

The proposed one (1) hour time restriction in Sydney Street is considered adequate to service the needs of clients of nearby businesses.

Intersection Modifications

Those opposed to the proposed intersection redesign raised concerns regarding the height of the proposed speed humps, and the possible danger caused by traffic banking at Scarborough Beach Road due to the perceived "hesitation time" as turning vehicles negotiated the intersection.

The management of Pilkington Glass, located at the intersection of Sydney Street and Scarborough Beach Road, and the owner of the property also raised concerns regarding the proposed narrowing of the intersection in that the proposed reconfiguration could create difficulties for trucks delivering glass products. They also highlighted the need to keep speed humps, if implemented, to a minimum vertical profile for the safe transport of their product.

Several meetings were subsequently held with the owner of the Pilkington Glass showroom, and the Commercial Manager of Pilkington Glass (Aust) Ltd, and the proposal was amended to meet their requirements without compromising the desired traffic and safety improvements agreed to by the majority of respondents.

The majority of respondents have received the proposal with enthusiasm, and it is considered that all issues of concern raised by both residents and the business have been adequately addressed by the amended design.

CONSULTATION/ADVERTISING:

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

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Strategic 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 proposal as outlined on attached plan No 2155-CP-2 is estimated to cost \$35,000. These funds have been listed for consideration in the 2003/2004 draft budget.

COMMENTS:

The majority of respondents received the proposal with enthusiasm, and it is considered that all issues of concern raised by both residents and the business have been adequately addressed by the amended design.

It is therefore recommended that the Council approves the introduction of a one (1) hour parking restriction from 8.00am until 5.30pm Monday to Friday and 8.00am until 12 noon Saturday on both sides of Sydney Street, North Perth, between Haynes Road and Scarborough Beach Road, and the proposed modification at the Sydney Street and Scarborough Beach Road intersection as shown on attached Plan No 2155-CP-2, lists the proposal as outlined on Plan No 2155-CP-2, estimated to cost \$35,000, for consideration in the 2003/2004 draft budget and advises all respondents of its resolution.

**12.1 WALGA Nomination – Local Government Grants Commission
(Ministerial Appointment)**

Ward:	-	Date:	2 May 2003
Precinct:	-	File Ref:	ORG0045
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi		
Amended by:	-		

RECOMMENDATION:

That;

- (i) _____..be nominated as WALGA Metropolitan Member – Local Government Grants Commission (3 Panels of 6 names); and
- (ii) _____..be nominated as WALGA Deputy Metropolitan Member – Local Government Grants Commission (3 Panels of 6 names).

Moved Cr Doran - Wu, Seconded Cr Ker

That Cr Doran - Wu be nominated as WALGA Metropolitan Member – Local Government Grants Commission (3 Panels of 6 names) and no nominations be made for the deputy positions.

CARRIED (9-0)

COUNCIL DECISION ITEM 12.1

That Cr Doran - Wu be nominated as WALGA Metropolitan Member – Local Government Grants Commission (3 Panels of 6 names) and no nominations be made for the deputy positions.

BACKGROUND:

Please see Appendix 12.1 for details.

NOMINATIONS CLOSE COB WEDNESDAY 14 MAY 2003.

10.2.4 Progress Report - Swan River Regional Recreational Path – Banks Reserve to Mitchell Street, Mt Lawley

Ward:	South	Date:	6 May 2003
Precinct:	Banks P15	File Ref:	TES0172
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the progress report on the proposed Swan River Regional Recreational Path – Banks Reserve to Mitchell Street, Mt Lawley;*
- (ii) *acknowledges the Mayor's and the Executive Manager Technical Services actions with regards the Swan River Trust Board's decision to defer the matter for further investigation to consider the social and security concerns of the community including revaluation of the environmental issues;*
- (iii) *advises the Banks Precinct Action Group and the City of Bayswater of the Council's resolution; and*
- (iv) *receives a further report on the matter once further progress has been made.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Cohen, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

Cr Cohen acknowledged the endeavours of Mayor Catania and Rick Lotznicher, Executive Manager Technical Services in their work on this issue, and requested this be recorded in the minutes.

BACKGROUND:

The Council has, over the last few years, received a number of reports on the proposed Swan River Regional Recreational Path (RRP), Banks Reserve to Bardon Park (Maylands).

At its Ordinary Meeting of 16 November 1998, the Council approved, in principle, the construction of the Swan River Regional Recreational Path from Banks Reserve to Bardon Park, Maylands (City of Bayswater). The Council also resolved that:

" Bikewest liaise closely with the Banks Precinct Action Group and the local community".

In early 2001 the Town constructed a portion of the RRP from Summer Street to Walters Brook where the Department of Planning and Infrastructure (DPI) constructed a new bridge in late 2001.

The most contentious part of the Swan River RRP project has always been the Town's section north of Banks Reserve to Mitchell Street but more specifically the section near the 'former clay pits' immediately north of Banks Reserve. The residents abutting this section have been aggrieved since an earlier proposal was circulated in 2000 showing the path located against or near their property boundaries.

In an endeavour to overcome local opposition the DPI's Metropolitan Infrastructure Directorate liaised with the Banks Precinct Action Group (BPAG) Bike Committee.

On 16 February 2002 a public meeting/elected members briefing session was held on-site at Banks Reserve to illustrate what was considered a compromise route.

In June 2002 the DPI and a majority of BPAG Bike Committee agreed on a route based upon the outcome of meeting of the 16 February.

At the a special meeting of Council held on the 16 July 2002 representatives from the DPI made a presentation to Council, based upon the new route alignment (option 6) seeking an indication of Councils support. As there was still opposition from some residents to the proposed alignment at the Banks Reserve end, it was requested that the alignment in this vicinity (near the "clay pits") be moved further away from the properties.

DPI acknowledged the residents ongoing concerns and indicated a willingness to reconsider the proposed alignment.

A subsequent report on the matter was presented to the Ordinary Meeting of Council held on the 13 August 2002 where the following resolution was adopted (in part):

That the Council;

- (i) *receives the report on the proposed Swan River Regional Recreational Path – Banks Reserve to Mitchell Street, Mt Lawley;*
- (ii) (a) *supports the extension of the Swan River Regional Recreational Path from Banks Reserve to Mitchell Street subject to the Department for Planning and Infrastructure agreeing to pursue with the Swan River Trust and Department for Environmental Protection an alternate alignment that either traverses or skirts the 'old clay pits' on the river (or eastern side further away from the residences) as shown on attached Plan A (option 6);*
 - (b) *advises the Department of Planning and Infrastructure that the Council reaffirms its preference for a foreshore boardwalk;"*
- (iv) *receives a further report on the matter once progress has been made with regard to clauses (ii) and (iii) above.*

DETAILS:

Department of Planning and Infrastructure

The DPI was advised of the Council's resolution and in line with clause (ii)b proceeded to investigate the alternative alignment nearer to the river.

DPI made a commitment to undertake further consultation towards achieving the option requested by the Council, and undertook a detailed feature survey of the area to enable further environmental assessment of an alignment closer to the foreshore to be developed.

In November 2002 the new alignment, Option 7, as shown on attached plan, was ed and a full feasibility study undertaken.

A Development Application for Option 7 was subsequently submitted to the Swan River Trust for approval to commence works. The Signatories to this application were the Ministry of Planning, DOLA, and the Town.

Swan River Trust

The Swan River Trust (SRT) officers completed an assessment of the application and recommended refusal of the application. DPI requested the item be deferred from the SRT board meeting of 4 March.

The SRT agreed to engage a second independent consultant to review the DPI assessment.

Swan River Trust Board Meeting 5 May 2003

Following the completion of the second formal independent assessment by a consultant commissioned by the SRT the item was again formally submitted to the SRT board at their meeting held on 5 May 2003.

The SRT officers recommendation was as follows:

That the Trust advise the Minister for the Environment and heritage that it recommends refusal of the proposed Dual Use path, between Banks Reserve and Mercy Hospital in Mount Lawley WA, as described in plans received by the Trust dated 24 December 2002, be refused for the following reasons:

- 1. The proposed path in option 7 is contrary to Trust policies SRT/E1 (conservation, environment and landscape protection), SRT/D2 (assess pathways and cycle access) and SRT/D25 (board walks).*
- 2. Works associated with the proposed path impact on an area of high environmental value on the s/e part of the transect.*

Advice to applicant: The SRT would be prepared to reconsider this application should option 6 be proposed as the alignment for the path.

The Mayor and the Executive Manager Technical Services (EMTS) represented the Town at the SRT Board meeting held on 5 May 2003. The Mayor had voting rights at the meeting.

At the meeting the EMTS gave a brief overview of the Town's position on the matter and the Mayor outlined various reasons why he considered the SRT should seriously reconsider the matter and further investigate the board walk option in terms of safety, security and reduced impact on the environment during construction

The SRT board subsequently resolved that the matter be *deferred* for further investigation to consider the social and security concerns of the community including revaluation of the environmental issues.

Further Investigations

As resolved by the SRT the matter will be further investigated and representatives from the SRT will meet with the Town's officers and other affected parties at the conclusion of which a further report will be presented to the SRT Board.

Future Possible Scenario

The SRT board recommendations, in addition to any public comments received would be forwarded to the Environment and Heritage Minister Dr Judy Edwards for consideration and decision.

Should approval to the satisfaction of the Town be provided the following process would be implemented.

DPI would instruct the Ministry for Planning to proceed with the outstanding property negotiations, while DPI would proceed with the detailed design.

To further ensure the interests and expectations of the community are addressed in the design and construction process, DPI would maintain direct involvement with the Towns staff and the Banks Precinct Action Group Bike Committee.

The design phase would involve design reviews at the 15%, 85% and 100% design stages and the designs would be referred to both the Town and the Banks Precinct Action Group Bike Committee at these stages.

Additionally, to facilitate a broader understanding of the design within the community, the design consultant would engage a Surveyor to mark the route alignment on site at the 15% and 85% design stage.

The design would be developed in conjunction with an environmental management plan including a rehabilitation works tender.

Once the approved design was completed to the satisfaction of all parties DPI would call construction tenders.

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. "*c) Continue to design and implement infrastructure improvements for public open space.*"

FINANCIAL IMPLICATIONS

The Council had, for a number of years (approved at the Ordinary Meeting of Council held on 16 November 1998), set aside a budget allocation of \$38,500 as the Town's contribution for the project. However in light of the fact the project had not progressed, this item was deleted from the 2001/02 budget.

To date discussions with the DPI have centred on obtaining community support for the project and therefore the financial implications, if any, are yet to be addressed.

COMMENTS:

As previously reported to the Council there is considerable expectation and support in the wider community for the Swan River RRP Banks Reserve to Bardon Park to progress. The Swan River is one of the City's greatest assets and there is ever increasing pressure for people to have unfettered access to the river.

The section of the RRP is a strategic missing 'link' in the path, forcing recreational cyclists, pedestrians and indeed residents to use Guildford Road to travel between Banks Reserve and the Maylands peninsular.

However, with the representation made by the Mayor at the SRT board meeting held on 5 May 2003, the Board acknowledged that there is a need to satisfy community concerns regarding safety and security and not only focus on the environmental factors.

It is therefore recommended that the Council acknowledges the actions of the Mayor and the Executive Manager Technical Services with regard to the Swan River Trust Board's decision to defer the matter for further investigation to consider the social and security concerns of the community, including revaluation of the environmental issues, advises the Banks Precinct Action Group and the City of Bayswater of the Council's resolution, and receives a further report on the matter once further progress has been made.

10.3.6 Purchase of Equipment for the Recording of Council Meetings

Ward:	N/A	Date:	6 May 2003
Precinct:	N/A	File Ref:	ADM0016
Reporting Officer(s):	M Yoo/M Rootsey		
Checked/Endorsed by:	M Rootsey		
Amended by:			

OFFICER RECOMMENDATION:

That the Council receives the Progress report concerning the purchase of equipment for the recording of Council meetings.

COUNCIL DECISION ITEM 10.3.6

Moved Cr Franchina, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

At the Ordinary meeting of Council of 8th April 2003 the following Notice of Motion was approved:

"That;

- (i) in order to ensure the correct and accurate recording of Council Meetings, the Council adopts the procedure of audio recording all meetings of Council and this be implemented as soon as is practicable; and*
- (ii) the purchase of any equipment required to enable this be actioned as soon as possible and without delay."*

DETAILS:

Quotes have been obtained from three (3) sources for an analogue system, which range from \$2,000 to \$7,000. In discussion with the system providers they have advised that tapes will not last for the period prescribed by legislation, which is thirty (30) years. The conversion from analogue to digital is also time consuming and the quality cannot be guaranteed.

As a result, quotes are now being sought for a digital system. To date only one quote for a digital system has been received.

There are different mediums used with digital systems, they are CD, mini-disk and hard disk. The mini-disk is the preferred option as they have a longer recording period, a maximum five (5) hours. The quotes from the two (2) remaining sources are expected by the end of the week.

COMMENTS:

A digital system with a mini-disk recording medium is preferred for the recording of Council meetings, however this technology requires further investigation. A further report on the necessary reallocation of funds will be prepared for the Ordinary Meeting of Council on the 27th May 2003.

11.1 Notice of Motion – Councillor Ian Ker - Informal Briefings

That, where the Council holds informal briefings that are not open to the public, a full report on the briefing be included in the Information Bulletin for the next possible Council Meeting.

Moved Cr Ker, Seconded Cr Doran-Wu

That the motion be adopted.

Debate ensued.

Moved Cr Farrell, Seconded Cr Chester

That the Chief Executive Officer be requested to prepare a report on Policy Guidelines for determining the criteria of Briefing Sessions.

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 11,1

That,

- (i) *where the Council holds informal briefings that are not open to the public, a full report on the briefing be included in the Information Bulletin for the next possible Council Meeting; and*
 - (ii) *the Chief Executive Officer be requested to prepare a report on Policy Guidelines for determining the criteria of Briefing Sessions.*
-

11.2 Notice of Motion – Councillor Ian Ker - Policies Relating to Footpath Use

That the Chief Executive Officer be requested to provide a report to Council on the following;

- (i) Council policies relating to the use of footpath space;*
 - (ii) the effectiveness of these policies, including their implementation and enforcement, with particular reference to the maintenance of the primary movement function of footpaths for all users including people with disabilities; and*
 - (iii) potential improvements to Council's policies, implementation and enforcement.*
-

COUNCIL DECISION ITEM 11.2

Moved Cr Ker, Seconded Cr Doran-Wu

That the motion be adopted.

CARRIED (9-0)

This application, Item 10.1.1 was withdrawn from the Agenda by the Chief Executive Officer.

**10.1.1 Further Report - No. 86A (Lot 9, Strata Lot 2) Bourke Street, Leederville
- Proposed Two Storey Grouped Dwelling on Strata Lot**

Ward:	South	Date:	7 May 2003
Precinct:	Leederville, P3	File Ref:	PRO 1804; 00/33/1537
Reporting Officer(s):	S Crawford		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner V Chapman for a proposed two storey grouped dwelling on strata lot at No. 86A (Lot 9, Strata Lot 2) Bourke Street, Leederville, and as shown on revised plans stamp-2 May 2003, 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 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) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vi) details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*

- (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) *subject to first obtaining the consent of the owners of Survey Strata Lot 1 of No. 86 Bourke Street and 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) walls facing Survey Strata Lot 1 of No. 86 Bourke Street and No. 88 Bourke Street in a good and clean condition;*

to the satisfaction of the Chief Executive Officer.

FURTHER REPORT:

Background

This application was considered at the Ordinary Meeting of Council held on 22 April 2003 where the Council resolved *"that the item LIE ON THE TABLE to allow the relevant parties to meet and address any concerns."*

The Town received revised plans from the applicant on 2 May 2003 and further revised plans on 6 May 2003.

Councillors Ian Ker and Helen Doran-Wu have requested that the item be placed back on the agenda for this Ordinary Meeting of Council.

Amended Compliance Table

Requirement	Required	Proposed
Setbacks		
Eastern side - upper level	2.1 metres	2.063 metres
Western side - ground level	1.5 metres	Minimum Nil
Western side - upper level	2.0 metres	Minimum nil
Southern side - ground level	1.5 metres	Minimum nil

COMMENTS:

Setbacks

The proposed eastern and western setbacks have not changed from the original proposal. The impacts of the variations in setbacks applicable to these elevations were previously addressed and considered acceptable.

The revised plans results in the upper floor western and northern side setback requirements being reduced from 4.2 metres to 2.0 metres and from 1.5 metres to 1.2 metres, respectively, due to no major openings to habitable rooms now being shown on the upper floor western and northern side elevation.

With respect to the southern elevation, it was previously proposed to condition this elevation to be setback in accordance with the Residential Design Codes (R Codes) requirements, in order to reduce the impact caused to the southern neighbour who had objected to the proposal. The southern neighbour was prepared to accept a reduced setback at ground level to accommodate the proposed parapet wall; however, it was the upper level which was of concern.

The revised plans demonstrate that the upper floor southern side setback complies with the relevant setback requirements of the R Codes (1.5 metres required, 1.5 metres proposed). Therefore, this setback satisfies the southern neighbour concerns and condition/clause (i) (a) of the previous Officer Recommendation is no longer required.

Car Parking

The revised plans show a reconfigured garage, which allows two vehicles to have adequate manoeuvrability to safely and conveniently access the garage and enter the street in forward gear. Consequently, conditions/clauses (i) (b), (c) and (d) of the previous Officer Recommendation are no longer required.

Wall Height

The R Codes permits a 7.0 metres wall height for concealed roof design houses. The original application incorporated a 6.5 metres wall height. The revised plans denote that the wall height varies from 6.5 metres (west) to 6.7 metres (east). The slight increase in height does not increase the setback requirements in terms of the R Codes.

Privacy

The revised plans comply with the privacy requirements of the R Codes.

Garage - Fire Safety and Access into Main Dwelling

The revised plans indicate that the garage is fully enclosed with brick walls and a vehicle garage door, therefore there is no access from the garage directly into the main dwelling. The occupiers who park within the garage will be required to come out of the vehicle garage door then through the dwelling's porch/entry in order to gain access into the main dwelling. The first floor is only accessible via the internal stairs adjacent to the ground floor meals area of the main dwelling.

The garage now complies with fire safety requirements of the Building Code of Australia.

Conclusion

The revised proposal is considered acceptable and the previous conditional approval/Officer Recommendation remains unchanged, except for the deletion of conditions/clauses (i)(a), (b), (c) and (d) as they are no longer required.

Previous Report

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 22 April 2003:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner V Chapman for a proposed two storey grouped dwelling on strata lot at No. 86A (Lot 9, Strata Lot 2) Bourke Street, Leederville, and as shown on plans stamp-dated 14 March 2003, subject to:

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the first floor level southern side elevation being setback in accordance with the requirement of the Residential Design Codes;*
 - (b) *the garage door being setback a minimum of 4.1 metres from the western survey strata lot boundary;*
 - (c) *no physical obstructions within the entrance area of the garage between the access leg and the garage door; and*
 - (d) *the garage door being a full width door to a minimum width of 6.4 metres.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (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 \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vi) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (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); and*
- (ix) *subject to first obtaining the consent of the owners of Survey Strata Lot 1 of No. 86 Bourke Street and 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) walls facing Survey Strata Lot 1 of No. 86 Bourke Street and No. 88 Bourke Street in a good and clean condition;*

to the satisfaction of the Chief Executive Officer.

Mayor Catania departed the Chamber at 6.33pm.

Deputy Mayor, Cr Drewett assumed the Chair.

Moved Cr Cohen, Seconded Cr Chester

That the recommendation be adopted.

Moved Cr Ker, Seconded Cr Hall

That Standing Orders be suspended to allow speakers to address the Council as they had arrived at the meeting after the close of public question time.

CARRIED (8-0)

(Mayor Catania was absent from the Chamber and did not vote).

Mr Paul Hawkins of 196 Harbourne Street, Wembley on behalf of the owner of 86 Bourke Street addressed the Council. Mr Hawkins advised that every elevation of the proposed building does not comply with the current R-Code requirements.

The application has not addressed the required carparking requirements and the finished roof height requires clarification.

M/s Vicki Chapman, landowner, 86A Bourke Street, Leederville advised that she had shown the plans to all of the surrounding neighbours who have given her their support and have no objection. M/s Chapman has spoken to the neighbour on the southern side on a couple of occasions and was of the opinion that all issues had been resolved. It is her intention to comply with the R-Codes.

Moved Cr Piper, Seconded Cr Hall

That Standing Orders be resumed.

CARRIED (8-0)

(Mayor Catania was absent from the Chamber and did not vote).

COUNCIL DECISION ITEM 10.1.7

Moved Cr Franchina, Seconded Cr Hall

That the item LIE ON THE TABLE to allow the relevant parties to meet and address any concerns.

CARRIED (8-0)

(Mayor Catania was absent from the Chamber and did not vote).

Mayor Catania returned to the Chamber at 6.44pm.

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

Use Class	Grouped Dwelling	
Use Classification	"P"	
Lot Area	279 square metres	
Requirement	Required	Proposed

<i>Setbacks</i>		
<i>Eastern side - upper level</i>	<i>2.1 metres</i>	<i>2.063 metres</i>
<i>Western side - ground level</i>	<i>1.5 metres</i>	<i>Minimum Nil</i>
<i>Western side - upper level</i>	<i>4.2 metres</i>	<i>Minimum nil</i>
<i>Southern side - ground level</i>	<i>1.5 metres</i>	<i>Minimum nil</i>
<i>Southern side - upper level</i>	<i>1.6 metres</i>	<i>1.1 metres</i>
<i>Northern side – upper level</i>	<i>1.5 metres</i>	<i>1.208 metres</i>
<i>Car Parking</i>	<i>Compliance with the Town's Policy relating to Parking and Access for minimum manoeuvring distances</i>	<i>The applicant has agreed to modify the garage layout to address adequate manoeuvrability</i>

SITE HISTORY:

The site is currently a vacant lot created via a survey strata application under reference 217-01. A previous application for two additional single storey grouped dwellings for the two newly created vacant lots was conditionally approved by the Town on 23 August 2001.

DETAILS:

The applicant seeks to construct a two storey grouped dwelling on the site.

CONSULTATION/ADVERTISING:

The proposal was advertised in accordance with the Town's Community Consultation Policy. Prior to the submission of the application, an objection to the proposed development was provided to the Town and received on 27 December 2002. This objection is from the southern neighbour who raises concerns in relation to the proposed two storey high southern wall proposed for the dwelling. Although the applicant has modified the proposal and this wall is no longer a parapet wall, the objector has renewed their concerns with respect to the impact of such a wall with respect to overshadowing, impact on light and the impact on the amenity of their dwelling, including a courtyard space located adjacent to this common boundary. The objector is comfortable with the single storey parapet wall on the boundary, however would like the upper level setback in accordance with the provisions of the Residential Design Codes (R Codes).

The applicant has provided letters of consent from the resident and owner of numbers 88 and 86B Bourke Street respectively, which states they have no objection to the proposal.

COMMENTS:

Setbacks

Eastern Side - Upper Level Setback

The R Codes require a setback of 2.1 metres to be provided whereas the proposal achieves a setback of 2.063 metres. This elevation faces the access arrangements for Strata Lots 2 and 3 with all upper level openings being minor in nature. On this basis, the proposal is not considered to represent any undue impact on the access legs of the development and the minor alteration in setback is considered acceptable.

Western Side - Ground Level Setback

The R Codes promote a setback provision of 1.5 metres. A reduced setback to nil is sought by the applicant to accommodate a store structure, however the dominant setbacks increase to 2.176 metres through to 3.409 metres from this boundary. This relaxation to accommodate the store is supported by the owner and resident of the affected adjacent property.

Western Side - Upper Level Setback

Similarly to the ground level, a small portion of the upper level is proposed with a nil setback to the western boundary, with the setback then increasing to 2.176 metres and predominantly 3.409 metres. Again the affected neighbour has consented to the plans and taking into account the limited impact this parapet wall will have on the amenity of the neighbouring property, it is considered suitable.

Southern Side - Ground Level Setback

The applicant seeks a nil setback to this boundary to accommodate the garage structure. The R Codes permit a wall to a maximum height of 3.5 metres with an average height of 3.0 metres for 2/3 of the length of one side boundary of the property. The proposed wall exceeds these limits, however has been supported by the affected neighbour to the south. The wall will have an overshadowing impact on the southern neighbour, due to their location directly south of this wall. However, consideration should be given to the fact that the Town's Fencing Local Laws allows a maximum wall height of 2.4 metres. Taking this into account, a proposal for a 3.0 metres high wall is only a marginal increase that will not significantly increase the impacts on this neighbour. Taking these factors into account, coupled with the fact that the proposal is within the overshadowing limits of the R Codes, the relaxation is considered acceptable.

Southern Side - Upper Level Setback

The applicant has sought to set back the upper level element of this wall to 1.1 metres. The applicant was of the understanding that this setback was in accordance with the R Codes, as the applicant was also aware of the neighbour's objection. The actual requirement for the setback is 1.6 metres from this boundary. In order to take into account the neighbours concerns with respect to overshadowing and resulting impact on light and amenity, the proposal should be conditioned accordingly.

Northern Side - Upper Level Setback

The applicant seeks a relaxation from the required 1.5 metres setback down to 1.208 metres. There are no major openings to the upper level which creates privacy concerns, and no overshadowing occurs as the affected lot is located on the northern side of this property. In addition, the northern neighbour of Strata Lot 3 has provided their consent to the proposal. On this basis, the reduced setback is considered acceptable.

Car Parking

The currently proposed configuration of the garage parking does not allow adequate manoeuvring room for the vehicles in accordance with the Town's requirements.

In order to address this, it has been suggested to the applicant that the garage door/entrance would need to be drawn westwards in order to provide adequate reversing room. In addition to drawing the entrance back, there would have to be no physical obstructions within this space to assist in maximising manoeuvrability.

Taking into account the Engineering Design Services suggested design to allow the garage to be functional, it is also recognised that it is not an ideal situation and that it requires specific car parking locations within the garage. These have been demonstrated on the attached plans.

The applicant is fully aware that the parking situation and manoeuvring room is not ideal, however functional and is prepared to accept it on this basis, so that the proposal can be supported.

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 conditions and conditions to address the above matters."

This Item 10.1.20 was withdrawn from the Agenda by the applicant.

10.1.20 No.309 (Lot 46), Pier Street, Perth – Proposed Change of Use from Single House to Single Bedroom Dwelling, Consulting Room, Office and Art Gallery

Ward:	South	Date:	7 May 2003
Precinct:	Beaufort, P13	File Ref:	PRO0512: 00/33/1362
Reporting Officer(s):	C Mooney		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

(i) *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;*

(a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the adverse effect on the amenity of the neighbourhood;*

(b) *non compliance with the definition and intent of and requirements relating to Consulting Room under the Town's Town Planning Scheme No.1 and the Town's Policy relating to the Beaufort Precinct; and*

(c) *consideration of the objections received;*

the Council REFUSES the application, submitted by N Baker on behalf of the owner J Barron for proposed change of use from single house to consulting room at No. 309 (Lot 46) Pier Street, Perth, and as shown on the plans stamp dated 18 March 2003; and

(ii) *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 N Baker on behalf of the owner J Barron for the proposed change of use from single house to single bedroom dwelling, art gallery and office at No.309 (Lot 46) Pier Street, Perth, and as shown on plans stamp-dated 18 March 2003, subject to:*

(a) *compliance with all relevant Environmental Health, Engineering and Building requirements, including the provisions of access and toilet facilities for people with disabilities and protection of opening to room 5 as per the Building Code of Australia;*

(b) *the art gallery shall occupy a maximum gross floor area of 39 square metres only, inclusive of all storage areas, and rooms one and two as stated on approved plans;*

(c) *the office use shall occupy a maximum gross floor area of 10.5 square metres ;*

(d) *this approval is for a single bedroom dwelling, art gallery and office. Room 4 as stated on the approved plans shall be used only for non-habitable purposes associated with the single bedroom dwelling;*

- (e) *the hours of operation of the art gallery and office shall only be between 9:00am and 6:00pm Monday, Friday and Saturday, inclusive;*
- (f) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (g) *prior to the first occupation of the development the applicant/landowner shall pay a cash-in-lieu contribution of \$5150 for the equivalent value of 2.06 car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2002/2003 Budget; and*
- (h) *prior to the first occupation of the development, two (2) class 1 or 2 bicycle parking rail(s) shall be provided at a location convenient to the entrance of the property. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: J Barron
APPLICANT: N Baker
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential/Commercial R80
EXISTING LAND USE: Single house

COMPLIANCE:

Use Class	Single bedroom dwelling, consulting rooms, office building and unlisted (art gallery)
Use Classification	"P", "SA", "AA" and "SA"
Lot Area	321 square metres

Requirements		Provided
Parking Spaces	Manoeuvrability - 6 metres from nearest impediment	4.4 metres

Commercial Car Parking:

Car parking requirement (nearest whole number)	4 car bays
<ul style="list-style-type: none"> ▪ Art gallery: 0.78 car bays ▪ Office: 0.21 car bays. ▪ Consulting Room: 3 car bays 	
Apply the adjustment factors.	(0.765)
<ul style="list-style-type: none"> ▪ 0.85 (within 800 metres of a rail station) ▪ 0.90 (provision of bicycle parking facilities due to requirement/condition to provide such facilities) 	3.06 car bays
Minus the car parking provided on site. *	1 car bay
Resultant shortfall.	2.06 car bays

* Car bays 3 and 4 have insufficient manoeuvrability, therefore reducing the total adequate car parking bays provided on site to 2 bays.

In accordance with the Residential Design Codes, one of the 2 car parking bays is required for the single bedroom dwelling component of the development, resulting in 1 bay provided for the commercial component.

Bicycle Parking Facilities:

Required	Provided
Art gallery: 1 bicycle parking space (Class 1 or 2) Office: 1 bicycle parking space (Class 1 or 2)	No bicycle parking shown on plans

SITE HISTORY:

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

CONSULTATION/ADVERTISING:

The application was subject to Special Advertising.

Three (3) objections were received during the advertising period. The submissions object to the proposal as it is seen as being used for illegal activities and seeks assurances that the Council would ensure that the use remains legal and appropriately controlled.

The Town received a detailed letter from one objector who voiced the following concerns, summarised below:

- Use of common accessway to adjacent residential property.
- Extended history of "Neighbour problems" relating to unapproved "Escort Agency" and other related unapproved businesses. In addition, multiple visitors and noise during the evening.
- Experience of visitors seeking a service on their property.
- The applicant has stated that they would be operating a art gallery and consulting room. The applicant has suggested their occupation as "dominatrix" and that the artist would be the applicant's sister or even her mother.
- Conversation with the applicant produced interest by the applicant's sister and mother that 'soccer crowds' would bring prospective clients.
- Concerns whether the art produced in the gallery will be that of what is intended and that the art gallery use is to be associated with the intended occupation of "dominatrix" by the applicant. That the gallery would evolve to display lewd and depraved subjects.
- The applicant mentioned that they would not reside at the property, but would stay over one or two nights a week during busy periods.

The following excerpts are from the remaining objectors' letters:

" I am writing to with concerns about the proposal to change the above residence in terms of planning .

Having viewed the plans it would appear that the changes are only cosmetic. As the plans submitted have only had the name changes made to each room. No work has been carried out on site.

Secondly that the building will be used as it was recently for consulting room. This meant that it was used for the sex industry."

" I am extremely concerned that this Office , Consulting Room and Art gallery will be used as a front for prostitution under the guise of " Feminisation and Japanese Rope Bondage" and furthermore I am concerned about the Type of Art that is possibly to be on display.

I also fell that private viewing by appointment seems to allow for very elastic trading hours which would suit this type of business.

It is my understanding that it was the Town of Vincent's intention to beautify this area and with the redevelopment of the Football Oval and park promote a safe and picturesque place for adults and children alike to enjoy"

DETAILS:

The applicant has submitted the following details in relation to the development proposal:

"I would like to apply for a change of use for the residential /commercial premises located at 309 Pier Street, Perth. . . . Proposed uses would be as a residence, an art gallery, a consulting room and office.

The building is an older style home situated directly across from Perth Oval and surrounded by many commercial premises.

It would be my intention to transform the two large rooms at the front of the house into an art gallery. Most of the pieces exhibited would be works created by my younger sister. . . . the majority of the works would be paintings and drawings depicting fish, animals and nature. There may also be some sculpture, craft and other items from time to time. I would also sometimes display works by other local artists.

The gallery would be open to the public 2-3 days a week, these days most probably being Mondays, Fridays and/or Saturdays. Opening times would be no earlier than 9am with closing times no later than 6pm. . . . Parking should not be a problem as most visitors to the gallery are likely to be foot traffic. However as well as street parking the property does have four private parking bays located behind the building.

It would also be my intention to utilise one of the central rooms as a consulting room for my services as a professional dome specialising in feminisation and Japanese rope bondage. The practice of these activities is a specialised art, and to avoid any possible confusion, please let me specify that I expressly do not offer a sex service.

My domme services would be available by appointment only between the hours of 10am and 8pm 2-3 days a week, these days most probably being Tuesdays Wednesdays and/or Thursdays. . . .

Another of the central rooms would be utilised as an office for the gallery.

I would be operating both the art gallery and my consulting service by myself with no employees. Family member may at times assist in minding the gallery. . . ."

COMMENTS:

Town Planning Scheme No. 1 Definition of Consulting Rooms

The definition of Consulting Rooms under the Town's Town Planning Scheme No. 1 reads as follows.

"“consulting rooms” means any building or part thereof used in the practice of a profession by a legally qualified medical practitioner or dentist, or by a physiotherapist, a masseur, a chiropractor, a chiropodist, or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments but does not include a hospital;"

The above definition expressly advocates the required parameters for the use of a consulting room. The applicant has provided details in relation to the service anticipated for the proposed consulting room use; however it is considered that the applicant services do not achieve the above requirements under the Town's Town Planning Scheme No.1. The applicant has not produced any formal certification and uncertainty has been raised as to whether the activities will be legitimate and legal.

Parking and Access

The proposal seeks to utilise four car parking bays in a tandem configuration located at the rear of the property. Whilst the proposal aims to utilise this situation, the ability for safe and convenient manoeuvrability is decreased due to the current situation; therefore, the requirement for adequate parking measures is decreased leaving two parking spaces on site. The shortfall of 2.06 car parking bays is not considered to impact on the immediate area, as there is street parking located adjacent to the property. In addition, the appropriate cash in lieu contribution condition has been placed to compensate the shortfall in required car parking spaces.

Town's Policy Relating to Beaufort Precinct

The general area is characterised by residential and residential/commercial buildings. The Policy relating to the 'Beaufort' Precinct states that:

"A renewed residential character is to be established in the Precinct. Although the area contains a diversity of activities, its primary use should be residential and therefore further conversion of residential properties away from residential use is to be resisted. A sensitive mix of uses, built form and development intensity is to be attained through the establishment of residential/commercial areas.

The Beaufort Precinct provides a good illustration of a potential residential community. It still retains a solid residential component and links with Northbridge which provides the required local facilities and services.

2) RESIDENTIAL/COMMERCIAL AREA

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

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

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

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

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

ii) *Mixed Residential/Commercial Development:*

Developments comprising residential and commercial uses:

- a) *are to contain a residential component of no less than 66 per cent of the existing or approved floor space;*
- b) *are to take measures to minimise conflict between non-residential and residential uses when approval is sought for a mixed use development; "*

Whilst the proposal seeks to utilise the existing building, it is considered that the proposed consulting room use does not display any due regard to the protection of character and amenity of the locality, and the nature of activities is considered to be non-compatible with the surrounding residential area.

The proposed art gallery, office and single bedroom component is considered compatible with the themes of the immediate locality and requirements of the above Policy, mainly due to the limited scale and nature of the art gallery and office.

Summary

It is considered that the consulting room use proposal will have an unreasonable detrimental impact on the amenity of the area, mainly due to the proposal resulting in non-compliance with the requirements for consulting rooms. Accordingly, it is recommended that the proposal for the change of use from single house to consulting room be refused, and the proposal from change of use from single house to a single bedroom dwelling, art gallery and office be approved, subject to the standard and appropriate conditions to address the above matters, including restricting the scale and nature of such uses.

Moved Cr Torre , Seconded Cr Doran-Wu

That the Council proceed "Behind Closed Doors" to consider Items 10.4.7, 10.4.8, 10.4.9 and 10.4.10.

CARRIED (9-0)

At 7.38pm Mayor Catania advised that Council will be proceeding "Behind Closed Doors" to consider Items 10.4.7, 10.4.8, 10.4.9, and 10.4.10 as these items contain commercial and financial information which is considered confidential.

Cr Cohen departed the Chamber at 7.39pm.

Approximately 20 members of the public and 3 journalists departed.

Cr Cohen returned to the Chamber at 7.40pm.

Council considered Items 10.4.7, 10.4.8, 10.4.9, and 10.4.10 "Behind Closed Doors".

10.4.7 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)

Ward:	South	Date:	5 May 2003
Precinct:	Oxford Centre, P4	File Ref:	RES0062
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

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;*
- (3) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995 having received the support of one third of the number of offices of Members of the Council, namely Mayor Catania, Cr Chester and Cr Ker, resolves to CHANGE the following resolution adopted by the Council at its Special Meeting held on 30 October 2001 (Item No. 5.2, Clause 1(b) and (3)(d)), by deleting "\$3 million" and inserting "up to \$6.5 million";*
- (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.**

Moved Cr Ker, Seconded Cr Chester

That the following amended recommendation be adopted.

AMENDED OFFICER RECOMMENDATION:

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;
- (3) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995 having received the support of one third of the number of offices of Members of the Council, namely Mayor Catania, Cr Chester and Cr Ker, resolves to CHANGE the following resolution adopted by the Council at its Special Meeting held on 30 October 2001 (Item No. 5.2, Clauses (1)(b) and (3)(d)), by deleting "\$3 million" and inserting "up to \$6.5 million";*

- (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.*

Corrected pages 8, 9, 10 and 18 (relating to the Sinking Fund and Business Plan) were circulated to all Elected Members.

Debate ensued.

Chief Executive Officer, Mr John Giorgi explained the Amended Recommendation and corrected figures to Council.

Debate ensued.

Cr Franchina stated that in his view the Town of Vincent should not be involved with this development and requested that this be recorded in the minutes.

CARRIED BY AN ABSOLUTE MAJORITY (8-1)

For

Mayor Catania
Cr Chester
Cr Cohen
Cr Doran-Wu
Cr Farrell
Cr Ker
Cr Lake
Cr Torre

Against

Cr Franchina

COUNCIL DECISION ITEM 10.4.7

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;*
- (3) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995 having received the support of one third of the number of offices of Members of the Council, namely Mayor Catania, Cr Chester and Cr Ker, resolves to CHANGE the following resolution adopted by the Council at its Special Meeting held on 30 October 2001 (Item No. 5.2, Clauses (1)(b) and (3)(d)), by deleting "\$3 million" and inserting "up to \$6.5 million";*
- (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.*

BACKGROUND:

At the Special Council Meeting held on 30 October 2001, the Council approved of entering into a partnership with the State Government of Western Australia to redevelop and construct a number of sporting facilities, including a Multi-Purpose Rectangular Sports Stadium on Perth Oval, State Indoor Multi-Use Sports Centre on 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.

At the Council Meeting held on 26 March 2002, the Council received a preliminary update on these projects.

At the Ordinary Meeting of Council held on 23 July 2002, the Council resolved as follows;

"That the Council;

- (i) RECEIVES the Progress Report No. 1 as at 17 July 2002, relating to the proposed Office Building, Leederville Oval, 246 Vincent Street, Leederville;*
- (ii) NOTES the indicative timetable for this project; and*
- (iii) AUTHORIZES the Chief Executive Officer to submit an Expression of Interest (EOI) or tender for the Department of Sport and Recreation office accommodation, subject to;*
 - (a) the final approval of EOI/tender by the Council; and*
 - (b) the Council approving of the major land transaction in accordance with Sections 3.58 and 3.59 of the Local Government Act."*

PROPOSED OFFICE BUILDING:

The Town proposes to construct an office building comprising of a basement and two (2) levels. The basement will comprise twenty-one (21) parking bays, archives and storage.

Site Details

Address

246 Vincent Street, Leederville

Land Area

The building and associated secure car parking area (i.e. inclusive of the land for the office expansion) is approximately 3,100m² in area and 2,300m² of net lettable area. The total lot is 53,088m² (i.e. Leederville Oval). The 3,100m² site for the proposed Office Building and future expansion is included within the overall lot Reserve No. 3839 and located at the south west corner of the Leederville Oval site, fronting Vincent Street.

Peter Hunt Architect has advised of the following;

"Visible External Features and Finishes

The architectural character of the new Sport and Recreation Office Building will be contemporary and this is achieved through a mix of solid, light weight and transparent materials on the four facades. Plans are attached to this report and Business Plan.

The sculptural massing of the building follows a strong geometric plan rigorously configured to a 1200 x 1200 planning module.

The external features comprise of two masonry elements ("book ends") clad in Donnybrook stone in keeping with the Town of Vincent Administration Centre; high performance slightly tinted glazing on all facades, painted compressed sheet to the building podiums; and powder coated perforated sun shading devices on the North, East and West facades. In accordance with the Tender Brief, all handrails will be stainless steel with glazed infill panels to the stairs. The entry canopies will be clad in a prefinished metallic panelling system.

An elevated shade canopy in the form of a light steel structure will create a visual counterpoint over the entrance to the building and will announce the building to the street in a most distinctive manner.

Internal Features and Finishes

The building is configured around a centralised core on the south with clearly identifiable pedestrian access from Vincent Street on the south and the secure and visitor's car parks to the north.

The ground floor lobby is generous in proportions, incorporating a reception counter (15m²), waiting area (20m²), 16 person lift and a 1900 clear width interconnecting stair.

The building's design ensures that virtually no point within the office space is more than 10 metres from a natural light source, thus minimising dependence on artificial lighting.

The location of the core permits 4 potential independent access points from the lobby on each floor level thus maximising flexibility when planning floor utilisation.

The central zone for each floor has the structural capacity to accommodate the records compactus requirements as demonstrated in the structural loading diagram.

The shower and change room facilities exceed the Tender Brief requirements through the inclusion of an additional toilet and a unisex shower/change cubicle.

The internal finishes will be in accordance with the Tender Part 2 - Technical Requirements, being carpeted flooring in office spaces, lobbies with tiles and vinyl in wet areas. The walls construction will be rendered brickwork or concrete within the core and plasterboard to all perimeter walls (paint finished).

Type of Construction

The building is based on an 8.4 x 8.4 metre structural grid of reinforced concrete columns supporting a ground and first floor slab. We have adopted a solution in which all internal and external walls are not structural and therefore permit future manipulation of building elements.

Typically on the external walls, we employ a light weight construction technique using a variety of cladding materials supported by a galvanised steel framework with insulation and vapour barriers. Similarly the internal skin of these walls are gyprock with insulation.

The building's core will be constructed from brickwork and rendered or tiled as required.

Exclusions

The estimate specifically excludes;

- Architects and consultants fees (approx. \$372,000)
- Geotechnical survey (approx \$3,500)
- Site survey (already carried out)
- Basement sprinkler installation (not required)
- Fire tanks and pumps (not required - but to be checked)
- Sewer or other major services diversion (not anticipated - but to be checked)
- Office fit-out and associated PABX, telephone handsets, computer hardware and LAN hardware (usual tenants cost)
- Window treatments (usual tenants cost)
- Light dimming (included in costs \$50,000)
- Soft landscaping (\$20,000 reticulation, \$30,000 landscaping)
- External building signage (by tenant)
- GST (recoverable)

The estimate is based on the design and report as drawn and presented to the Department of Sport and Recreation. A saving of \$110,000 could be achieved by consideration of an alternative air-conditioning system. This will be further explored as the Project progresses.

Project Cost Estimates

Construction Costs (as per Quantity Surveyor RBB estimate reviewed on 27 March 2003)	\$5,696,000
Total Professional Fees 6.53% (including GST)	\$372,000
Development Contingency (approx 2%) as required by the Town of Vincent	\$124,000
Interest during construction (based on 5.69% interest rate)	175,000
Lighting dimming and energy efficiency system	\$50,000
Soft landscaping	\$50,000
Other Fees (e.g. valuation and leasing consultancy, site survey, geotechnical survey, legal costs)	\$32,500
Expected Total Project Costs	\$6,499,500

TENDER:

On 19 October 2002, a tender was advertised by the State Government of Western Australia - Department of Housing and Works, inviting tenders to provide an office building for the Department of Sport and Recreation. This tender closed on 20 December 2002. The Town submitted a tender, in accordance with the Council decision of 23 July 2002.

Eight (8) tenders were received by the Department of Housing and Works and five (5) were conforming. The conforming tenders were assessed by the Government Accommodation Committee. On 28 February 2003, the Town was advised that it had been selected as "Preferred Tenderer". Discussions and several meetings have been held with representatives of the Department of Housing and Works, Department of Sport and Recreation and the Town's Architect. On 13 March 2003, a briefing session was held with the Town's Elected Members. The Project Architect and a representative of the Department of Sport and Recreation attended this briefing session.

PROPOSED TIMETABLE:

The following is a revised indicative timetable for this project;

Project	Weeks Duration	Start Date	Finish Date
Planning	20	April 2002	October 2002
Prepare EOI/Tender	8	19 October 2002	20 December 2002
Await Tender Decision	12	20 December 2002	28 February 2003
Town awarded "Preferred Tenderer Status"	1	28 February 2003	-
Government Approval of Tender	1	29 April 2003	-
Council Approval in Principle	-	13 May 2003	-
WAPC Determination	8	14 May 2003	9 July 2003
Prepare Working Drawings	12	14 May 2003	13 August 2003
Advertise Major Land Transaction	6	17 May 2003	30 June 2003
Council to approve Major Land Transaction	-	8 July 2003	-
Council to approve of plans		22 July 2003	
Advertise Tender	4	26 July 2003	26 August 2003
Tender Assessment/Award Tender	2	26 August 2003	3 September 2003
Council to Award Tender	-	9 September 2003	-
Construction and Fitout Period	44	15 September 2003	30 June 2004

FINANCIAL/BUDGET IMPLICATIONS:

The Budget 2002-2003 includes an amount of \$1.5 million for this financial year. The total project cost is estimated to be up to \$6.5 million. This project will be funded from rent from the tenant (DSR) and therefore no rates income will be required. The building costs are significantly higher than was originally proposed in October 2001. This is due to the Department of Sport and Recreation substantially changing tender requirements for a larger building and specific requirements.

It should be noted that the Town's proposal will be on the basis that the rent will cover all borrowings for the construction of the office building and also an annual "Sinking Fund" amount to be placed in a Reserve Fund for future maintenance and repairs.

Tender Approval

On 29 April 2003, the State Government Department of Housing and Works advised of the following;

"This is to advise you that on 24 April 2003, the Government Accommodation Committee approved the proposal submitted by the Department of Sport and Recreation to procure new office accommodation from the Town of [Vincent]. The approval is based on the following terms, as previously advised by yourself:

Premises: New two level building at 246 Vincent Street, Leederville
Net lettable area: 2,300 square metres
Lease commencement: 1 July 2004 (approximately)
Lease expiry: 30 June 2019
Lease term: 15 years
Options: 3 x 5 years
Initial net rental: \$180 per square metre per annum. This will be reduced on a pro rate basis in the event that development costs are less than \$6.5 million
Outgoings: \$55 per square metre per annum
Rent review: Annual fixed increase of 3% per annum.

Yours sincerely,

*Malcolm Bradshaw
Acting Manager, Commercial Property"*

Outgoings

The Chief Executive Officer has negotiated that all outgoings are to be paid by the tenant. These have been estimated to be \$55 per square metre and include;

- (a) Maintaining and repairing the building and plant and equipment in the building, including the cost of spare or replacement parts which are needed for maintenance and repair, including the cleaning of exterior windows, air conditioning system and lift maintenance contracts;
- (b) all rates and taxes – including land tax (currently there are no rates and taxes applicable to this land - and outgoing will only apply if the State Government introduces any new rates or taxes);
- (c) Lease costs;
- (d) Telephone costs;
- (e) Western Power costs;
- (f) Water Corporation costs;
- (g) Alinta Gas costs;
- (h) Building insurance recoup to the Town of Vincent;
- (i) Security;
- (j) Rubbish disposal;
- (k) Keeping the premises free of vermin and pests; and
- (l) Gardening and maintenance of landscaping of the leased area.

It is proposed that the Town will directly manage the building - therefore saving on Managing Agents fees.

Proposed Reserve Fund

It is recommended that the Council approve of a Reserve Fund to be created to ensure that sufficient funds are available in future years to maintain the building, carry out capital works improvements and replace carpets and plant (e.g. air conditioning units).

Loan Repayment

Based on a loan of \$6.5 million at an interest rate of 5.74%, payments increasing at 3% per annum, the Town will own the building and payout the loan at twenty-two point seven (22.7) years, as follows;

Term (in years)	% Ownership
15 years	42.00 <i>approx</i>
20 years	85.50 <i>approx</i>
22.7 years	100.00

After 22.7 years, the Town will receive a significant income from this asset (\$414,000 per annum at 2004). It is considered most important that the Council recognises that to have the State Government Department of Sport and Recreation as a tenant will ensure that there is minimal risk of any loan default occurring.

Future Potential Revenue

The annual rent based on 2,300m² of net lettable area at a rate of \$180/m² will result in an annual rent of \$414,000.

The annual rent of \$414,000 will be increased by 3% per annum (as agreed by the Department of Housing and Works).

This is shown as follows;

Calculation of Annual Rent with 3% Annual Increase (as at 30 April 2003)

Year	3% Annual Increase	Annual Repayment (incl. 3% increase)
Year 1	12,420.00	414,000.00
Year 2	12,792.60	426,420.00
Year 3	13,176.37	439,212.60
Year 4	13,571.66	452,388.97
Year 5	13,978.79	465,959.66
Year 6	14,398.15	479,938.45
Year 7	14,830.08	494,336.15
Year 8	15,274.98	509,166.23
Year 9	15,733.23	524,441.21
Year 10	16,205.23	540,174.44
Year 11	16,691.39	556,379.67
Year 12	17,192.13	573,071.06
Year 13	17,707.89	590,263.19
Year 14	18,239.13	607,971.08
Year 15	18,786.30	626,210.21
Year 16	19,349.89	644,996.51
Year 17	19,930.39	664,346.40
Year 18	20,528.30	684,276.79
Year 19	21,144.15	704,805.09
Year 20	21,778.47	725,949.24
Year 21	-	747,727.71

Therefore, based on the current proposal that the loan will be paid out after a 22.7 year period, the Town will receive revenue of \$747,727 per year thereafter (i.e. 2026). This money can be used at the Council's discretion and will provide a most attractive amount of money which can be used for the overall benefit of the Town.

Sinking Fund Contribution

The Town's negotiated rent payment includes an amount of \$20,000 which will be placed in the Office Building Reserve Fund (Sinking Fund). (This money excludes the construction contingency of \$124,000.) This annual amount will increase to \$37,207 per annum at year 2024. The Reserve Fund will hold \$106,185 after five (5) years, \$229,282 after ten (10) years, \$371,985 after fifteen (15) years and \$610,748 after twenty-two (22) years. This amount is on the basis that none of these monies will be used during the period. This is not realistic, as maintenance, repairs and replacement of carpets, etc., will be required throughout the period. However, the contributions towards the Sinking Fund are considered most adequate and at the end of 22.7 years, the Reserve Fund could potentially contain \$610,748.

The Sinking Fund contributions are shown as follows;

Year	Sinking Fund Monthly Payment	Sinking Fund Payment Annualised	Total
Year 1	1,667	20,000	
Year 2	1,717	20,600	
Year 3	1,768	21,218	
Year 4	1,821	21,855	
Year 5	1,876	22,511	
			\$106,185
Year 6	1,932	23,186	
Year 7	1,990	23,882	
Year 8	2,050	24,598	
Year 9	2,111	25,336	
Year 10	2,175	26,096	
			\$229,282
Year 11	2,240	26,879	
Year 12	2,307	27,685	
Year 13	2,376	28,516	
Year 14	2,448	29,371	
Year 15	2,521	30,252	
			\$371,986
Year 16	2,597	31,160	
Year 17	2,675	32,095	
Year 18	2,755	33,058	
Year 19	2,837	34,049	
Year 20	2,923	35,071	
Year 21	3,010	36,123	
Year 22	3,101	37,207	
Total			<u>\$610,748</u>

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 not been referred to the Town's solicitors for comment, in order to keep costs to a minimum. However, as part of the Town's due diligence process, it is recommended that the CEO be authorised to have these documents legally reviewed.

ADVERTISING/COMMUNITY CONSULTATION:

The Town advertised the proposed redevelopment of Leederville Oval and the Loftus Centre land on a local basis and twelve (12) submissions were received on the closing date of 22 May 2002. No comments were made about the proposed administration building. This information was previously reported to the Council. However, it will still be necessary to re-advertise a Major Land Transaction and Business Plan for a period of 6 weeks.

PRINCIPAL ACTIVITIES PLAN:

This is included in the Town's Principal Activities Plan, Page 42 – *“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.



TOWN OF VINCENT

BUSINESS PLAN FOR A MAJOR LAND TRANSACTION

(PURSUANT TO SECTION 3.59(3) OF THE
LOCAL GOVERNMENT ACT 1995)

PROPOSAL TO CONSTRUCT AN OFFICE ADMINISTRATION BUILDING FOR LEASING TO THE STATE GOVERNMENT OF WESTERN AUSTRALIA - DEPARTMENT OF SPORT AND RECREATION

PREPARED BY: TOWN OF VINCENT
244 VINCENT STREET
LEEDERVILLE WA 6007

May 2003

APPENDIX 10.4.7

1. INTRODUCTION

The Town of Vincent has redeveloped Leederville Oval into a "Football Centre of Excellence" which is to be jointly used by East Perth and Subiaco Football Clubs. An opportunity to locate the Department of Sport and Recreation (DSR) onto the Vincent Street frontage of Leederville Oval has arisen.

In October 2002, the State Government of Western Australia called a tender for the construction/provision of an office building for the DSR. The Town submitted a tender and on 29 April 2003, the State Government Department of Housing and Works approved of the tender being awarded to the Town.

2. PROPOSED MAJOR LAND TRANSACTION

Building and Lease Details

Visible External Features and Finishes:

The architectural character of the new Sport and Recreation Office Building will be contemporary and this is achieved through a mix of solid, light weight and transparent materials on the four facades. Plans are attached to this report and Business Plan.

The sculptural massing of the building follows a strong geometric plan rigorously configured to a 1200 x 1200 planning module.

The external features comprise of two masonry elements ("book ends") clad in Donnybrook stone in keeping with the Town of Vincent Administration Centre; high performance slightly tinted glazing on all facades, painted compressed sheet to the building podiums; and powder coated perforated sun shading devices on the North, East and West facades. In accordance with the Tender Brief, all handrails will be stainless steel with glazed infill panels to the stairs. The entry canopies will be clad in a prefinished metallic panelling system.

An elevated shade canopy in the form of a light steel structure will create a visual counterpoint over the entrance to the building and will announce the building to the street in a most distinctive manner.

Internal Features and Finishes:

The building is configured around a centralised core on the south with clearly identifiable pedestrian access from Vincent Street on the south and the secure and visitor's car parks to the north.

The ground floor lobby is generous in proportions, incorporating a reception counter (15m²), waiting area (20m²), 16 person lift and a 1900 clear width interconnecting stair.

APPENDIX 10.4.7

The building's design ensures that virtually no point within the office space is more than 10 metres from a natural light source, thus minimising dependence on artificial lighting.

The location of the core permits 4 potential independent access points from the lobby on each floor level thus maximising flexibility when planning floor utilisation.

The central zone for each floor has the structural capacity to accommodate the records compactus requirements as demonstrated in the structural loading diagram.

The shower and change room facilities exceed the Tender Brief requirements through the inclusion of an additional toilet and a unisex shower/change cubicle.

The internal finishes will be in accordance with the Tender Part 2 - Technical Requirements, being carpeted flooring in office spaces, lobbies with tiles and vinyl in wet areas. The walls construction will be rendered brickwork or concrete within the core and plasterboard to all perimeter walls (paint finished).

Type of Construction:

The building is based on an 8.4 x 8.4 metre structural grid of reinforced concrete columns supporting a ground and first floor slab. We have adopted a solution in which all internal and external walls are not structural and therefore permit future manipulation of building elements.

Typically on the external walls, we employ a light weight construction technique using a variety of cladding materials supported by a galvanised steel framework with insulation and vapour barriers. Similarly the internal skin of these walls are gyprock with insulation.

The building's core will be constructed from brickwork and rendered or tiled as required.

The Town proposes to construct an office building for use by the Department of Sport and Recreation for a period of fifteen (15) years, with an option of fifteen (15) years (comprising three (3) x five (5) year leases). It is to be constructed on the Vincent Street frontage on the site of the existing turnstyle building.

Land Details

The Leederville Oval land is rectangular in shape and comprises of 5.3088 hectares. It is bounded by Vincent Street on the south, the Loftus Recreation Centre and Leederville Childcare Centre on the east, Leederville TAFE, Margaret Pre-school and the Loftus Recreation Centre carpark on the north, Leederville TAFE and School of Isolated and Distance Education on the west.

Land Ownership

Leederville Oval is a C-Class Reserve, located on Reserve 3839. The land is vested in the Town for the purposes of "*Recreation and Child Care*".

APPENDIX 10.4.7

Land Zoning

The land is currently a Metropolitan Region Scheme Reserve, zoned "Parks and Recreation – Restricted Public Access".

Current Use and Improvements

Leederville Oval has been used as an Australian Rules Football ground since 1915 and was vacated by the West Perth Football Club in 1994. Perth Glory Soccer Club have been using Leederville Oval for training purposes since December 1999. East Perth Football Club have been using Leederville Oval for training and league games during 2000 and 2001.

The Grandstand and adjoining clubrooms have been the subject of a major refurbishment. The Oval playing surface has been well maintained and is in a very good condition.

3. VALUATION

The Town estimates that the proposed office building will have a replacement value of approximately \$6.5 million (excluding value of the land).

4. EXPECTED EFFECT ON THE PROVISION OF FACILITIES AND SERVICES (SECTION 3.59(3)(a))

The redevelopment of Leederville Oval is well advanced and includes;

- 4.1 The upgrade of Leederville Oval for use as a West Australian Football League venue and for the co-location of East Perth Football Club and Subiaco Football Club clubrooms and home ground.
- 4.2 An area of approximately 10,650m² outside the football oval and between the eastern boundary of the Reserve will be created into a public open space which will include plants, lawn, paths, lighting, fencing, street furniture, public art and bore upgrade and reticulation, upgrade of footpaths, street lighting and infrastructure.

This building will complement the sports uses at Leederville Oval.

APPENDIX 10.4.7

5. EXPECTED EFFECT ON OTHER PERSONS PROVIDING FACILITIES AND SERVICES (SECTION 3.59(3)(b))

The new Office Building would result in the following advantages and benefits;

Advantages/Benefits

1. The redevelopment will have minimal impact on the ratepayer and residents around Leederville Oval.
2. Cost is realistic and achievable and will not require funding from rates income.
3. The Department staff will provide additional patronage to the Oxford Centre businesses. The DSR currently employs approximately 120 employees.
4. The building will complement the redevelopment of Leederville Oval and is predicted to have a substantial beneficial impact on the Town. In particular, the Leederville business community will receive patronage from proposed seminars which will be focussed on this site.
5. Leederville parking will be improved - Leederville business community/Central TAFE Leederville Campus and Distance Education Centre will have access to 100 additional carparking bays when not required on match days.
6. Venue is ideally located to public transport and access – Leederville Railway Station is within 450m, Mitchell Freeway 100m, major roads – Vincent, Oxford and Loftus Streets.
7. Heritage of Leederville Oval (as an Australian Rules Football venue) will be preserved.
8. The Department will be provided with modern, efficient and centrally located accommodation.
9. The Department will be located on a multi-sports facility site and will utilise it for allied sports functions.
10. The Department will be more centrally located for their clients/visitors.

6. THE EXPECTED FINANCIAL EFFECT ON THE TOWN OF VINCENT (SECTION 3.59(3)(c))

The proposal indicates the following funding arrangement;

Expenditure

The Town will borrow an amount of up to \$6.5 million for the construction of the office building and associated costs and this will be funded from loan borrowings. (No rates will be involved).

APPENDIX 10.4.7

The loan term is for twenty-one (21) years at an estimated rate of 5.69% fixed for the term of the loan.

Project Cost Estimates

Construction Costs (as per Quantity Surveyor RBB estimate reviewed on 27 March 2003)	\$5,696,000
Total Professional Fees 6.53% (including GST)	\$372,000
Development Contingency (approx 2%) as required by the Town of Vincent	\$124,000
Interest during construction (based on 5.69% interest rate)	175,000
Lighting dimming and energy efficiency system	\$50,000
Soft landscaping	\$50,000
Other Fees (e.g. valuation and leasing consultancy, site survey, geotechnical survey, legal costs)	\$32,500
Expected Total Project Costs	\$6,499,500

Revenue

Loan Repayment

Based on a loan of \$6.5 million at an interest rate of 5.74%, payments increasing at 3% per annum, the Town will own the building and payout the loan at twenty-two point seven (22.7) years, as follows;

Term (in years)	% Ownership
15 years	42.00 <i>approx</i>
20 years	85.50 <i>approx</i>
22.7 years	100.00

After 22.7 years, the Town will receive a significant income from this asset (\$414,000 per annum at 2004). It is considered most important that the Council recognises that to have the State Government Department of Sport and Recreation as a tenant will ensure that there is minimal risk of any loan default occurring.

Future Potential Revenue

The annual rent based on 2,300m² of net lettable area at a rate of \$180/m² will result in an annual rent of \$414,000.

The annual rent of \$414,000 will be increased by 3% per annum (as agreed by the Department of Housing and Works).

APPENDIX 10.4.7

Sinking Fund Contribution

The Town's negotiated rent payment includes an amount of \$20,000 which will be placed in the Office Building Reserve Fund (Sinking Fund). (This money excludes the construction contingency of \$124,000.) This annual amount will increase to \$37,207 per annum at year 2024. The Reserve Fund will hold \$106,185 after five (5) years, \$229,282 after ten (10) years, \$371,985 after fifteen (15) years and \$610,748 after twenty-two (22) years. This amount is on the basis that none of these monies will be used during the period. This is not realistic, as maintenance, repairs and replacement of carpets, etc., will be required throughout the period. However, the contributions towards the Sinking Fund are considered most adequate and at the end of 22.7 years, the Reserve Fund could potentially contain \$610,748.

It is proposed that the Town will act as Property Managers for the building.

**7. IMPACT ON PRINCIPAL ACTIVITIES PLAN/CORPORATE PLAN
(SECTION 3.59(3)(d))**

Principal Activities Plan

The redevelopment of Leederville Oval is shown in the Town's Principal Activity Plan at Pages 39 and 41. The *Objective* states; *"To improve the standard of the existing facility with maintenance funds that ensure the facility can be maintained through required ongoing standards."*

Strategic Plan 2000-2002

The redevelopment of Leederville Oval is in keeping with the Town's Strategic Plan 2000/2002 Key Result Area 3.6 – *"Develop and Implement Strategies to improve the Town's Parks and Reserves"*, in particular Key Result Area 3.6(a) *"Investigate and Develop the future of Leederville Oval"*.

Draft Strategic Plan 2002-2007

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"*.

**8. THE ABILITY OF THE TOWN TO MANAGE THE TRANSACTION
(SECTION 3.59(3)(e))**

The redevelopment of Leederville Oval will be conducted by the Town's Chief Executive Officer and Executive Managers, with support from the Town's Solicitors. Consultant professionals (for example architects, quantity surveyors, engineers, surveyors and the like) will be engaged on an "as needed basis" to provide the necessary advice.

The redevelopment of Leederville Oval will be conducted in accordance with Sections 3.58 and 3.59 of the Local Government Act 1995 and relevant regulations.

APPENDIX 10.4.7

9. OTHER MATTERS (SECTION 3.59(3)(f))

There are no other matters or regulations which are relevant to this major land transaction.

The proposal has the approval of the State Government of Western Australia, Department of Housing and Works.

This proposal was previously advertised in April 2002 and general support for the redevelopment of Leederville Oval was received. No adverse comments were received about the proposed building.

The lease for Leederville Oval requires the approval of the Minister for Planning and Infrastructure and Minister for Lands.

APPENDIX 10.4.7

YOUR COMMENTS ARE INVITED

This Business Plan provides details of the Town's proposal.

If you have comments on the proposal, please;

- send your written comments to:

Mr John Giorgi, JP
Chief Executive Officer
Town of Vincent
PO Box 82
LEEDERVILLE WA 6902

or

- e-mail your comments to the following:

john.giorgi@vincent.wa.gov.au

Your comments should be submitted **NO LATER THAN 4PM MONDAY 30 JUNE 2003**

Should you need any further information, please contact Annie or Manuela on telephone 9273 6002.

Mayor Catania announced that Cr Franchina declared a proximity interest in Items 10.4.8, 10.4.9 and 10.4.10. Cr Franchina departed the Chamber at 7.58pm. He did not speak or vote on these items.

10.4.8 Tender No 257/03 - Provision of the Catering Services - Proposed Multi-Purpose Sports Stadium at Perth Oval

Ward:	South	Date:	8 May 2003
Precinct:	-	File Ref:	TEN0264
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the tender for the Provision of Catering Services for the Proposed Multi-Purpose Sports Stadium at Perth Oval;*
- (ii) *not accept the tenders as submitted by Allia Holdings Pty Ltd and Burswood Catering and Entertainment Pty Ltd as they are considered to be unacceptable;*
- (iii) *notes that the tender submitted by Allia Holdings Pty Ltd has many potential advantages and benefits to the Town;*
- (iv) *pursuant to Regulation 11(2)(c)(i) of Part 4 of the Local Government (Functions and General) Regulations 1996, the Chief Executive Officer be authorised to enter into negotiations with Allia Holdings Pty Ltd using their tender document submitted to the Town as a basis with the objective to address matters identified by the Chief Executive Officer and the Town's Solicitors (including the following) to the satisfaction of the Town:*

Applicable to all tenders

- (a) *the acceptance of any one tender being conditional upon the other two tenders for Naming Rights and Operational Management Services also being accepted;*
- (b) *the lease options are exercisable by Allia Holdings Pty Ltd jointly and which are not severable;*
- (c) *the non-payment of the \$400,000 annual fee no longer being applicable after the Town's loan of \$4.469 million has been repaid;*
- (d) *the type of security to be provided is to be specified;*
- (e) *the period of rent reviews to be determined, and in any case, not to exceed a period of five (5) years;*
- (f) *parking revenue from any proposed parking on public open space or other parking areas associated with the proposed stadium to be available to the licensee/vendor (page 12 - clause 6.5);*
- (g) *the Naming Rights fee of \$150,000 per annum inclusive of GST (page 52, clause 5.1);*
- (h) *selling of Naming Rights over \$150,000, any amount over \$200,000 will be payable to the Town. The remaining \$50,000 will assist Allia Holdings Pty Ltd to offset the \$400,000 annual payment to the Town (page 54, clause 10);*

Applicable to Catering Services Tender

- (i) *clarification of the catering commission to be paid to venue users (page 28 - clause 13.1.3);*

Applicable to Operational Management Tender

- (j) *clarification of the submission that Perth Glory Soccer Club Pty Ltd being granted the right and entitlement to be the major licensee and lessee (page 11- clause 6.1);*
- (k) *clarification of an identical licence fee to be charged to a proposed second National Soccer League Team (which is currently charged to Perth Glory Soccer Club Pty Ltd) (page 12);*
- (l) *determination of ownership of capital works and improvements at an estimated value of \$100,000 to be provided by Allia Holdings Pty Ltd (page 23 - clause 5.1);*
- (m) *clarification of contribution towards the cost of maintenance for building repairs and ground maintenance (other than the pitch) (page 24 -clause 5.3);*
- (n) *clarification of the contribution towards the building insurance;*
- (o) *clarification of the request for the Town to install security cameras in priority areas (page 24, clause 5.2.8);*
- (p) *clarification of the venue users' requirement to pay outgoings above the rental to be charged (page 26, clause 8);*
- (q) *clarification of roles and responsibilities of the venue managers;*

Applicable to Naming Rights Tender

- (r) *clarification of the Town's requirements to contribute towards the installing of grandstand signage;*
- (s) *clarification of surplus funds from Naming Rights payable to the Town (pages 12 & 43); and*
- (t) *clarification that a "clean venue" - free of advertising will be provided for the various users.*

Moved Cr Chester, Seconded Cr Ker

That the Officer Recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

That clause (iv)(c) be amended by deleting the word "non-payment" and replacing with the word "payment" as follows;

"(iv) (c) the payment of the \$400,000 annual fee no longer being applicable after the Town's loan of \$4.469 million has been repaid;"

Debate ensued.

AMENDMENT CARRIED (8-0)

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

Moved Cr Ker, Seconded Cr Chester

That clause (iv)(h) be deleted and a new clause be inserted as follows;

"(iv)(h) selling of Naming Rights over \$150,000, any amount greater than \$150,000 will be shared between the Tenderer and the Town at a percentage to be negotiated;"

Debate ensued.

AMENDMENT CARRIED (8-0)

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

Moved Cr Chester, Seconded Cr Lake

That a new clause (iv)(d) be added as follows and the remaining clauses renumbered accordingly;

"(iv) (d) monies be set aside in a Sinking Fund with a Full Asset Management Plan to be prepared, to ensure the long term maintenance of the facility;

Debate ensued.

AMENDMENT CARRIED (8-0)

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

Moved Cr Ker, Seconded Cr Chester

That the recommendation is subject to the confirmation of the figures in this Item's report relating to the Burswood Catering and Entertainment Pty Ltd, against the offer from Burswood Catering and Entertainment Pty Ltd.

Debate ensued.

AMENDMENT CARRIED (8-0)

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

Moved Cr Chester, Seconded Cr Ker

Add a new clause, (iv)(r), under the heading "Applicable to Operational Management Tender", as follows, and renumber the remaining clauses.;

"(iv)(r) the management plan outline public transport, and encourage use of transport alternatives other than the private car;"

Debate ensued.

AMENDMENT CARRIED (8-0)

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

Moved Cr Lake, Seconded Cr Chester

Add a new clause, (iv)(s), under the heading "Applicable to Operational Management Tender", as follows, and renumber the remaining clauses.;

"(iv)(s) the management plan address issues of litter in Perth Oval and the surrounding streets and issues of security and inappropriate behaviour of patrons;"

Debate ensued.

AMENDMENT CARRIED (8-0)

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

Moved Cr Ker, Seconded Cr Lake

Note that all the amendments (carried at tonight's meeting) for Item 10.4.8 will also be applicable to Items 10.4.9 and 10.4.10.

AMENDMENT CARRIED (8-0)

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

MOTION AS AMENDED CARRIED (8-0)

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

COUNCIL DECISION ITEM 10.4.8

That the Council;

- (i) RECEIVES the report on the tender for the Provision of Catering Services for the Proposed Multi-Purpose Sports Stadium at Perth Oval;*
- (ii) not accept the tenders as submitted by Allia Holdings Pty Ltd and Burswood Catering and Entertainment Pty Ltd as they are considered to be unacceptable;*
- (iii) notes that the tender submitted by Allia Holdings Pty Ltd has many potential advantages and benefits to the Town;*
- (iv) pursuant to Regulation 11(2)(c)(i) of Part 4 of the Local Government (Functions and General) Regulations 1996, the Chief Executive Officer be authorised to enter into negotiations with Allia Holdings Pty Ltd using their tender document submitted to the Town as a basis with the objective to address matters identified by the Chief Executive Officer and the Town's Solicitors (including the following) to the satisfaction of the Town:*

Applicable to all tenders

- (a) *the acceptance of any one tender being conditional upon the other two tenders for Naming Rights and Operational Management Services also being accepted;*
- (b) *the lease options are exercisable by Allia Holdings Pty Ltd jointly and which are not severable;*
- (c) *the payment of the \$400,000 annual fee no longer being applicable after the Town's loan of \$4.469 million has been repaid;*
- (d) *monies be set aside in a Sinking Fund with a Full Asset Management Plan to be prepared, to ensure the long term maintenance of the facility;*
- (e) *the type of security to be provided is to be specified;*
- (f) *the period of rent reviews to be determined, and in any case, not to exceed a period of five (5) years;*
- (g) *parking revenue from any proposed parking on public open space or other parking areas associated with the proposed stadium to be available to the licensee/vendor (page 12 - clause 6.5);*
- (h) *the Naming Rights fee of \$150,000 per annum inclusive of GST (page 52, clause 5.1);*
- (i) *selling of Naming Rights over \$150,000, any amount greater than \$150,000 will be shared between the Tenderer and the Town at a percentage to be negotiated;*

Applicable to Catering Services Tender

- (j) *clarification of the catering commission to be paid to venue users (page 28 - clause 13.1.3);*
- (k) *the recommendation is subject to the confirmation of the figures in this Item's report relating to the Burswood Catering and Entertainment Pty Ltd, against the offer from Burswood Catering and Entertainment Pty Ltd.*

Applicable to Operational Management Tender

- (l) *clarification of the submission that Perth Glory Soccer Club Pty Ltd being granted the right and entitlement to be the major licensee and lessee (page 11- clause 6.1);*
- (m) *clarification of an identical licence fee to be charged to a proposed second National Soccer League Team (which is currently charged to Perth Glory Soccer Club Pty Ltd) (page 12);*
- (n) *determination of ownership of capital works and improvements at an estimated value of \$100,000 to be provided by Allia Holdings Pty Ltd (page 23 - clause 5.1);*
- (o) *clarification of contribution towards the cost of maintenance for building repairs and ground maintenance (other than the pitch) (page 24 -clause 5.3);*

- (p) *clarification of the contribution towards the building insurance;*
- (q) *clarification of the request for the Town to install security cameras in priority areas (page 24, clause 5.2.8);*
- (r) *clarification of the venue users' requirement to pay outgoings above the rental to be charged (page 26, clause 8);*
- (s) *clarification of roles and responsibilities of the venue managers;*
- (t) *the management plan outline public transport, and encourage use of transport alternatives other than the private car;*
- (u) *the management plan address issues of litter in Perth Oval and the surrounding streets and issues of security and inappropriate behaviour of patrons;*

Applicable to Naming Rights Tender

- (v) *clarification of the Town's requirements to contribute towards the installing of grandstand signage;*
 - (w) *clarification of surplus funds from Naming Rights payable to the Town (pages 12 & 43);*
 - (x) *clarification that a "clean venue" - free of advertising will be provided for the various users; and*
 - (y) *note that all the amendments (carried at tonight's meeting) for Item 10.4.8 will also be applicable to Items 10.4.9 and 10.4.10.*
-

BACKGROUND:

At the Special Council Meeting held on 30 October 2001, the Council approved of entering into a partnership with the State Government of Western Australia to redevelop and construct a number of sporting facilities, including a Multi-Purpose Rectangular Sports Stadium on Perth Oval, State Indoor Multi-Use Sports Centre on the Loftus Centre land and the redevelopment of Leederville Oval into a "Football Centre of Excellence" for joint use by EPFC and SFC. The Town has also approved of the construction of an office building on Leederville Oval to house the Department of Sport and Recreation.

At a Special Meeting of Council held on 10 December 2002, the Council resolved to redevelop Perth Oval, construct a Multi-Purpose Rectangular Sports Stadium (Stage 1) and create approximately 35,000m² of public open space, including plants, lawn, paths, lighting, fencing, street furniture, public art and bore upgrade and reticulation, at an estimated cost of \$10,548,000. The Council also approved of calling public tenders for catering rights, naming rights and operational management rights for the proposed stadium.

On 22 March 2003 an advertisement was placed in the West Australian Newspaper inviting tenders from suitably qualified and experienced persons/organizations for the provision of catering services for the Multi-Purpose Rectangular Sports Stadium at Perth Oval. Advertisements were also placed in the Financial Review and Business News newspapers. Letters were sent to approximately 50 major companies advertising the tender. At 2pm on 11 April 2003, two (2) tenders were received. Present at the opening were David Paull (Purchasing/Contracts Officer), John Giorgi (Chief Executive Officer) and Mike Rootsey (Executive Manager Corporate Services).

Tenders were received from the following companies:

	Name	Address
1.	Allia Holdings Pty Ltd	Meagher Drive, Floreat WA
2.	Burswood Catering and Entertainment Pty Ltd	Great Eastern Highway, Rivervale WA

Two major catering companies, Delaware North and Spotless Catering wrote to the Town advising that they were not submitting a tender.

TENDER EVALUATION

Selection Criteria

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

	Criteria	Weighting
1.	Contract Price	65%
2.	Past performance in similar projects	15%
3.	Adequate resources available to carryout works	10%
4.	References	5%
5.	Overall compliance with tender specification and requirements	5%
	TOTAL	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Chief Executive Officer, John Giorgi, Executive Manager Corporate Services, Mike Rootsey and two Department of Sport and Recreation representatives.

Each tender was assessed in accordance with an Evaluation Assessment Matrix as used by the State Government Department of Housing and Works. This provided for the following scoring;

0-1	Inadequate or non-appropriate offer, critical or disqualifying deficiencies, does not meet criterion, unacceptably high risk to Principal.
2-3	Marginal offer, some deficiencies, partly meets criterion, high risk to Principal.
4-5	Fair offer, few deficiencies, almost meets criterion, medium risk to Principal.
6-7	Good offer, no deficiencies, meets criterion, medium to low risk to Principal.
8-9	Very good offer, exceeds criterion, low risk to Principal.
10	Outstanding offer, greatly exceeds criterion, very low risk to Principal.

(Scoring was calculated using the criterion weighting)

TENDER SUMMARY

The following is a summary of the tenders received;

Burswood Catering and Entertainment Pty Ltd

The tender submitted by Burswood Catering and Entertainment Pty Ltd did not address all of the tender criteria and could be considered a non-conforming tender. It's submission was of poor quality and mainly consisted of photocopies of various documents and reports.

Allia Holdings Pty Ltd

The tender submitted by Allia Holdings Pty Ltd was very comprehensive, detailed and professional. In some areas it made assumptions about roles and responsibilities. These would need to be clarified and determined.

Financial Offer

Company	Costs \$	Fit-out Contribution \$
Allia Holdings Pty Ltd	250,000	350,000
Burswood Catering and Entertainment Pty Ltd	70,000 (12 games) 98,000 (17 games)	175,000

Lease Term

Company	Initial Term	Options
Allia Holdings Pty Ltd *	5 years	3 x 5 years
Burswood Catering and Entertainment Pty Ltd	5 years	Nil

* Applicable to all three tenders

Contribution to Capital Works to the Town

Company	\$
Allia Holdings Pty Ltd*	1,200,000
Burswood Catering and Entertainment Pty Ltd	Nil

* Applicable to all three tenders

Allia Holdings Pty Ltd have submitted in their tenders that they will offer capital infrastructure and equipment to the Town valued at \$1,200,000 as follows:

Capital Equipment	\$
Lights	450,000
Eastern Grandstand	500,000
Perimeter signs - 100 metres	100,000
Security System - office and function rooms, miscellaneous equipment and furniture, 12 lolly-pop signs	80,000
Score board and clock	30,000
Office fit-out for proposed stadium manager	20,000
Benches/white boards/miscellaneous changeroom equipment	5,000
200 Grandstand seats	5,000
Boardroom furniture	5,000
80 x 240 litre bins	5,000
TOTAL	1,200,000

In addition, it will provide equipment and catering vans for external concessions to the value of \$220,000. This will remain the property of the caterer at the end of the lease term.

Maintenance of Premises and Equipment

Company	Premises	Equipment
Allia Holdings Pty Ltd *	30,000 pa	5,000 year 1 10,000 year 2 20,000 year 3
Burswood Catering and Entertainment Pty Ltd	2,500	15,000 pa

* Applicable to all three tenders

Contribution to Sinking Fund

Company	\$
Allia Holdings Pty Ltd	Nil
Burswood Catering and Entertainment Pty Ltd	2,000 pa

Tender Assessment

The tender specified the following evaluation criteria:

Criteria	%	Weighting
<p>1.1 Financial Offer/Fee Proposal</p> <ul style="list-style-type: none"> • This contract is offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) • Tenderer's offer of an annual fee for each of the five (5) years of the term of the contract • Tenderer's offer of their contribution to the initial fit-out of food areas • Tenderer's offer of their contribution to annual fit-out or maintenance and replacement of "FF&E" • Demonstrate your payment schedules (dates and amounts) • Specify your preferred proposed contract term(s) 	50	50%

(Selection Criteria continued on next page)

Evaluation Criteria Cont'd

Criteria	%	Weighting
<p>1.2 Relevant experience and expertise in venue catering</p> <ul style="list-style-type: none"> • Demonstrated experience and expertise in venue catering • Capacity to address the range of technical aspects involved in the project • Role of the key person(s) in the project and credentials (i.e. formal qualifications and experience) of key person(s) • Demonstrate your understanding of the required service by identifying the key issues associated with delivering the project and explain how you intend to address these issues • Understanding of and compliance with, the objectives and requirements of the Multi-Purpose Rectangular Sports Stadium • The Tenderers experience in the competent management of similar facilities • The Tenderers ability to provide an organisation and management structure consistent with implementing and managing the required tasks to the required standard • The ongoing availability of the Tenderer of sufficient skilled resources capable of performing the tasks consistent with the required standards • The Tenderers ability to maintain a good industrial relations environment • The demonstration of an ability to initiate improvements in service delivery • Any comments received from referees • The Tenderer's ability to implement and comply with a detailed performance measurement system • The demonstration of an innovative approach 	40	40%
<p>1.3 Financial History and Viability of Organisation</p> <ul style="list-style-type: none"> • Financial history and viability of the organisation • Demonstrate your financial capacity to deliver 	10	10%
TOTAL	100	100%

The Evaluation Panel assessed the tenders and the following was determined;

	Criteria	Weighting	Allia	Burswood
1.	Contract Price	65%		
2.	Past performance in similar projects	15%		
3.	Adequate resources available to carryout works	10%		
4.	References	5%		
5.	Overall compliance with tender specification and requirements	5%		
	TOTAL	100%		

The tenderers are reputable companies with extensive experience in providing services. Reference checks reveal that Allia Holdings Pty Ltd have the experience and capability to carry out this work. In addition, they have confirmed their prices.

The Evaluation Panel recommends that neither tender be accepted, however, it recognises that the tender submitted by Allia Holdings Pty Ltd is far superior to that submitted by Burswood Catering and Entertainment Pty Ltd. It meets the majority of the tender specifications, however, as the Local Government Act Tender Regulations only allows for "*minor variations*" to be made to the specified tender documentation, it is recommended that the Town not accept the tenders and authorises the Chief Executive Officer to enter into negotiations to address the following matters:

Applicable to all tenders

- (1) the acceptance of any one tender being conditional upon the other two tenders for Naming Rights and Operational Management Services also being accepted;

CEO's Comment

All tenders are treated as individual items and it is the Town's prerogative to consider all three tenders as an overall package. There are many benefits and advantages to consider all three tenders in total.

- (2) the lease options are exercisable by Allia Holdings Pty Ltd jointly and which are not severable;

CEO's Comment

The tender document specifies that lease options are exercisable solely at the Town's discretion. This will ensure that strict control over the tender lease term is maintained. Therefore, the tender statement by Allia Holdings Pty Ltd is not supported. The exercise of lease options requires careful consideration and legal drafting.

- (3) the non-payment of the \$400,000 annual fee no longer being applicable after the Town's loan of \$4.469 million has been repaid;

CEO's Comment

The offer provided by Allia Holdings Pty Ltd is attractive, however, it does not take into account unknown factors which may arise throughout the period of twenty years. This statement requires careful consideration and further investigation.

- (4) the type of security to be provided is to be specified;

CEO's Comment

The tender documents require that an amount of \$25,000 is to be lodged with the Town for due performance and is to be in the form of Commonwealth Treasury Bonds, Certificates of Inscribed Stock, Bankers Cheque, Bank Draft, Bank Guarantee or Bank Fixed Deposit Receipt.

- (5) the period of rent reviews to be determined, and in any case, not to exceed a period of five (5) years;

CEO's Comment

The tender document specifies lease periods of five years each and it is therefore reasonable to expect that rent reviews would be carried out at these five year intervals.

- (6) parking revenue from any proposed parking on public open space or other parking areas associated with the proposed stadium to be available to the licensee/vendor (page 12 - clause 6.5);

CEO's Comment

It is the Town's prerogative to determine matters of parking on the public open space and accordingly any revenue associated with this matter.

- (7) the Naming Rights fee of \$150,000 per annum inclusive of GST (page 52, clause 5.1);

CEO's Comment

Allia Holdings Pty Ltd have submitted that the \$150,000 is inclusive of GST. Therefore, the Town would be required to pay the GST of \$15,000. This is not acceptable to the Town.

- (8) selling of Naming Rights over \$150,000, any amount over \$200,000 will be payable to the Town. The remaining \$50,000 will assist Allia Holdings Pty Ltd to offset the \$400,000 annual payment to the Town (page 54, clause 10);

CEO's Comment

The tender documents specify that no company or individual shall profit from the sale of the contract for naming rights. Allia Holdings Pty Ltd have specified that \$50,000 will be used to offset the annual payment of \$400,000 to the Town. This financial arrangement requires further clarification.

Applicable to Catering Services Tender

- (9) clarification of the catering commission to be paid to venue users (page 28 - clause 13.1.3);

CEO's Comment

Allia Holdings Pty Ltd specify that they are to receive no less than 20% of the gross catering sales as a commission. A maximum of gross catering sales will be negotiated with the venue user.

The tender document at clause 3.4 specifies an amount of not less than 7% to the venue management and, on occasions, when the venue is used for not for profits sports the caterer's commission to be paid shall be split equally between the venue management and the user of the venue for that event.

The amount of commission to be paid requires further investigation and determination.

Applicable to Operational Management Tender

- (10) clarification of the submission that Perth Glory Soccer Club Pty Ltd being granted the right and entitlement to be the major licensee and lessee (page 11- clause 6.1);

CEO's Comment

This statement requires clarification to ensure that no conflict arises in the future.

- (11) clarification of an identical licence fee to be charged to a proposed second National Soccer League Team (which is currently charged to Perth Glory Soccer Club Pty Ltd) (page 12);

CEO's Comment

This statement requires clarification and it is the CEO's opinion that this is the role of the Board. However, the principle of charging equitable licence fees is supported.

- (12) determination of ownership of capital works and improvements at an estimated value of \$100,000 to be provided by Allia Holdings Pty Ltd (page 23 - clause 5.1);

CEO's Comment

Allia Holdings Pty Ltd have listed a number of items which they intend to provide and these should be clarified to avoid any conflict of ownership.

- (13) clarification of contribution towards the cost of maintenance for building repairs and ground maintenance (other than the pitch) (page 24 -clause 5.3);

CEO's Comment

Allia Holdings Pty Ltd tender specified that the Town will cover the cost of building insurance, building repairs, ground maintenance and turf maintenance for the practice pitch on the public open space (excluding line marking). The tender document requires that these are responsibility of the tenderer with the exception of the turf maintenance on the public open space.

- (14) clarification of the contribution towards the building insurance;

CEO's Comment

Allia Holdings Pty Ltd specify that the building insurance is the responsibility of the Town. The tender requires the venue management to pay for the building insurance.

- (15) clarification of the request for the Town to install security cameras in priority areas (page 24, clause 5.2.8);

CEO's Comment

This request requires further investigation. Subject to the costs being on budget, it is proposed to install cabling only in stage 1. The full cost of security cameras has not been investigated by the project architects.

- (16) clarification of the venue users' requirement to pay outgoings above the rental to be charged (page 26, clause 8);

CEO's Comment

This statement requires further clarification. The proposed Board will determine venue user requirements.

- (17) clarification of roles and responsibilities of the venue managers;

CEO's Comment

Throughout the tender submitted by Allia Holdings Pty Ltd, there are numerous references and statements relating to costs and responsibilities. The CEO is of the opinion that these are the responsibility of the proposed Board and that the venue manager will be required to implement these. However, these require careful consideration and further investigation.

Applicable to Naming Rights Tender

- (18) clarification of the Town's requirements to contribute towards the installing of grandstand signage;

CEO's Comment

The tender document specifies the Town will provide "the building structure including fences". This matter requires further investigation with the project architects to ensure that signage can be fixed to buildings without excessive costs and detriment to the buildings.

- (19) clarification of surplus funds from Naming Rights payable to the Town (pages 12 & 43);

CEO's Comment

This requires clarification to remove any ambiguity..

- (20) clarification that a "clean venue" - free of advertising will be provided for the various users.

CEO's Comment

This requires clarification to remove any ambiguity and to comply with the State Government's Financial Assistance Agreement conditions.

FINANCIAL/BUDGET IMPLICATIONS:

The tender submitted by Allia Holdings Pty Ltd will pay the Town of Vincent \$250,000 per annum cash for the catering rights, and catering fit-out equipment to the value of \$350,000 . This fit-out equipment will become the property of the Town at the end of the lease period. The caterer will also spend \$220,000 on outside outlet/concession units (which will remain the property of Caterer). Other capital works and equipment for all three tenders are estimated at a value of \$1,200,000. In addition, Allia Holdings Pty Ltd will pay all operational management costs estimated at \$352,000 in year 1, \$221,500 in year 2 and \$191,500 in year 3.

The Town will not be contributing any funds towards the catering tender.

LEGAL/POLICY IMPLICATIONS:

The tender was advertised in accordance with the Local Government (Functions and General) Regulations 1996 – Tender Requirements.

In considering a tender two Regulations are of particular relevance, Regulations 20 and 11:

• ***Regulation 20***

Regulation 20 sets out the circumstances in which a local government, having chosen a successful tenderer, can negotiate contractual terms in the period between choosing the successful tenderer and entering into a formal contract with that tenderer. Those circumstances are limited in the Tender Regulations to the situation where the local government 'wishes to make a minor variation in the goods and services required'.

A "*minor variation*" is defined and the tender submitted by Allia Holdings Pty Ltd are not considered to be minor.

- **Regulation 11**

Regulation 11 prohibits a local government from entering into a contract for the supply of goods and services worth more than \$50,000 unless tenders are publicly invited. One of the exceptions to this prohibition is that, within the past six months:

'The local government has, according to the requirements of this Part, publicly invited tenders for the supply of the goods or services, but no tender was submitted that was thought to be satisfactory' (Regulation 11(2)(c)(i)).

The tenders have been discussed with the Town's solicitors and they have recommended that the Town *"formally declines to accept the terms of the Allia Holdings Pty Ltd tender but agrees to enter into negotiations with Allia Holdings Pty Ltd for the purpose of entering into a contract for the supply of relevant services"*.

PRINCIPAL ACTIVITIES PLAN:

The upgrade of Perth Oval is listed in the Town's Principal Activities Plan.

STRATEGIC IMPLICATIONS:

The upgrade and redevelopment of Perth Oval is in accordance with the Town's Strategic Plan 2002-2002 Key Result Area 3.6 *"Develop and Implement Strategies to improve the Town's Parks and Reserves"*.

This is in keeping with the Town's Draft Strategic Plan (yet to be adopted) – Key Result Area *"Economic Development"*.

COMMENT:

The Town's partnership with the State Government of Western Australia to provide upgraded and new sporting facilities within the Town of Vincent, as part of the State Sporting Facilities Plan will be a major benefit to the Town, its residents and taxpayers. This work will allow the proposed Multi-Purpose Rectangular Sports Stadium and Redevelopment of Perth Oval to be carried out within the period May 2003 to November 2003.

The tender submitted by Allia Holdings Pty Ltd is very attractive and will ensure that the Town can meet its obligations to service the loan repayments of \$4.469 million and not make any payments annual operating costs for the proposed stadium. As the Local Government Act Tender Regulations only allows for *"minor variations"*, it is recommended that the Council formally decline the tender and authorise the CEO to negotiate the matters detailed in this report.

The Council's approval of this recommendation is therefore requested.

10.4.9 Tender No 258/03 - Provision of Operational Management Services - Proposed Multi-Purpose Sports Stadium at Perth Oval

Ward:	South	Date:	8 May 2003
Precinct:	-	File Ref:	TEN0264
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the tender for the Provision of Operational Management Services for the Proposed Multi-Purpose Sports Stadium at Perth Oval;*
- (ii) *not accept the tender as submitted by Allia Holdings Pty Ltd as it is considered to be unacceptable;*
- (iii) *notes that the tender submitted by Allia Holdings Pty Ltd has many potential advantages and benefits to the Town;*
- (iv) *pursuant to Regulation 11(2)(c)(i) of Part 4 of the Local Government (Functions and General) Regulations 1996, the Chief Executive Officer be authorised to enter into negotiations with Allia Holdings Pty Ltd using their tender document submitted to the Town as a basis with the objective to address matters identified by the Chief Executive Officer and the Town's Solicitors (including the following) to the satisfaction of the Town:*

Applicable to all tenders

- (a) *the acceptance of any one tender being conditional upon the other two tenders for Naming Rights and Operational Management Services also being accepted;*
- (b) *the lease options are exercisable by Allia Holdings Pty Ltd jointly and which are not severable;*
- (c) *the non-payment of the \$400,000 annual fee no longer being applicable after the Town's loan of \$4.469 million has been repaid;*
- (d) *the type of security to be provided is to be specified;*
- (e) *the period of rent reviews to be determined, and in any case, not to exceed a period of five (5) years;*
- (f) *parking revenue from any proposed parking on public open space or other parking areas associated with the proposed stadium to be available to the licensee/vendor (page 12 - clause 6.5);*
- (g) *the Naming Rights fee of \$150,000 per annum inclusive of GST (page 52, clause 5.1);*
- (h) *selling of Naming Rights over \$150,000, any amount over \$200,000 will be payable to the Town. The remaining \$50,000 will assist Allia Holdings Pty Ltd to offset the \$400,000 annual payment to the Town (page 54, clause 10);*

Applicable to Catering Services Tender

- (i) *clarification of the catering commission to be paid to venue users (page 28 - clause 13.1.3);*

Applicable to Operational Management Tender

- (j) *clarification of the submission that Perth Glory Soccer Club Pty Ltd being granted the right and entitlement to be the major licensee and lessee (page 11- clause 6.1);*
- (k) *clarification of an identical licence fee to be charged to a proposed second National Soccer League Team (which is currently charged to Perth Glory Soccer Club Pty Ltd) (page 12);*
- (l) *determination of ownership of capital works and improvements at an estimated value of \$100,000 to be provided by Allia Holdings Pty Ltd (page 23 - clause 5.1);*
- (m) *clarification of contribution towards the cost of maintenance for building repairs and ground maintenance (other than the pitch) (page 24 -clause 5.3);*
- (n) *clarification of the contribution towards the building insurance;*
- (o) *clarification of the request for the Town to install security cameras in priority areas (page 24, clause 5.2.8);*
- (p) *clarification of the venue users' requirement to pay outgoings above the rental to be charged (page 26, clause 8);*
- (q) *clarification of roles and responsibilities of the venue managers;*

Applicable to Naming Rights Tender

- (r) *clarification of the Town's requirements to contribute towards the installing of grandstand signage;*
- (s) *clarification of surplus funds from Naming Rights payable to the Town (pages 12 & 43); and*
- (t) *clarification that a "clean venue" - free of advertising will be provided for the various users.*

Moved Cr Ker, Seconded Cr Chester

That the Officer Recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

Note that all the amendments (carried at tonight's meeting) for Item 10.4.8 will also be applicable to Items 10.4.9 and 10.4.10.

Debate ensued.

AMENDMENT CARRIED (8-0)

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

Debate and ensued.

MOTION AS AMENDED CARRIED (8-0)

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

COUNCIL DECISION ITEM 10.4.9

That the Council;

- (i) *RECEIVES the report on the tender for the Provision of Operational Management Services for the Proposed Multi-Purpose Sports Stadium at Perth Oval;*
- (ii) *not accept the tender as submitted by Allia Holdings Pty Ltd as it is considered to be unacceptable;*
- (iii) *notes that the tender submitted by Allia Holdings Pty Ltd has many potential advantages and benefits to the Town;*
- (iv) *pursuant to Regulation 11(2)(c)(i) of Part 4 of the Local Government (Functions and General) Regulations 1996, the Chief Executive Officer be authorised to enter into negotiations with Allia Holdings Pty Ltd using their tender document submitted to the Town as a basis with the objective to address matters identified by the Chief Executive Officer and the Town's Solicitors (including the following) to the satisfaction of the Town:*

Applicable to all tenders

- (a) *the acceptance of any one tender being conditional upon the other two tenders for Naming Rights and Operational Management Services also being accepted;*
- (b) *the lease options are exercisable by Allia Holdings Pty Ltd jointly and which are not severable;*
- (c) *the payment of the \$400,000 annual fee no longer being applicable after the Town's loan of \$4.469 million has been repaid;*
- (d) *monies be set aside in a Sinking Fund with a Full Asset Management Plan to be prepared, to ensure the long term maintenance of the facility;*
- (e) *the type of security to be provided is to be specified;*
- (f) *the period of rent reviews to be determined, and in any case, not to exceed a period of five (5) years;*
- (g) *parking revenue from any proposed parking on public open space or other parking areas associated with the proposed stadium to be available to the licensee/vendor (page 12 - clause 6.5);*
- (h) *the Naming Rights fee of \$150,000 per annum inclusive of GST (page 52, clause 5.1);*
- (i) *selling of Naming Rights over \$150,000, any amount greater than \$150,000 will be shared between the Tenderer and the Town at a percentage to be negotiated;*

Applicable to Catering Services Tender

- (j) *clarification of the catering commission to be paid to venue users (page 28 - clause 13.1.3);*
- (k) *the recommendation is subject to the confirmation of the figures in this Item's report relating to the Burswood Catering and Entertainment Pty Ltd, against the offer from Burswood Catering and Entertainment Pty Ltd.*

Applicable to Operational Management Tender

- (l) *clarification of the submission that Perth Glory Soccer Club Pty Ltd being granted the right and entitlement to be the major licensee and lessee (page 11- clause 6.1);*
- (m) *clarification of an identical licence fee to be charged to a proposed second National Soccer League Team (which is currently charged to Perth Glory Soccer Club Pty Ltd) (page 12);*
- (n) *determination of ownership of capital works and improvements at an estimated value of \$100,000 to be provided by Allia Holdings Pty Ltd (page 23 - clause 5.1);*
- (o) *clarification of contribution towards the cost of maintenance for building repairs and ground maintenance (other than the pitch) (page 24 -clause 5.3);*
- (p) *clarification of the contribution towards the building insurance;*
- (q) *clarification of the request for the Town to install security cameras in priority areas (page 24, clause 5.2.8);*
- (r) *clarification of the venue users' requirement to pay outgoings above the rental to be charged (page 26, clause 8);*
- (s) *clarification of roles and responsibilities of the venue managers;*
- (t) *the management plan outline public transport, and encourage use of transport alternatives other than the private car;*
- (u) *the management plan address issues of litter in Perth Oval and the surrounding streets and issues of security and inappropriate behaviour of patrons;*

Applicable to Naming Rights Tender

- (v) *clarification of the Town's requirements to contribute towards the installing of grandstand signage;*
- (w) *clarification of surplus funds from Naming Rights payable to the Town (pages 12 & 43);*
- (x) *clarification that a "clean venue" - free of advertising will be provided for the various users and*
- (y) *note that all the amendments (carried at tonight's meeting) for Item 10.4.8 will also be applicable to Items 10.4.9 and 10.4.10.*

BACKGROUND:

At the Special Council Meeting held on 30 October 2001, the Council approved of entering into a partnership with the State Government of Western Australia to redevelop and construct a number of sporting facilities, including a Multi-Purpose Rectangular Sports Stadium on Perth Oval, State Indoor Multi-Use Sports Centre on the Loftus Centre land and the redevelopment of Leederville Oval into a "Football Centre of Excellence" for joint use by EPFC and SFC. The Town has also approved of the construction of an office building on Leederville Oval to house the Department of Sport and Recreation.

At a Special Meeting of Council held on 10 December 2002, the Council resolved to redevelop Perth Oval, construct a Multi-Purpose Rectangular Sports Stadium (Stage 1) and create approximately 35,000m² of public open space, including plants, lawn, paths, lighting, fencing, street furniture, public art and bore upgrade and reticulation, at an estimated cost of \$10,548,000. The Council also approved of calling public tenders for catering services, naming rights and operational management services for the proposed stadium.

On 22 March 2003 an advertisement was placed in the West Australian Newspaper inviting tenders from suitably qualified and experienced persons/organizations for the naming rights for the Multi-Purpose Rectangular Sports Stadium at Perth Oval. Advertisements were also placed in the Financial Review and Business News newspapers. Letters were sent to approximately 50 major companies advertising the tender. At 2pm on 11 April 2003, one (1) tender was received. Present at the opening were David Paull (Purchasing/Contracts Officer), John Giorgi (Chief Executive Officer) and Mike Rootsey (Executive Manager Corporate Services).

The tender received was from the following company:

Name	Address
1. Allia Holdings Pty Ltd	Meagher Drive, Floreat WA

A major leisure industry management company, Leisureco, wrote to the Town on 9 April 2003 advising that they were not submitting a tender. Leisureco currently manage the Town's Loftus Recreation Centre.

TENDER EVALUATION

Selection Criteria

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

	Criteria	Weighting
1.	Contract Price	65%
2.	Past performance in similar projects	15%
3.	Adequate resources available to carryout works	10%
4.	References	5%
5.	Overall compliance with tender specification and requirements	5%
	TOTAL	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Chief Executive Officer, John Giorgi, Executive Manager Corporate Services, Mike Rootsey and two Department of Sport and Recreation representatives.

Each tender was assessed in accordance with an Evaluation Assessment Matrix as used by the State Government Department of Housing and Works. This provided for the following scoring;

0-1	Inadequate or non-appropriate offer, critical or disqualifying deficiencies, does not meet criterion, unacceptably high risk to Principal.
2-3	Marginal offer, some deficiencies, partly meets criterion, high risk to Principal.
4-5	Fair offer, few deficiencies, almost meets criterion, medium risk to Principal.
6-7	Good offer, no deficiencies, meets criterion, medium to low risk to Principal.
8-9	Very good offer, exceeds criterion, low risk to Principal.
10	Outstanding offer, greatly exceeds criterion, very low risk to Principal.

(Scoring was calculated using the criterion weighting)

TENDER SUMMARY

The following is a summary of the tender received;

Allia Holdings Pty Ltd

The tender submitted by Allia Holdings Pty Ltd was very comprehensive, detailed and professional. In some areas it made assumptions about roles and responsibilities. These would need to be clarified and determined.

Financial Offer

Company	Costs \$
Allia Holdings Pty Ltd	0

Lease Term

Company	Initial Term	Options
Allia Holdings Pty Ltd *	5 years	3 x 5 years

* Applicable to all three tenders

Contribution to Capital Works to the Town

Company	\$
Allia Holdings Pty Ltd *	1,200,000

* Applicable to all three tenders

Allia Holdings Pty Ltd have submitted in their tenders that they will offer capital equipment to the Town valued at \$1,200,000 as follows:

Capital Equipment	\$
Lights	450,000
Eastern Grandstand	500,000
Perimeter signs - 100 metres	100,000
Security System - office and function rooms, equipment, furniture, 12 lolly-pop signs	80,000
Score board and clock	30,000
Office fit-out for proposed stadium manager	20,000
Benches/white boards/miscellaneous equipment	5,000
200 Grandstand seats	5,000
Boardroom furniture	5,000
80 x 240 litre bins	5,000
TOTAL	1,200,000

In addition, it will provide equipment and catering vans for external concessions to the value of \$220,000. This will remain the property of the caterer at the end of the lease term.

Maintenance of Premises and Equipment

Company	Premises	Equipment
Allia Holdings Pty Ltd *	30,000 pa	5,000 year 1 10,000 year 2 20,000 year 3

* Applicable to all three tenders

Contribution to Sinking Fund

Company	\$
Allia Holdings Pty Ltd *	Nil

* Applicable to all three tenders

Tender Assessment

The tender specified the following evaluation criteria:

Criteria	%	Weighting
<p>1.1 Financial Offer/Fee Proposal</p> <ul style="list-style-type: none"> • This contract is offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) • Tenderer's offer of an annual fee for each of the five (5) years of the term of the contract • Tenderer's offer of their contribution to provide an on-site office or to the initial fit-out of office areas • Tenderer's offer of their contribution to annual fit-out or maintenance and replacement of "FF&E" • Demonstrate your payment schedules (dates and amounts) • Specify your preferred proposed contract term(s) 	50	50%

Criteria	%	Weighting
<p>1.2 Relevant experience and expertise in venue management</p> <ul style="list-style-type: none"> • Demonstrated experience and expertise in venue management • Capacity to address the range of technical aspects involved in the project • Role of the key person(s) in the project and credentials (i.e. formal qualifications and experience) of key person(s) • Demonstrate your understanding of the required service by identifying the key issues associated with delivering the project and explain how you intend to address these issues • Understanding of and compliance with, the objectives and requirements of the Multi -Purpose Rectangular Sports Stadium • The Tenderers experience in the competent management of similar facilities • The Tenderers ability to provide an organisation and management structure consistent with implementing and managing the required tasks to the required standard • The ongoing availability of the Tenderer of sufficient skilled resources capable of performing the tasks consistent with the required standards • The Tenderers ability to maintain a good industrial relations environment • The demonstration of an ability to initiate improvements in service delivery • Any comments received from referees • The Tenderer's ability to implement and comply with a detailed performance measurement system • The demonstration of an innovative approach 	40	40%
<p>1.3 Financial History and Viability of Organisation</p> <ul style="list-style-type: none"> • Financial history and viability of the organisation • Demonstrate your financial capacity to deliver 	10	10%
TOTAL	100	100%

The Evaluation Panel assessed the tenders and the following was determined;

	Criteria	Weighting	Allia
1.	Contract Price	65%	
2.	Past performance in similar projects	15%	
3.	Adequate resources available to carryout works	10%	
4.	References	5%	
5.	Overall compliance with tender specification and requirements	5%	
	TOTAL	100%	

Reference checks reveal that Allia Holdings Pty Ltd have the experience and capability to carry out this work. In addition, they have confirmed their prices.

The Evaluation Panel recommends that this tender not be accepted, however, it recognises that the tender submitted by Allia Holdings Pty Ltd meets the majority of the tender specifications. However, as the Local Government Act Tender Regulations only allows for "minor variations" to be made to the specified tender documentation, it is recommended that the Town not accept the tenders and authorises the Chief Executive Officer to enter into negotiations to address the following matters:

Applicable to all tenders

- (1) the acceptance of any one tender being conditional upon the other two tenders for Naming Rights and Operational Management Services also being accepted;

CEO's Comment

All tenders are treated as individual items and it is the Town's prerogative to consider all three tenders as an overall package. There are many benefits and advantages to consider all three tenders in total.

- (2) the lease options are exercisable by Allia Holdings Pty Ltd jointly and which are not severable;

CEO's Comment

The tender document specifies that lease options are exercisable solely at the Town's discretion. This will ensure that strict control over the tender lease term is maintained. Therefore, the tender statement by Allia Holdings Pty Ltd is not supported. The exercise of lease options requires careful consideration and legal drafting.

- (3) the non-payment of the \$400,000 annual fee no longer being applicable after the Town's loan of \$4.469 million has been repaid;

CEO's Comment

The offer provided by Allia Holdings Pty Ltd is attractive, however, it does not take into account unknown factors which may arise throughout the period of twenty years. This statement requires careful consideration and further investigation.

- (4) the type of security to be provided is to be specified;

CEO's Comment

The tender documents require that an amount of \$25,000 is to be lodged with the Town for due performance and is to be in the form of Commonwealth Treasury Bonds, Certificates of Inscribed Stock, Bankers Cheque, Bank Draft, Bank Guarantee or Bank Fixed Deposit Receipt.

- (5) the period of rent reviews to be determined, and in any case, not to exceed a period of five (5) years;

CEO's Comment

The tender document specifies lease periods of five years each and it is therefore reasonable to expect that rent reviews would be carried out at these five year intervals.

- (6) parking revenue from any proposed parking on public open space or other parking areas associated with the proposed stadium to be available to the licensee/vendor (page 12 - clause 6.5);

CEO's Comment

It is the Town's prerogative to determine matters of parking on the public open space and accordingly any revenue associated with this matter.

- (7) the Naming Rights fee of \$150,000 per annum inclusive of GST (page 52, clause 5.1);

CEO's Comment

Allia Holdings Pty Ltd have submitted that the \$150,000 is inclusive of GST. Therefore, the Town would be required to pay the GST of \$15,000. This is not acceptable to the Town.

- (8) selling of Naming Rights over \$150,000, any amount over \$200,000 will be payable to the Town. The remaining \$50,000 will assist Allia Holdings Pty Ltd to offset the \$400,000 annual payment to the Town (page 54, clause 10);

CEO's Comment

The tender documents specify that no company or individual shall profit from the sale of the contract for naming rights. Allia Holdings Pty Ltd have specified that \$50,000 will be used to offset the annual payment of \$400,000 to the Town. This financial arrangement requires further clarification.

Applicable to Catering Services Tender

- (9) clarification of the catering commission to be paid to venue users (page 28 - clause 13.1.3);

CEO's Comment

Allia Holdings Pty Ltd specify that they are to receive no less than 20% of the gross catering sales as a commission. A maximum of gross catering sales will be negotiated with the venue user.

The tender document at clause 3.4 specifies an amount of not less than 7% to the venue management and, on occasions, when the venue is used for not for profits sports the caterer's commission to be paid shall be split equally between the venue management and the user of the venue for that event.

The amount of commission to be paid requires further investigation and determination.

Applicable to Operational Management Tender

- (10) clarification of the submission that Perth Glory Soccer Club Pty Ltd being granted the right and entitlement to be the major licensee and lessee (page 11- clause 6.1);

CEO's Comment

This statement requires clarification to ensure that no conflict arises in the future.

- (11) clarification of an identical licence fee to be charged to any proposed second National Soccer League Team (which is currently charged to Perth Glory Soccer Club Pty Ltd) (page 12);

CEO's Comment

This statement requires clarification and it is the CEO's opinion that this is the role of the Board. However, the principle of charging equitable licence fees is supported.

- (12) determination of ownership of capital works and improvements at an estimated value of \$100,000 to be provided by Allia Holdings Pty Ltd (page 23 - clause 5.1);

CEO's Comment

Allia Holdings Pty Ltd have listed a number of items which they intend to provide and these should be clarified to avoid any conflict of ownership.

- (13) clarification of contribution towards the cost of maintenance for building repairs and ground maintenance (other than the pitch) (page 24 -clause 5.3);

CEO's Comment

Allia Holdings Pty Ltd tender specified that the Town will cover the cost of building insurance, building repairs, ground maintenance and turf maintenance for the practice pitch on the public open space (excluding line marking). The tender document requires that these are responsibility of the tenderer with the exception of the turf maintenance on the public open space.

- (14) clarification of the contribution towards the building insurance;

CEO's Comment

Allia Holdings Pty Ltd specify that the building insurance is the responsibility of the Town. The tender requires the venue management to pay for the building insurance.

- (15) clarification of the request for the Town to install security cameras in priority areas (page 24, clause 5.2.8);

CEO's Comment

This request requires further investigation. Subject to the costs being on budget, it is proposed to install cabling only in stage 1. The full cost of security cameras has not been investigated by the project architects.

- (16) clarification of the venue users' requirement to pay outgoings above the rental to be charged (page 26, clause 8);

CEO's Comment

This statement requires further clarification. The proposed Board will determine venue user requirements.

- (17) clarification of roles and responsibilities of the venue managers;

CEO's Comment

Throughout the tender submitted by Allia Holdings Pty Ltd, there are numerous references and statements relating to costs and responsibilities. The CEO is of the opinion that these are the responsibility of the proposed Board and that the venue manager will be required to implement these. However, these require careful consideration and further investigation.

Applicable to Naming Rights Tender

- (18) clarification of the Town's requirements to contribute towards the installing of grandstand signage;

CEO's Comment

The tender document specifies the Town will provide "the building structure including fences". This matter requires further investigation with the project architects to ensure that signage can be fixed to buildings without excessive costs and detriment to the buildings.

- (19) clarification of surplus funds from Naming Rights payable to the Town (pages 12 & 43);

CEO's Comment

This requires clarification to remove any ambiguity..

- (20) clarification that a "clean venue" - free of advertising will be provided for the various users.

CEO's Comment

This requires clarification to remove any ambiguity and to comply with the State Government's Financial Assistance Agreement conditions.

FINANCIAL/BUDGET IMPLICATIONS:

The tender submitted by Allia Holdings Pty Ltd not will pay the Town of Vincent any cash for the operational management services. Other capital works and equipment for all three tenders are estimated at a value of \$1,200,000. However, Allia Holdings Pty Ltd will pay all operational management costs. This is estimated at \$352,000 in year 1, \$221,500 in year 2 and \$191,500 in year 3.

The Town will not be contributing any funds towards the provision of operational management services tender.

LEGAL/POLICY IMPLICATIONS:

The tender was advertised in accordance with the Local Government (Functions and General) Regulations 1996 – Tender Requirements.

In considering a tender two Regulations are of particular relevance, Regulations 20 and 11:

- **Regulation 20**

Regulation 20 sets out the circumstances in which a local government, having chosen a successful tenderer, can negotiate contractual terms in the period between choosing the successful tenderer and entering into a formal contract with that tenderer. Those circumstances are limited in the Tender Regulations to the situation where the local government 'wishes to make a minor variation in the goods and services required'.

A "*minor variation*" is defined and the tender submitted by Allia Holdings Pty Ltd are not considered to be minor.

- **Regulation 11**

Regulation 11 prohibits a local government from entering into a contract for the supply of goods and services worth more than \$50,000 unless tenders are publicly invited. One of the exceptions to this prohibition is that, within the past six months:

'The local government has, according to the requirements of this Part, publicly invited tenders for the supply of the goods or services, but no tender was submitted that was thought to be satisfactory' (Regulation 11(2)(c)(i)).

The tenders have been discussed with the Town's solicitors and they have recommended that the Town "*formally declines to accept the terms of the Allia Holdings Pty Ltd tender but agrees to enter into negotiations with Allia Holdings Pty Ltd for the purpose of entering into a contract for the supply of relevant services*".

PRINCIPAL ACTIVITIES PLAN:

The upgrade of Perth Oval is listed in the Town's Principal Activities Plan.

STRATEGIC IMPLICATIONS:

The upgrade and redevelopment of Perth Oval is in accordance with the Town's Strategic Plan 2002-2002 Key Result Area 3.6 "*Develop and Implement Strategies to improve the Town's Parks and Reserves*".

This is in keeping with the Town's Draft Strategic Plan (yet to be adopted) – Key Result Area "*Economic Development*".

COMMENT:

The Town's partnership with the State Government of Western Australia to provide upgraded and new sporting facilities within the Town of Vincent, as part of the State Sporting Facilities Plan will be a major benefit to the Town, its residents and taxpayers. This work will allow the proposed Multi-Purpose Rectangular Sports Stadium and Redevelopment of Perth Oval to be carried out within the period May 2003 to November 2003.

The tender submitted by Allia Holdings Pty Ltd is very attractive and will ensure that the Town can meet its obligations to service the loan repayments of \$4.469 million and not make any payments annual operating costs for the proposed stadium. As the Local Government Act Tender Regulations only allows for "*minor variations*", it is recommended that the Council formally decline the tender and authorise the CEO to negotiate the matters detailed in this report.

The Council's approval of this recommendation is therefore requested.

10.4.10 Tender No 259/03 - Provision of the Naming Rights - Proposed Multi-Purpose Sports Stadium at Perth Oval

Ward:	South	Date:	8 May 2003
Precinct:	-	File Ref:	TEN0264
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the tender for the Naming Rights for the Proposed Multi-Purpose Sports Stadium at Perth Oval;*
- (ii) *not accept the tender as submitted by Allia Holdings Pty Ltd as it is considered to be unacceptable;*
- (iii) *notes that the tender submitted by Allia Holdings Pty Ltd has many potential advantages and benefits to the Town;*
- (iv) *pursuant to Regulation 11(2)(c)(i) of Part 4 of the Local Government (Functions and General) Regulations 1996, the Chief Executive Officer be authorised to enter into negotiations with Allia Holdings Pty Ltd using their tender document submitted to the Town as a basis with the objective to address matters identified by the Chief Executive Officer and the Town's Solicitors (including the following) to the satisfaction of the Town:*

Applicable to all tenders

- (a) *the acceptance of any one tender being conditional upon the other two tenders for Naming Rights and Operational Management Services also being accepted;*
- (b) *the lease options are exercisable by Allia Holdings Pty Ltd jointly and which are not severable;*
- (c) *the non-payment of the \$400,000 annual fee no longer being applicable after the Town's loan of \$4.469 million has been repaid;*
- (d) *the type of security to be provided is to be specified;*
- (e) *the period of rent reviews to be determined, and in any case, not to exceed a period of five (5) years;*
- (f) *parking revenue from any proposed parking on public open space or other parking areas associated with the proposed stadium to be available to the licensee/vendor (page 12 - clause 6.5);*
- (g) *the Naming Rights fee of \$150,000 per annum inclusive of GST (page 52, clause 5.1);*
- (h) *selling of Naming Rights over \$150,000, any amount over \$200,000 will be payable to the Town. The remaining \$50,000 will assist Allia Holdings Pty Ltd to offset the \$400,000 annual payment to the Town (page 54, clause 10);*

Applicable to Catering Services Tender

- (i) *clarification of the catering commission to be paid to venue users (page 28 - clause 13.1.3);*

Applicable to Operational Management Tender

- (j) *clarification of the submission that Perth Glory Soccer Club Pty Ltd being granted the right and entitlement to be the major licensee and lessee (page 11- clause 6.1);*
- (k) *clarification of an identical licence fee to be charged to a proposed second National Soccer League Team (which is currently charged to Perth Glory Soccer Club Pty Ltd) (page 12);*
- (l) *determination of ownership of capital works and improvements at an estimated value of \$100,000 to be provided by Allia Holdings Pty Ltd (page 23 - clause 5.1);*
- (m) *clarification of contribution towards the cost of maintenance for building repairs and ground maintenance (other than the pitch) (page 24 -clause 5.3);*
- (n) *clarification of the contribution towards the building insurance;*
- (o) *clarification of the request for the Town to install security cameras in priority areas (page 24, clause 5.2.8);*
- (p) *clarification of the venue users' requirement to pay outgoings above the rental to be charged (page 26, clause 8);*
- (q) *clarification of roles and responsibilities of the venue managers;*

Applicable to Naming Rights Tender

- (r) *clarification of the Town's requirements to contribute towards the installing of grandstand signage;*
- (s) *clarification of surplus funds from Naming Rights payable to the Town (pages 12 & 43); and*
- (t) *clarification that a "clean venue" - free of advertising will be provided for the various users.*

Moved Cr Ker, Seconded Cr Torre

That the Officer Recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

Note that all the amendments (carried at tonight's meeting) for Item 10.4.8 will also be applicable to Items 10.4.9 and 10.4.10.

Debate ensued.

AMENDMENT CARRIED (8-0)

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

Debate and ensued.

MOTION AS AMENDED CARRIED (8-0)

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

COUNCIL DECISION ITEM 10.4.10

That the Council;

- (i) *RECEIVES the report on the tender for the Provision of Operational Management Services for the Proposed Multi-Purpose Sports Stadium at Perth Oval;*
- (ii) *not accept the tender as submitted by Allia Holdings Pty Ltd as it is considered to be unacceptable;*
- (iii) *notes that the tender submitted by Allia Holdings Pty Ltd has many potential advantages and benefits to the Town;*
- (iv) *pursuant to Regulation 11(2)(c)(i) of Part 4 of the Local Government (Functions and General) Regulations 1996, the Chief Executive Officer be authorised to enter into negotiations with Allia Holdings Pty Ltd using their tender document submitted to the Town as a basis with the objective to address matters identified by the Chief Executive Officer and the Town's Solicitors (including the following) to the satisfaction of the Town:*

Applicable to all tenders

- (a) *the acceptance of any one tender being conditional upon the other two tenders for Naming Rights and Operational Management Services also being accepted;*
- (b) *the lease options are exercisable by Allia Holdings Pty Ltd jointly and which are not severable;*
- (c) *the payment of the \$400,000 annual fee no longer being applicable after the Town's loan of \$4.469 million has been repaid;*
- (d) *monies be set aside in a Sinking Fund with a Full Asset Management Plan to be prepared, to ensure the long term maintenance of the facility;*
- (e) *the type of security to be provided is to be specified;*
- (f) *the period of rent reviews to be determined, and in any case, not to exceed a period of five (5) years;*
- (g) *parking revenue from any proposed parking on public open space or other parking areas associated with the proposed stadium to be available to the licensee/vendor (page 12 - clause 6.5);*
- (h) *the Naming Rights fee of \$150,000 per annum inclusive of GST (page 52, clause 5.1);*
- (i) *selling of Naming Rights over \$150,000, any amount greater than \$150,000 will be shared between the Tenderer and the Town at a percentage to be negotiated;*

Applicable to Catering Services Tender

- (j) *clarification of the catering commission to be paid to venue users (page 28 - clause 13.1.3);*
- (k) *the recommendation is subject to the confirmation of the figures in this Item's report relating to the Burswood Catering and Entertainment Pty Ltd, against the offer from Burswood Catering and Entertainment Pty Ltd;*

Applicable to Operational Management Tender

- (l) clarification of the submission that Perth Glory Soccer Club Pty Ltd being granted the right and entitlement to be the major licensee and lessee (page 11- clause 6.1);*
- (m) clarification of an identical licence fee to be charged to a proposed second National Soccer League Team (which is currently charged to Perth Glory Soccer Club Pty Ltd) (page 12);*
- (n) determination of ownership of capital works and improvements at an estimated value of \$100,000 to be provided by Allia Holdings Pty Ltd (page 23 - clause 5.1);*
- (o) clarification of contribution towards the cost of maintenance for building repairs and ground maintenance (other than the pitch) (page 24 -clause 5.3);*
- (p) clarification of the contribution towards the building insurance;*
- (q) clarification of the request for the Town to install security cameras in priority areas (page 24, clause 5.2.8);*
- (r) clarification of the venue users' requirement to pay outgoings above the rental to be charged (page 26, clause 8);*
- (s) clarification of roles and responsibilities of the venue managers;*
- (t) the management plan outline public transport, and encourage use of transport alternatives other than the private car;*
- (u) the management plan address issues of litter in Perth Oval and the surrounding streets and issues of security and inappropriate behaviour of patrons;*

Applicable to Naming Rights Tender

- (v) clarification of the Town's requirements to contribute towards the installing of grandstand signage;*
- (w) clarification of surplus funds from Naming Rights payable to the Town (pages 12 & 43);*
- (x) clarification that a "clean venue" - free of advertising will be provided for the various users; and*
- (y) note that all the amendments (carried at tonight's meeting) for Item 10.4.8 will also be applicable to Items 10.4.9 and 10.4.10.*

BACKGROUND:

At the Special Council Meeting held on 30 October 2001, the Council approved of entering into a partnership with the State Government of Western Australia to redevelop and construct a number of sporting facilities, including a Multi-Purpose Rectangular Sports Stadium on Perth Oval, State Indoor Multi-Use Sports Centre on the Loftus Centre land and the redevelopment of Leederville Oval into a "Football Centre of Excellence" for joint use by EPFC and SFC. The Town has also approved of the construction of an office building on Leederville Oval to house the Department of Sport and Recreation.

At a Special Meeting of Council held on 10 December 2002, the Council resolved to redevelop Perth Oval, construct a Multi-Purpose Rectangular Sports Stadium (Stage 1) and create approximately 35,000m² of public open space, including plants, lawn, paths, lighting, fencing, street furniture, public art and bore upgrade and reticulation, at an estimated cost of \$10,548,000. The Council also approved of calling public tenders for catering services, naming rights and operational management services for the proposed stadium.

On 22 March 2003 an advertisement was placed in the West Australian Newspaper inviting tenders from suitably qualified and experienced persons/organizations for the naming rights for the Multi-Purpose Rectangular Sports Stadium at Perth Oval. Advertisements were also placed in the Financial Review and Business News newspapers. Letters were sent to approximately 50 major companies advertising the tender. At 2pm on 11 April 2003, one (1) tender was received. Present at the opening were David Paull (Purchasing/Contracts Officer), John Giorgi (Chief Executive Officer) and Mike Rootsey (Executive Manager Corporate Services).

The tender received was from the following company:

Name	Address
1. Allia Holdings Pty Ltd	Meagher Drive, Floreat WA

TENDER EVALUATION

Selection Criteria

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

	Criteria	Weighting
1.	Contract Price	65%
2.	Past performance in similar projects	15%
3.	Adequate resources available to carryout works	10%
4.	References	5%
5.	Overall compliance with tender specification and requirements	5%
	TOTAL	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of Chief Executive Officer, John Giorgi, Executive Manager Corporate Services, Mike Rootsey and two Department of Sport and Recreation representatives.

Each tender was assessed in accordance with an Evaluation Assessment Matrix as used by the State Government Department of Housing and Works. This provided for the following scoring;

0-1	Inadequate or non-appropriate offer, critical or disqualifying deficiencies, does not meet criterion, unacceptably high risk to Principal.
2-3	Marginal offer, some deficiencies, partly meets criterion, high risk to Principal.
4-5	Fair offer, few deficiencies, almost meets criterion, medium risk to Principal.
6-7	Good offer, no deficiencies, meets criterion, medium to low risk to Principal.
8-9	Very good offer, exceeds criterion, low risk to Principal.
10	Outstanding offer, greatly exceeds criterion, very low risk to Principal.

(Scoring was calculated using the criterion weighting)

TENDER SUMMARY

The following is a summary of the tender received;

Allia Holdings Pty Ltd

The tender submitted by Allia Holdings Pty Ltd was very comprehensive, detailed and professional. In some areas it made assumptions about roles and responsibilities. These would need to be clarified and determined.

Financial Offer

Company	Costs \$
Allia Holdings Pty Ltd	150,000

Lease Term

Company	Initial Term	Options
Allia Holdings Pty Ltd *	5 years	3 x 5 years

* Applicable to all three tenders

Contribution to Capital Works to the Town

Company	\$
Allia Holdings Pty Ltd	1,200,000

* Applicable to all three tenders

Allia Holdings Pty Ltd have submitted in their tenders that they will offer capital equipment to the Town valued at \$1,200,000 as follows:

Capital Equipment	\$
Lights	450,000
Eastern Grandstand	500,000
Perimeter signs - 100 metres	100,000
Security System - office and function rooms, equipment, furniture, 12 lolly-pop signs	80,000
Score board and clock	30,000
Office fit-out for proposed stadium manager	20,000
Benches/white boards/miscellaneous equipment	5,000
200 Grandstand seats	5,000
Boardroom furniture	5,000
80 x 240 litre bins	5,000
TOTAL	1,200,000

In addition, it will provide equipment and catering vans for external concessions to the value of \$220,000. This will remain the property of the caterer at the end of the lease term.

Maintenance of Premises and Equipment

Company	Premises	Equipment
Allia Holdings Pty Ltd	30,000 pa	5,000 year 1 10,000 year 2 20,000 year 3

Contribution to Sinking Fund

Company	\$
Allia Holdings Pty Ltd	Nil

* Applicable to all three tenders

Tender Assessment

The tender specified the following evaluation criteria:

Criteria	%	Weighting
1.1 Financial Offer/Fee Proposal <ul style="list-style-type: none"> • This contract is offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) • Tenderer's offer of an annual fee for each of the five (5) years of the term of the contract • Demonstrate your payment schedules (dates and amounts) • Specify your preferred contract term(s) 	80	80%
1.2 Financial History and Viability of Organisation <ul style="list-style-type: none"> • Financial history and viability of the organisation over last five (5) years • Demonstrate your capacity to fulfill or satisfy the required sponsorship 	5 5	10%
1.3 Contribution to Community Service <ul style="list-style-type: none"> • Demonstrate your previous and current community services • Explain your proposed involvement with the community 	5	5%
1.4 Organisation Profile and Credentials	5	5%
TOTAL	100	100%

The Evaluation Panel assessed the tenders and the following was determined;

	Criteria	Weighting	Allia
1.	Contract Price	65%	
2.	Past performance in similar projects	15%	
3.	Adequate resources available to carryout works	10%	
4.	References	5%	
5.	Overall compliance with tender specification and requirements	5%	
	TOTAL	100%	

Reference checks reveal that Allia Holdings Pty Ltd have the experience and capability to carry out this work. In addition, they have confirmed their prices.

The Evaluation Panel recommends that this tender not be accepted. However, it recognises that the tender submitted by Allia Holdings Pty Ltd meets the majority of the tender specifications. However, as the Local Government Act Tender Regulations only allows for "minor variations" to be made to the specified tender documentation, it is recommended that the Town not accept the tenders and authorises the Chief Executive Officer to enter into negotiations to address the following matters:

Applicable to all tenders

- (1) the acceptance of any one tender being conditional upon the other two tenders for Naming Rights and Operational Management Services also being accepted;

CEO's Comment

All tenders are treated as individual items and it is the Town's prerogative to consider all three tenders as an overall package. There are many benefits and advantages to consider all three tenders in total.

- (2) the lease options are exercisable by Allia Holdings Pty Ltd jointly and which are not severable;

CEO's Comment

The tender document specifies that lease options are exercisable solely at the Town's discretion. This will ensure that strict control over the tender lease term is maintained. Therefore, the tender statement by Allia Holdings Pty Ltd is not supported. The exercise of lease options requires careful consideration and legal drafting.

- (3) the non-payment of the \$400,000 annual fee no longer being applicable after the Town's loan of \$4.469 million has been repaid;

CEO's Comment

The offer provided by Allia Holdings Pty Ltd is attractive, however, it does not take into account unknown factors which may arise throughout the period of twenty years. This statement requires careful consideration and further investigation.

- (4) the type of security to be provided is to be specified;

CEO's Comment

The tender documents require that an amount of \$25,000 is to be lodged with the Town for due performance and is to be in the form of Commonwealth Treasury Bonds, Certificates of Inscribed Stock, Bankers Cheque, Bank Draft, Bank Guarantee or Bank Fixed Deposit Receipt.

- (5) the period of rent reviews to be determined, and in any case, not to exceed a period of five (5) years;

CEO's Comment

The tender document specifies lease periods of five years each and it is therefore reasonable to expect that rent reviews would be carried out at these five year intervals.

- (6) parking revenue from any proposed parking on public open space or other parking areas associated with the proposed stadium to be available to the licensee/vendor (page 12 - clause 6.5);

CEO's Comment

It is the Town's prerogative to determine matters of parking on the public open space and accordingly any revenue associated with this matter.

- (7) the Naming Rights fee of \$150,000 per annum inclusive of GST (page 52, clause 5.1);

CEO's Comment

Allia Holdings Pty Ltd have submitted that the \$150,000 is inclusive of GST. Therefore, the Town would be required to pay the GST of \$15,000. This is not acceptable to the Town.

- (8) selling of Naming Rights over \$150,000, any amount over \$200,000 will be payable to the Town. The remaining \$50,000 will assist Allia Holdings Pty Ltd to offset the \$400,000 annual payment to the Town (page 54, clause 10);

CEO's Comment

The tender documents specify that no company or individual shall profit from the sale of the contract for naming rights. Allia Holdings Pty Ltd have specified that \$50,000 will be used to offset the annual payment of \$400,000 to the Town. This financial arrangement requires further clarification.

Applicable to Catering Services Tender

- (9) clarification of the catering commission to be paid to venue users (page 28 - clause 13.1.3);

CEO's Comment

Allia Holdings Pty Ltd specify that they are to receive no less than 20% of the gross catering sales as a commission. A maximum of gross catering sales will be negotiated with the venue user.

The tender document at clause 3.4 specifies an amount of not less than 7% to the venue management and, on occasions, when the venue is used for not for profits sports the caterer's commission to be paid shall be split equally between the venue management and the user of the venue for that event.

The amount of commission to be paid requires further investigation and determination.

Applicable to Operational Management Tender

- (10) clarification of the submission that Perth Glory Soccer Club Pty Ltd being granted the right and entitlement to be the major licensee and lessee (page 11- clause 6.1);

CEO's Comment

This statement requires clarification to ensure that no conflict arises in the future.

- (11) clarification of an identical licence fee to be charged to a proposed second National Soccer League Team (which is currently charged to Perth Glory Soccer Club Pty Ltd) (page 12);

CEO's Comment

This statement requires clarification and it is the CEO's opinion that this is the role of the Board. However, the principle of charging equitable licence fees is supported.

- (12) determination of ownership of capital works and improvements at an estimated value of \$100,000 to be provided by Allia Holdings Pty Ltd (page 23 - clause 5.1);

CEO's Comment

Allia Holdings Pty Ltd have listed a number of items which they intend to provide and these should be clarified to avoid any conflict of ownership.

- (13) clarification of contribution towards the cost of maintenance for building repairs and ground maintenance (other than the pitch) (page 24 -clause 5.3);

CEO's Comment

Allia Holdings Pty Ltd tender specified that the Town will cover the cost of building insurance, building repairs, ground maintenance and turf maintenance for the practice pitch on the public open space (excluding line marking). The tender document requires that these are responsibility of the tenderer with the exception of the turf maintenance on the public open space.

- (14) clarification of the contribution towards the building insurance;

CEO's Comment

Allia Holdings Pty Ltd specify that the building insurance is the responsibility of the Town. The tender requires the venue management to pay for the building insurance.

- (15) clarification of the request for the Town to install security cameras in priority areas (page 24, clause 5.2.8);

CEO's Comment

This request requires further investigation. Subject to the costs being on budget, it is proposed to install cabling only in stage 1. The full cost of security cameras has not been investigated by the project architects.

- (16) clarification of the venue users' requirement to pay outgoings above the rental to be charged (page 26, clause 8);

CEO's Comment

This statement requires further clarification. The proposed Board will determine venue user requirements.

- (17) clarification of roles and responsibilities of the venue managers;

CEO's Comment

Throughout the tender submitted by Allia Holdings Pty Ltd, there are numerous references and statements relating to costs and responsibilities. The CEO is of the opinion that these are the responsibility of the proposed Board and that the venue manager will be required to implement these. However, these require careful consideration and further investigation.

Applicable to Naming Rights Tender

- (18) clarification of the Town's requirements to contribute towards the installing of grandstand signage;

CEO's Comment

The tender document specifies the Town will provide "the building structure including fences". This matter requires further investigation with the project architects to ensure that signage can be fixed to buildings without excessive costs and detriment to the buildings.

- (19) clarification of surplus funds from Naming Rights payable to the Town (pages 12 & 43);

CEO's Comment

This requires clarification to remove any ambiguity..

- (20) clarification that a "clean venue" - free of advertising will be provided for the various users.

CEO's Comment

This requires clarification to remove any ambiguity and to comply with the State Government's Financial Assistance Agreement conditions.

FINANCIAL/BUDGET IMPLICATIONS:

The tender submitted by Allia Holdings Pty Ltd will pay the Town of Vincent \$150,000 (inclusive of GST) per annum cash for the naming rights. It is essential that the \$150,000 cash contribution per annum be exclusive of GST. Unless this occurs, then the Town will need to fund the GST which will be \$15,000 per annum. Other capital works and equipment for all three tenders are estimated at a value of \$1,200,000. In addition, Allia Holdings Pty Ltd will pay all operational management costs estimated at \$352,000 in year 1, \$221,500 in year 2 and \$191,500 in year 3.

The caterer will also spend \$220,000 on outside outlet/concession units (which will remain the property of Caterer).

The Town will not be contributing any funds towards the naming rights tender.

LEGAL/POLICY IMPLICATIONS:

The tender was advertised in accordance with the Local Government (Functions and General) Regulations 1996 – Tender Requirements.

In considering a tender two Regulations are of particular relevance, Regulations 20 and 11:

• ***Regulation 20***

Regulation 20 sets out the circumstances in which a local government, having chosen a successful tenderer, can negotiate contractual terms in the period between choosing the successful tenderer and entering into a formal contract with that tenderer. Those circumstances are limited in the Tender Regulations to the situation where the local government 'wishes to make a minor variation in the goods and services required'.

A "*minor variation*" is defined and the tender submitted by Allia Holdings Pty Ltd are not considered to be minor.

- **Regulation 11**

Regulation 11 prohibits a local government from entering into a contract for the supply of goods and services worth more than \$50,000 unless tenders are publicly invited. One of the exceptions to this prohibition is that, within the past six months:

'The local government has, according to the requirements of this Part, publicly invited tenders for the supply of the goods or services, but no tender was submitted that was thought to be satisfactory' (Regulation 11(2)(c)(i)).

The tenders have been discussed with the Town's solicitors and they have recommended that the Town *"formally declines to accept the terms of the Allia Holdings Pty Ltd tender but agrees to enter into negotiations with Allia Holdings Pty Ltd for the purpose of entering in to a contract for the supply of relevant services"*.

PRINCIPAL ACTIVITIES PLAN:

The upgrade of Perth Oval is listed in the Town's Principal Activities Plan.

STRATEGIC IMPLICATIONS:

The upgrade and redevelopment of Perth Oval is in accordance with the Town's Strategic Plan 2002-2002 Key Result Area 3.6 *"Develop and Implement Strategies to improve the Town's Parks and Reserves"*.

This is in keeping with the Town's Draft Strategic Plan (yet to be adopted) – Key Result Area *"Economic Development"*.

COMMENT:

The Town's partnership with the State Government of Western Australia to provide upgraded and new sporting facilities within the Town of Vincent, as part of the State Sporting Facilities Plan will be a major benefit to the Town, its residents and taxpayers. This work will allow the proposed Multi-Purpose Rectangular Sports Stadium and Redevelopment of Perth Oval to be carried out within the period May 2003 to November 2003.

The tender submitted by Allia Holdings Pty Ltd is very attractive and will ensure that the Town can meet its obligations to service the loan repayments of \$4.469 million and not make any payments annual operating costs for the proposed stadium. As the Local Government Act Tender Regulations only allows for *"minor variations"*, it is recommended that the Council formally decline the tender and authorise the CEO to negotiate the matters detailed in this report.

The Council's approval of this recommendation is therefore requested.

Cr Franchina returned to the Chamber at 8.35pm and was advised by Mayor Catania that Items 10.4.8, 10.4.9 and 10.4.10 were carried (8-0) with amendments.

Moved Cr Ker, Seconded Cr Chester

CARRIED (9-0)

That the meeting be declared open to the public and that the Council Decisions and Reports on Items 10.4.7, 10.4.8, 10.4.9, 10.4.10 be made public by the Chief Executive Officer.

13. URGENT BUSINESS

Nil

14. CLOSURE

Presiding Member, Mayor Nick Catania JP, declared the Meeting closed at 8.38pm.

Present:

- | | |
|------------------------|---|
| Mayor Nick Catania, JP | Presiding Member |
| Cr Simon Chester | North Ward |
| Cr Caroline Cohen | South Ward |
| Cr Helen Doran-Wu | North Ward |
| Cr Steed Farrell | North Ward |
| Cr Basil Franchina | North Ward |
| Cr Ian Ker | South Ward - Deputy Mayor |
| 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 |

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 13 May 2003.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2003