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### **(21 October 2003)**

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 21 October 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 (from 6.02pm)
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental & Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicher	Executive Manager, Technical Services
Annie Smith	Executive Assistant (Minutes Secretary)
Adriana Tsovleas	Journalist – Guardian Express
Mark Fletcher	Journalist – Voice News

Approximately 20 Members of the Public

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

Nil.

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

1. Mr Ken Bird of Unit E4/01 Observation Rise 183 West Coast Highway, Scarborough - Administers the program at the Kyilla Pre-primary Annex on Haynes Street, Mt Hawthorn. Advised that an email had been sent outlining the background to the situation with regard to the Department of Education wanting to re-occupy the premises for a small kindergarten program next year. Acknowledges that this is ultimately a matter for resolution between the Department of Education and Kidz Galore and they are working together to try and resolve it. Stated that they approached the Council as whether or not the Department of Education might be able to

share the playground premises adjacent to the Annex for the small numbers they have. Stated that there are 122 children about to be displaced by a small program which involves 20 children. Asked if the Town could assist them in gaining access to the playgroup premises with short notice.

2. Ms Le Ming Tank of 7 Bassendean Parade, Bassendean - Architect - Item 10.1.4 - Stated that the proposal was previously recommended by the Planning Officers at the previous Council meeting for refusal as there was a shortfall in carparking and the variation in the open space dimensions for Unit 4. Stated that the owners opted to defer the application in an attempt to resolve these issues. Believes that a satisfactory solution has been reached which addresses these issues and does not adversely affect the amenity of the adjoining properties. Advised that the plans have been revised and now accommodates the eight required carparking spaces. Stated no new variations have been introduced. Advised that the height of the development meets the performance criteria of the R Codes in that the building are consistent with height of the buildings in the locality. Stated that previous concerns of visual privacy have also been addressed. Thanked the officers for their patience and co-operation and the Councillors who have taken time to speak to them. Hopes that the proposal is now satisfactory and is approved by Council.
3. Mr Tony Morgan of 20 Venn Street, North Perth - Item 5.1 - Petition - Stated that 44 residents and owners have signed a petition. Stated that Venn Street residents seek to establish a well presented, functional and sustainable street for the future. The residents believe that the Brush Box trees are not sustainable since they originate from sub tropics, require almost twice as much water as the Perth climate provides and require a higher level of fertility from those that the soils of Perth naturally provide and they require summer irrigation. Believes the ground water with Vincent has currently fallen. Stated that as a result of these environmental factors, the Brush Box trees are in stress and therefore fruit more heavily and drop large concentrations of small hard sharp nuts which the residents regard as being dangerous and also impact on the use of the verges and the street footpaths. The residents seek to work with the Council and staff to commence a tree replacement program this year to ensure that Venn Street trees remain sustainable for the future. Referred to the Town's Strategic Plan 2002-2007 - 1.4. Requested that the petition be received and the Council work with the residents to move forward.
4. Ms Marie Warrington of 66A Emmerson Street, North Perth - Item 10.1.3 - Stated that she and her neighbour had forwarded written concerns regarding this proposal in June 2003. Stated that one of the objections was the planning officer's report recommending approval had been written prior to the close of public comment. State the application was refused by Council on 24 June. Further stated that they were not formally notified that an amendment to the proposal was being put before the Council at this meeting, therefore have not had the opportunity to put their continuing concerns in writing or to view the amended plans. Given their previous concerns believes that should have an opportunity to reply. Believes that their concerns have not been met and they are not satisfied. Referred to the developers statement that the predominant height of adjoining properties is two storeys. Stated dwellings immediately bordered by the proposed development are single storey and there are many other single

storey dwellings in the streetscape. Hot happy with the setbacks. Believes that the amount of afternoon sun to her property and only outdoor entertaining area will be adversely affected and her winter heating requirements increased. Also stated her neighbour is not happy with the presence of the deck above the garage which adjoins her only outdoor entertaining area which will be noisy and intrusive. Believes the privacy issues for the existing house at 68 Emmerson Street have still not been addressed and the balcony on the rear of this house will be directly overlooked by several upper floor windows and the balcony. Believes the issue of open space does not appear to have been addressed. Stated that she and her neighbour continue to have concerns regarding the development and hopes that proper procedures and consultation will be followed.

5. Ms Jan Barley of 66C Emmerson Street, North Perth - Item 10.1.3 - Referred to Unit 3 of the development - has no objections to the garage being built directly against her fence but does object to the decking on top of the garage. Stated that it looks down into her courtyard and believes every word spoken in her courtyard would be heard by people on the deck. Stated that she has a pergola and the decking looks directly down into her pergola where she spends a lot of time in the summer.
6. Mr Anthony Maydwell of 31B Venn Street, North Perth - Item 5.1 - Petition - Reiterated the comments made previously regarding the streetscape. Stated his concerns relate to the usage of the street as both a pedestrian and a cyclist and reiterated the comments regarding the effect of the additional fruiting that is taking place due to the tree stress that currently exists due to the falling water table and the advance stage of many of the trees. Sees it only as an advantage to both the Council and the ratepayers of the area and to the longevity of the quite beautiful streetscape to consider the proposal to amend 5.1 to allow for the continuation of a very successful tree streetscape.
7. Mr Peter Dalla Riva of 26 Taworri Way, City Beach - Item 10.1.3 - Stated that the preference was to retain the 1920's house which has now been restored. Stated that he did not proceed with the development initially which lapsed in 2001 as there were problems with the GST. Has now reapplied with the same drawings however, was rejected in June with a number of objections. Believes all of the objections have been addressed. Stated that he tried to contact one of the owners, called twice and sent a letter but received no response to try and resolve the problems. Has resubmitted the application and believes that it meets all the requirements and would appreciate it if the Council would address it in that manner.
8. Mr Kim Doepel of 6 Heystbury Road, Subiaco - Architect - Item 10.1.3 - Stated that approval had previously been granted for this proposal. The application lapsed and they reapplied but it was not supported by Council on the basis of the comments received by the adjoining owners. Stated that there have been substantial amendments to the plans and the front house was restored in line with Council policy. The changes made to the plans are in the agenda and substantially address the concerns to the eastern boundary. Stated there is no possibility of any easterly view from the development due screens to windows and also to the deck at the rear of the garage Happy to delete the decks above the garages and roof them if they are still believed to be a concern. Stated that if the decks are removed,

there is 119m<sup>2</sup> of open space if the decks remain they are still have 21m<sup>2</sup> in excess of the open space requirement. Stated that the density, carparking and the stores comply.

There being no further questions from the public, Public Question Time was closed at 6.17pm.

**(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**

5.1 The Chief Executive Officer advised that he had received a petition with 44 signatories from the residents and ratepayers requesting the Town of Vincent to initiate immediate action to ensure a sustainable outcome for Venn Street trees is achieved for the following reasons:

- The Brush Box Tree is a subtropical rainforest species not suited to Perth's Mediterranean climate and therefore not sustainable.
- The Brush Box Trees are in stress and drop large quantities of small sharp nuts which are very dangerous.
- Venn Street residents seek to ensure that a well presented tree lined street with an appropriate species is established to provide shade and amenity for the long term.
- Town of Vincent's Key Result Area. One of the Draft 2002-07 states. "1.4 maintain and enhance the Town's Infrastructure to provide a safe, healthy, sustainable and functional environment".

The Chief Executive Officer advised that this matter has been referred to the Executive Manager Technical Services for investigation and report.

5.2 The Chief Executive Officer advised that he had received a petition with 23 signatories from ratepayers of Anzac Road, from Harrow Street to Shakespeare Street, strongly objecting to the Town of Vincent proposal regarding the proposed timed parking in the above street. There are several elderly people living in this street that require Silver Chain, Carers and family help and they feel that this new proposal will bring undue pressure upon these people. As this is a residential area, they feel this proposal will only encourage a greater flow of traffic in the street. There are no parking problems in this street now and they fail to understand why Council wants to create one.

The Chief Executive Officer advised that this matter has been referred to the Executive Manager Technical Services for investigation and report.

**Moved Cr Lake, Seconded Cr Torre**

***That the above petitions be received and a report be prepared by the Executive Manager Technical Services.***

**CARRIED (9-0)**

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

**6.1 Ordinary Meeting of Council held on 7 October 2003.**

**Moved Cr Lake, Seconded Cr Farrell**

*That the Minutes of the Ordinary Meeting of Council held on 7 October 2003 be confirmed as a true and correct record subject to Item 8.4 being amended to indicate that Cr Lake declared an interest affecting impartiality in Item 10.4.5 and not 10.4.4.*

**CARRIED (9-0)**

**6.2 Special Meeting of Council held on 14 October 2003.**

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

*That the Minutes of the Special Meeting of Council held on 14 October 2003 be confirmed as a true and correct record.*

**Cr Chester departed the Chamber at 6.20pm.**

**CARRIED (8-0)**

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

**Cr Chester returned to the Chamber at 6.22pm.**

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

**7.1 Employee of the Month Award for the Town of Vincent for October 2003**

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

For October 2003, the award is presented to Cheryl Liddelow, Accountant in the Financial Services Section. Cheryl was nominated by Natasha Russell, Manager Financial Services.

Cheryl has been nominated for her efforts this year in the completion of the year end financial statements and her assistance during the year end audit.

This is the first year end completed on the Town's new computer system so there has been a steep learning curve for all involved.

Cheryl has put in long hours, including some weekend work, to ensure that the relevant deadlines have been met to allow the audit to be completed in the agreed timeframe.

She is to be commended for her commitment and dedication in the completion of this work.

Well done to Cheryl - keep up the good work!!

## 8. DECLARATION OF INTERESTS

8.1 Cr Farrell declared a proximity interest in Item 10.2.1 - Proposed Traffic Calming & Safety Improvements - Matlock Street, Mount Hawthorn. His interest being that he owns property and resides in close proximity.

8.2 Cr Franchina declared a proximity interest in Items:

- 10.3.3 - Short Term Loan Funding for the Multi-Purpose Sports Stadium and Redevelopment of Perth Oval, Pier Street, Perth
- 10.3.4 - Expressions of Interest for Artwork for Multi-Purpose Sports Stadium and Loton Park
- 10.3.5 - Community Sporting and Recreation Facility Fund (Loton Park Tennis Club)
- 10.4.1 - Tender No 280/03 - Supply, Delivery and Installation of Tiered Modular Steel Grandstand Seating (Southern End) at the Multi-Purpose Sports Stadium, Pier Street, Perth

His interests being that his daughter owns property in close proximity.

8.3 Cr Torre declared an interest affecting impartiality in Item 10.2.3 - Additional Fifteen Minute Parking on the North Side of Bulwer Street, East of Fitzgerald Street. Cr Torre advised that an applicant is a distant relative.

8.4 Cr Chester declared a proximity interest in Item 11.2 - Notice of Motion - Councillor Caroline Cohen - Policy No 3.5.14 Relating to Subdivisions Requiring Plate Height Development. His interest being that a development application that maybe affected by this item has been submitted for the lot next to his residential address.

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

Nil.

## 10. REPORTS

The Agenda Items were categorised as follows:

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

Items 10.1.4 and 10.1.3.

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:**

Nil.

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

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

Cr Ker	10.4.2
Cr Lake	10.1.2, 10.1.5, 10.1.7 and 10.3.5
Cr Chester	10.2.3 and 10.3.5
Cr Torre	Nil
Cr Doran-Wu	Nil
Cr Farrell	Nil
Cr Cohen	Nil
Cr Franchina	Nil
Mayor Catania	Nil

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

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

Items 10.2.1, 10.3.3, 10.3.4, 10.3.5 and 10.4.1

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

Items 10.1.1, 10.1.6, 10.1.8, 10.2.2, 10.3.1 and 10.3.2

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

Nil.

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

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

Items 10.1.1, 10.1.6, 10.1.8, 10.2.2, 10.3.1 and 10.3.2

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

Items 10.1.4 and 10.1.3.

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

**Moved Cr Ker, Seconded Cr Torre**

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

*Items 10.1.1, 10.1.6, 10.1.8, 10.2.2, 10.3.1 and 10.3.2*

**CARRIED (9-0)**

**10.1.1 No. 663 (Lot 53- Strata Lot 1) Newcastle Street, Leederville - Alterations and Additions to Existing Eating House**

<b>Ward:</b>	South	<b>Date:</b>	10 October 2003
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	PRO0740, 00/33/1818
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J Barton		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the applicant S Richard on behalf of the landowners E, T & R Serrano for proposed alterations and additions to existing eating house at No. 663 (Lot 53- Strata Lot 1) Newcastle Street, Leederville, and as shown on plans dated 8 September 2003, subject to:*

- (i) all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy 3.1.78 Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (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) 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; and*
- (v) the eating house being a maximum of 70 square metres of public area;*

*to the satisfaction of the Chief Executive Officer.*

**COUNCIL DECISION ITEM 10.1.1**

**Moved Cr Ker, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**LANDOWNER:** E, T and R Serrano  
**APPLICANT:** R Serrano  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No.1: District Centre  
**EXISTING LAND USE:** Eating House

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Provided</b>
Car Parking	<b>15 bays</b> (Restaurant- 1 bay required per 4.5 square metres of public area. Therefore, 69.28 square metres of gross public floor area divided by 4.5 = 15.39 car bays)	<b>11 bays</b> provided for previous use of shop/ food manufacturing premises including the shortfall of 2 car bays. (Although the 'Leederville Village' provides 56 bays, 11 bays were required for the previous use of shop/ food manufacturing premises-166 square metres of gross floor area divided by 15 square metres = 11 bays for a shop)

Use Class	Eating House
Use Classification	"P"
Total Site Area	7163 square metres

**SITE HISTORY:**

At the Ordinary Meeting held on 20 December 1999, the Council approved a change of use on the subject land from shop/ food manufacturing premises, to an eating house and associated internal modifications.

The above mentioned change of use resulted in a shortfall of two car parking bays, as the previous shop use only required 11 bays, where as the eating house, with a public floor area of 60 square metres, required 13 bays.

**DETAILS:**

The applicants are proposing to reduce the size of the kitchen and increase the public seating area by 9.28 square metres. Therefore, a total public floor area of 69.28 square metres is proposed.

The proposal originally included an alfresco dining area, however, the applicants have deleted the alfresco dining area from the above application.

**CONSULTATION/ADVERTISING:**

The applicant has provided letters from the other strata owners as part of this application, stating that they have no objections to the proposal.

Given the above, the application was not advertised.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Car Parking**

The applicant's are proposing to increase the public floor area by 9.28 square metres, which results in the additional requirement of 2 car parking bays. However, given that the site is within close proximity to public transport and Council car parks, the car parking variation can be justified in accordance with the Car Parking and Access Policy - adjustment as below:

Commercial Car Parking Requirements

Car parking requirement (nearest whole number)	15 Bays
Apply the adjustment factors <ul style="list-style-type: none"> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.80 (within 50 metres of an existing public car park with excess of 50 bays)</li> <li>▪ 0.90 (provision of bicycle parking and end of trip facilities - due to the clause/condition to provide such facilities on previous application)</li> <li>▪ 0.80 (within 400 metres of a railway station)</li> <li>▪ 0.90 (within a District Centre Zone)</li> </ul>	0.44
Car parking requirement with adjustment factor applied (15 car bays X 0.44)	6.6 car bays
Minus the car parking provided on site	11 car bays
Minus the most recently approved on-site car parking shortfall (13 bays required for previous application and only 11 provided).	2 car bays
Resultant surplus ( 13 car bays - 6.6 bays)	<b>Surplus 6.4 car parking bays</b>

In light of the above adjustment factors, and given the minor nature of the proposal, the application is considered supportable in this instance.

**10.1.6 Riverplan: An Environmental Management Framework for the Swan and Canning Rivers - Comprehensive Management Plan and Implementation Strategy for the Environmental Protection (Swan and Canning Rivers) Policy 1998 - Consultation Draft**

<b>Ward:</b>	Both	<b>Date:</b>	14 October 2003
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	ORG0039
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	C Mooney		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the "Riverplan: An Environmental Management Framework for the Swan and Canning Rivers" - Consultation Draft, dated July 2003; and*
- (ii) *ADVISES the Government of Western Australia and the Department of Environment, that the Town generally SUPPORTS, IN PRINCIPLE, the content and intent of "Riverplan: An Environmental Management Framework for the Swan and Canning Rivers" - Consultation Draft, dated July 2003, as outlined in this Report.*

**COUNCIL DECISION ITEM 10.1.6**

**Moved Cr Ker, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**BACKGROUND:**

The State Government has released a document entitled "*Riverplan: An Environmental Management Framework for the Swan and Canning Rivers*" Consultation Draft, dated July 2003. Comments are being sought from interested parties on the content of Riverplan and with the closing date for submissions being 24 October 2003. The above document is "*Laid on the Table*" for public viewing.

**DETAILS:**

In 1998, the Environmental Protection (Swan and Canning Rivers) Policy (EPP) was gazetted, under the Environmental Protection Act, 1986, giving the EPP a legal foundation for the management of both rivers and the requirement to complete a strategy for the State's river management.

In 1999, a Comprehensive Management Plan (Plan) was prepared by the Swan River Trust (SRT). The Environmental Protection Authority (EPA), recommended that the Plan be revised prior to public comment, however the plan was not further progressed.

Riverplan builds on activities prepared by the SRT in relation to river management and endeavours to replace existing plans, and provides a framework for a more coordinated approach, as well as an implementing a strategy for the EPP. The elements of the Riverplan are derived from the EPP. In conjunction with government agencies, the implementation of Riverplan will occur through coordination of conservation and management initiatives, development control initiation of planning policies and on-ground projects. The framework is designed to fulfil the proponents of the EPP.

The SRT is the proposed agency to co-ordinate the activities required to implement Riverplan. Partnership agreements and memoranda of understanding, setting out specific commitments to support the purpose of EPP, will be required to formalise relationships between various organisations. As the EPP is due for review in mid 2005, the work of the SRT Audit Team and Riverplan will feed into the above review.

Riverplan aims to establish a "*comprehensive environmental management framework*" to ensure that the values of the two rivers are protected. Riverplan will be the principal mechanism for implementation of the Environmental Protection (Swan and Canning Rivers) Policy 1998, of which its purpose is to ensure the protection and restoration of the Swan and Canning Rivers through management of associated activities.

The management, protection and restoration of the Swan and Canning Rivers is a complex process involving State Government agencies, Local Governments, community groups and industry. Riverplan aims within the environmental management framework, to recognise and operate through existing activities and initiatives of stakeholders. Riverplan acknowledges existing initiatives may need to be modified and that new initiatives will need to be developed to address existing gaps in river management. The core responsibilities of Riverplan are to co-ordinate and integrate these activities.

Riverplan primarily focuses on the Swan - Canning Catchment, and recognises that the rivers are a part of the wider Avon catchment system.

Riverplan contains 5 Sections which are generally summarised as follows:

### **1. Background**

- Riverplan, outlines the significance of the Swan and Canning Rivers, as Western Australia's premier river system highly utilised by the community.
- Riverplan, outlines key issues and pressures affecting the Swan and Canning Rivers system such as: chemical and biological contamination, urban stormwater run-off, loss of species and habitat, recognition of Aboriginal heritage, provisions for public access, urban and industrial development, recreational facilities and environmental water requirements, amongst many others.
- In July 1998, the State Government gazetted an EPP. The purpose being to "*restore, enhance, preserve and protect the environmental quality, ecological processes and ecological integrity of the Swan and Canning Rivers.*" A comprehensive management plan, as part of the statutory requirement under the EPP, was presented to the then Minister for the Environment in December 1999, but not adopted. Riverplan is proposed to fulfil this role.

### **2. Management Framework**

- The objective of establishing such a management strategy/framework is to protect the '*aesthetic, recreational, commercial and environmental importance of the Swan and Canning Rivers*'. The framework is a tiered approach and is based on the '*National Water Quality Management Strategy*'. It identifies the environmental values and quality objectives, indicators and criteria, and management tools and responses.

### 3. Management Context

- Implementation of a management framework and identification of framework are based on a number of environmental principles, which are as follows; integrated catchment management, sustainability, community involvement, shared responsibility and partnerships, stewardship of natural resources, prioritising, accountability, and adaptive management.
- Key initiatives from Federal, State, regional and sub-regional stakeholders will also require implementation.
- Operational arrangements for coordinating all statutory and non-statutory organisations will be established and the SRT is proposed to coordinate the Riverplan, having the greater role in river management.
- Local government will be responsible for implementing management activities. The general roles and responsibilities of Local Government will be to cooperate and take decisions and actions consistent with the EPP are outlined in Riverplan. They are as follows:
  - *"Incorporate river and catchment management objectives, priorities and actions into statutory planning processes.*
  - *Develop and implement urban stormwater plans in an Integrated Catchment Management (ICM) context.*
  - *Manage drainage where appropriate.*
  - *Facilitate local industry adoption of best management practices and involvement in river and catchment activities.*
  - *Provide support for community groups.*
  - *Modify all activities which can potentially impact on rivers to best management practice standard, in accordance with 'duty of care' responsibilities and good corporate citizenship".*
- As key stakeholders Local Government will also be required to address existing management tools that highlight issues effecting environmental values.
- Proposed priority actions have been identified to protect and maintain environmental values.
- Partnerships with key stakeholders will be established to define roles and responsibilities within Riverplan.

### 4. Implementation and Review

- Specific actions are required for implementation and review of the strategy, which will be implemented over the next five years. The role of Local Government in the implementation and review are as follows and are extracts from Riverplan:
  - *"Assessments by organisations on how they are fulfilling the requirements of the EPP".* Completion date March 2004.
  - *"Develop agreements to outline responsibilities".* Completion date June 2004.
  - *"Develop Action Plans to achieve implementation".* Completion date December 2004.
  - *"Review agreements".* Completion date, to be advised, 2006.
  - Annual Reporting to SRT.

### 5. Application of the Framework

- The application of Riverplan will be divided into five key actions, which are; establishing river and catchment zones, gathering baseline data, determining environmental values and setting indicators and criteria, progress reporting and prioritising action. Riverplan acknowledges that future management options may be required for application of the management framework.

*(Source: "Riverplan: An Environmental Management Framework for the Swan and Canning Rivers - Comprehensive Management Plan and Implementation Strategy for the Environmental Protection (Swan and Canning Rivers) Policy 1998" - Consultation Draft, July 2003, Government of Western Australia.)*

## STRATEGIC IMPLICATIONS:

### Strategic Plan 2003 - 2008

#### Key Results Area 1:

- 1.1 Protect and enhance the environment and biodiversity.
- e) *Improved natural habitat and increased biodiversity in parks, reserves, wetlands and river foreshore areas.*
  - g) *Incorporation of water sensitive urban design principles into the Town Planning Scheme.*
  - h) *Implementation of water conservation initiatives, including:*
    - *installing a centrally controlled irrigation system;*
    - *investigating the use of treated effluent for irrigation;*
    - *encouraging residents to implement waterwise gardening principles;*
    - *investigating and encouraging the use of grey water;*
    - *investigating options for stormwater re-use where appropriate (eg: re-establishing wetlands).*
  - k) *Public awareness through education programs on environmental issues.*
- 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.
- l) *Work with the Water Corporation to develop strategies for improved stormwater conveyance including:*
    - *progressing the surveying and mapping of the Town's drainage infrastructure;*
    - *developing and implementing sustainable drainage improvement programs.*
  - m) *Work with the Water Corporation, Claise Brook Catchment Group and other interested parties to support on-going programs to improve water quality.*

## COMMENTS:

The Town supports proactive action toward waterway sustainability, and the State Government in the promotion of river protection by way of environmental, cultural, social and economical sustainable principles. The Town additionally supports the incentives and resources, from the State at both Local Government and community level.

As the Town has been involved with environmentally sustainable projects over the past few years and with the release of Riverplan, there will be a need for a local 'River Strategy' to be developed by the Town to provide an integrated approach to river management, once Riverplan is formally adopted by the State Government.

It is considered appropriate that the Town considers the development of a local 'River Strategy' at the completion of the Sustainable Management System. As such it is recommended that the Council receives "Riverplan: An Environmental Management Framework for the Swan and Canning Rivers" - Consultation Draft, dated July 2003 and advises the Government of Western Australia and the Department of Environment, that the Town generally supports, in principle, the content and intent of the above document.

**10.1.8 Public Library Framework Agreement**

<b>Ward:</b>	Both	<b>Date:</b>	13 October 2003
<b>Precinct:</b>	All	<b>File Ref:</b>	CMS0002
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	E Scott		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) RECEIVES the report relating to the proposed Public Library Framework Agreement;*
- (ii) DOES NOT support the Draft Statements of Intent in its current form;*
- (iii) RECOMMENDS further discourse between State and Local Governments to achieve a more workable Public Library Framework Agreement; and*
- (iv) ENDORSES the suggested feedback attached at Appendix 10.1.8.*

**COUNCIL DECISION ITEM 10.1.8**

**Moved Cr Ker, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**BACKGROUND:**

The Western Australian Local Government Association and the State Library of Western Australia (SLWA) are in the process of developing a Framework Agreement between Local and State Government for the delivery of Western Australia's Public Library Service. The Western Australian Local Government Librarians Association has been involved with the development of the Agreement.

The Public Library Service has been undertaken on a joint basis by the Library Board of Western Australia and Local Government since the 1950's. The State Government provides the bulk of resources along with consultancy, advisory and training services. Local Government provides physical and technological infrastructure and staffing.

The aim of the Framework Agreement is to develop an overarching set of principles between State and Local Government that outline the roles, responsibilities and major policies required to deliver an efficient and effective Public Library Service. The Framework Agreement will be the basis of a solid, secure partnership between State and Local Government.

A number of joint position papers have been prepared. These encompass issues such as Standards, Policies and Guidelines, Regionalisation, Infrastructure, Training, Consultancy and Advisory Services. Information from these documents has been distilled into a Draft Statement of Intent that articulates to date the points of consensus and difference between State and Local Government.

## DETAILS:

A draft of Statements of Intent has been submitted to the West Australian Local Government Association (WALGA). The statements will form an integral part of the development of a formal document to be known as the Framework Agreement for the Delivery of Public Library Services in Western Australia.

Points on which both State and Local Governments have agreed to:

- Support a Statewide public library service that provides free access for all residents of Western Australia;
- Base the service on the expectation that all local governments will make a financial commitment to the provision of public library service;
- Support the continuation of the partnership arrangement and formalise joint decision-making arrangements through the establishment of a Joint Advisory Committee (JAC);
- Support the development of policies, guidelines and performance standard which will be adopted by both parties;
- Ensure that the Library Board of WA enters into an agreement with each local government, which will formalise these statements of intent, and which will specify the performance standards developed in consultation between the parties, together with a communication and reporting system;
- Support a regionalisation system for non-metropolitan local governments which is based on agreed service outcomes; and
- Support, from 2005/2006, a cycle of 5 years capital funding (with evaluation 2 years into each cycle) (**Local government position**)

**OR**

Support from 2005/2006, a capital funding cycle which represents a State Government term of office (with evaluation 2 years into each cycle) (**State Government Position**).

### **State Government**

The State Government agrees to:

- Provide resources, consultancy, advisory and training services;
- Commit to capital funding standards for resources whereby:
  - Base stock provision is 1.25 items per capita; and
  - Replacement stock provision is a rate of 12.5% per annum (**Local Government position**)<sup>(A)</sup>

**OR**

- Commit to provide funding which will progress towards the achievement of optimum standards for resource provision to public library services (**State Government position**)<sup>(B)</sup>.

(Refer to Attachment B)

### **Local Government**

Local government agrees to:

- Provide physical and technological infrastructure, staffing, and meet operating costs to agreed standards;
- Establish collection development policies which are aligned with community needs;
- Ensure core services, provide free of direct charge, are maintained consistently and comprehensively throughout the State; and
- Ensure that State assets are properly managed.

(Refer to Attachment A)

**Joint Advisory Committee**

State and Local Government agree to establish a Joint Advisory Committee, which will be tasked with ensuring that the statewide public library system operates effectively and efficiently within Western Australia. Its primary role will be to implement the Framework Agreement and to ensure that the principles within the Agreement are met. However, the committee would have no regulatory power.

Both State and Local Government agree that a charter will be drawn up for this purpose.

**10.2.2 Progress Report - Traffic and Parking Issues in and around Lower Fairfield Street, Scarborough Beach Road to Anzac Road Mt Hawthorn**

<b>Ward:</b>	North Ward	<b>Date:</b>	15 October 2003
<b>Precinct:</b>	Mt Hawthorn P1 & Mt Hawthorn Centre P2	<b>File Ref:</b>	TES0240/PKG0093
<b>Attachments:</b>	<a href="#">001:</a>		
<b>Reporting Officer(s):</b>	R Lotznicher		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**RECOMMENDATION:**

*That the Council;*

- (i) RECEIVES the progress report on Traffic and Parking Issues in and around Fairfield Street between Scarborough Beach Road and Anzac Road;*
- (ii) NOTES that the Town's officers, in consultation with Hotel Management and local Police, will continue to monitor the situation; and*
- (iii) DEFERS implementing any 'engineering measures' in Fairfield Street for the time being.*

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**COUNCIL DECISION ITEM 10.2.2**

**Moved Cr Ker, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (9-0)**

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**BACKGROUND:**

In early 2003, two (2) petitions regarding traffic and parking issues in Fairfield Street between Scarborough Beach Road and Anzac Road were received. In addition, a Notice of Motion was considered by the Council at its Ordinary meeting held on 25 February 2003, where it was resolved.

*“That the Council;*

- (i) refers the area of Fairfield Street, Mt Hawthorn, between Anzac Road and Scarborough Beach Road, to the Local Area Traffic Management (LATM) Advisory Group to consider the traffic management matters detailed in the petitions presented at the Ordinary Meeting of Council held on the 11 February 2003;*
- (ii) APPROVES the LATM Advisory Group to conduct a community forum (with residents, the owner of the Paddington Ale House and Police) to consider the best possible solution to the residents' traffic management concerns; and*
- (iii) NOTES that the Town's Rangers and Environmental Health Officers are investigating the various matters relating to noise from patrons, littering, alleged malicious damage to property and violent behaviour and are strictly enforcing the parking restrictions in Fairfield Street.”*

In accordance with the Council's resolution, the matter was discussed at the Local Area Traffic Management Advisory Group meeting held on 24 March 2003. In addition, a community forum with residents, the owners of the Paddington Ale House and the Police Service, was held at the Mt Hawthorn Community Centre on 9 June 2003.

The matter was subsequently considered by the Council at its Ordinary Meeting held on 24 June 2003 where it was resolved:

*“That the Council;*

- (i) receives the report on Fairfield Street Traffic and Parking issues;*
- (ii) APPROVES the implementation of the following actions as endorsed by the Local Area Traffic Management Advisory Group at its meeting held on 23 March 2003;*
  - (a) The Town's Officers liaise with the Paddington Ale House management, to discuss how the Ale House can educate its patrons by way of flyers and announcements as to the car parking available, noise, litter and other reported behavioural issues;*
  - (b) Installs more prominent signage to the existing carparks, i.e. Flinders Street and Hobart Street parking areas, as shown on attached Plan No. 2168-CP-2;*
  - (c) Undertakes an audit of the Town's existing carparks in the vicinity of the Paddington Ale House with a view to improving (where warranted) the level of lighting, pavement surface and line marking;*
  - (d) Investigates upgrading the level of street lighting in Fairfield Street between Scarborough Beach Road and Anzac Road;*
  - (e) Investigates relocating the existing taxi rank from Fairfield Street to Scarborough Beach Road (as shown on attached Plan No. 2168-CP-2) and for the Paddington Ale House to provide security staff to control the crowd during peak times;*
  - (f) Upon implementation of part or all of the above actions, the Town, in consultation with Hotel management and local Police, continue to monitor the situation;*
- (iii) APPROVES the implementation by the Town of the following actions as endorsed by the Community at the Community Forum held on 9 June 2003;*
  - (a) Implements improved No Standing demarcation lines adjacent to driveways in Fairfield Street;*
  - (b) Extends the existing parking restrictions in Fairfield Street (as shown on attached Plan No. 2168 CP-2) subject to consultation with affected residents, and the matter being considered by Council at the conclusion of the consultation period should any adverse comments be received;*
  - (c) Liaises with the Paddington Ale House to restrict charter bus parking in surrounding streets other than Scarborough Beach Road and Hobart Street (adjacent to the parking area);*
  - (d) Prepares and distributes a flyer to Fairfield Street residents advising them of phone numbers for Police and Rangers - normal and after hours service;*
  - (e) Installs a barrier fence on the Scarborough Beach Road frontage of the Ale House, as shown on attached Plan No. 2173 CP-1, to contain Ale House patrons and improve safety, at a cost of \$6,300, to be funded from the 2003/2004 Mt Hawthorn Streetscape budget allocation;*

- (iv) *receives a further report on the effectiveness or otherwise of the above initiatives approximately one (1) month after all proposals as outlined have been implemented; and*
- (v) *advises the Police Service, Paddington Ale House and Fairfield Street residents of its resolution."*

**DETAILS:**

In accordance with clause (iv) of the Council's resolution the following progress report is provided.

Proposal		Progress
1	<i>Liaise with the Ale House to educate patrons by way of flyers and announcements as to the car parking available, noise and other behavioural matters.</i>	The Town's Health Officers have liaised with the Hotel management. Flyers and announcements have been actioned by the Hotel including appropriate security etc. in liaison with the Town's officers resulting in marked improvements
2	<i>Better, more prominent signage to the existing carparks, i.e. Flinders Street and Hobart Street parking areas.</i>	Completed - July 2003.
3	<i>Undertaking an audit of existing carparks with a view to improving (where warranted) the level of lighting, pavement surface and line marking.</i>	Funds allocated in 2003/2004 draft budget. Works to be scheduled.
4	<i>Technical Services to investigate upgrading the level of street lighting in Fairfield Street (Scarborough Beach Road to Anzac Road).</i>	Completed - August 2003.
5	<i>Taxi Control Board, the Town and Paddington Ale House to investigate relocating taxi rank to Scarborough Beach Road and for the Hotel to provide security staff to control the crowd during peak times.</i>	Taxi Control Board has agreed to relocation of the taxi rank and it will soon be implemented.
6	<i>Upon implementation, of part or all of the above, the Town, in consultation with Hotel management and local Police, to continue monitoring the situation.</i>	<i>On going</i>
7	<i>Improved No Standing demarcation lines adjacent to driveways.</i>	Completed - July/Aug 2003
8	<i>Parking restrictions in Fairfield Street to be extended to Anzac Road</i>	Completed - September 2003
10	<i>Future Engineering measures.</i>	<i>On hold.</i>
12	<i>Provision of a barrier fence Scarborough Rd frontage of Hotel to contain Hotel patrons.</i>	Completed - September 2003

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL AND POLICY:**

N/A

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of the Draft Strategic Plan 2003-2008 – 1.4 Maintain and enhance the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. “(h) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management Advisory Group”.

**FINANCIAL/BUDGET IMPLICATIONS:**

Approximately \$7,500 has been expended implementing the improvements outlined in the above table. A further \$25,000 has been allocated in the 2003/2004 draft budget for traffic improvements in Fairfield Street, south of Scarborough Beach Road.

**COMMENTS:**

The completed proposals as outlined in the report have resulted in an improved amenity for residents in lower Fairfield Street, evident by the marked reduction in complaints received.

It is therefore recommended that the Council receives the progress report on traffic and parking issues in Fairfield Street between Scarborough Beach Road and Anzac Road, that the Town's officers, in consultation with Hotel management and local Police, continue to monitor the situation and that the Council defers implementing any 'engineering measures', as budgeted for in the 2003/2004 budget, for the time being.

**10.3.1 Authorisation of Expenditure for the Period 01 – 30 September 2003**

<b>Ward:</b>	Both	<b>Date:</b>	3 October 2003
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0005
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	P Forte		
<b>Checked/Endorsed by:</b>	N Russell	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council CONFIRMS the;*

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

*as shown in Appendix 10.3.1.*

**COUNCIL DECISION ITEM 10.3.1**

**Moved Cr Ker, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**DECLARATION OF INTEREST**

<b>Members/ Officers</b>	<b>Voucher</b>	<b>Extent of Interest</b>
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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:

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Town of Vincent Advance Account	EFT	\$1,000,000.00
	EFT	\$1,000,000.00
	EFT	\$8,807.03
	EFT	\$1,000,000.00
	EFT	\$361,569.07
<b>Total Municipal Account</b>		<b>\$3,370,376.10</b>
<b>Advance Account</b>		
Automatic Cheques	44456 - 44834	\$1,071,964.95
Manual Cheques		\$0.00
Transfer of Creditors by EFT Batch 138-147		\$1,711,683.12
Australia Post Lease Equipment	September 2003	\$311.77
Transfer of Payroll by EFT	September 2003	\$443,231.82
Transfer of PAYG Tax by EFT	September 2003	\$141,119.15
Transfer of Child Support by EFT	September 2003	\$491.54
Transfer of Superannuation by EFT City of Perth	August 2003	\$26,036.28
Local Government	August 2003	\$66,018.61
<b>Total Advance Account</b>		<b>\$3,460,857.24</b>
<b>Bank Charges &amp; Other Minor Debits</b>		
Bank Charges – CBA		\$8,249.27
Lease Fees		\$1,169.32
Corporate MasterCards		\$5,601.94
<b>Total Bank Charges &amp; Other Minor Debits</b>		<b>\$15,020.53</b>
<b>Less GST effect on Advance Account</b>		<b>\$5.00</b>
<b>Total Payments</b>		<b>\$6,846,258.87</b>

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008 – Key Result Area 4.2 - Governance and Management “*Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.*”

**ADVERTISING/CONSULTATION:**

Nil.

**COMMENT:**

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

**10.3.2 Financial Statements as at 30 September 2003**

<b>Ward:</b>	Both	<b>Date:</b>	10 October 2003
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	N Russell		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVE the Financial Reports for the month ended 30 September 2003 as shown in Appendix 10.3.2.*

**COUNCIL DECISION ITEM 10.3.2**

**Moved Cr Ker, Seconded Cr Torre**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**BACKGROUND:**

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 30 September 2003.

**DETAILS:**

The Financial Statements comprise:

- Operating Statement
- Summary of Programmes/Activities
- Capital Works Schedule
- Statement of Financial Position and Changes in Equity
- Reserve Schedule
- Debtor Report
- Rate Report

**Operating Statement and Detailed Summary of Programmes/Activities**

The Operating Statement shows revenue and expenditure by Programme whereas the Summary of Programmes/Activities provides detail to Programme/Sub Programme level. Both reports compare actual results for the period with the Budget.

The statements place emphasis on results from operating activity rather than construction of infrastructure or purchase of capital items and principally aim to report the change in net assets resulting from operations.

**Operating Revenue**

Operating revenue is currently showing 63% of the Budget received to date.

**General Purpose Funding (Page 1)**

General Purpose Funding is showing 82% of the budget received to date, this is due to rates being levied.

**Health (Page 4)**

Health is showing 92% of the budget received to date. This is due to Health Licences being issued.

**Community Amenities (Page 6)**

Community Amenities is showing 29% of the budget received to date. This is due to bin charges being invoiced.

**Economic Services (Page 12)**

Economic Services is showing 27% of the budget received to date. Swimming Pool Inspection fees have been levied

**Operating Expenditure**

Operating expenditure for the month is level with Budget (19%).

All programs are within budget.

**Capital Expenditure Summary (Pages 17 to 27)**

The Capital Expenditure summary details projects included in the 2003/04 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for the year to date of \$2,582,454, which is 11% of the budget.

**Statement of Financial Position and Changes in Equity (Pages 28 & 29)**

This statement is in essence the Balance Sheet of the Town as at 30 September 2003 and shows current assets of \$27,012,128 less current liabilities of \$7,960,698, for a current position of \$19,051,430. Total non-current assets amount to \$99,806,143 for total net assets of \$111,615,444.

**Restricted Cash Reserves (Page 30)**

The Restricted Cash Reserves schedule details movements in the reserves including transfers, interest earned and funds used, comparing actual results with the annual budget.

Transfer of interest occurs as it is earned and investments mature. The amounts funded for the Municipal Fund are transferred on a monthly basis. Contributions received, which are transferred to Reserves occur at the end of month during which the cash contribution is received. To the 30th September 2003, interest of \$86,002 was transferred. Transfers to Reserves totalled \$171,250 and transfers from Reserves amounted to \$20,215. Restricted cash reserves total \$7,470,454 at the end of September 2003.

**Debtors and Rates Financial Summary**

**General Debtors (Page 31)**

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum will be charged on overdue accounts.

Sundry Debtors of \$4,894,388 are outstanding at the end of September. Of this \$146,172 (31%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue.

The balance of the significant Debtors are either current or 1- 30 Days.

The balance of the significant Debtors are either current or 1- 30 Days overdue due to the new system conversion.

**Rate Debtors (Page 32)**

The notices for rates and charges levied for 2003/04 were issued on the 11 August 2003.

The Local Government Act 1995 provides for ratepayers to pay rates by four instalments. The due dates for each instalment are:

First Instalment	15 September 2003
Second Instalment	17 November 2003
Third Instalment	16 January 2004
Fourth Instalment	16 March 2004

To cover the costs involved in providing the instalment programme the following charge and interest rates apply:

Instalment Administration Charge	\$4.00
(to apply to second, third, and fourth instalment)	
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

Pensioners registered with the Town for rate concessions do not incur the above interest or charge.

**10.1.4 No. 33 (Lot 73) Smith Street, Highgate - Proposed Demolition of Existing Single House and Construction of Three (3) Three-Storey Grouped Dwellings and One (1) Two-Storey Grouped Dwelling**

<b>Ward:</b>	South	<b>Date:</b>	14 October 2003
<b>Precinct:</b>	Forrest Precinct, P14	<b>File Ref:</b>	PRO1214; 00/33/1639
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by BTL Architects on behalf of the owner Liming Tank for proposed demolition of the existing single house and construction of three (3) three-storey grouped dwellings and one (1) two-storey grouped dwelling at No. 33 (Lot 73) Smith Street, Highgate, and as shown on revised plans stamp-dated 11 September 2003, subject to the following conditions:*

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on-site to the satisfaction of the Town's Technical Services Division;*
- (iii) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) the construction of crossovers shall be in accordance with the Town's specifications;*
- (v) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vi) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vii) details of all street trees adjacent to the subject property shall be submitted with Building Licence Application;*
- (viii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development:*
  - (a) the south-west and north-east sides of the balconies on the 1st floor, as shown in red on the plans; and*
  - (b) the living room window to Unit 1 on the 1st floor, south-west side;*

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

- (ix) no fence exceeding a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Smith Street, being a maximum being height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (x) standard visual truncations, in accordance with the Town's Policies and to the satisfaction of the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular access ways to ensure that the safety of pedestrians and other road users is not compromised;*
- (xi) detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (xii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xiii) all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy 3.1.78 Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";and*
- (xiv) 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.*

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**COUNCIL DECISION ITEM 10.1.4**

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

**Debate ensued.**

**CARRIED (7-2)**

**For**  
**Mayor Catania**  
**Cr Cohen**  
**Cr Doran-Wu**  
**Cr Franchina**  
**Cr Lake**  
**Cr Ker**  
**Cr Torre**

**Against**  
**Cr Chester**  
**Cr Farrell**

**LANDOWNER:** L Tank  
**APPLICANT:** BTL Architects  
**ZONING:** Metropolitan Region Scheme-Urban  
 Town Planning Scheme No.1-Residential R80  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Requirements	Required	Proposed
<b>Height</b> Units 2, 3 and 4 Unit 1 - building height - wall height	2 storeys  7 metres 6 metres	3 storeys  7.7 metres 7.4 metres
<b>Privacy setbacks</b>	6 metres and 7.5 metres for living rooms and balconies respectively	4.5 metres and 1.2 to 6.180 metres respectively
<b>Carparking</b>	Not allowed within front setback area	One carbay within front setback area
<b>Setbacks</b> 1st floor-front setback-S-East Ground floor-N East side 1st floor-N-East side 2nd floor-N-east side  1st floor-S-West side	6 metres  1.5 metres 2.8 metres 1.4 metres 1.4 metres 1.4 metres 7 metres	5 metres  1.2 metres 1.2 to 4 metres 1.2 metres 1.2 metres 1.2 metres 4.5 to 6.18 metres

Use Class	Grouped dwelling
Use Classification	"P"
Lot Size	809 square metres

**SITE HISTORY:**

The site currently supports a single house.

28 June 1999: At its Ordinary Meeting, the Council conditionally approved the demolition of the existing dwelling at the above site.

22 November 1999: At its Ordinary Meeting, the Council refused an application for four (4) three storey dwellings at the same site, for the following reasons:

- Non-compliance with the setbacks.
- Non-compliance with plot ratio.
- Insufficient on-site parking.
- Impact on streetscape.

- Demolition has already been allowed, therefore further concessions will not be given.

9 September 2003: The above proposal was scheduled to be determined at the Ordinary Meeting of Council on 9 September 2003, where it was recommended for refusal on the basis of shortfall in carparking, private open space, privacy, objections received and not consistent with the orderly and proper planning of the area. The applicant requested that the proposal be withdrawn to address the reasons for refusal recommended by Officers.

**DETAILS:**

The applicant proposes the demolition of the existing dwelling on-site and the construction of three (3) three-storey grouped dwellings and one (1) two-storey grouped dwelling on the site, accessed via a common driveway.

**CONSULTATION/ADVERTISING:**

The proposal was advertised and two submissions (objections) were received.

The issues raised in the submissions have been summarised as follows:

- The three-storey building will impinge on the privacy of the services and on the congregation, church and grounds on the adjacent lot to the south side. During church services, the side windows and doors which will be facing No. 33 Smith Street will be open. The view is that noise from the balconies and driveway would find its way to the church during this period of time. Furthermore, there are church services held on a regular basis, ringing of bells and even processions held on auspicious days. Suggest that balconies be built with brick walls and not with railings. A high wall between the church and the dwellings proposed would relieve the above situation.
- Shortfall in carparking noted. There is currently no parking allowed on the driveway for the church and frontage due in part to allow for funeral and wedding cars access.
- Two-storey development would be acceptable.
- Non-compliance with setbacks, carparking, building height, store room provisions, courtyard sizes and dimensions.

The applicant has submitted a comprehensive submission (attached), addressing the issues raised during the advertising period, which has been summarised as follows:

- Traffic noise will be minimal as the driveway serves four grouped dwellings with carparking available for 9 cars.
- The third-storey satisfies the performance criteria of the R Codes.
- Proposal does not cause overshadowing over adjoining lots.
- Private open space now complies with the R Codes.

Revised plans dated 11 September 2003 have been submitted addressing the concerns raised in the Agenda Report scheduled to have been considered at the Council Meeting on 9 September 2003 but subsequently withdrawn at the applicant's request. The main matters addressed were the additional carparking provided, privacy and the private open space requirements.

**FINANCIAL/ BUDGET IMPLICATIONS:**

Nil.

**STRATEGIC IMPLICATIONS:**

Nil.

**LEGAL/POLICY:**

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

**COMMENTS:**

**Demolition**

The existing dwelling at No. 33 (Lot P73) Smith Street, Highgate, was previously assessed by the Town's Heritage Officer in 1999. A copy of that Heritage Assessment is included as an attachment to this report. The Officer's report included the following information, which has been extracted from the documents previously presented to Council.

*"The single storey brick and iron dwelling was constructed by William Culmsee, a Police Constable, in 1904. The place was much more substantial than many of the early workers cottages and represents a later phase of more a middle class community establishing in the area.*

*The place has a low degree of authenticity, the exterior has been cement rendered, the front sash windows replaced with casement windows which would have required opening up to the wall, the front verandah has been concreted in and the original verandah joinery has been replaced. The four principal rooms of the place remain intact and there is an extensive addition to the rear.*

*It is listed on the Town's Interim Heritage Data Base but is considered to have little social value. Little remains of the streetscape of which this place was a component".*

At the Ordinary Meeting of 28 June 1999, (Item 10.1.5), the Council resolved to conditionally approve the application for the demolition of the existing dwelling at No. 33 (Lot P73) Smith Street, Highgate, given the heritage assessment concludes that the place is of little cultural heritage significance for the Town and does not qualify for entry on the Town of Vincent Municipal Heritage Inventory.

While features such as the gabled hip roof and the overall symmetry of the place are appreciated by the community, it is not considered that these features alone justify the retention of the dwelling. No further documentary evidence has been located to qualify changes to the recommendation.

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

**First Floor Front Setback-S-East Side Facing Smith Street**

The setback of 5 metres in lieu of 6 metres for the first floor setback will not unduly affect the streetscape as there are already higher buildings in close proximity of the site. The variation is considered minor and supported.

### **Ground, First and Second Floor N-East Side Setbacks**

The proposed setback variations for the development as stated in the Compliance Table above are considered minor and are supported, as it will not unduly affect the amenity of the adjoining landowners and area. The adjoining landowner to the north of the site, where most of the variations are, has not lodged a submission in relation to the proposal. The lattice visual screening proposed is considered inadequate, and as such, a condition requiring screening to 1.6 metres is recommended in relation to requirements of the cone of vision for the major openings to the side. This will result in no undue overlooking into the side property and as such, the variations are considered acceptable.

### **First Floor S-West Side Setback**

The side to the south abuts a church site. The lattice visual screening proposed is considered inadequate, and as such, a condition requiring screening to 1.6 metres is recommended in relation to requirements of the cone of vision for the major openings to the side, which includes the living room to Unit 1. This will result in no undue overlooking into the side property and as such, the variations are considered acceptable.

### **Overshadowing**

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

### **Carparking**

The carparking proposed in the original application was 7 carbays, with six (6) bays being within carports, in lieu of 8 carparking spaces for grouped dwelling developments. In the revised plans dated 11 September 2003, 8 carports and one visitor carbay has been provided, which satisfy the requirements of the R Codes.

The variation of carparking within the front setback area can be considered as it is a visitor carbay only. There are other instances of carparking bays located within the front setback in the area. With the proposed 1.2 metres solid fencing and 600 millimetres of open fencing above, this variation can be supported.

### **Private Open Space**

In the previous application, the applicant was seeking a variation to the minimum dimension of 2.9 metres, in lieu of 4 metres for private open space. The 16 square metres overall area including the 4 metres minimum dimensions have been achieved in the revised plans dated 11 September 2003.

### **Height**

There are currently numerous developments along Smith Street, including the development which is directly in front of the above site at No. 34 Smith Street and other properties within close proximity, being three-storeys and more. The above development proposes three storeys for the second, third and fourth unit. The first Unit 1 facing Smith Street is a two storey development. From the plans submitted, the applicant seeks a maximum roof height of 9.5 metres and a wall height of 8.7 metres, taken from the natural ground level for the three storey dwellings. It is noted that the height requirements for a three-storey development in the R Codes is 9 metres for walls and 12 metres for the overall height of the building with pitch roofs. The variation for the third storey is supported, as it is considered to blend in with the current height, bulk and scale of buildings in the vicinity.

The R Codes also state that the maximum wall heights for two storey developments is to be 6 metres, and 7 metres for concealed roofs. The proposed wall heights is 7.4 metres and 7.7 metres respectively for the two storey-Unit1. As the three-storey dwellings are considered acceptable and being recommended to be supported in the context of this area, the above walls height are also considered acceptable.

**Building and Health Services**

Building Services have advised that the proposal will require to comply with the fire separation requirements of the Building Code of Australia.

Health Services have advised that the laundries need to be provided with self closing doors or the equivalent, which would be addressed at Building Licence stage.

It is noted that the applicant has proposed screening to comply with the privacy requirements of the R Codes, as indicated in the revised plans dated 11 September 2003. The condition requiring additional screening would ensure the privacy requirements of the R Codes are complied with. As such, the setback variations are supported. The height of three storeys is also supported on the basis that the development would be compatible with the scale, bulk and height of surrounding buildings, some of which are higher than three-storeys. It is considered that the proposal will generally not have an adverse impact on the amenity of the area, and approval is recommended on the above basis.

**10.1.3 No. 68 (Lot W30) Emmerson Street, North Perth – Proposed Three (3) Two - Storey Grouped Dwellings to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	14 October 2003
<b>Precinct:</b>	Smith's Lake, P6	<b>File Ref:</b>	PRO 1260; 00/33/1845
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Bonini		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Doepel and Associates Architects on behalf of the owner Dalla Riva (Aust) Pty Ltd for proposed three (3) two - storey grouped dwellings to existing single house at No. 68 (Lot W30) Emmerson Street, North Perth, and as shown on plans stamp-dated 8 October 2003, subject to:*

- (i) standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromise;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) a road and verge security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) the construction of crossovers shall be in accordance with the Town's specifications;*
- (v) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vi) a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (vii) compliance with all relevant Environmental Health, Engineering and Building requirements;*

- (viii) *subject to first obtaining the consent of the owners of No. 66C Emmerson 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. 66C Emmerson Street, in a good and clean condition;*
- (ix) *no future fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Emmerson 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;*
- (x) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to bedrooms 3 and 2 of unit 3 on the south elevation shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
- (xi) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the east side of the balcony of unit 3 shall be screened with a permanent obscure material to a minimum height of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (xii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the east side, south side and north side of the deck of unit 3 shall be screened with a permanent obscure material to a minimum height of 1.6 metres above the finished deck floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (xiii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Emmerson Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (xiv) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*

*to the satisfaction of the Chief Executive Officer.*

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**COUNCIL DECISION ITEM 10.1.3**

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

*That the recommendation be adopted.*

**Debate ensued.**

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

*That;*

(i) *clause (x) be amended as follows:*

*"(x) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the screening wing walls to the windows to bedrooms 3 and 2 of unit 3 on the south elevation shall be ~~screened with~~ constructed of 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;~~"*

(ii) *a new clause (xv) be added as follows:*

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

*(a) no part of a dwelling, including decks, overlapping any part of another dwelling; and*

*(b) a minimum of two (2) car parking bays being provided for the existing dwelling, and this car parking provision complying with the Residential Design Codes and the Town's Policy relating to Parking and Access. The revised plans may require relocation of the proposed store to accommodate this car parking provision.*

*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.

**AMENDEMENT CARRIED (9-0)**

**Moved Cr Lake, Seconded Cr Franchina**

*That the deck on Unit 3 be deleted.*

**AMENDEMENT CARRIED (9-0)**

**MOTION AS AMENDED LOST (1-8)**

**For**  
Mayor Catania

**Against**  
Cr Chester  
Cr Cohen  
Cr Doran-Wu  
Cr Farrell  
Cr Franchina  
Cr Lake  
Cr Ker  
Cr Torre

**Reasons:**

1. **Loss of amenity for adjoining owners with regard to privacy and overlooking.**
2. **Consideration of objections received.**
3. **Non-compliance with boundary setbacks, open space and privacy requirements of the Residential Codes.**
4. **Does not address the Right of Way.**

**FURTHER REPORT:**

Revised plans should be submitted demonstrating the provision of a minimum of two (2) car parking bays for the existing dwelling, and this car parking provision should comply with the Residential Design Codes and the Town's Policy relating to Parking and Access. The revised plans may require relocation of the proposed store to accommodate this car parking provision.

The proposed lot areas, including the truncation and half the width of the adjacent right of ways (based on performance criteria), are as follows:

Unit 1 - 292 square metres;

Unit 2 - 188 square metres;

Unit 3 - 203 square metres; and

Existing House - 376 square metres.

The plot ratio has been calculated at 0.55. The R Codes do not stipulate a plot ratio requirement for a grouped dwelling development under R 40 zoning. However, the calculation has been provided as requested.

The open space of the proposed development is 47 per cent (requirement 45 per cent). The open space calculated without the decks is approximately 38 per cent.

The southern windows of bedrooms 2 and 3 of unit 2 comply with the boundary setback requirements; however involve a variation to the privacy setback requirements. These windows have not been conditioned to be screened for privacy to the existing dwelling, as in the past the Town has generally supported unscreened major openings where they overlook internally within the proposed development.

The submitted plans show 1.6 metres high obscure screening wing walls to bedrooms 2 and 3 of unit 3 to provide reasonable privacy to the eastern neighbouring property. Condition/clause (x) of the previous recommendation should be amended accordingly.

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**LANDOWNER:** Dalla Riva (Aust) Pty Ltd  
**APPLICANT:** Doepel and Associates Architects  
**ZONING:** Metropolitan Region Scheme: Urban  
Town Planning Scheme No.1: Residential R40  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>
<b>Setbacks - Unit 1</b>		
West Ground Floor (Living, Dining, Kitchen)	1.5 metres	0 metre to 1.5 metres
West Upper Floor (Bed 1, Ensuities, Bed 2 Balcony)	2.4 metres	0 metre to 1.5metres

Requirements	Required	Proposed
<b>Setbacks - Unit 3</b> East (Garage and Deck Wall)	1.1 metres	0 metre (Garage) to 2 metres (Deck Wall)
<b>Privacy Assessment - Unit 3</b> Bed 3  Balcony  Deck (South and east facing aspect)	4.5 metres or privacy screening to 1.6 metres from finished floor level. 7.5 metres or privacy screening to 1.6 metres from finished floor level. 7.5 metres or privacy screening to 1.6 metres from finished floor level.	1.6 metres screening provided.  1.6 metres screening provided  1.6 metres screening provided.
<b>Height</b> Wall	6 metres maximum	6 metres to 7.2 metres

Use Class	Single House
Use Classification	"P"
Lot Area	880 square metres

#### SITE HISTORY:

The property is currently occupied by a single residence constructed during the 1920's. The lot is bounded on its northern and western boundaries by sealed and Town owned gazetted right of ways (ROW). The gazetted right of ways are 5.02 metres wide. The surrounding land uses are characterised by grouped dwellings development and single houses.

- 13 September 1999      The Council approved an application for proposed three (3) two storey grouped dwellings to existing single house subject to standard and appropriate conditions.
- 24 June 2003            Subsequent to the previous approval lapsing, the applicants reapplied for the same proposal. Council refused the application at its Ordinary Meeting held on 24 June 2003 for the following reasons:
- "1.     *The development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality.*
  2.     *The non-compliance with the housing density, boundary setbacks, open space, building height and privacy requirements of the Residential Design Codes.*
  3.     *Consideration of the objections received.*
  4.     *Lack of parking and store."*
- 22 August 2003         Notice of Appeal was lodged by the applicant's lawyers.
- 30 September 2003     The applicants have reapplied to the Town and have decided to place the appeal on hold, pending determination of the current application.

**DETAILS:**

Approval is sought to construct three additional two-storey grouped dwellings to the rear of the existing dwelling. The submitted plans detail three grouped dwellings built across the rear of the block from east to west with a nil setback to the gazetted right of way on the western boundary and built to within 1.5 metres of the eastern side boundary. Three double garages setback 1 metre from the northern boundary (abutting right of way) are provided for the three new dwellings with open decks above. The existing dwelling is provided with a single carport to the rear of the dwelling and an open car bay to the side with access from the western side of the lot.

**CONSULTATION/ADVERTISING:**

The application did not require to be advertised as a similar proposal was submitted within the past 12 months.

The applicant has provided the following comments to address the reasons for refusal in the Ordinary Meeting of Council Minutes of 24 June 2003.

*"1. The development is inconsistent with the orderly and proper planning and the preservation of the amenities of the locality.*

*The existing dwelling has been retained and restored in accordance with Council policy resulting in an improved streetscape.*

*The rear proposal is two stories in height which is the pre-dominant height of adjoining properties i.e. 64 Emmerson has 2, 2 storey houses and there are four 2 storey houses across the road from 66 Emmerson Street.*

*The whole of the immediate area has two storey development, which is in line with the R 40 zoning.*

*2. The non-compliance with the housing density, boundary setbacks, open space, building height and privacy requirements of the Residential Design Codes.*

*Density, setbacks, open space, building heights and privacy issues have been addressed in the amendments to the application.*

*3. Consideration of the objections received.*

*No amenities of any adjoining property is adversely affected.*

*The concerns of the two adjoining Owners have been met and satisfied by the amendments.*

*4. Lack of parking and store.*

*An additional storeroom has been added. There is adequate car parking on site for the development.*

*The owner by way of the substantial changes proposed has indicated a willingness to accommodate the concerns raised whilst still proceeding with the intent of the proposal previously approved by Council.*

The applicant has addressed all previous non-compliant areas in writing for better clarification. This forms part of the attachments to this report.

**COMMENTS:**

**Density**

Within the Residential R40 density code, the minimum and average land areas for grouped dwellings is 200 and 220 square metres respectively. The site is **880** square metres in area including 2 square metres of truncation area. Therefore, the development potential of the site is 4 dwellings. The proposal was not deemed to comply in the previous application as the truncation area was not included. The truncation area included in the overall site area, results in compliance with the density requirements of the site.

**Setbacks**

**Unit 1 - West Ground Floor**

The setback for the entire ground floor of unit 1 is between nil to 1.5 metres to the western boundary. Whilst the wall does not satisfy the setback requirement for the entire length of the wall, it does have a separation distance of a minimum of 5.02 metres to the ROW from the west neighbour. The windows on the wall are considered to be a valuable component to the overall visual aesthetics, as it helps to reduce the visual impact of a blank wall to the overall streetscape and also provides an instant interaction with casual surveillance of the right of way. The window on the boundary is within the requirements of the Building Code of Australia with no need for fire protection, as the adjacent gazetted right of way is over 3 metres in width. With consideration given to the above, the nil setback is considered acceptable and therefore supported.

**Unit 1 - West Upper Floor**

The setback variation for the upper floor of the western elevation pertains to bedroom 2, and associated ensuite. As mentioned above, due to the separation distance provided by the gazetted right of way, an adequate setback distance is maintained from the western neighbour. In total, a maximum of 8.52 metres in distance lies between the subject lot and the west neighbour. In addition, the setback variation is considered to deviate only slightly from the requirement and therefore is not deemed to disrupt the amenity of the surrounding properties. The setback variation is considered acceptable and therefore supportable given the nature of the variation.

**Unit 3 - East Setback**

The applicant seeks a variation to the setback for the garage of unit 3. The garage is proposed to be located on the east boundary. The subject wall is considered to be single storey in nature, reaching a maximum height of 2.5 metres and occupying a maximum length of 5.8 metres. No undue overshadowing is caused as a result of the proposed wall due to its location in relation to the orientation of the lot. The proposed wall occupies a minimal length and is not considered to detrimentally impact upon the amenity of the affected adjoining neighbour. The applicant has provided the following comments in support of the variation.

*"The adjoining property also has a parapet wall with nil setback within the length of the garage.*

*There are no windows on the adjoining property within the length of the proposed garage, which is 2.50 metres in height.*

*Because the adjoining property has a nil setback and a rear wall and side wall at 2.06 metres in height we believe the garage as shown is acceptable..."*

The variation is considered acceptable and therefore supported.

## **Privacy Setbacks**

### **Unit 3 - Bedroom 3**

In situations where the privacy setback cannot be achieved, screening can be applied to achieve compliance. Bedroom 2 and 3 are proposed to be screened to prevent views to the adjoining affected properties. The screening is required to reflect the condition stated in the Officer Recommendation. Effectively, there is no variation present as screening is proposed, however, the Town requires that screening is applied to appropriate standards as per proposed conditions of approval.

### **Unit 3 - Balcony**

The balcony is proposed to be 1.5 metres deep and 3 metres wide. The applicant proposes a 3 metres length screen of 1.6 metres high to the east side of the balcony. The screening proposed prevents any undue overlooking to the eastern affected neighbours as any potential viewing is restricted to a solid wall with no major openings. The proposed balcony is therefore considered acceptable. The applicant has stated the following;

*"There is no sight line from the balcony to the adjoining property and therefore the privacy has been maintained next door."*

### **Unit 3 - Deck**

The applicant has proposed screening to the east, south and north sides of the deck to unit 3. This is considered to be in full compliance with the privacy requirements of the R Codes. The condition mentioned in the Officer Recommendation has been included to ensure that the screening is applied to the Town's standards. The applicant has commented as follows;

*"A portion of the south side now has a 1.6 metre high screen. There is no sight line that can now overlook the adjoining dwelling."*

### **Wall Height**

The proposed wall height is from 7.2 metres in lieu of the 6 metres requirement. The variation is attributed to the cross fall in the natural ground level of 2.5 metres from south to north of the lot. It is not considered viable to stagger or slope the wall in order maintain a 6 metres height throughout. It is also important to note that the overall building height complies with the 9 metres requirement. The height variation has been considered in terms of the natural topography of the lot and is supported, as it is not considered to compromise the amenity of any surrounding properties.

Further to the above, the applicant has provided the following statement;

*"A portion of the side wall has now been off set with the 1.8 high fence along the boundary. This will have the affect of reducing the visual impact of the wall height..."*

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

**10.1.2 No. 56B (Lot 9) Albert Street, North Perth – Proposed Two (2)-Storey Single House**

<b>Ward:</b>	North	<b>Date:</b>	14 October 2003
<b>Precinct:</b>	North Perth, P8	<b>File Ref:</b>	PRO 2461; 00/33/1762
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Bonini		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the applicant C M Architect on behalf of the owner J J Cole for proposed two (2)-storey single house at No. 56B (Lot 9) Albert Street, North Perth, and as shown on amended plans stamp-dated 1 October 2003, subject to:*

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

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

*to the satisfaction of the Chief Executive Officer.*

**Moved Cr Lake, Seconded Cr Chester**

*That the recommendation be adopted subject to clause (viii) being amended as follows:*

*"(viii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the garage door width being a minimum width of 5.5 metres for adequate maneuvering area from the garage.*

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

**CARRIED (9-0)**

**COUNCIL DECISION ITEM 10.1.2**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the applicant C M Architect on behalf of the owner J J Cole for proposed two (2)-storey single house at No. 56B (Lot 9) Albert Street, North Perth, and as shown on amended plans stamp-dated 1 October 2003, subject to:*

- (i) compliance with all Building, Environmental Health and Engineering requirements;*
- (ii) a road and verge security deposit bond and/or bank guarantee of \$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;*
- (iii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) the construction of crossovers shall be in accordance with the Town's specifications;*
- (v) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vi) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vii) standard visual truncations, in accordance with the Town's Policies and to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and all internal vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised; and*

(viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the garage door width being a minimum width of 5.5 metres for adequate maneuvering area from the garage.*

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

*to the satisfaction of the Chief Executive Officer.*

**LANDOWNER:** J J Cole  
**APPLICANT:** C M Architect  
**ZONING:** Metropolitan Region Scheme - Urban  
 Town Planning Scheme No. 1 - Residential/Commercial R80  
**EXISTING LAND USE:** Single House

**COMPLIANCE:**

Requirements	Required	Proposed
Setbacks South Ground Floor (Living, Dining Kitchen, Garage)	1.5 metres	Nil
South First Floor (Ensuite, Bedroom, Bath)	2.1 metres	Nil
North Ground Floor (Laundry, Study)	1.5 metres	Nil
North First Floor (Guest Bedroom)	2.1 metres	Nil
Privacy Assessment Balcony	7.5 metres to boundary or screening to 1.6 metres above finished floor level	Nil to 3.3 metres to north boundary

Use Class	Single House
Use Classification	"P"
Lot Area	213 square metres

**SITE HISTORY:**

The subject lot is part of a four (4) lot subdivision, which was granted final subdivision approval on 15 August 2001 by the Western Australian Planning Commission.

The applicant has provided a comprehensive summary in support of the proposal which forms part of the attachments to this report.

**DETAILS:**

The applicant seeks approval for a two storey-single house with access and orientation towards the access leg. Development on adjoining lots is characterised by two storey residences with parapet walls on the northern and southern boundaries. The proposal generally complies with the Residential Design Codes (R Codes) and the Town of Vincent Town Planning Scheme No. 1 and Policies with the exception of the above non-compliances.

**CONSULTATION/ADVERTISING:**

The proposal has been advertised and one written submission has been received by the Town from the neighbour to the south. The main points raised in the letter are as follows;

*"1. South side wall both ground and upper levels are too high - it dramatically block out natural light to my property, as well as privacy issues;*

*2. East side both ground and upper levels reach beyond boundary - Invading shared carriageway, making vehicle manoeuvring difficult;*

*3. Total height of building, lack of a roof, bland architectural design of west wall - This lot 9 block is derived from compact subdivision, it is paramount for its appearance to interact or to compliment the neighbouring houses."*

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Response to Objections**

Concern was raised regarding the wall height, however, for a concealed roof, the R Codes stipulate 7 metres. The proposed development is within this height limit.

With reference to the encroachment to the shared carriageway, the development does not encroach upon this area as it maintains a clearance of 0.76 metre.

**Overshadowing**

No undue overshadowing impact takes place to the southern neighbour, as there is a substantial parapet wall to the south lot residence which follows closely the proposed parapet wall of the subject property. This is therefore considered acceptable and complies with the provisions of the R Codes.

**South Side Setback - Ground Floor**

The proposed setback variation corresponds with the lower floor of the proposed residence and is applicable to the living, dining kitchen, garage. The setback requirement is 1.5 metres. This variation is not considered to be excessive, as it corresponds with a parapet wall on the adjoining affected lot. The proposed parapet wall is not deemed to cause undue impact to the amenity of the southern neighbour. The setback variation is therefore considered acceptable and supported.

**South Side Setback - First Floor**

The variation applies to the first floor of the proposed residence. The wall lies directly above the ground floor parapet and again corresponds with the adjoining parapet wall of the adjoining lot. In this instance, the parapet wall is considered acceptable and therefore supported.

#### **North Side Setback - Ground Floor**

The proposed setback variation relates to the ground floor. The north side proposes a nil setback as with the south side. This wall corresponds with an adjoining parapet wall. The size of the lots that have been created are restrictive, and therefore require development to take place on boundaries to make effective use of the limited size of the lot. As the wall corresponds with an adjoining wall, there is no undue impact caused to the north lot. The variation is therefore considered acceptable and supported.

#### **North Side Setback - First Floor**

The north side first floor setback proposes a parapet wall. The first floor wall is shorter in length compared to the ground floor wall. The wall also corresponds with an adjoining parapet wall, which is of a greater length than the proposed wall. As the wall is not considered to cause undue impact to the adjoining northern neighbour, due to the location of the north parapet wall, the proposed parapet wall is considered acceptable and supported.

#### **Boundary Wall Development**

The R Codes permit boundary wall development on one side boundary with restrictions placed on the height of the boundary wall. In this instance, the proposed development involves boundary walls on the north and south side boundaries both of two-storey nature. Whilst it is a variation from the requirements of the R Codes, such a provision can be varied. The boundary walls are not considered to be over imposing as they correspond with two-storey parapet walls on the north and south adjoining properties, and help to make effective use of space for the development proposed on the site. The boundary walls are considered acceptable and therefore supported in this instance.

#### **Balcony**

The proposed balcony does not comply with the setback requirement of 7.5 metres as stipulated in the Residential Design Codes. However, in this instance the applicant achieves compliance, as provided in the justification, which is as follows;

*"The balcony to the first floor master bedroom is not setback 7.5 metres in direct line of site from the boundary. However, the balcony does not overlook any part of Lot 10 behind the street setback line. Furthermore this small area of overlooking is onto front garden of Lot 10. This complies with Acceptable Development A1 for Design Element '3.8.1 Visual Privacy'."*

To further clarify the above justification, the R Codes state the following;

*"Major openings to active habitable spaces or their equivalent which have a floor level more than 0.5m above natural ground level and positioned so as to overlook any part of any other residential property behind its street setback line, to comply with at least one of the following...."*

Based on the above, the balcony is considered to comply with the provision in the R Codes in relation to 'Visual Privacy' and therefore supported.

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

**10.1.5 No. 369 (Lot 2) Bulwer Street, West Perth - Proposed Demolition of Existing Dwelling**

<b>Ward:</b>	South Ward	<b>Date:</b>	9 October 2003
<b>Precinct:</b>	Hyde Park, P12	<b>File Ref:</b>	PRO2470; 00/33/1785
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	N. Edgecombe		
<b>Checked/Endorsed by:</b>	R Rasiah, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by B H Pan on behalf of the landowners, B H Pan & J H Chen, for the proposed demolition of the existing dwelling at No.369 (Lot 2) Bulwer Street, West Perth, on plans stamp dated 18 August 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) demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of existing dwellings valued by the community; and*
- (iv) compliance with all relevant Environmental Health, Engineering and Building requirements;*

*to the satisfaction of the Chief Executive Officer.*

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted subject to the following new clauses being added.*

- "(v) a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (vi) support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property; and*
- (vii) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies;"*

**CARRIED (8-1)**

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

**COUNCIL DECISION ITEM 10.1.5**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by B H Pan on behalf of the landowners, B H Pan & J H Chen, for the proposed demolition of the existing dwelling at No.369 (Lot 2) Bulwer Street, West Perth, on plans stamp dated 18 August 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) demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies for the retention of existing dwellings valued by the community;*
- (iv) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (v) a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (vi) support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property; and*
- (vii) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies;*

*to the satisfaction of the Chief Executive Officer.*

---

<b>LANDOWNERS:</b>	B H Pan & J H Chen
<b>APPLICANT:</b>	B H Pan
<b>ZONING:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No 1: Residential R80
<b>EXISTING LAND USE:</b>	Single house

**COMPLIANCE:**

Use Class	Single House
Use Classification	"P"
Lot Area	498 square metres

**SITE HISTORY:**

The site is occupied by a brick and tile dwelling that was constructed in c.1925.

**DETAILS:**

Approval is sought for the demolition of existing dwelling.

**CONSULTATION/ADVERTISING:**

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

**COMMENTS:**

A detailed heritage assessment is contained in the Appendix 10.1.5.

The subject dwelling at No. 369 Bulwer Street, West Perth was registered as Perth Town Lot Y216 in 1896 to Harry Williams. In 1922 a portion of Lot Y216 was registered to widow; Emma Williams which was divided into two. The front property became Lot 2 addressing Bulwer Street and the rear property became Lot 12 addressing Lawley Street. Lot 2 is the location of the subject dwelling and it is likely that No. 369 Bulwer Street, West Perth was built after this 1922 subdivision. During the period of ownership by Fanny Segal from 1945, additions and alterations to the building including the enclosure of the front and rear verandahs took place. More recently, the laundry and toilet under the rear skillion were renovated.

No. 369 Bulwer Street, West Perth is a circa 1925 white tuck pointed brick and tile dwelling with a stucco and bargeboard feature on the front gable wall. The original form and structure of the hipped roof remains intact, including two chimneys with a total of four terracotta pots and gable scroll finials. The original front fenestration is unaltered however, the east portion of the front verandah has been enclosed as a sleep out, somewhat diminishing the street aesthetic of the dwelling. A lounge room overlooks the front verandah on the east elevation and three bedrooms are accessed off a central hallway along the west. The living room, kitchen and bathroom are at the rear of the dwelling. The original rear verandah has also been enclosed as a sleep-out. Most of the original building fabric of the dwelling (including air vents, architraves, doors, and ceiling roses) remains in situ, with the exception of the windows on the east elevation, original features of the four fireplaces and some of the skirting boards and picture rails.

Although the place retains some pleasing elements, 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 but it is not a unique, endangered or outstanding example of its type, and no links of historical importance have been established. The place is not considered to meet the threshold for entry in the Municipal Heritage Inventory and it is recommended that the application to demolish the place be approved, subject to standard conditions.

### 10.1.7 Acid Sulphate Soils

<b>Ward:</b>	Both	<b>Date:</b>	22 September 2003
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0029
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	D Brits		
<b>Checked/Endorsed by:</b>	R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) RECEIVES the report on Acid Sulphate Soils; and*
- (ii) ACKNOWLEDGES that the matter has been referred to the Executive Manager Environmental and Development Services with a view of:*
  - (a) incorporating an Acid Soil Test requirement for future major developments in the Town Planning Scheme Review; and*
  - (b) development of an Environmental Health Policy.*

---

**Moved Cr Lake, Seconded Cr Torre**

*That the recommendation be adopted subject to clause (ii) being amended as follows:*

- "(ii) ACKNOWLEDGES that the matter has been referred to the Executive Manager Environmental and Development Services with a view of:*
- ~~(a) incorporating an Acid Soil Test requirement for future major developments in the Town Planning Scheme Review;~~*
  - (a) obtaining a map from the Department of Environment (WA) showing acid sulphate soil (ASS) and possible acid sulphate soil (PASS) risk areas within the Town of Vincent;*
  - (b) consideration of the matter of acid sulphate soil risk areas as part of the review of the Town Planning Scheme;*
  - (c) development of a policy for development applications within identified acid sulphate soil risk areas (ASS) or potential acid sulphate soil risk areas (PASS) to require a management plan to avoid the development of acid sulphate problems; and*
  - ~~(b)~~ (d) development of an Environmental Health Policy."*

**CARRIED (9-0)**

**COUNCIL DECISION ITEM 10.1.7**

*That the Council;*

- (i) RECEIVES the report on Acid Sulphate Soils; and*
- (ii) ACKNOWLEDGES that the matter has been referred to the Executive Manager Environmental and Development Services with a view of:*
  - (a) obtaining a map from the Department of Environment (WA) showing acid sulphate soil (ASS) and possible acid sulphate soil (PASS) risk areas within the Town of Vincent;*
  - (b) consideration of the matter of acid sulphate soil risk areas as part of the review of the Town Planning Scheme;*
  - (c) development of a policy for development applications within identified acid sulphate soil risk areas (ASS) or potential acid sulphate soil risk areas (PASS) to require a management plan to avoid the development of acid sulphate problems; and*
  - (d) development of an Environmental Health Policy.*

---

**BACKGROUND:**

Jess Sammut and Rebecca Lines-Kelly advise in “*An Introduction to Acid Sulphate Soils*” (June 2000) that Acid Sulphate soils are the common name given to soil conditions containing iron sulphide sediments deposited in Australia. The acid sulphate soils of most concern are those which formed within the past 10,000 years, after the last major sea level rise.

Acid sulphate soils occur in about 40,000 square kilometres of Australia’s coastal zone, including parts of every State and the Northern Territory. Across Australia, activities such as cropping, grazing, urban and tourism development, highway construction, flood mitigation drains and floodgates, dredging, sandmining and aquaculture can all oxidise these soils causing environmental harm. Water discharges are acidic and contain toxic concentrations of dissolved aluminium and iron that kill or make fish and oysters more vulnerable to disease. Acidic soil water also stunts farm crops, creates scalds and enables acid tolerant weeds to spread. Economic losses caused by acid discharges are a major concern and threaten coastal industries. Acid discharges also causes millions of dollars worth of damage to concrete and steel structures such as bridges, roads, and stormwater pipes.

The Commonwealth, States and Territories released a National Strategy for Coastal Acid Sulphate Soils in 2000. Believed to be a world first, the Strategy aims to prevent future disturbance problems and encourage remediation of existing acidified areas.

During the last major sea level rise new coastal landscapes formed through rapid sedimentation. Bacteria in these organically rich, waterlogged sediments converted sulphate from tidal waters, and iron from the sediments, to iron disulfide (iron pyrite). When exposed to air, iron sulphides oxidise and produce sulphuric acid, hence the name acid sulphate soils.

**Workshop**

Councillor Sally Lake, and Deon Brits Manager Health Services, attended an Acid Sulphate Soils Workshop on 17 September 2003 that was hosted by the Department of Environment (WA), Swan-Canning Cleanup Program, and Swan Avon Integrated Catchment Management.

## **DETAILS:**

Acid sulphate soils (ASS) are extremely acidic and sulphur rich soils. Potential acid sulphate soils (PASS) is the common name given to soil and sediment containing iron sulphide (usually pyrite). They can become actual acid sulphate soils (ASS) if they become exposed to air. Oxidation describes the chemical reactions that take place when a substance (eg. pyrite) is exposed to oxygen. Actual acid sulphate soil has a pH of below 4, with normally red/orange mottling, rotten egg gas smell, and straw yellow blotches. Potential acid sulphate soil has a pH of 4 or more, grey to greeny/blemish grey, no mottling present, and waterlogged.

### **Soil Indicators**

Soil surface indicators are those most likely to be observed during initial site visitation:

Iron Monosulphides: are gooey black sediments formed in low oxygen environments.

Salt crusts: on the soils surface may be a by-product of ASS.

Scalds (bare patches) appear where the top soil is salty or acid. Scalds can be hectares or metres in size. They are not always permanent features. Often during wet years, additional water in the soil will encourage salt and acid tolerant vegetation to grow and the scald will disappear for a short time.

### **Water Indicators**

Acidic water (pH below 5 in drain water) can discolour to "*crystal water*" (aluminium), yellow-brown water (iron), iron flocs (brownish particles), blue-green water (aluminium floc), and milky-white (aluminium). "*Oil films*" on water may be due to iron oxide. Mosquitoes tend to be acid water tolerant.

## **ENVIRONMENTAL IMPACTS:**

### **Natural Environment**

The acid produced by oxidation of iron sulphides affects both soil and water, and can damage the environment severely.

As sulphuric acid moves through the soil, it strips iron, aluminium and sometimes manganese from the soil. In some cases, it also dissolves heavy metals such as cadmium and arsenic. In the soil, this mixture can make the soil so acidic and toxic that few plants can survive. In some cases, where peat overlying the iron sulphide layer has burnt away, the iron sulphide layer is completely exposed to air. It produces so much sulphuric acid that nothing will grow, giving the soil surface a bare, scalded appearance. These conditions reduce plant growth, and only acid-tolerant plants such as smartweed, waterlilies, spike rushes, and maundia can survive. Drainage and excavation of risk areas expose the iron sulphide layers to air resulting in acid formulation in the soil. The effects of acid water on fish and aquatic life include fish kills, fish disease ("red spot skin ulceration"), mass mortalities of microscopic organisms, loss of sensitive crustaceans, destruction of fish eggs and oyster mortalities.

### **Built Environment**

Sulphuric acid produced by acid sulphate soils corrodes concrete, iron, steel and certain aluminium alloys. It has caused the weakening of concrete structures and corrosion of concrete slabs, steel fence posts, foundations of buildings and underground concrete water and sewerage pipes.

### **Testing**

Indicative testing can be done with Litmus (pH) strips, or electronic pH meter. However, Environmental Scientists and registered laboratories should undertake specialised testing and report to Council detailing recommended management of any potential acid soils. Further testing is to be undertaken by registered laboratories if major earthmoving is to be carried out.

### **Health Services Comment**

Use of acid water for recreational purposes by children may lead to eye inflammation, dermatitis, and if swallowed the heavy metals can cause severe illness. Mosquito-borne diseases may not be diminished by acid water, as mosquito larvae tend to be acid water tolerant. Foul odours may also adversely impact on nearby residents. Consequently, it may be appropriate to develop an Environmental Health Policy.

### **Planning Services Comment**

It is understood that the Department of Planning and Infrastructure is currently investigating the matter with a view of drafting a State wide Policy.

As the Town is indicated as a low risk area on the *“Interim Acid Sulphate Soil Risk Map for the Swan Coastal Plain”* (Perth Metropolitan Area), it would be prudent to require testing for acid sulphate soil in future major developments. This matter can be addressed during the Town Planning Scheme Review.

### **Management Strategies**

The best technique for managing acid sulphate soils is to avoid disturbing or draining the iron sulphide layer in the first place. Iron sulphides are harmless while covered by water.

To avoid disturbing the iron sulphide layer, it is important to know where it is likely to be found, and some States produce maps for this purpose. It is necessary to take soil core samples to find out the exact location and depth of the iron sulphide layer on a particular site. Should development be essential on acid soils a professional Management Plan should be submitted to Council and the Department of Environment detailing methodology, findings, treatments, and containment. Sulphuric acid can be neutralised with agricultural lime, however it is cost-intensive.

### **Additional Information**

Residents can obtain information on *“Testing and Managing the acidity of your garden bore”* by ringing the Department of Environment Land and Water Quality Branch, on telephone numbers (08) 9222 7000 or (08) 9278 0300, or by visiting the websites at [www.environ.wa.gov.au](http://www.environ.wa.gov.au) and [www.wrc.wa.gov.au](http://www.wrc.wa.gov.au).

The Department of Health (WA) recommends that water from garden bores should never be used for drinking water or for filling swimming pools.

If plants in gardens are dying inexplicably when watered or show evidence of leaf burn, the pH testing should be undertaken.

The National Strategy website at:

<http://www.affa.gov.au/armcanz/pubsinfo/ass/ass.html>

NSW ASS Internet site:

<http://www.agric.nsw.gov.au/Arm/acidss/index.html>

For specialist information on soil testing, contact Diagnostic and Analytical Services at NSW Agricultural (02)6626 1200.

**LEGAL/POLICY:**

Considered under heading "Health Services Comment" and "Planning Services Comment".

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003-2008:

*VISION*

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

*Key Result Area 1: The Physical Environment –*

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

**COMMUNITY CONSULTATION/ADVERTISING:**

The matter will be included in the Town Planning Scheme Review and subsequent advertising for comment.

**FINANCIAL/BUDGET IMPLICATIONS:**

No additional cost is envisaged.

**COMMENTS:**

It is deemed prudent to flag this environmental risk in the interest of environmental and public health, and structural integrity in the long term, for possible inclusion in future major development requirements.

Mayor Catania advised that Cr Farrell declared a proximity interest in this Item. Cr Farrell departed the Chamber at 6.56pm and did not speak or vote on the matter.

**10.2.1 Proposed Traffic Calming & Safety Improvements – Matlock Street, Mount Hawthorn**

<b>Ward:</b>	North	<b>Date:</b>	6 August 2003
<b>Precinct:</b>	Mt Hawthorn P1	<b>File Ref:</b>	TES0279
<b>Attachments:</b>	<a href="#">001:</a>		
<b>Reporting Officer(s):</b>	C Wilson		
<b>Checked/Endorsed by:</b>	R Lotznicher	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) receives the report on the proposed Traffic Calming and Safety Improvements in Matlock Street, Mt Hawthorn, Dover Street to Ellesmere Street;*
- (ii) APPROVES the installation of the traffic calming measures as shown on attached Plan No. 2161-CP-1C; incorporating the suggestions put forward by the Local Area Traffic Management Advisory Group and invited community representatives, at an estimated cost of \$15,000;*
- (iii) advises the respondents and affected residents of Council's resolution.*

---

**COUNCIL DECISION ITEM 10.2.1**

**Moved Cr Chester, Seconded Cr Torre**

*That the recommendation be adopted.*

Debate ensued.

**CARRIED (8-0)**

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

---

**BACKGROUND**

Over the past nine months, the Town has received representations from the combined Mt Hawthorn Primary Schools and some residents of Matlock Street (Woodstock Street to Ellesmere Street), seeking the installation of traffic calming measures and safety improvements within the 40kph school zone.

It was their perception that there is a speeding problem, and therefore a safety issue, in Matlock Street, particularly during the school drop off and collection times, and that intervention measures were required.

In light of these concerns, and in anticipation that some remedial action would be required, monies were included in the Town's 2003/04 budget to implement some form of traffic calming in the street.

However, prior to a report being presented to Council, in June/July 2003 a plan was prepared and informally distributed to the schools, the combined P & C Association and residents, outlining possible improvements and seeking feedback.

The issue was then referred to the Town's Local Area Traffic Management (LATM) Advisory Group's meeting of 28 July 2003 for consideration. The meeting also included representatives of the Matlock Street residents, a concerned parent and the President of the combined P & C Association.

**DETAILS:**

Traffic data was collected in February 2003, at the resumption of the school year, to determine what, if any, problems existed in Matlock Street. The data indicated that while the 85% speed was 53kph and therefore within acceptable limits during normal operating hours, it was some 13kph over the school zone speed restriction of 40 kph.

Other indicative data, such as average speed and traffic volumes, were also within acceptable limits being 43kph and 1071 vehicles per day respectively.

The schools and parents in the past approached the WA Police Service to monitor the situation with limited success. The Police attended on occasions, issuing infringement notices to a number of motorists, including parents of children attending the schools.

The local community (schools, residents and parents) continued to raise safety concerns and, as a result, the issue was listed for inclusion at the 28 July 2003 meeting of the LATM Advisory Group. However, prior to it being considered by the group, as previously mentioned, a concept plan was prepared and, with the assistance of a local resident, was informally circulated to the immediate residents and the schools for comment.

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

Matlock Street was formally considered by the LATM Advisory Group at its meeting of 28 July 2003. The meeting was also attended by the aforementioned resident of Matlock Street, a concerned parent and the President of the combined Mt Hawthorn Primary Schools P & C Association.

An initial concept plan was circulated to the above and was tabled for discussion. The feedback for the proposed traffic calming measures was positive and the extent of the proposed works, as shown on attached drawing No. 2161-CP-1B, was extended with the unanimous endorsement of the advisory group members and invited guests.

The above actions culminated in a report to the Ordinary Meeting of Council of 12 August 2003 where the following resolution was adopted.

*“That the Council;*

- (i) RECEIVES the report on the proposed Traffic Calming and Safety Improvements in Matlock Street, Mt Hawthorn, Dover Street to Ellesmere Street;*
- (ii) APPROVES in principal the proposed installation works as shown on attached Plan No. 2161-CP-1B; incorporating the suggestions put forward by the Local Area Traffic Management Advisory Group and invited community representatives, at an estimated cost of \$15,000;*

- (iii) *ADVERTISES the proposal for public comment for a period of twenty one (21) days, in accordance with Council Policy No. 4.1.21 "Community Consultation", inviting written submissions;*
- (iv) *RECEIVES a further report on the proposal following the conclusion of the consultation period should any adverse comments be received; and*
- (v) *ADVISES the respondents of Council's resolution."*

### **Results of the Public Consultation**

In accordance with clause (iii) of Council's resolution, the proposal was formally distributed to the residents of Matlock Street between Scarborough Beach Road and Ellesmere Street and included those residents of Ellesmere and Dover Streets within close proximity to the proposed changes.

Some fifty five (55) letters were delivered, resulting in thirteen (13) responses, representing 24% of those canvassed.

Of those responses, seven (7) were in favour without reservations while six (6) were against either all or part of the proposed changes.

### **In Favour of the Proposal**

Of the seven (7) positive responses received three (3) responses were from residents of Matlock Street most directly affected by the proposed speed humps. Strong endorsements were also received from the Principals of the Mount Hawthorn Primary School and Junior Primary School as well as a concerned parent who, as a regular user Matlock Street, was one of the first to raise the issue.

### **Against the Proposal**

In respect of those against, two (2) responses were from residents of Ellesmere Street who's primary concern was the proposed intersection modifications rather than the Matlock Street speed humps. Their preferred option is install a roundabout at the intersection of Ellesmere and Matlock Streets. While a roundabout may be considered as an appropriate long term treatment for the intersection it is outside the scope of this project, is considerably more expensive, approximately \$60,000 versus \$7,000 for minor widening and approach splitter islands, and does not currently qualify for state or federal 'black spot' funding.

Of those residents abutting Matlock Street whom objected to the proposed works, the comments included:

- *'I think it will be a waste of money'...'I have lived here and have never thought it as a street cars raced along' (sic).'*
- *'I do not agree that the proposed calming devices will reduce the traffic or slow vehicles down'*
- *'We totally oppose speed humps'...'As residents of ten years in the street we are sure roundabouts at Matlock and Ellesmere Streets and Matlock and Woodstock Streets would prove a better solution'.*

The respondents then took the opportunity to link the proposed works to that of the recent changes in Killarney Street and the intersection modifications at Matlock Street and Scarborough Beach Road as examples of poor decisions.

The final submission was a very detailed response which dealt mainly with the driving and parking habits of parents dropping and collecting students or when attending school functions. The respondent was keen to have harsher parking restrictions, both road and verge, introduced and vigorously enforced. Comments specific to the proposed changes included the following:

- *'Your humps will be a waste of time. They do not slow traffic'...'attempted to have Council have a roundabout installed on this corner (Matlock and Woodstock Street). Having witnessed many near misses and attended several traffic accidents on this corner over the years, I still believe this to be the best solution.'...'Humps will be a waste of time. It's taken a long time for you to respond to our concerns - please get it right'.*

**CONSULTATION/ADVERTISING:**

Affected residents were consulted in accordance with Council Policy No. 4.1.21 "Community Consultation".

**LEGAL/POLICY:**

Nil

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of the Strategic Plan 2003-2008 - 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"h) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) advisory Group – identify initiatives for redirecting traffic"*.

**FINANCIAL/BUDGET IMPLICATIONS:**

The estimated cost of the proposal as outlined on attached Plan No. 2161-CP-1C is \$15,000. There is an existing allocation of \$7,500 in the Town's 2003/04 budget with which to implement the works. However, as the proposed scope of works has been extended, an additional \$7,500 is required to complete the project. It is therefore intended to source the additional funds from the 2003/04 Miscellaneous Traffic Management budget.

**COMMENTS:**

As can be seen from the results of the public consultation, there are widely differing opinions from the residents of Matlock and Ellesmere Streets as to the justification and/or effectiveness of the proposed traffic calming measures and intersection modifications. However, as identified in the report, there is an issue with traffic speed in Matlock Street during the operational hours of the 40 kph school zone that needs to be addressed.

In respect of the extent of the proposed works, the number of speed humps was actually increased as a result of the LATM Advisory Group's deliberations to include one north of Ellesmere Street and one adjacent Dover Street. These locations were considered appropriate as they had the effect of providing advance warning to the driver that road conditions ahead vary and, in the case of the speed hump near Ellesmere Street, that one is approaching an intersection.

In respect of the proposed approach or splitter islands in Ellesmere Street, either side of Matlock Street, it emphasises to motorists that they are entering a controlled intersection, eradicates “corner cutting”, which in turn reduces vehicle speeds, and enables additional more prominent signage to be erected.

With regard to some residents’ preference for the installation of roundabouts at the intersections of Woodstock and Matlock Streets and Ellesmere and Matlock Streets, they may be an appropriate form of traffic management but they are a vastly more expensive option and would not eliminate (mid block) speeding within the school zone. Therefore, in all likelihood, speed humps would ultimately be introduced between Ellesmere Street and Woodstock Street irrespective of the introduction of roundabouts.

Therefore, it is considered that the proposed measures, while not popular with some of those who took the opportunity to comment, will address the safety issue in Matlock Street and therefore it is recommended that the works, as recommended, be implemented.

**10.2.3 Additional Fifteen Minute Parking On the North Side of Bulwer Street, East of Fitzgerald Street**

<b>Ward:</b>	South Ward	<b>Date:</b>	15 September 2003
<b>Precinct:</b>	Hyde Park Precinct (P12)	<b>File Ref:</b>	PKG0027
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Munyard		
<b>Checked/Endorsed by:</b>	R Lotznicher	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) APPROVES the introduction of an additional fifteen minute parking bay west of the existing fifteen minute parking on the north side of Bulwer Street, east of the intersection of Fitzgerald Street, as outlined on attached plan 2219-PP-1;*
- (ii) places a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iii) advises the adjacent residents and business proprietors of its resolution.*

---

Cr Farrell returned to the Chamber at 7.00pm.

**COUNCIL DECISION ITEM 10.2.3**

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

*That the recommendation be adopted.*

Debate ensued.

**CARRIED (9-0)**

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**BACKGROUND:**

Torre's Butchers located on the north side of Bulwer Street, east of the Fitzgerald Street intersection, have requested an additional fifteen minute parking bay to accommodate the needs of their large customer base.

**DETAILS:**

Currently there is one fifteen minute parking bay adjacent to Torre's Butchers. Immediately to the east there are two one (1) hour spaces and a bus zone.

Section 143(2) of the Road Traffic Code 2000, "Prohibited Stopping Places" specifies that stopping is not permitted within 20m of a signalized intersection. As the intersection of Bulwer and Fitzgerald is signalised, no parking is permitted within 20m of the intersection, however the first permitted parking (the existing fifteen minute space) is 30.5m east of the intersection. Therefore it is possible to introduce one additional 15 minute bay.

The businesses in this strip include a pharmacy, a lunch bar and a hairdresser's. Long term off street parking is available behind these premises, and one and two hour parking is available nearby in Bulwer Street and in Fitzgerald Street. The availability of short term parking increases the chances of businesses winning the patronage of passing traffic.

As there is only one short term parking space in the vicinity, customer's of the businesses have often been seen to park in the "No Stopping" zone while they make quick purchases. As there is no valid reason for disallowing parking for an additional vehicle at the location, it is logical that this be formalised and a short term restriction applied.

The Manager for Law and Order Services has been consulted and sees no impediment to the proposed changes.

**CONSULTATION/ADVERTISING:**

The proposal is increasing parking opportunities in the vicinity and has been requested by the adjacent business proprietor. No further consultation is necessary.

**LEGAL/POLICY:**

N/A.

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

The existing signage must be removed and one fifteen minute parking sign replaced at the end of the proposed 15 minute zone. Line marking must be carried out. Together the approximate cost of the signage and line marking is \$125.00.

**COMMENTS:**

For the reasons outlined in the report, it is recommended that the Council approves the introduction of an additional fifteen (15) minute parking bay west of the existing fifteen (15) minute parking on the north side of Bulwer Street, east of the intersection of Fitzgerald Street, as outlined on attached plan 2219-PP-1, places a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs, and advises the adjacent residents and business proprietors of its resolution.

Mayor Catania advised that Cr Franchina declared a proximity interest in Items 10.3.3, 10.3.4, 10.3.5 and 10.4.1. Cr Franchina departed the Chamber at 7.03pm and did not speak or vote on the matters.

**10.3.3 Short Term Loan Funding for the Multi-Purpose Sports Stadium and Redevelopment of Perth Oval, Pier Street, Perth**

<b>Ward:</b>	Both	<b>Date:</b>	9 October 2003
<b>Precinct:</b>	All	<b>File Ref:</b>	RES0051/RES0064
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M Rootsey		
<b>Checked/Endorsed by:</b>	J Giorgi	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *ACCEPTS the loan of \$1,579,000 from the Commonwealth Bank of Australia at the lowest rate available at a fixed rate for the period 1 December 2003 to 1 August 2004.*
- (ii) *AUTHORISES the Chief Executive Officer to accept the most suitable loan rate available, finalise the loan documentation and affix the Common Seal; and*
- (iii) *OBTAINS the approval for the loan of the State Treasurer in accordance with Section 6.21 of the Local Government Act.*

**COUNCIL DECISION ITEM 10.3.3**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED (8-0)**

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

**BACKGROUND:**

At the Special Meeting of Council held on 1 July 2003 Item 7.5, the Council adopted the following resolution inter-alia.

- "(ii) *APPROVES BY AN ABSOLUTE MAJORITY the borrowing of \$1,579,000, as a short term loan (from December 2003 until July 2004) for the funding of part of the Multi Purpose Rectangular Sports Stadium 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 seeking comments from the public; and*
- (b) *call a tender/quotation for the loan funding;*

- (iii) *NOTES that the State Government of Western Australia will reimburse the Town the \$1,579,000 in July 2004, as detailed in the Financial Assistance Agreement; and*
- (iv) *NOTES that a further report will be submitted to the Council advising of any submissions, to approve of the loan and specific details."*

**DETAILS:**

Quotations were sought from the following financial institutions:

- Western Australian Treasury Corporation
- Commonwealth Bank of Australia
- National Bank of Australia
- Westpac Banking Corporation

The following submissions were to be received by 11.00am on 3 October 2003.

- Commonwealth Bank of Australia – 5.27%
- Western Australian Treasury Corporation – 5.31%
- National Bank of Australia – 5.765%

No submission was received from Westpac Banking Corporation.

The specifications were as follows:

Term: 1 December 2003 to 20 August 2004\*  
Funding date: 1 December 2003  
Repayment date: 20 August 2004

The loan period has now been refined and the amended date is 1 August 2004. The period of the loan was extended to ensure repayment funds could be received by the State Government without impacting on cash flows early in the new financial year.

**CONSULTATION/ADVERTISING:**

The intention to borrow was advertised in the West Australian newspaper for one (1) month from 9 July 2003. No submissions were received.

**LEGAL/POLICY:**

The Local Government Act (1995) requires that the Local Government 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).

**STRATEGIC IMPLICATIONS:**

N/A

**FINANCIAL/BUDGET IMPLICATIONS:**

The loan will be repaid with one payment with funds from the State Government as agreed in the Financial Assistance Agreement between the Town and the State Government of Western Australia. The interest on the loan is calculated to be \$60,187.15.

Financial institutions generally hold their quoted rates for a maximum of twenty-four hours due to the dynamics of the money markets. The rate for the loan will be confirmed prior to the Council meeting. However, as the rate fluctuates on a daily basis, it is recommended that the Chief Executive Officer be authorised to accept the most suitable loan rate available (after the Council decision has been made).

**COMMENTS:**

The rate offered by the Commonwealth Bank of Australia is extremely competitive. The Bank is the current primary bank of the Town and as such is very keen to participate with the Town in the major developments currently being undertaken. It is recommended that the Town accept the loan quote from the Commonwealth Bank of Australia and authorises the Chief Executive Officer to finalise this short term loan.

**10.3.4 Expressions of Interest for Artwork for Multi-Purpose Sports Stadium and Loton Park, Pier Street, Perth**

<b>Ward:</b>	South Ward	<b>Date:</b>	09 October 2003
<b>Precinct:</b>	Beaufort Precinct P13	<b>File Ref:</b>	RES0069
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	G. Sweet		
<b>Checked/Endorsed by:</b>	J. Anthony/ M. Rootsey	<b>Amended by:</b>	John Giorgi

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *ACCEPTS the Expressions of Interest submitted by the Tony Pankiw, Evelyn Ferrier, the Jason Hirst group, and Tony and Ngardarb Francine Riches and they all be invited to submit tenders for the artwork; and*
- (ii) *AUTHORISES the Chief Executive Officer to call quotations from the Town's youths to carryout artwork in the form of mural at selected sites with the Stadium.*

Moved Cr Lake, Seconded Cr Ker

*That the recommendation be adopted.*

Debate ensued.

Moved Cr Lake, Seconded Cr Ker

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

*"(iii) strongly encourages artwork for location "C" or another location outside the fenced area."*

**AMENDMENT CARRIED (8-0)**

(Cr Franchina had declared an interest in this item and was absent from the Chamber. He did not speak or vote on the matter -refer to Item 10.3.3)

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

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

**COUNCIL DECISION ITEM 10.3.4**

*That the Council;*

- (i) *ACCEPTS the Expressions of Interest submitted by the Tony Pankiw, Evelyn Ferrier, the Jason Hirst group, and Tony and Ngardarb Francine Riches and they all be invited to submit tenders for the artwork;*
- (ii) *AUTHORISES the Chief Executive Officer to call quotations from the Town's youths to carryout artwork in the form of mural at selected sites with the Stadium; and*
- (iii) *strongly encourages artwork for location "C" or another location outside the fenced area.*

**BACKGROUND:**

As part of the redevelopment contract for the Multi-Purpose Stadium and redevelopment of Perth Oval, funds have been allocated toward the creation of a significant public artwork to be constructed and installed.

An Expression of Interest document was prepared with specifications that requested that the successful applicant or applicants will create a single artwork, or series of artworks which positively reflect the heritage of the site which is predominantly of Aboriginal cultural significance, capturing the cultural beliefs or way of life, past or present, of the Aboriginal people in the area.

The artwork should also be informative, interpretive and engaging to the local, national and international communities and should inspire and welcome residents and visitors into the Town.

**DETAILS**

The Expressions of Interest (EOI) was advertised in The West Australian newspaper, The Voice News, The Guardian Newspaper and across the various state wide arts advocacy bodies (such as Art Source, The Artists Foundation of WA and Community Arts Network WA) for Expressions of Interest. These were to be received by 4pm on the 10th of September 2003.

A total of five (5) submissions were received.

**EVALUATION**

The EOI Evaluation Panel comprised of the Town's Manager of Community Development and Administrative Services and Arts Officer.

Evaluation Criteria		EOI Submissions				
		Evelyn Ferrier	Paul Caporn-Bennett	Jason Hirst	Tony Pankiw, Sandra Hill & Jenny Dawson	Tony & Francine Riches
Comprehensive knowledge of public art and project management of public art.	15%	Yes	Yes	Yes	Yes	Yes
The excellence of the design submitted and whether this represents the identity, diversity and aspirations of the Aboriginal Community and the heritage of the site	15%	Yes	Not Stated	Yes	Yes	Yes
Proposed ideas are high quality, engaging and integrated into the site design, and the extent to which the submission meets with the requirements of the artwork as stated previously	15%	Yes	Not Stated	Yes	Yes	Yes
Experience integrating artwork into infrastructure and building function.	10%	Yes	Yes	Yes	Yes	Yes
Experience in comparable projects and artistic disciplines	10%	Yes	Yes	Yes	Yes	Yes
Aesthetic appeal to the wider community in the Town.	10%	Yes	Yes	Yes	Yes	Yes
Experience collaborating with architects and other professionals	5%	Yes	Yes	Yes	Yes	Yes
Quality of submission	5%	Yes	No	Yes	Yes	Yes
Experience working within the timelines and budgets	5%	Yes	Yes	Yes	Yes	Yes
Previous projects were safe and technically feasible	5%	Not Stated	Not Stated	Not Stated	Not Stated	Not Stated
At least two references must be provided	5%	No	No	Yes	No	Yes
<b>Total</b>	<b>100%</b>					
<b>Invite to tender</b>		Yes	No	Yes	Yes	Yes

Organisation	Description of Current Activities	Intended Artwork
<p>Tony Pankiw (Team Leader), Sandra Hill, Ron Gomboc and Jenny Dawson</p>	<p><b>Tony Pankiw</b> - Steel/Bronze fabricator. Most recently created Steel balustrading and sculptures for Gosnells Railway Station and Fremantle Cold Stores - 2003.</p> <p><b>Sandra Hill</b> - Exhibited extensively. Recently completed the Roe Highway Public Art Project.</p> <p><b>Ron Gomboc</b> - Has exhibited extensively and also worked with Tony Pankiw on the Sculptures for the Fremantle Cold Stores.</p> <p><b>Jenny Dawson</b> - Lectures in Art at TAFE and Curtin University. Recently worked on the Koongamia Primary School Artworks, the Djidi Djidi Primary School Artworks.</p>	<p>Copper Plated Tree with model representative of the Town of Vincent sitting in its branches</p>
<p>Evelyn Ferrier</p>	<p>Teaches art and has completed a number of Public Art projects such as; Banksia Hill Detention Centre - 2002, Bentley Juvenile Mental Health Hospital - 1999</p>	<p>Interactive symbolic sundial.</p>
<p>Jason Hirst, Robby Lang and Zarak Bin Saad</p>	<p><b>Jason Hirst</b>- Designer and Mosaic Artist. Most recent project was for the Perth Zoo in 2002.</p> <p><b>Robby Lang</b>- Engineer, designer and metal sculptor.</p> <p><b>Zarak Bin Saad</b> -Recently completed a sculptural design feature for Curtin University, completed in 2003.</p>	<p>Large scale sculpture of hands encircling a tree. It will be a sitting area.</p>
<p>Tony Riches and Ngardarb Francine Riches</p>	<p><b>Tony Riches and Ngardarb Francine Riches</b> - - Public Sculpture at Kensington Police Station 2002/3 and Smiths Lake Project 2001/2 for the Town of Vincent.</p>	<p>Sculpture expressing Fire and Storytelling with a bronze tiled base</p>
<p>Paul Caporn Bennett</p>	<p>Teaches Art at Hale Boys School and is currently contracted by the Town of Vincent to design and build the artwork for the Robertson Park stage of the Wetlands Heritage Trail.</p>	<p>No design/proposal submitted;  Slides of previous work submitted.</p>

The submissions were evaluated using the criteria listed. As a result of the evaluation, it is recommended that four (4) of the applicants be invited to submit tenders.

The submission from Paul Caporn-Bennett was not submitted in accordance with the EOI specification. It is therefore recommended that he not be invited to submit a tender.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2003 -2008 -

Key Result Area 2.1 *"Celebrate and acknowledge the Town's cultural diversity"*

- a) Seek community initiatives and involvement in the development of programs and provide facilities and other recreational resources appropriate to the Town's needs*

**FINANCIAL/BUDGET IMPLICATIONS:**

The artwork is a component of the redevelopment contract for the Multi-Purpose Rectangular Stadium.

**COMMENTS:**

It is recommended that four applicants, Tony and Francine Riches, Evelyn Ferrier, Jason Hirst and group, and Tony Pankiw and group be invited to submit tenders for the Multi-Purpose Stadium Artwork.

Community consultation will be undertaken once the successful tenderer or tenderers has been appointed and the concept has been developed according to the required specifications.

**CEO'S COMMENT:**

Appendix 10.4.3 indicates that sites (A) and (B) inside the entrance to Gates 1 and 3 are suitable for sculptures. On the grassed area inside the Main Gates is a most suitable area for art from which may incorporate a drinking fountain. Inside Gate 3 is a large expanse of bitumen and a possible art form would improve the aesthetics of this area. Sites (D), (E) and (F) are face block work for walkways/ramps to the Stadium concourse - these are suitable sites for murals. Site (C) is located in the Public Open Space in the corner near Brewer and Lords Streets and is suitable for a large art form.

All of the recommended artists' works are considered suitable, however, to add to the ambience of the Stadium, the project architect strongly recommends that the artwork for sites (D), (E) and (F) be murals.

To encourage a wider participation, it is recommended that the Town's Youth Officer co-ordinate the Town's youths to complete a mural or murals on either of the sites (D), (E) and/or (F). This participation is in keeping with the Town's philosophy in engaging a broad section of our community in the Town's projects. In this case, these sites (or any number of them) would be excluded from the tender process and the youth's would be encouraged to submit a quotation for the work. This will not involve additional costs and would be incorporated with in the project's public art budget.

The invited applicants will be required to attend a mandatory site inspection to meet with the architect and relevant staff to discuss the possible positioning and type of artwork that may be suitable for submission as a tender.

**10.3.5 Community Sporting and Recreation Facility Fund (CSRFF)**

<b>Ward:</b>	Both	<b>Date:</b>	13 October 2003
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0074
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	D Spurgeon		
<b>Checked/Endorsed by:</b>	J Anthony/ M Rootsey	<b>Amended by:</b>	John Giorgi

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) *ENDORSES the following applications in support of Community Sport and Recreation Facility Funds (CSRFF), prior to their lodgement with the Department of Sport and Recreation, on the condition that the Department of Sport and Recreation support these applications through the CSRFF program; and*

(ii) *APPROVES the applications listed in the following order of priority:*

<i>Ranking</i>	<i>Rating</i>	<i>Applicant</i>	<i>Recommended Council contribution</i>
<i>1</i>	<i>High</i>	<i>Town of Vincent: Forrest Park</i>	<i>\$91,000</i>
<i>2</i>	<i>High</i>	<i>Town of Vincent Cricket Club</i>	<i>\$32,000</i>
<i>3</i>	<i>High</i>	<i>Loton Park Tennis Club</i>	<i>\$45,060</i>
<i>4</i>	<i>Medium/ Low</i>	<i>North Perth Bowling and Recreation Club</i>	<i>\$45,837</i>

Moved Cr Doran-Wu, Seconded Cr Cohen

*That the recommendation be adopted.*

Debate ensued.

Moved Cr Lake, Seconded Cr Cohen

*That;*

(i) *clause (ii) be amended as follows:*

*"(ii) APPROVES the applications listed in the following order of priority:*

<i>Ranking</i>	<i>Rating</i>	<i>Applicant</i>	<i>Recommended Council contribution</i>
<i>1</i>	<i>High</i>	<i>Town of Vincent: Forrest Park</i>	<i>\$91,000</i>
<i>2</i>	<i>High</i>	<i>Town of Vincent Cricket Club</i>	<i>\$32,000</i>
<i>3</i>	<i>High</i>	<i>Loton Park Tennis Club</i>	<i>TBA</i>
<i>4</i>	<i>Medium/ Low</i>	<i>North Perth Bowling and Recreation Club</i>	<i>\$45,837</i>

(ii) *new clauses (iii), (iv) and (v) be added as follows:*

- "(iii) SUPPORTS an amended application for Loton Park Tennis Club for the resurfacing of the two existing hard courts;*
- (iv) AUTHORISES the Chief Executive Officer to finalise an amended application from Loton Park Tennis Club (to reflect clause (iii)) to enable the application to be submitted by the CSRFF closing date of 31 October 2003; and*
- (v) ADVISES Loton Park Tennis Club that it does not support any extension of proposed courts or allow works outside the current leased area."*

Debate ensued.

**AMENDMENT CARRIED (6-2)**

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

(Cr Franchina had declared an interest in this item and was absent from the Chamber. He did not speak or vote on the matter -refer to Item 10.3.3)

Debate ensued.

**Moved Cr Chester, Seconded Cr Ker**

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

- "(vi) advises Loton Park Tennis Club that it does not support any further provision for hard stand parking on Loton Park;"*

**AMENDMENT CARRIED (8-0)**

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

Debate ensued.

Mayor asked a question with regards to Tuart Hill Perth Cricket Club being mentioned in the report as using Forrest Park. His understanding was that this Club used Charles Veryard.

Executive Manager Corporate Services advised that he would take the question on notice and provide a response to the Mayor.

Cr Torre departed the Chamber at 7.36pm.  
Cr Farrell departed the Chamber at 7.38pm.

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

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

*"(vii) requests Loton Park Tennis Club to include a disabled ramp in their submission."*

**AMENDMENT CARRIED (6-0)**

(Crs Farrell, Franchina and Torre were absent from the Chamber and did not vote.)

**MOTION AS AMENDED CARRIED (6-0)**

(Crs Farrell, Franchina and Torre were absent from the Chamber and did not vote.)

**COUNCIL DECISION ITEM 10.3.5**

*That the Council;*

- (i) *ENDORSES the following applications in support of Community Sport and Recreation Facility Funds (CSRFF), prior to their lodgement with the Department of Sport and Recreation, on the condition that the Department of Sport and Recreation support these applications through the CSRFF program;*
- (ii) *APPROVES the applications listed in the following order of priority:*

<i>Ranking</i>	<i>Rating</i>	<i>Applicant</i>	<i>Recommended Council contribution</i>
<i>1</i>	<i>High</i>	<i>Town of Vincent: Forrest Park</i>	<i>\$91,000</i>
<i>2</i>	<i>High</i>	<i>Town of Vincent Cricket Club</i>	<i>\$32,000</i>
<i>3</i>	<i>High</i>	<i>Loton Park Tennis Club</i>	<i>TBA</i>
<i>4</i>	<i>Medium/ Low</i>	<i>North Perth Bowling and Recreation Club</i>	<i>\$45,837</i>

- (iii) *SUPPORTS an amended application for Loton Park Tennis Club for the resurfacing of the two existing hard courts;*
- (iv) *AUTHORISES the Chief Executive Officer to finalise an amended application from Loton Park Tennis Club (to reflect clause (iii)) to enable the application to be submitted by the CSRFF closing date of 31 October 2003;*
- (v) *ADVISES Loton Park Tennis Club that it does not support any extension of proposed courts or allow works outside the current leased area;*
- (vi) *advises Loton Park Tennis Club that it does not support any further provision for hard stand parking on Loton Park; and*
- (vii) *requests Loton Park Tennis Club to include a disabled ramp in their submission.*

**BACKGROUND:**

The purpose of the Community Sport and Recreation Facility Fund is to help the Western Australian Government provide assistance to community groups and local government authorities to develop well-planned facilities for sport and recreation. The types of projects that will be considered for funding include the construction of new facilities and upgrading, modification or additions to existing facilities to better suit community needs and provide greater opportunities for participation.

In July 2003 the Community Sporting and Recreation Facilities Fund (CSRFF) grant applications were advertised in the newspaper and application forms were available from local authorities and The Department of Sport and Recreation web site. CSRFF applications had to be submitted to the Town of Vincent by 5.00pm Friday 19 September 2003. Applications must be lodged at the Department of Sport and Recreation no later than 4pm, Friday 31 October 2003.

The maximum grant funded by the Department of Sport and Recreation will be no greater than one-third of the total cost of a project. The grant must be at least matched by the applicant's own cash contribution.

**DETAILS:**

**1. *TOWN OF VINCENT: FORREST PARK***

Proposed Project

Extensions and upgrade to the multi-function sporting and community facility at Forrest Park Reserve

Total Cost

\$136,000 (exclusive of GST)

Amount sought from Council

\$91,000 (exclusive of GST)

Background

The multi-function sporting and community facility at Forrest Park Reserve currently consists of a single change room for sporting clubs including the Perth Soccer Club and Tuart Hill Perth Cricket Club, male and female public toilets a children's playgroup currently leased by Highgate-Forrest Park Playgroup, kiosk area and a gardener's shed.

Due to the number of people that use the reserve and facility, including the groups listed above as well as general public and people exercising their dogs, these facilities are no longer adequate. This project aims to upgrade both the male and female toilets to ensure that they are accessible and safe for all users; currently the male toilet is in a poor position around the corner of the building and encourages inappropriate use and activities for a public reserve.

The internal Playgroup area is adequate for the current users however it is recommended that fencing be extended to the playground for the protection of children as well as to discourage dogs from roaming through the area.

During the soccer season, over 20 teams use the change room facilities for home and away games at Forrest Park Reserve. One single change room is not adequate for this number of teams therefore it is suggested that the number of change rooms be increased to two.

The Kiosk area although adequate in size needs some refurbishment internally in order to meet current health requirements. The verandah area to the North of the kiosk is also very small for the large number of users. This project would incorporate a much larger verandah area to the northern and western sides of the building that would serve to protect the cricket and soccer players and spectators from the sun and rain during games as well as protecting users of the playgroup and the general public.

The costs of the project are an estimate only at this stage however a written report from a quantity surveyor will be available within the next few days. This report will give a more detailed breakdown of the costs associated with the project.

Recommendation

This project is supported in principle and it is recommended that Council support this application with the provision of \$91,000 for the extension and upgrade of the Forrest Park Reserve multi-function sporting and community facility. \$17,000 has already been allocated by council for accessible toilets at the facility in the 2003/2004 budget. These works would be included as part of this project.

**2. TOWN OF VINCENT CRICKET CLUB**

Proposed Project

Extension of the veranda at Menzies Park Pavilion

Total Cost

\$51,818 (exclusive of GST)

Amount sought from Council

\$29,091 (exclusive of GST)

Background

Menzies Park Pavilion is a centrally located facility in Mt Hawthorn that caters for Cricket teams, Football teams as well as a child care.

Menzies Park is well located in the heart of a dense residential area however the pavilion is small and lacking in shelter for the users. A large verandah area is planned for the front of the building, facing the oval. This area would be covered to offer players and spectators protection from the weather as well as comfortable area to sit. A pool style fence is to be used for the protection of children and the area would be accessible to people with a disability.

At the Ordinary Meeting of Council of 22 April 2003 resolved as follows:

*"That;*

*the Council list for consideration in the Draft 2003/04 Budget an amount of \$32,000 for the construction of an external shelter building at Menzies Park Pavilion Mount Hawthorn."*

Recommendation

This project is supported and it is recommended that Council support this application, (and in view of the Council decision it be ranked as a first priority) with the provision of \$29,091 plus GST for the extensions to Menzies Park Pavilion. \$32,000 has already been allocated by council for this project in the 2003/2004 budget.

**3. LOTON PARK TENNIS CLUB**

Proposed Project

Construction of two new hard courts, complete with fencing and lighting, as well resurfacing of two existing courts.

Total Cost

\$135,180 (exclusive of GST)

Amount sought from Council

\$45,060 (exclusive of GST)

### Background

Loton Park Tennis Club is situated only minutes from the Perth CBD, on land adjoining Perth Oval. The Club currently has 120 members as well as many casual users including nearby residents and the general public. The Club has advised that almost 30% of its members live in the Town, while a further 20% live in close proximity to the Club. Catering for everyone from social to competitive players, the club is struggling to accommodate all users with the existing 6 grass courts and 2 hard courts.

This project would involve the upgrade of the existing hard courts as well as the addition of two new synthetic courts and the associated lighting and fencing. The increased number of usable courts along with the advantage of being able to use those courts after daylight hours would not only lead to the club being able to provide for their existing users but also new members or users that will be attracted by the upgraded facilities.

A number of comments objecting to a possible expansion of the Loton Park Tennis Club into Loton Park itself were received as part of the public comment relating to the Concept Plan for Loton Park (which was considered at the Ordinary Meeting of Council held on 9 September 2003 at Item 10.4.1). Accordingly, should the Council support the application, it is suggested that the concerns raised in the community submissions be revisited.

Members of Loton Park Tennis Club have met with the CEO and the Mayor on two occasions in early 2003 to discuss the impact of this project on the Perth Oval development. As a result of these discussions, an area has been outlined on the Loton Park Concept Plans to accommodate the proposed courts.

At the Ordinary Meeting of Council dated 8 April 2003, the Council resolved inter-alia;

- "(iv) NOTES the request from Loton Park Tennis Club for additional courts, parking and ramp for the disabled and advises that;*
- (a) Loton Park Tennis Club is to provide information to support and justify the above additional facilities (and including membership numbers, number of members who are residents/ratepayers of the Town, usage, benefits and indicative costs, funding arrangements); and*
- (b) subject to (a) above being satisfactorily complied with, the Town will consider this request as part of the Town's Community Recreation and Sporting Facilities Fund (CRSFF application 2003/04."*

### Recommendation

Council's contribution towards the project is supported in principle and it is recommended that Council support this application with the provision of \$45,060 for the construction of two new hard courts, complete with fencing and lighting, as well as resurfacing of two existing courts. It should be noted that this submission does not include the construction of a carpark and access ramp for people with disabilities.

4. ***NORTH PERTH BOWLING AND RECREATION CLUB***

Proposed Project

Installation of one synthetic bowling green.

Total Cost

\$137,511 (exclusive of GST)

Amount sought from Council

\$45,837 (exclusive of GST)

Background

This application was submitted in October 2002 and 2001 for two synthetic greens and was supported by Council. However the application was unsuccessful when assessed by the Department of Sport and Recreation as the state body of the sport, Bowls WA, did not support the upgrade.

The North Perth Bowling Club was founded in 1907. The club officially opened in 1912 when the clubhouse was built. The club is the 11<sup>th</sup> oldest in WA and the sixth oldest in Perth. The club currently has 85 members and is the only bowling club in the Town of Vincent. The facilities at North Perth Bowling Club include a dining room for functions and a licensed bar where members enjoy a quiet drink. Social pool and winter darts competitions are also held at the club.

The North Perth Bowling Club currently pays a groundsman approximately \$600 a week for the maintenance and upkeep of the two greens and at a total of \$37,000 for the year which includes fertiliser and other things necessary with the greens. The transition from a grass to a synthetic green would allow the club to play all year round by being involved in winter pennants and would likely increase the clubs membership, as it would be the only club in the metropolitan area to have synthetic greens. This project will assist with the long term viability and survival of the sport in the Town.

At the Ordinary Meeting of Council held on 8 October 2002 the Council resolved:

*"That the Council endorses the following applications in support of Community Sport and Recreation Facility Funds (CSRFF), prior to their lodgement with the Department of Sport and Recreation, on the condition that the Department of Sport and Recreation support these applications through the CSRFF program.*

*The applications are listed in order of priority:*

<i>Ranking</i>	<i>Rating</i>	<i>Applicant</i>	<i>Recommended Council contribution (exclusive of GST)</i>
<i>1</i>	<i>High</i>	<i>Leederville Oval redevelopment</i>	<i>\$2,720,000</i>
<i>2</i>	<i>Medium</i>	<i>French and Mauritian Society of WA</i>	<i>\$5,926</i>
<i>3</i>	<i>Medium</i>	<b><i>North Perth Bowling &amp; Recreation Club</i></b>	<b><i>\$80,000</i></b>
<i>4</i>	<i>Low</i>	<i>Headquarters Youth Facility</i>	<i>\$19,697"</i>

The 2002 CSRFF application was unsuccessful as it did not have the support of the peak body. On 22 April 2003, the Council considered a Notice of Motion and resolved as follows:

*"That the Council;*

- (i) supports the North Perth Bowling Club's application to the Town for financial assistance to enable the installation of synthetic bowling greens;*
- (ii) authorises the Chief Executive Officer to investigate and evaluate the request and report on the most viable financial arrangement to ensure the installation of synthetic greens in time for the 2004 Lawn Bowls Summer Competition; and*
- (iii) allocates an amount of \$220,000 for consideration in the 2003/04 Draft Budget."*

At the Ordinary Meeting of Council held on 27 May 2003 it was resolved:

*"That Council;*

- (i) DEFERS the allocation of consideration of the funding assistance of \$240,000 to the North Perth Bowling Club to the 2004/05 draft budget;*
- (ii) authorises the Chief Executive Officer to further investigate the request and in particular the installation of synthetic bowling greens by the end of July 2003; and*
- (iii) authorises the Chief Executive Officer to investigate ways in which the Town can assist in the long term sustainable viability of the North Perth Bowling Club."*

At the Ordinary Meeting of Council held on 12 August 2003 it was resolved:

*"That the Council;*

- (i) RECEIVES the further report on the investigation into the installation of synthetic bowling greens at North Perth Bowling Club;*
- (ii) AUTHORIZES the Chief Executive Officer to prepare a final report on this matter prior to the commencement of deliberations on the Draft Budget 2004/05, this to be no later than February 2004;*
- (iii) RECEIVES a final report which includes a S.W.O.T. analysis prepared in conjunction with the North Perth Bowling Club; and*
- (iv) RECEIVES a report on the membership of the club in regard to the number of members that are bowls players, and the number of members that are residents/ratepayers of the Town of Vincent."*

At the time of writing this report, the Council's decision of 12 August 2003 was being progressed.

Recommendation

This project is supported in principle and it is recommended that Council support this application with the provision of \$45,837 to replace one existing grass bowling green with a synthetic green. In view of the Council's position not being finalised, the application is considered to have a "medium to low" priority.

**CONSULTATION/ADVERTISING:**

Nil

**LEGAL/POLICY:**

Nil

**STRATEGIC IMPLICATIONS:**

The support of CSRFF grants is in keeping with the Town's Strategic Plan 2003-2008:  
KRA 1.4

*"Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment"* and

KRA 2.2(a) *"Investigate and implement mechanisms to improve community participation"*.

**FINANCIAL/BUDGET IMPLICATIONS:**

Recommended funding for the projects will be listed in the 2003/2004 Budget for further consideration.

**COMMENTS:**

Council's endorsement of the above CSRFF applications is dependent on the support of these applications through the CSRFF program by the Department of Sport and Recreation.

Following Council's consideration of these projects, completed applications will be forwarded to the Department of Sport and Recreation for their consideration. The Town of Vincent will be notified in February 2004 of each project's success or failure to receive state funding. Grant monies will be made available from July 2004.

As part of the CSRFF process, the Town of Vincent is required to list projects in order of priority for funding. The priority ranking has been made in consideration to the benefits of the proposal to the Town and its community.

**CEO'S COMMENT:**

The CEO amended this report by including reference to previous Council decisions relating to Menzies Park, Loton Park and the North Perth Bowling Club items. In addition, the priority for the North Perth Bowling Club has been upgraded to "medium/low" instead of "low", to reflect the Council's prior consideration of the matter.

**10.4.1 LATE REPORT - Tender No 280/03 - Supply, Delivery and Installation of Tiered Modular Steel Grandstand Seating at the Southern Stand at the Multi Purpose Sports Stadium, Pier Street, Perth**

<b>Ward:</b>	South	<b>Date:</b>	20 October 2003
<b>Precinct:</b>	-	<b>File Ref:</b>	TEN0287
<b>Attachments:</b>			
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER FURTHER RECOMMENDATION:**

*That the Council;*

- (i) *NOTES that none of the submitted tenders are acceptable to the Town and pursuant to Regulation 18(5) of the Local Government (Functions and General) Regulations 1996 it DECLINES TO ACCEPT any of the tenders submitted for the provision of supply, delivery and installation of tiered modular steel grandstand seating at the Southern Stand at the Multi Purpose Sports Stadium, Pier Street, Perth; and*
- (ii) *NOTES that;*
  - (a) *the Chief Executive Officer has re-advertised a tender for the provision of supply, delivery and installation and/or hire, with a "buy-back" provision (or any combination of this), of tiered modular steel grandstand seating at the Southern Stand at the Multi Purpose Sports Stadium, Pier Street, Perth;*
  - (b) *a further report relating to the tender will be submitted to the Ordinary Meeting of Council to be held on 4 November 2003; and*
  - (c) *the action taken to re-advertise the tender will ensure that the building project will not be delayed and remains on target for completion on or prior to 24 December 2003.*

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Crs Farrell and Torre returned to the Chamber at 7.40pm.

**COUNCIL DECISION ITEM 10.4.1**

**Moved Cr Lake, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED (9-0)**

**(Cr Franchina had declared an interest in this item and was absent from the Chamber. He did not speak or vote on the matter -refer to Item 10.3.3)**

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**BACKGROUND:**

At the Ordinary Meeting of Council held on 7 October 2003, the Council considered tenders relating to temporary tiered grandstand seating at the Multi-Purpose Sports Stadium on Perth Oval. This matter was deferred in order for the Chief Executive Officer to provide further information.

**Details**

At the Ordinary Meeting of Council held on 13 May 2003, the Council resolved to approve of the redevelopment of Perth Oval at an estimated cost of \$10,548,000.

On 10 September 2003, tenders were advertised calling for;

- (a) the supply, delivery and installation of tiered modular steel seating (southern stand); and
- (b) the supply, delivery and installation of transportable toilet facilities;

at the Multi Purpose Sports Stadium.

At 2pm on 24 September 2003, tenders were received. Present at the opening were Craig Grant (A/Purchasing/Contracts Officer), Mike Rootsey (Executive Manager Corporate Services) and the Chief Executive Officer, John Giorgi. The three tenderers for the supply, delivery and installation of tiered modular steel seating (southern stand), were also present.

**TENDER EVALUATION**

Three (3) Tenders were received. One tender arrived after the closing time and therefore was rejected.

**Tender Evaluation Panel**

The Tender Evaluation Panel consisted of John Giorgi - Chief Executive Officer, and Project Architect, Con Lampropoulos of Peter Hunt Architect.

Each tender was assessed in accordance with an Evaluation Assessment Matrix as used by the State Government Department of Housing and Works. This provided for the following scoring;

0-1	Inadequate or non-appropriate offer, critical or disqualifying deficiencies, does not meet criterion, unacceptably high risk to Principal.
2-3	Marginal offer, some deficiencies, partly meets criterion, high risk to Principal.
4-5	Fair offer, few deficiencies, almost meets criterion, medium risk to Principal.
6-7	Good offer, no deficiencies, meets criterion, medium to low risk to Principal.
8-9	Very good offer, exceeds criterion, low risk to Principal.
10	Outstanding offer, greatly exceeds criterion, very low risk to Principal.

(Scoring was calculated using the criterion weighting)

### Selection Criteria

The following weighted criteria were used for the selection of the contractor for this tender;

Criteria	%
Price: Include in the lump sum price all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST)	<b>65</b>
Adequate resources available to carry out the works	<b>15</b>
Overall compliance with the tender specifications	<b>15</b>
References	<b>5</b>
<b>TOTAL</b>	<b>100%</b>

### Tender Assessment

Tenderer	Price 65%	Adequate Resources to complete the Tender 20%	Overall Tender Compliance 10%	References 10%	Total	Ranking
AKA Seating Systems	65	15	15	5	100	<b>1</b>
Roam P/L	21.66	15	10	5	51.66	3
Construction Sales & Hire P/L	43.33	15	15	5	78.33	2

### Tender Summary

Price	AKA Seating Systems	Roam P/L	Construction Sales & Hire P/L
<b>Option 1:</b>	\$	\$	\$
<u>Outright Purchase</u>			
Supply	448,215	352,000	402,400
Installation	<u>11,000</u>	<u>238,000</u>	<u>81,790</u>
<b>Total</b>	<b><u>459,215</u></b>	<b><u>590,000</u></b>	<b><u>484,190</u></b>
<b>Option 2</b>			
<u>2 Year Hire</u>			
Supply and Hire	185,392	<i>Did not submit offer</i>	150,000
Installation	11,000		81,790
Removal	<u>9,030</u>		<u>69,000</u>
Sub-Total	<u>205,422</u>		<u>300,790</u>
<u>Further 2 Year Hire</u>			
Hire	132,988	<i>Did not submit offer</i>	170,000
Removal	<u>11,000</u>		<u>70,540</u>
Sub-Total	<u>143,988</u>		<u>240,540</u>
<b>Total</b>	<b><u>349,410</u></b>		<b><u>541,330</u></b>
<b>Option 3</b>			
<u>2 Year Hire</u>			
Hire	185,392	<i>Did not submit offer</i>	150,000
Installation	11,000		81,790
Removal	<u>9,030</u>		<u>69,000</u>
<b>Total</b>	<b><u>205,422</u></b>		<b><u>300,790</u></b>
<u>Outright Purchase after 2 years</u>	<u>386,600</u>		<u>370,000</u>
<b>Total</b>	<b><u>592,022</u></b>		<b><u>670,790</u></b>

The following options have been further considered;

1. Hire for 2 Year Period and Option of further 2 Year Period
2. Purchase - Use Capital Reserve Fund
3. Purchase - Payments over Five Years

**FINANCIAL/BUDGET IMPLICATIONS:**

The budget for the Multi Purpose Sports Stadium is \$10.548 million. The budget contains an amount of \$185,000 for the tiered southern stand.

(This amount was for the hire costs for a two year period - as the eastern stand was originally to be constructed within 2 years.)

**Grandstand Seating**

To ensure that the Town does not face additional costs within the next 5 years (or until the permanent eastern stand is built), it is preferable for the Town to have the stand in situ, until the permanent stand is constructed. This can be either by outright purchase or hire. To purchase outright the southern stand would cost \$459,215. However, if this option is pursued, the project budget shortfall would be \$274,215. Alternatively, the hire period and terms need to be more affordable and there needs to be a more realistic annual hire cost for the duration of the period the temporary grandstand is required.

Therefore the options with the three tenders are all deemed to be unacceptable to the Town for the following reasons;

1. Cost is unrealistic;
2. Hire period and terms need to be more flexible; and
3. Tenders should include a guaranteed "buy back" provision.

**LEGAL/POLICY IMPLICATIONS:**

The tenders were called in accordance with the Local Government (Functions and General) Regulations 1996, Part 4. The regulations at Regulation 18(5) states; *"The Local Government may decline to accept any tender."*

Regulation 20 states that the CEO is to advise each tenderer in writing of the Council decision with respect to the tender. This Regulation prescribes that after the local government has invited tenders, but before it has entered into a contract for the supply of goods or services required, if the local government wishes to make a minor variation in the goods or services required, it may without again inviting tenders enter into a contract with the chosen tenderer.

Sub-regulation (3) defines "minor variation" as; *"a variation the local government is satisfied is minor having regard to the total goods or services that tenderers were invited to supply."*

Following the Ordinary Meeting of Council held on 7 October 2003, the Chief Executive Officer and Project Architect have investigated further options including more flexible hire terms and a guaranteed "buy back" provision and also constructing the grandstand in a semi-permanent nature. However, these options are not deemed to be a "minor variation" as it will substantially affect the ultimate price of the tender. Accordingly, the Town cannot accept any variation of this nature for this tender for this reason.

The Local Government Act Tender Regulations are specific and do not allow the flexibility to vary outside the prescribed regulations. Accordingly, it will be necessary to re-advertise a tender and for this tender specification to include the options required by the Town. This information has been confirmed by the Town's Solicitor.

### **Heads of Agreement**

The Town has a contractual arrangement under the Heads of Agreement to provide a stadium capacity of 17,850. The southern stand has a capacity of 2,420 seats and it is therefore essential to ensure that the capacity remains at 17,850 persons.

There is a requirement for the Town and State Government to carry out a feasibility study for the construction of the eastern stand, within 5 years.

### **PRINCIPAL ACTIVITIES PLAN:**

The upgrade of Perth Oval is listed in the Town's Principal Activities Plan.

### **STRATEGIC IMPLICATIONS:**

The upgrade and redevelopment of Perth Oval is in accordance with the Town's previous Strategic Plan 2000-2002 Key Result Area 3.6 *"Develop and Implement Strategies to improve the Town's Parks and Reserves"*, in particular, Key Result Area 3.6(a) - *"Investigate and Develop the future of Perth Oval"*.

This is in keeping with the Town's Strategic Plan 2003-2008 - Key Result Area *"Economic Development"*.

### **COMMENT:**

As none of the tender options meet the Town's requirements, the CEO has declined to accept any tender for the consideration of the Council. Furthermore, the tender has been redrafted and re-advertised to allow tenderers to submit a tender which would meet the Town's needs and be more cost efficient and realistic.

In view of the need to have the stadium completed prior to Christmas 2003 and ensure that building trades are available to complete the task prior to proceeding on the festive break, the tender was re-advertised.

A report will now be submitted to the Ordinary Meeting of Council to be held on 4 November 2003 and if acceptable, would allow six (6) weeks for the successful tenderer to complete the grandstand. This timeframe is very tight, however, it is achievable.

It should be noted that the delay in finalising this tender has not delayed the completion time of the project and it still is on target for completion and handover on/or prior to 24 December 2003.

**10.4.2 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	14 October 2003
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Smith		
<b>Checked/Endorsed by:</b>	J Giorgi	<b>Amended by:</b>	-

**RECOMMENDATION:**

*That the Information Bulletin dated 21 October 2003, as distributed with the Agenda, be received.*

**Moved Cr Ker, Seconded Cr Lake**

*That the recommendation be adopted.*

Debate ensued - Cr Ker referred to Item IB04 and Cr Doran-Wu referred to IB10.

**Moved Cr Ker, Seconded Cr Lake**

*That the Town write to Precinct Groups drawing their attention to items 2.4 and 2.6 of the Planning Bulletin No 62 indicated in IB04.*

**AMENDMENT CARRIED (9-0)**

**MOTION AS AMENDED CARRIED (9-0)**

**COUNCIL DECISION ITEM 10.4.2**

*That;*

- (i) *the Information Bulletin dated 21 October 2003, as distributed with the Agenda, be received; and*
- (ii) *the Town write to Precinct Groups drawing their attention to items 2.4 and 2.6 of Planning Bulletin No 62 indicated in IB04.*

**DETAILS:**

The items included in the Information Bulletin dated 21 October 2003 are as follows:

**ITEM DESCRIPTION**

- IB01 Letter from Department of Housing and Works - Update on Recent Department of Housing and Works Issues of Joint Interest
- IB02 Government Gazette, 7 October 2003 - Advertisement of Approved Town Planning Scheme Amendment - Town Planning Scheme No. 1 - Amendment No. 11

- IB03 Letter from Western Australian Planning Commission - Town Planning Scheme No. 1 - Amendment No. 11 - Final Approval
- IB04 Western Australian Planning Commission - Planning Bulletin No. 61 - Urban Stormwater Management; Planning Bulletin No. 62 - Planning Appeals Amendment Act 2002 & Amendments to Policy No. DC1.9 Amendments to the Metropolitan Region Scheme
- IB05 Letter from East Perth Redevelopment Authority - East Perth Power Station Site
- IB06 Letter of Appreciation from Boodi Club - Hire of North Perth Town Hall
- IB07 Letter of Appreciation from J & G Evans of Pennant Street, North Perth - Upgrade of ROW - Pennant, Howlett & Hardy Streets
- IB08 Response from Premier's Office - Re State Records Act
- IB09 Elected Members Briefing Session - 14 October 2003
- IB10 Rangers' Statistics for July, August and September 2003

## 11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### 11.1 Notice of Motion – Councillor Helen Doran-Wu - Underground Power

*That the Council REQUESTS the Chief Executive Officer to write a letter to Western Power and the Minister for Energy;*

- (i) strongly requesting that the date of the next round for expressions of interest for underground power be no later than March 2005; and*
- (ii) expressing the strong desire of residents in the Town to have underground power, as indicated at the large attendances at the Town's precinct meetings.*

---

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

*That the motion be adopted subject to a new clause (iii) being added as follows:*

*"(iii) also requesting that the Minister should consider the residents' request for the finalisation of underground power within a ten year timeframe and that the request is subject to the financial considerations of the Town."*

Cr Lake requested that the words " *and letters of support from the Town's Precinct Groups*" be included in clause (ii).

The mover and seconder agreed to this wording being included

**CARRIED (9-0)**

### **COUNCIL DECISION ITEM 11.1**

*That the Council REQUESTS the Chief Executive Officer to write a letter to Western Power and the Minister for Energy;*

- (i) strongly requesting that the date of the next round for expressions of interest for underground power be no later than March 2005;*
  - (ii) expressing the strong desire of residents in the Town to have underground power, as indicated at the large attendances and letters of support from the Town's Precinct Groups; and*
  - (iii) also requesting that the Minister should consider the residents' request for the finalisation of underground power within a ten year timeframe and that the request is subject to the financial considerations of the Town.*
-

Mayor Catania advised that Cr Chester declared a proximity interest in this item. Cr Chester departed the Chamber at 7.55pm and did not speak or vote on the matter.

**11.2 Notice of Motion – Councillor Caroline Cohen - Policy No. 3.5.14  
Relating to Subdivisions Requiring Plate Height Development**

*That;*

- (i) the Town's Policy No. 3.5.14 relating to Subdivisions Requiring Plate Height Development, be reviewed, to include, but not be limited to, the following matters:*
  - (a) information pertaining to the Western Australian Planning Commission (WAPC) policy on residential subdivision relating to plate height and lot sizes less than 350 square metres in area;*
  - (b) comparison between the Town's Policy and that of the WAPC;*
  - (c) background of the Town's policy relating to plate height; and*
  - (d) the Policy's appropriateness and effectiveness, particularly in respect of the Town's experience in the application of the current policy; and*
- (ii) the Chief Executive Officer report back to the Council no later than 16 December 2003 recommending whether the Policy should remain unaltered, be amended, or revoked.*

---

**Moved Cr Cohen, Seconded Cr Ker**

*That the motion be adopted.*

Debate ensued.

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

*That the word "revoked" in clause (ii) be deleted and the words "replaced by some other means of development control" inserted in its place.*

**AMENDMENT CARRIED (8-0)**

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

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

*That a new clause (ii) be inserted as follows and the remaining clause renumbered:*

- "(ii) the Chief Executive Officer provides information from other Local Governments as to:*
  - (a) any alternative policies/conditions regarding the approval of small blocks and their effectiveness. The alternatives should include, but not be limited to, restricted covenants; and*
  - (b) their experience with subdivisions requiring plate height development; and"*

**AMENDMENT CARRIED (8-0)**

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

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

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

**COUNCIL DECISION ITEM 11.2**

*That;*

- (i) *the Town's Policy No. 3.5.14 relating to Subdivisions Requiring Plate Height Development, be reviewed, to include, but not be limited to, the following matters:*
    - (a) *information pertaining to the Western Australian Planning Commission (WAPC) policy on residential subdivision relating to plate height and lot sizes less than 350 square metres in area;*
    - (b) *comparison between the Town's Policy and that of the WAPC;*
    - (c) *background of the Town's policy relating to plate height; and*
    - (d) *the Policy's appropriateness and effectiveness, particularly in respect of the Town's experience in the application of the current policy;*
  - (ii) *the Chief Executive Officer provides information from other Local Governments as to:*
    - (a) *any alternative policies/conditions regarding the approval of small blocks and their effectiveness. The alternatives should include, but not be limited to, restricted covenants; and*
    - (b) *their experience with subdivisions requiring plate height development; and*
  - (iii) *the Chief Executive Officer report back to the Council no later than 16 December 2003 recommending whether the Policy should remain unaltered, be amended, or replaced by some other means of development control.*
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**12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

**Cr Chester returned to the Chamber at 8.01pm.**

**14. CLOSURE**

**The Presiding Member, Mayor Catania JP, declared the meeting closed at 8.02pm with the following persons present:**

- |                    |   |
|--------------------|---|
| Cr Simon Chester   | North Ward  |
| Cr Caroline Cohen  | South Ward  |
| Cr Helen Doran-Wu  | North Ward  |
| Cr Steed Farrell   | North Ward  |
| Cr Basil Franchina | North Ward  |
| Cr Ian Ker         | South Ward  |
| Cr Sally Lake      | South Ward  |
| Cr Maddalena Torre | South Ward  |
| John Giorgi, JP    | Chief Executive Officer                                 |
| Rob Boardman       | Executive Manager, Environmental & Development Services |
| Mike Rootsey       | Executive Manager, Corporate Services                   |
| Rick Lotznicher    | Executive Manager, Technical Services                   |
| Annie Smith        | Executive Assistant (Minute Secretary)                  |
| Adriana Tsovleas   | Journalist – Guardian Express                           |
| Mark Fletcher      | Journalist – Voice News                                 |
- 1 Member of the Public

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 21 October 2003.

Signed: .....Presiding Member  
Mayor Nick Catania, JP

Dated this ..... day of ..... 2003