

10.1 ENVIRONMENTAL AND DEVELOPMENT SERVICES

10.1.1 Further Report - Nos.156-158 (Lot 23) Lincoln Street, Highgate - Proposed Alterations and Additions to Twelve (12) of Existing Twenty-four (24) Multiple Dwellings Including New Carports and Stores

Ward:	North Perth	Date:	15 October 2002
Precinct:	Forrest, P14	File Ref:	PRO2135 00/33/1266
Reporting Officer(s):	H Coulter, S Robertson		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by G L Stenton on behalf of the landowners S & L Dimitrovski for proposed alterations and additions to twelve (12) of the existing twenty-four (24) multiple dwellings including new carports and stores at Nos. 156-158 (Lot 23) Lincoln Street, Highgate and as shown on plans dated 16 August 2002, subject to:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) subject to first obtaining the consent of the owners of the adjoining Nos.140 and 160 (Lots 22 and 84) Lincoln Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing adjoining Nos.140 and 160 (Lots 22 and 84) Lincoln Street in a good and clean condition;*
- (iii) a road and verge security bond and/or bank guarantee of \$880 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 existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) a detailed landscaping plan prepared in consultation with the Town's Parks Services Section (including a schedule of plant species and the landscaping and reticulation of the Lincoln Street verge adjacent to the subject property) shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s);*
- (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) the construction of crossovers shall be in accordance with the Town's specifications;*

- (vii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any proposed front fences and gates adjacent to Lincoln Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (viii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (ix) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (x) *prior to the first occupation of the development, the full length and width of the right of way from the existing sealed portion to the eastern-most boundary of the right of way shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (xi) *a bond and/or bank guarantee for \$10, 000 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
- (xii) *no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*
- (xiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the proposed bin storage area being located in the front setback area, and the bin storage area appropriately incorporating design features and/or being screened with landscaping to reduce the visual impact on the Lincoln Street streetscape. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (xiv) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 8 October 2002, received a report relating to proposed alterations and additions to twelve (12) of the existing twenty-four (24) multiple dwellings, including new carports and stores, on the subject property and deferred its consideration of the application to reassess the cost of the right of way upgrade and to check the location of the bin area.

The Town's Engineering Services have conducted an inspection of the right-of-way (ROW) and indicated that a portion of the ROW is satisfactorily sealed to the Town's specification. Accordingly, a bond of \$10 000 will be sufficient to meet the Town's requirements for the upgrade of the remaining portion of the ROW.

The Town's Engineering Services has indicated that the Town currently undertakes rubbish collection from Lincoln Street and that an appropriately screened bin storage area should be accessible from Lincoln Street. The applicant has verbally advised that he will re-locate the bin storage area within the front setback area and has requested that the Planning Approval be conditioned accordingly.

The comments contained in the report presented at the previous Ordinary Meeting generally address all other non-compliances and concerns raised by adjoining landowners during the advertising period, and it is considered that the proposal can be supported, subject to standard and appropriate conditions to address those matters contained in the further and previous reports as detailed in the Further Officer Recommendation.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 8 October 2002:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by G L Stenton on behalf of the landowners S & L Dimitrovski for proposed alterations and additions to twelve (12) of the existing twenty-four (24) multiple dwellings including new carports and stores at Nos. 156-158 (Lot 23) Lincoln Street, Highgate and as shown on plans dated 16 August 2002, subject to:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
 - (ii) subject to first obtaining the consent of the owners of the adjoining Nos.140 and 160 (Lots 22 and 84) Lincoln Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing adjoining Nos.140 and 160 (Lots 22 and 84) Lincoln Street in a good and clean condition;*
 - (iii) a road and verge security bond and/or bank guarantee of \$880 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 existing Towns assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
 - (iv) a detailed landscaping plan prepared in consultation with the Town's Parks Services Section (including a schedule of plant species and the landscaping and reticulation of the Lincoln Street verge adjacent to the subject property) shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s);*
 - (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) the construction of crossovers shall be in accordance with the Town's specifications;*
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- (vii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any proposed front fences and gates adjacent to Lincoln Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency;*
- (viii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (ix) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (x) *prior to the first occupation of the development, the full length and width of the right of way from the existing sealed portion to the eastern-most boundary of the right of way shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (xi) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xii) *prior to the first occupation of the development, the existing sealed portion of the right of way to Saint Albans Avenue shall be repaired and re-sealed to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (xiii) *no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*
- (xiv) *a bond and/or bank guarantee for \$12,300 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence; and*
- (xv) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

Moved by Cr Hall, Seconded by Cr Piper

That the recommendation be adopted.

Debate ensued.

Moved by Cr Piper, Seconded by Cr Ker

That the bin area be relocated to the front of the property and appropriately screened and that the necessary amended plans be submitted.

AMENDMENT CARRIED (8-0)

(Cr Cohen on leave of absence)

COUNCIL DECISION ITEM 10.1.10

Moved by Cr Franchina, Seconded by Cr Piper

That this item be DEFERRED to reassess the cost of the right of way upgrade and to check the location of the bin area.

CARRIED (8-0)

(Cr Cohen on leave of absence)

LANDOWNER: S & L Dimitrovski
 APPLICANT: G L Stenton
 ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No. 1: Residential R80
 EXISTING LAND USE: 24 Multiple Dwellings

COMPLIANCE:

At the date of assessment of the proposal and preparation of this report, the Planning Application was assessed under the provisions of the Residential Planning Codes of Western Australia 1991 (R Codes 1991). The new Residential Design Codes of Western Australia (RD Codes 2002) are proposed to be gazetted on Friday 4 October 2002, therefore the application was not assessed under these provisions. Any variations between the R Codes 1991 and RD Codes 2002 can be considered and determined by the Council under clause 40 of the Town's Town Planning Scheme No.1.

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Density</i>	<i>17 multiple dwellings</i>	<i>12 x 2 bedroom dwellings 12 x 1 bedroom dwellings</i>
<i>Car Parking</i>	<i>35 bays</i>	<i>24 bays *</i>
<i>Setbacks - Front East (1st, 2nd flrs) West (1st, 2nd flrs)</i>	<i>9.0 metres 1-1.5 metres 8 metres 1-1.5 metres 8 metres</i>	<i>5.4 metres 1.1 - Nil 6.4 metres 1.1 - Nil 6.517 metres</i>
<i>Total Open Space</i>	<i>60 per cent (1308 square metres)</i>	<i>51 per cent (1111.8 square metres)</i>
<i>Communal Open Space</i>	<i>20 per cent (436 square metres)</i>	<i>8 per cent (181 square metres)</i>
<i>Use Class</i>	<i>Multiple Dwellings</i>	
<i>Use Classification</i>	<i>'P'</i>	
<i>Lot Area</i>	<i>2180 square metres</i>	

** Clause 4.3.1 (c) of the Residential Planning Codes makes provision for a minimum of at least one car bay per multiple dwelling.*

SITE HISTORY:

The site currently accommodates a three level block of flats constructed during the mid 1960's. Two privately-owned, unsealed rights of way skirt the rear and partial side of the property.

DETAILS:

Approval is sought for alterations and additions to the existing 24 multiple dwellings. The plans detail the addition of an additional bedroom and balcony to 12 of the dwellings located at the very front and rear of the two blocks. In addition, new carports at the front and rear of the site, along with storage facilities and substantial renovation of the buildings and grounds are proposed.

CONSULTATION/ADVERTISING:

Five submissions and a petition with 67 signatures objecting to the proposal was received during the submission period, excerpts of which are as follows:

"The main reason for my objection ..is that for the health and safety of the residences of 2-18 Cavendish Street and 7-17 St Albans Avenue because of the close proximity of the two bin pads.

Furthermore, Department of Land Administration has advised... that the owner(s) of 156-158 Lincoln Street and their residents are not permitted to use the right of way that is parallel to Cavendish Street..."

"...there is an insufficient amount of parking bays available for the residents of 156-158 Lincoln Street. Some have more than one car. If the Council allows the owner(s) to put an additional 24 store rooms, hence removing the much needed car parking bays that are available, where would these residents park their cars?"

"...I notice from the plans that there will be extensive landscaping of the Lincoln Street frontage but apparently nothing to the rear of the units facing the laneway."

COMMENTS:

Density

The development proposes a 14 percent increase in the permitted dwelling density by virtue of the inclusion of secondary bedrooms to 12 of the existing dwellings. The site exists with 24, single bedroom dwellings and it is not considered that the inclusion of additional bedrooms will result in an unreasonable impact on the amenity of the surrounding area but rather, the proposed upgrading works will significantly contribute to an improvement on-site.

Setbacks

The proposed ground and first floor front setbacks proposed as a result of the additions are supported, given the pattern of reduced and varied setbacks along Lincoln Street. The variations to the side setbacks are supportable, given the absence of direct objection and it is not considered they would have an unreasonable adverse impact on the amenity of the area.

Car Parking

As outlined in Clause 4.3.1 (c) of the R Codes relating to car parking for multiple dwellings, 'at least one space shall be exclusive to each dwelling...'. The proposal details one bay each for the one and two bedroom dwellings which, given the current on-site situation whereby parking bays are not marked out nor paved, is supported and encouraged. Accordingly, it is considered that the provision of car parking for the dwellings is adequate and is in compliance with the intent of the R Codes.

Total Open Space

The variation to the total open space requirement can be supported, as the plans detail provision for private open space in terms of new functional courtyards to the ground floor units and improved balcony areas for 8 of the upper level dwellings. In addition, given the site's inner urban location, its proximity to Hyde Park and the adjacent rights of way providing the development with a sense of openness, the variation is considered acceptable.

Communal Open Space

The proposal provides some areas of communal open space and improved areas of private open space for the units. Notwithstanding the non-compliance with communal open space, the provision of private open space for each of the units is considered to be more beneficial and functional to the occupants of the dwellings and is more likely to be utilised than large areas of communal open space. Given the above, the non-compliance with the provision of communal open space is supported.

Rights of Way

The concerns regarding the rights of way are acknowledged however, the onus is on the applicant to ensure that a legal right of access over the rights of way for access to the property is in place and appropriate conditions to ensure this should be imposed.

Bin Stores

The adjoining landowners concerns regarding the location of the bin enclosure is acknowledged, however it is considered that providing the enclosure is constructed and maintained in accordance with the Town's Environmental Health requirements, the area should not have an unreasonable adverse impact on the amenity of the adjoining property.

Summary

The proposal represents a reasonable upgrade of the development on-site which currently have a particularly low level of amenity. The non-compliance with density, open space and car parking are considered supportable on the basis that the provision of basic storage and parking facilities are not currently provided on-site and the proposed works will result in a vast improvement to the immediate and surrounding area. It is therefore recommended that the application be approved, subject to standard and appropriate conditions to address the issues discussed above."

10.1.2 Further Report - Nos. 636-638 (Lot 98) Beaufort Street, Mount Lawley - Proposed Two-Storey Shop and Office and Associated Carparking, Involving Demolition of Existing Storeroom/Carport

Ward:	North Perth	Date:	15 October 2002
Precinct:	Mount Lawley Centre, P11	File Ref:	PRO1036 00/33/1233
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by P Phillips on behalf of the owners Phillips Properties Pty Ltd, for proposed two-storey shop and office and associated car parking, involving demolition of existing store room/carport at Nos. 636-638 (Lot 98) Beaufort Street, Mount Lawley, as shown on plans stamp-dated 23 July 2002 and 26 September 2002, subject to:

- (i) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (ii) a road and verge security deposit bond and/or bank guarantee of \$880 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iii) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the proposed awning complying with the Town's Policy relating to the Mount Lawley Centre, including the awning projecting to 0.5 metre of the road kerb and the depth of the fascia to be a maximum depth of 300 millimetres;*
 - (b) the provision of a bin storage area that is not visible from Beaufort Street;*
 - (c) the provision of one unisex shower and change room facility and 4 storage lockers;*
 - (d) a minimum of 10 per cent of the site to be landscaped and/or the installation of street furniture within the portion of the sidewalk contiguous with the subject allotment; and*
 - (e) the provision of one shade tree per every 4 car parking bays within the car parking area.*

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

- (v) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vi) *prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in -lieu contribution of \$14,075 for the equivalent value of 5.63 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2002/2003 Budget;*
- (vii) *a detailed landscaping plan, including a schedule of plant species, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (viii) *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;*
- (ix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (x) *prior to the first occupation of the development, four (4) bicycle parking rail(s) shall be provided, with at least two (2) of the rails at a location convenient to the entrance of Nos. 636-638 Beaufort Street, Mount Lawley. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (xi) *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;*
- (xii) *subject to first obtaining the consent of the owners of Lot 97 and Lot 99 Beaufort Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Lot 97 and Lot 99 Beaufort Street in a good and clean condition;*
- (xiii) *prior to the issue of a Building Licence, if required, the written approval of the Minister for Lands or the Western Australian Planning Commission, whichever is appropriate, for the encroachment of the structure(s) over the adjacent crown land, including roads, shall be obtained and submitted to and approved by the Town; and*
- (xiv) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*

to the satisfaction of the Chief Executive Officer.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 10 September 2002 received a Report relating to a proposed two-storey shop and office and associated car parking, involving demolition of existing storeroom / carport on the subject property. The Council determined to defer the application at the request of the applicant.

The applicant has submitted a revised car parking layout that reflects the applicant's liaison with the adjoining property owner of Lot 99 to design a more appropriate and effective use of land for car parking at the rear of the buildings with access connecting through to a rear right of way. Between Lot 98 and Lot 99 Beaufort Street, the proposed car park design will allow 16 car parking bays to be provided, with access provided through Lot 98 and adjoining Lot 97 to a Town owned and sealed right of way. This option allows the provision of 4 additional bays than could be provided if the lots were developed independently. However, the design equates to the majority of the car parking created being located on Lot 99, with only 6 of the possible 16 bays located on Lot 98.

The Council at its Ordinary Meeting held on 27 August 2002 conditionally approved a planning application for proposed alterations and additions to existing shop and office at adjacent Lot 99 Beaufort Street. This included Clause (ii), which stated as follows:

"the Council advises the applicant that the proposed car parking configuration and ramp does not form part of the Planning Approval and recommends that the Applicant contact the Town's Technical Services and Planning and Building Services to discuss the design, configuration and upgrade of the rear car parking areas"

The Town is in receipt of evidence that Lot 98 has a right of access through Lot 97 Beaufort Street to the right of way.

The applicant has requested that Council consider varying the cash-in-lieu contribution required, as the revised plans allow for additional car parks to be provided in the area than if the car parks were designed independently. The revised car parking layout is supported, however the resultant parking provided on Lot 99 is to cater for the use on that site. As there is no resultant surplus car parking on Lot 99, there is still a resultant short fall of 5.63 car bays on Lot 98 and therefore, it is considered appropriate that the cash-in-lieu contribution be made as previously reported to the Ordinary Meeting of Council on 10 September 2002. The cash-in-lieu contribution stated in clause (vi) of the previous recommendation was a typographical error, and should have stated a contribution of \$14 075 for 5.63 car bays, as detailed in the comments of the previous report.

In light of the above, the previous recommendation remains unchanged other than the above amendment to clause (vi), and new clause (xiv) relating to car parking dimensions.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 10 September 2002.

"OFFICER RECOMMENDATION:

That;

in accordance with the provision of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by P Phillips on behalf of the owners Phillips Properties Pty Ltd, for proposed two-storey shop and office and associated car parking, involving partial demolition of existing store room/carport at Nos. 636-638 (Lot 98) Beaufort Street, Mount Lawley, as shown on plans stamp-dated 23 July 2002, subject to:

- (i) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division.*
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- (ii) *a road and verge security deposit bond and/or bank guarantee of \$880 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
 - (iii) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
 - (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the proposed awning complying with the Town's Policy relating to the Mount Lawley Centre, including the awning projecting to 0.5 metres of the road kerb and the depth of the fascia to be a maximum depth of 300 millimetres;*
 - (b) *the provision of a bin storage area that is not visible from Beaufort Street;*
 - (c) *the provision of one unisex shower and change room facility and storage lockers;*
 - (d) *a minimum of 10 per cent of the site to be landscaped and/or the installation of street furniture within the portion of the sidewalk contiguous with the subject allotment; and*
 - (e) *the provision of one shade tree per every 4 car parking bays within the car parking area.*

The revised plans shall not result in any greater variation to the requirements of the Town's Policies;
 - (v) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
 - (vi) *prior to the issue of the Building Licence or first occupation of the development, whichever occurs first, the applicant/owner shall pay a cash-in -lieu contribution of \$17 187.35 for the equivalent value of 6.87 car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2002/2003 Budget;*
 - (vii) *a detailed landscaping plan, including a schedule of plant species, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
 - (viii) *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;*
 - (ix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
 - (x) *prior to the first occupation of the development, four (4) bicycle parking rail(s) shall be provided, with at least two (2) of the rails at a location convenient to the entrance of No. 636-638 Beaufort Street, Mount Lawley. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
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- (xi) *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;*
- (xii) *subject to first obtaining the consent of the owners of Lot 97 and Lot 99 Beaufort Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing Lot 97 and Lot 99 Beaufort Street in a good and clean condition; and*
- (xiii) *prior to the issue of a Building Licence, if required, the written approval of the Minister for Lands or the Western Australian Planning Commission, whichever is appropriate, for the encroachment of the structure(s) over the adjacent Crown land, including roads, shall be obtained and submitted to and approved by the Town;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.16

Moved by Cr Cohen, Seconded by Cr Hall

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

CARRIED (7-0)

(Crs Drewett and Piper absent from the meeting.)

LANDOWNER: *Phillips Properties Pty Ltd*
 APPLICANT: *P Phillips*
 ZONING: *Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - District Centre*
 EXISTING LAND USE: *Car park and store room/carport*

COMPLIANCE:

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Landscaping</i>	<i>10 per cent</i>	<i>Approximately 5 per cent</i>
<i>Awning over Beaufort Street</i>	<i>May project to within 0.5 metre of road kerb. Maximum depth of any fascia to a pedestrian awning to be 300 millimetres.</i>	<i>Projects within 0.2 metre of road kerb. Depth of fascia proposed to be 600 millimetres.</i>
<i>Use Class</i>	<i>Shop, Office</i>	
<i>Use Classification</i>	<i>'P', 'P'</i>	
<i>Lot Area</i>	<i>493 square metres</i>	

Car Parking:

<i>Car parking requirement (nearest whole number)</i>	<i>19 car bays</i>
<i>Apply the adjustment factors.</i>	<i>(0.612)</i>
<ul style="list-style-type: none"> ▪ <i>0.85 (within 400 metres of a bus stop)</i> ▪ <i>0.80 (within 50 metres of one or more public carparks in excess of 50 spaces)</i> ▪ <i>0.9 (within District Centre Zone)</i> 	<i>11.63 car bays</i>

<i>Minus the car parking provided on site.</i>	<i>6 car bays</i>
<i>Minus the most recently approved on site car parking shortfall.</i>	<i>N/A</i>
<i>Resultant shortfall.</i>	<i>5.63 car bays*</i>

**Refer to comments under "COMMENTS- Car parking"*

SITE HISTORY:

The site is currently used as a car park with a storeroom/carport at the rear of the property.

DETAILS:

The proposal involves the demolition of the existing store room/carport on the property.

The proposal involves the construction of a two-storey building with retail shops on the ground floor and office use upstairs. 6 car parking bays, including one disabled bay, are proposed at the rear of the building with access from a privately owned, unsealed right of way (ROW) at the rear.

CONSULTATION/ADVERTISING:

No submissions were received during the consultation period.

COMMENTS:

The proposal generally complies with the intent of the Town's Policy relating to the Mount Lawley Centre in terms of appropriate use, height, bulk and scale, and interaction with Beaufort Street.

Demolition of Store Room

The store room/car port is not considered to have any historical or social value and therefore its demolition is supported.

Car parking

The Town's Policy relating to Parking and Access, suggests that the Council may determine to accept a cash-in-lieu payment where the resultant shortfall is greater than 0.5 to provide and/or upgrade parking in other car parking areas. This would equate to a payment of \$14 075.

In accordance with the Town's Policy relating to Parking and Access, there is also a requirement for the provision of bicycle parking and end-of-trip facilities such as a male and female shower and lockers. In this instance, the policy requires that two (2) secure bicycle parking facilities are provided for staff, and two (2) low security bicycle parking facilities are provided for shoppers and visitors.

In this instance, the applicant requests a variation to the bicycle parking facility requirements due to the relatively small size of the block and the development. In this instance, it may be considered acceptable that a one shower be provided in the disabled toilet rather than one male and one female. It is acknowledged that the site is relatively small and secure bicycle facilities for staff may take up a large proportion of car parking area. In this instance it may be considered more appropriate for four (4) class 3 (low security) bicycle parking facilities to be provided.

Vehicular Access

When this property was previously used as a car park, it provided informal access to the rear of the adjoining properties. There is a privately owned ROW at the rear of the subject property, and through a legal agreement between some of the adjoining property owners access for these particular properties can be maintained.

Awnings

The proposed awnings over the Beaufort Street footpath does not strictly comply with the Town's Policy relating to the Mount Lawley Centre. It is recommended that approval be subject to revised plans being received and approved prior to the issue of a Building Licence showing the awning ending at least 0.5 metre before the road kerb, and the maximum depth of the fascia being 300 millimetres.

Landscaping

In accordance with the requirements of the Town's Policy relating to the Mount Lawley Centre, it is recommended that revised plans be submitted and approved demonstrating a minimum of 10 per cent of the lot being landscaped, or alternatively public art or street furniture being incorporated into the sidewalk contiguous with the subject allotment, at the discretion of the Town of Vincent.

Currently there is some landscaping proposed at the rear of the building around the car parking area. In accordance with the Town's Policy relating to Parking and Access, one shade tree is to be provided per four car bays. The applicant has advised that they will consider incorporating public art into the building to add visual interest to the streetscape.

Provision of Rubbish Bins

The plans submitted do not show the location of a bin storage area. The Town's Technical Services have advised that it is appropriate for 4 bins to be stored on site, and an appropriate location may be adjacent to the disabled bay, where they will not be visible from Beaufort Street. The rubbish bins will be collected and emptied where the privately owned ROW intersects with the ROW owned by the Town, where the trucks have enough room to manoeuvre.

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

10.1.3 Further Report - No.96 (Lot 185) Shakespeare Street, Mount Hawthorn - Proposed Additions and Alterations to Existing Single House

Ward:	Mount Hawthorn	Date:	14 October 2002
Precinct:	Mount Hawthorn, P1	File Ref:	PR00149 00/33/1300
Reporting Officer(s):	W. Bow		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

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

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

the Council REFUSES the application submitted by the owners M and J Barnao, for the proposed carport additions to an existing single house as shown on the plans dated 9 September 2002 at No. 96 (Lot 185) Shakespeare Street, Mount Lawley.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 8 October 2002 received a report relating to proposed additions and alterations to the existing house on the subject property and deferred its consideration of the application.

Prior to the Ordinary Meeting held on 8 October 2002 an alternative recommendation was prepared at the request of Councillor Helen Doran-Wu, recommending conditional approval of the application. In light of the above, if the Council is inclined to approved the proposal, a copy of this alternative recommendation is contained below.

"That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by the owners M and J Barnao, for the proposed additions and alterations to existing single house at No. 96 (Lot 185) Shakespeare Street, Mount Lawley as shown on plans dated 9 September 2002, subject to:

- (i) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the existing single house;*
- (iii) *no part of the carport roof, including gutters (other than metal beams) shall be setback nearer than 500 millimetres from the southern side boundary, and any columns within this setback shall be constructed from brick and/or metal not more than 350 millimetres in width or breadth;*
- (iv) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) *a footpath security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (vi) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (vii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Shakespeare Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; and*

to the satisfaction of the Chief Executive Officer."

The following is a verbatim copy of the Minutes of the Item presented to Council at its Ordinary Meeting held on 8 October 2002.

"That;

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

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

the Council REFUSES the application submitted by the owners M and J Barnao, for the proposed carport additions to an existing single house as shown on the plans dated 9 September 2002 at No. 96 (Lot 185) Shakespeare Street, Mount Lawley.

Moved by Cr Piper, Seconded by Cr Ker

That the recommendation be adopted.

COUNCIL DECISION ITEM 10.1.17

Moved by Cr Drewett, Seconded by Cr Piper

That this item be DEFERRED for further consideration.

CARRIED (7-0)

(Cr Cohen on leave of absence)

Cr Doran-Wu absent from the meeting

Cr Franchina departed the Chamber at 10.09pm and did not return to the meeting

LANDOWNER: *M and J Barnao*
APPLICANT: *M and J Barnao*
ZONING: *Metropolitan Region Scheme – Urban
Town Planning Scheme No. 1 – Residential R30*
EXISTING LANDUSE: *Single House*

COMPLIANCE:

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Setbacks</i>		
<i>Carport - Front</i>	<i>6 metres</i>	<i>0.4 metre</i>
<i>Southern side Patio -</i>	<i>1 metre</i>	<i>0.45 metre</i>
<i>Southern Side</i>	<i>1.5 metres</i>	<i>1.15 metres</i>
<i>Use Class</i>	<i>Single House</i>	
<i>Use Classification</i>	<i>'P'</i>	
<i>Lot Area</i>	<i>453 square metres</i>	

At the date of assessment of the proposal and preparation of this report, the Planning Application was assessed under the provisions of the Residential Planning Codes of Western Australia 1991 (R Codes 1991). The new Residential Design Codes of Western Australia (RD Codes 2002) are proposed to be gazetted on Friday 4 October 2002, therefore the application was not assessed under these provisions. Any variations between the R Codes 1991 and RD Codes 2002 can be considered and determined by the Council under clause 40 of the Town's Town Planning Scheme No.1.

SITE HISTORY:

The property currently accommodates a double storey dwelling. There is a Town owned sealed right of way along the rear of the property which is in good repair.

DETAILS:

An application has been received to construct a timber framed, pitched iron roofed carport located within the street setback area and to replace an existing patio at the rear of the property with a new timber framed, pitched clear sheet ("Laser Lite") roofed patio.

CONSULTATION/ADVERTISING:

One letter of objection was received during the advertising period and this can be summarised as follows:

- 1. The size of the proposed carport will impact the visual amenity;*
- 2. Previous access arrangements via the right of way at the rear of the property exist and do 3. not affect the visual amenity of the Shakespeare Street streetscape;*
- 3. Roof of the structure will be approximately 2500 millimetres from adjoining lounge room window, affecting interior light and external shading of adjoining property;*
- 4. Reduction in aesthetics and contribution to glare problems;*
- 5. Request for re-design of front carport to minimise impact; and*
- 6. No objection raised to the proposed patio building works to the rear of the property.*

COMMENTS:

The side setback variation to the proposed patio is considered acceptable as it follows the side setback of the existing dwelling, no objection to the patio was received, and it will not unreasonably adversely affect the amenity of the adjacent property.

The Town's Policies on Street Setbacks and Vehicular Access states that "car parking to be accessible from an existing right of way where (legally) available".

The proposed carport is within the street setback, however trafficable access to the rear of the property for parking purposes is available for this particular site. There is also area at the rear of the property to accommodate a single carport.

In light of the above, it is recommended that the proposed carport be refused."

10.1.4 Further Report - Nos. 433 - 437 (Lots 15 and 12) William Street and No. 4 (Lots 13 and 14) Brisbane Place, Northbridge - Proposed Three-Storey Backpackers Lodging House

Ward:	North Perth	Date:	15 October 2002
Precinct:	Beaufort; P13 and Hyde Park; P12	File Ref:	PRO 0495 00/33/1236
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

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

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Town's Policies relating to Hyde Park Precinct, Beaufort Precinct, Robertson Locality, Building Scale, Parking and Access, Non-Residential Uses in/or Adjacent to Residential Areas, and Street Setbacks; and*
- (iii) consideration of the objections received;*

the Council REFUSES the application submitted by John L Silbert and Associates Pty Ltd on behalf of the owners Cityrise Investments Pty Ltd, for the proposed three storey backpackers lodging house at Nos. 433-437 (Lots 15 and 12) William Street and No.4 (Lots 13 and 14) Brisbane Place, Northbridge, as shown on the plans dated 24 June 2002 and amended plans stamp dated 1 October 2002.

FURTHER REPORT:

The Council at its Ordinary Meeting held on 24 September 2002 resolved to defer consideration of the proposed Backpackers development *"to investigate the non-compliance matters."*

Modified drawings were submitted to the Town on 1 October 2002, which attempts to address the concern of the garages dominating the Brisbane Terrace streetscape. Open car bays have now been provided in lieu of the garages. Notwithstanding these modifications, this development still has a blank wall with no interactive openings to the ground floor, some 6 metres from Brisbane Terrace. The modifications also include the removal of the wing walls, which extended towards Brisbane Terrace, and the architectural style of the building, which now appears to be more compatible with traditional residential design.

The applicant has advised that they have had discussions with Elected Members in relation to the proposal. Following on from these discussions, a request was submitted by Councillor Simon Chester, which is summarised as:

- Car parking, there should be some contingency if more parking is required. Cash-in-lieu may be an option; and
- Noise Management, a management plan needs to be prepared to preserve the amenity of the adjoining residential area.

As there is a significant shortfall of 32 car parking bays, cash-in-lieu is not considered to be viable. Noise management should be addressed if the proposed development were to be approved.

Further information was to be submitted by the applicant in relation to justifying a reduction of the required car parking for the development, however no information has been submitted at the time of preparation of this report.

Compliance:

The modified plans submitted on the 1 October 2002, were assessed in accordance with the Town's Policies and new Residential Design Codes and as such the following Table demonstrates the compliance issues.

Requirements	Required	Proposed
Brisbane Place setback	4.0 metres to ground floor; 6.0 metres to upper level	6.0 metres to ground floor; 3.0 metres to upper levels
Side setbacks	Nil setback on commercial property; 1.8 metres setback for ground floor and 4.8 metres setback for upper levels on a residential property	Nil
Height	2 storey in residential zone; 7 metres maximum height (for a concealed roof)	3 storey in residential zone; 11.3 metres height
Use Class	Lodging house	
Use Classification	'SA'	
Land Area	1014 square metres	

Car Parking

Car parking requirement (nearest whole number) ▪ based on a residential building (1 space per 3 beds)	45 car parking bays required
Apply the adjustment factors ▪ 0.85 (within 400 metres of a bus stop)	(0.85) 38.25 carbays
Minus the car parking provided on site (6 car bays)	32.25 carbays
Minus the most recently approved on site car parking shortfall	nil
Resultant shortfall	32.25 car bays

Notwithstanding the above information, some of the main concerns as outlined in the previous report have not adequately been addressed by the applicant. Therefore, refusal of the proposed development is still recommended.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 24 September 2002:

“OFFICER RECOMMENDATION:

That;

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

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Town's Policies relating to Hyde Park Precinct, Beaufort Precinct, Robertson Locality, Building Scale, Parking and Access, Non-Residential Uses in/or Adjacent to Residential Areas, and Street Setbacks; and*
- (iii) consideration of the objections received;*

the Council REFUSES the application submitted by John L Silbert and Associates Pty Ltd on behalf of the owners Cityrise Investments Pty Ltd, for the proposed three storey backpackers lodging house at Nos. 433-437 (Lots 15 and 12) William Street and No.4 (Lots 13 and 14) Brisbane Place, Northbridge, as shown on the plans stamp dated 24 July 2002.

Moved by Cr Hall , Seconded by Cr Cohen

That the recommendation be adopted.

COUNCIL DECISION ITEM 10.1.19

Moved by Cr Hall, Seconded by Cr Chester

That this item be DEFERRED to investigate the non-compliance matters.

CARRIED (7-0)

(Cr Ker on leave of absence)

(Cr Piper - apology for the meeting)

*LANDOWNER(S): Cityrise Investments Pty Ltd
APPLICANT(S): John L Silbert & Associates Pty Ltd
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 -
Residential R80 and Commercial*

*EXISTING LAND USE: William Street - Vacant retail premises
Brisbane Place - Single house*

COMPLIANCE:

<i>Requirements</i>	<i>Required</i>	<i>Proposed</i>
<i>Brisbane Place setback</i>	<i>6 metres</i>	<i>Ground floor - Nil Upper levels - 4 metres</i>
<i>Side setbacks</i>	<i>Nil setback on commercial property and 3.0 metres setback on a residential property</i>	<i>Nil</i>
<i>Height</i>	<i>2 storey in residential zone 7 metres maximum height (for a concealed roof)</i>	<i>3 storey in residential zone 11.3 metres height</i>
<i>Street Setbacks</i>	<i>Garage less than 50 per cent of width of building frontage.</i>	<i>Garages adjacent to Brisbane Place 81 per cent width of building frontage.</i>
<i>Use Class</i>	<i>Lodging house</i>	
<i>Use Classification</i>	<i>'SA'</i>	
<i>Land Area</i>	<i>1014 square metres</i>	

Car Parking

<i>Car parking requirement (nearest whole number)</i> ▪ <i>based on a residential building (1 space per 3 beds)</i>	<i>45 car parking bays required</i>
<i>Apply the adjustment factors</i> ▪ <i>0.85 (within 400 metres of a bus stop)</i>	<i>(0.85) 38.25 carbays</i>
<i>Minus the car parking provided on site (6 car bays)</i>	<i>32.25 carbays</i>
<i>Minus the most recently approved on site car parking shortfall</i>	<i>nil</i>
<i>Resultant shortfall</i>	<i>32.25 car bays</i>

SITE HISTORY:

The site currently consists of a vacant commercial building fronting William Street and a single storey single house fronting Brisbane Place.

On 25 September 2001, the Council conditionally approved the demolition of the existing buildings.

DETAILS:

The proposal is for the development of a three storey backpackers lodging house. The development includes six (6) car parking spaces contained within garages located with a nil setback to Brisbane Place. The lodging house proposes 50 bedrooms, with each bedroom containing between two (2) to six (6) beds and a bathroom. Associated facilities include a cafe, lounge area, swimming pool, dining area, games room, gym, pinball parlor, internet lounge, TV lounge, kitchen area and communal laundry facilities.

In support of their submission, the applicant provided a detailed submission. The following is an extract of that information that is relevant to this proposal:

"While there is some parking on site parking is not considered a problem as the majority of backpackers do not travel the country in their own car but utilise public transport and the airlines.

Additionally there is a public bus service from outlying suburbs that run past the front door at very close intervals for access into the City and Central Bus and Train Stations. These stations are actually within short walking distance and there is a return to city bus service up Beaufort Street. There is also long term parking areas available within a very short distance.

On site car parking is not considered critical as most bookings are made from "walk-in" travellers.

A contract will be entered into with a bus company that provides regular transport to and from the Perth Airport and Railway Station to give direct access to both this Backpackers Project and the general accommodation venues in Northbridge."

CONSULTATION/ADVERTISING:

Three letters of objection were received during the consultation period. The concerns raised include;

- *The use is not appropriate to the residential area along Brisbane Place;*
- *The three storey bulk and scale;*
- *Loss of privacy and noise from north-west facing balconies; and*
- *Inadequate car parking facilities will result in on street parking.*

COMMENTS:

Building Height

The proposed building height of three storeys within the Beaufort and Hyde Park Precincts and the Town's Robertson Locality is not considered supportable as there is a general height limit of two storeys for the portion fronting Brisbane Place. This, together with the predominantly single and two storey development of the area, would result in the three storey development being out of character in terms of scale and bulk.

The Town's Policy - Building Scale states that a two storey building is to be a maximum of 7.0 metres to the top of the external wall (developments with a concealed roof). The proposed development is 11.3 metres in height, which is 4.3 metres over height, and is 1.3 metres over the maximum 9.0 metres height permitted for a three storey building.

Setback to Brisbane Place

In accordance with the requirements of the Town's Hyde Park Precinct, building setbacks from the street alignment shall be consistent with the setbacks on adjoining land and in the immediate locality. In this instance, the proposed nil setback of the garage to Brisbane Place is consistent with the neighbouring properties. This Precinct requirement is complemented with the Robertson Locality Policy, which generally requires a six metres minimum setback from the street to ensure that the amenity of the area is protected in terms of privacy, scale and bulk. The design of this facade, however, should provide more interaction with Brisbane Place and be more compatible with the existing residential development.

Side Setbacks

The variations to the south western and north eastern side setbacks are not considered supportable due to the unreasonable adverse impact on adjacent properties, in terms of overall height and associated building bulk of the nil setback walls.

Parking

The parking requirement of the lodging house is calculated in accordance with the Town's Parking and Access Policy. The nearest definition in this Policy is a residential building, which requires one bay per three beds. This results in a parking shortfall for the development of 32.25 parking bays. Whilst it can be argued that the majority of clients using the lodging house will not use a private vehicle, the extent of under-provision of parking on site may cause parking problems in the neighbouring residential area.

Awnings/Verandahs to William Street

The Beaufort Precinct also strongly encourages the provision of continuous and complementary awnings/verandahs over the adjacent footpaths, to provide adequate shelter to pedestrians. The proposed lodging house does not include any awnings to the William Street facade.

Lodging House within a Residential Zone

In accordance with the Town's Policy - Non-Residential Uses in/or Adjacent to Residential Areas, a proposed non-residential use is only permitted where there is not undue conflict through the generation of traffic and parking or the emission of noise or any other form of pollution, which may be undesirable on residential areas. The proposed lodging house may have some impact upon the neighbouring residential area in terms of parking and noise associated with the development.

Overall Development

The proposed development involves a significant number and extent of non-compliances with the relevant development requirements under the Town Planning Scheme No.1 and the associated Policies relating to, Hyde Park and Beaufort Precincts, the Robertson Locality, Building Scale, Parking and Access, Non-Residential Uses in/or Adjacent to Residential Areas, and Street Setbacks, which results in a development that will unreasonably adversely affect the streetscape and amenity of the area.

Accordingly, it is recommended that the proposed three storey backpackers lodging house development be refused for the reasons outlined above."

10.1.5 No. 109 (Lot 281) Alma Road, North Perth - Reconsideration of Conditions of Approved Additional Two-Storey Grouped Dwelling and Two-Storey Additions and Alterations to Existing Dwelling

Ward:	North Perth	Date:	15 October 2002
Precinct:	Smith's Lake, P6	File Ref:	PRO1968 (00/33/1329)
Reporting Officer(s):	S Robertson		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by the owner S Lieblich for the reconsideration of conditions of approved additional two-storey grouped dwelling and additions and alterations to existing dwelling on No.109 (Lot 281) Alma Road, North Perth and as shown on the plans stamp-dated 7 October 2002, subject to compliance with conditions of Planning Approval (Serial No. 00/33/0953) dated 19 April 2002 for the proposed additional two-storey grouped dwelling and two-storey additions and alterations to existing dwelling and conditions (iii) and (iv) of that Planning Approval being amended to read as follows:

"(iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to master bedroom 1 on the eastern elevation on the first floor of the proposed dwelling and the windows to master bedroom 1 and lounge on the southern elevation on the first floor of the proposed dwelling shall be screened with a permanent obscure material to a minimum height of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The obscure portion of the windows shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; and

(iv) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the southern side of the balcony accessible from the lounge on the first floor level of the proposed dwelling shall be screened with a permanent obscure material to a minimum height of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;

to the satisfaction of the Chief Executive Officer."

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

COMPLIANCE:

Use Class	Grouped Dwelling
Use Classification	"P"
Lot Area	607 square metres

All other matters relating to the proposal have previously been addressed in the agenda report (Item 10.1.3) to the Ordinary Meeting of Council held on 26 March 2002 in respect of the previous application.

SITE HISTORY:

26 March 2002 The Council at its Ordinary Meeting granted conditional approval for a proposed additional two-storey grouped dwelling and two-storey additions and alterations to existing dwelling. Conditions (iii) and (iv) of the Planning Approval read as follows:

- "(iii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to lounge on the western elevation on the first floor of the existing dwelling, the window to master bedroom 1 on the eastern elevation on the first floor of the proposed dwelling, the windows to master bedroom 1 and lounge on the southern elevation on the first floor of the proposed dwelling, and the windows to bedroom 3 and 4 on the western elevation on the first floor of the proposed dwelling shall be screened with a permanent obscure material to a minimum height of 1.4 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The obscure portion of the windows shall be fixed in a closed position and any higher part may be openable, or the whole window be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
- (iv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the western side of the balcony accessible from the lounge on the first floor level of the existing dwelling, and the western and southern sides of the balcony accessible from the lounge on the first floor level of the proposed dwelling shall be screened with a permanent obscure material to a minimum height of 1.4 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;"*

CONSULTATION/ADVERTISING:

The application was not required to be advertised as a similar proposal was previously advertised and determined by the Council within the last 12 months. No comments were received during the previous advertising period. The variation sought to the conditions of Planning Approval is accompanied by a written submission from the adjoining landowner.

DETAILS:

The application seeks reconsideration of conditions (iii) and (iv) of the Planning Approval granted on 26 March 2002 and issued on 19 April 2002, which related to screening of windows to address privacy concerns. The applicant has submitted a written submission from the adjoining landowners to the west stating that they have no objection to the windows being fully glazed in clear glass (without any obscure-glass screening) and have no objection to the balconies (without any screening).

In addition, the applicant has submitted the following information in support of the application:

"I attach a letter from my neighbours on the western side of the property...They have sheds and various structures in the backyard of their property, and ...they have inspected the Development Plans and they have no objection to the windows and balconies being constructed without any obscure material screening. This would give the occupants of the proposed dwellings a better outlook and more light."

A letter was received from the owner of the property to the south requesting that screening to habitable living spaces of the proposed new dwelling on the southern elevations be retained in order to protect the privacy of the adjoining property.

COMMENTS:

Overlooking

A variation to the privacy requirements of the Residential Design Codes to openings to habitable rooms/balconies in the western elevation of the proposal is supported under Clause 40 of Town Planning Scheme No. 1, as a written letter of no objection has been received from the potentially affected adjoining landowner.

Appropriate screening conditions should be retained to the windows on the first floor on the southern elevation in order to protect the privacy of the adjoining property.

It is considered that the proposal will not have an unreasonable adverse impact on the adjoining landowners and accordingly it is recommended that the proposal be approved, subject to similar conditions being applied to the previous Planning Approval dated 19 April 2002, with appropriate changes to address the above matters.

10.1.6 No.5 (Lot 43) Paddington Street, North Perth - Proposed Additional Two-Storey Grouped Dwelling to Existing Dwelling

Ward:	Mount Hawthorn	Date:	10 October 2002
Precinct:	North Perth, P8	File Ref:	PR01935 00/33/1311
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Norfolk Homes on behalf of the owners F & S Costa for the proposed additional two-storey grouped dwelling to the existing dwelling at No.5 (Lot 43) Paddington Street, North Perth and as shown on plans stamp-dated 25 September 2002, subject to:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to the rumpus room void and bedroom 3 on the eastern elevation and the window to bedroom 2 on the western elevation on the upper floor shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed;*
- (iii) subject to first obtaining the consent of the owners of No.3 Paddington Street, North Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No.3 Paddington Street, North Perth in a good and clean condition;*
- (iv) a road and verge security 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 Town's assets in the road reserve are reinstated to the satisfaction of the Town's Technical Services Division;*
- (v) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Paddington Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

- (vi) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Paddington 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);*
- (vii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (viii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (ix) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (x) *the wall/fence shall be no higher than 0.75 metre within a truncation of 1.5 metres by 1.5 metres to where a wall/fence adjoins a vehicle access point and where the driveway meets the footpath;*
- (xi) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (xii) *no car parking structures shall be erected within the front setback area adjacent to Paddington Street; and*
- (xiii) *compliance with all relevant Environmental Health, Building and Engineering requirements;*

to the satisfaction of the Chief Executive Officer.

Advice to applicant: *This approval has been assessed as a grouped dwelling, however you are advised to contact the Western Australian Planning Commission in relation to future subdivision of the property, as the future type of land tenure may be limited by the Residential Design Codes (R-Codes) gazetted on 4 October 2002.*

LANDOWNER: F & S Costa
APPLICANT: Norfolk Homes
ZONING: Metropolitan Region Scheme – Urban
Town Planning Scheme No. 1 – Residential R30/40
EXISTING LANDUSE: Single house

COMPLIANCE:

Use Class	Grouped dwelling
Use Classification	“P”
Lot Area	556 square metres

Requirements	Required	Proposed
Southern Side Setback -first floor	1.2 metres	1.0 – 2.0 metres
Western Side Setback - ground floor - ground floor garage - first floor	1.5 metres 1.0 metre 1.5 metres	1.0 metre nil 1.0 metre
Vehicle Accessway Width	minimum 3.0 metres	2.95 metres
Carparking	2 bays per dwelling	1 bay indicated for existing dwelling; 2 bays indicated for proposed dwelling.

SITE HISTORY:

- 26 February 2002 The Council at its Ordinary Meeting refused a similar application.
- 9 July 2002 The Council at its Ordinary Meeting refused an application for the development of an additional two-storey grouped dwelling to an existing dwelling.

DETAILS:

The applicant seeks approval for a two-storey grouped dwelling to the existing grouped dwelling. The applicant has amended the design of the proposal and has addressed the previously determined reasons for refusal, which were;

- “(i) *this application does not comply with the Town Planning Scheme, R-Codes or policies.*
- (ii) *The adverse affect on the neighbours.*
- (iii) *The necessary conditions would result in substantial amendments.”*

The main changes that have occurred to the current proposal compared with the previous proposal include:

- the relocation of the upper level bedroom 2 and 3 windows from the south elevation to the east and west elevation;
- an increase in the width of the accessway servicing the rear grouped dwelling;
- an increase in the amount of open space provided; and
- a redesign of the carport and accessway providing adequate vehicle manoeuvring area.

CONSULTATION/ADVERTISING:

The proposal was not advertised to neighbouring property owners, as an application for a similar proposal was recently advertised in May 2002. During this previous consultation two objections were received. The main concerns included overlooking and non-compliances with setbacks.

COMMENTS:

In support of their proposal, the applicant approached the immediate side neighbours and obtained written consent to the proposal, including the reduced side setbacks and boundary wall.

Setbacks

The western side setbacks are not considered to have an unreasonable affect on the adjacent property, given the concessions are relatively minor in nature and are not considered to have an unreasonable effect on the adjacent property. The boundary wall for the garage has a relatively short length (4.41 metres) and is single storey. Given this, together with the consent given from the abutting neighbouring property owner, the nil setback for the garage wall is considered supportable.

The southern setback upper floor concession is considered supportable as it is only a concession of 20 centimetres. Although the adjacent neighbouring property owner objected to this reduced setback, by increasing the setback by 20 centimetres will not noticeably alter their negative perception of a two-storey residence. There are no openings to this elevation, therefore no overlooking issues.

Vehicle Access Way

A 3.0 metres wide vehicle access way is required however, it has been the Planning and Building Services general practice to support under width vehicle access ways if an existing house is being retained and if it is demonstrated that adequate manoeuvring can be achieved. The proposed access way is 2.95 metres in width and as it is a minor variation is considered supportable in this instance. The Town's Heritage Officer has visited the site and has no objection to the partial demolition of the existing building to facilitate an increase in width of the assess leg.

Overlooking

There are no unreasonable overlooking issues with this development, as all upper level windows have been shown as opaque. The standard screening condition has been placed as a recommended condition, as it allows the applicant to modify their proposal in accordance with the privacy requirements of the new Residential Design Codes and the Town's Privacy Policy, while providing adequate light and ventilation.

Carparking

The front existing dwelling is proposed to have only one car bay in lieu of the required two bays. It is not considered unreasonable to support this relaxation, because it will not significantly negatively affect neighbouring properties nor dramatically affect the existing on street parking for Paddington Street. Within close proximity (approximately 500 metres) to the subject site there is a bus stop, which may also support the variation.

In light of the above, as the requested variations are not considered significant, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

10.1.7 Nos. 207 - 209 (Lots 10 & 11) Scarborough Beach Road (Corner Buxton Street), Mount Hawthorn – Alterations and Additions to Existing Two Dwellings, Demolition of Proposed Existing Transportable Building, and Change of Use to Child Care Centre.

Ward:	Mount Hawthorn	Date:	15 October 2002
Precinct:	Mount Hawthorn, P1	File Ref:	PRO 0723 00/33/1306
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the Town of Vincent Town Planning Scheme and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Netpoint Holdings P/L on behalf of the owner J G Spiteri for alterations and additions to existing two dwellings, demolition of existing transportable proposed building, and change of use to child care centre on Nos. 207-209 (Lots 10 & 11) Scarborough Beach Road, corner Buxton Street, Mount Hawthorn as shown on the plans dated 17 September 2002, subject to:

- (i) a maximum of 55 children shall be accommodated at any one time;*
- (ii) prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) the bin store area being relocated behind the front setback line;*
 - (b) the height of the open fencing adjacent to Buxton Street and the parking area being increased from 1.2 metres to 1.8 metres; and*
 - (c) a visual truncation of 2 metres by 2 metres being provided at the intersection of the driveways with the footpaths, at the cost of the owner.*

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

- (iv) all front fences and gates shall comply with the Town's Policy relating to Front Fences and Screen Walls, and full details shall be submitted and approved prior to the erection of such fences and gates;*

- (v) *a detailed landscaping plan, including a schedule of plant species, and the landscaping and reticulation of the Scarborough Beach Road and Buxton Street verges adjacent to the subject property, and the provision of one shade tree per four carparking bays, 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);*
- (vi) *no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*
- (vii) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (viii) *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;*
- (ix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (x) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (xi) *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; all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xiii) *prior to the first commencement of the child care centre, the centre shall be licenced/approved by Children's Services, and compliance with the Community Services (Child Care) Regulations 1988 (as amended);*
- (xiv) *a footpath security deposit bond and/or bank guarantee of \$880 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;*
- (xv) *the construction of crossovers shall be in accordance with the Town's specifications; and*
- (xvi) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: J G Spiteri
APPLICANT: Netpoint Holdings P/L
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No.1 - Residential R 40
EXISTING LAND USE: Two Residential Buildings and a Transportable Building

COMPLIANCE:

Requirements	Required	Proposed
Number of children	Maximum of 30 children on residential land	55 children
Enclosure of outdoor playing spaces	A brick wall with a minimum height of 1.8 metres	1.2 metres open style fence
Car parking	No car parking spaces are to be forward of the front/street building setback.	The proposed car parking bays are situated forward of the existing buildings.

Use Class	Day Nursery
Use Classification	'AA'
Lot Area	1333 square metres

SITE HISTORY:

26 June 1995 At its Ordinary Meeting Council resolved to conditionally approve a child care centre accommodating a maximum of 25 children.

The site is currently vacant, however the most recent use on the site has been a Plant Nursery.

DETAILS:

An application has been received for the use of the site as a child care centre. The applicant is the owner of Mulberry Tree Childcare. In support of their application, they provided the following information:

“We believe there is increasing demand for childcare in the area surrounding the proposed centre and in suburbs to the west where commuters into the city use Scarborough Beach Road. These suburbs, including Mount Hawthorn, are gradually changing to higher density living, with an increasing number of younger families with children. There are no other childcare centres in Mount Hawthorn to our knowledge and the proposed childcare will help to meet the growing needs of this community and suburbs to the west.

We have a childcare in a similar demographic in Tuart Hill, and that centre has been very successful due to a combination of meeting community needs and providing a very high quality of care. We could provide a similar high quality care at the proposed centre.

We have planned 11 parking bays at the site, sufficient for 55 children according to the Town’s Parking Policy. Access to the site would be from Buxton Street and via an existing crossover onto Scarborough Beach Road.

We will spend a substantial amount in upgrading the site, including removing an existing transportable building, and modifying the two other buildings on the lots to make them suitable for childcare. This upgrading should improve the visual amenity of the area.”

CONSULTATION/ADVERTISING:

There were no objections to the proposal received during the advertising period. One neighbouring property owner telephoned to express his support of the proposal.

COMMENTS:

Number of Children

The policy states that centres accommodating more than 30 children are generally not to be approved on residential land. In this instance, the property fronts onto Scarborough Beach Road, where there are numerous non-residential uses adjacent to the property. The proposed use is considered unlikely to have an undue detrimental impact to existing residents along either Scarborough Beach Road or Buxton Street.

As such, an increase in the number of children from 30 to 55 is considered supportable, in this instance.

Enclosure of Outdoor Play Areas

The proposal includes a large outdoor play area adjacent to Buxton Street. This area is proposed to be fenced with open style fencing to 1.2 metres in height. The Town's Policy for Child Care Centres requires that:

"In order to maintain a sufficient standard of security for children and privacy for adjoining residents, outdoor playing spaces are to be completely enclosed by means of fencing with a minimum height of 1.8 metres constructed of brick and/or timber..."

In this instance, as the outdoor playing area with open style fencing is adjacent to the Buxton Street frontage, and to promote casual surveillance and interaction between the development and Buxton Street, it is considered supportable to not require solid fencing. However, it is recommended that the open fencing be increased in height from 1.2 metres to 1.8 metres, to improve the standard of security for the children playing in that area.

Carparking

The proposal includes provision of car parking in accordance with the Town's Parking and Access Policy. The location of the car parking bays is restricted due to the existing buildings on site and as the property is on a corner. In order to reduce the visual impact of the parking on the streetscape, areas of landscaping are proposed. However, it is recommended that a condition of approval be imposed to provide shade trees (one tree per four parking bays) and to landscape, reticulate and maintain the adjacent verge areas.

Given the constraints on site, the location of the car parking bays is considered supportable, in this instance.

Bin Store

The proposed bin store area is located adjacent to Buxton Street, alongside one of the existing buildings. To reduce the visual impact of the bin store on the streetscape, it is recommended to relocate it behind the existing building setbacks.

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

10.1.8 No.19 (Lot 46) Daphne Street, North Perth - Proposed Single Storey Additions, Alterations and Carport to Existing Single House

Ward:	Mount Hawthorn	Date:	16 October 2002
Precinct:	Smith's Lake, P6	File Ref:	PR01903 00/33/1341
Reporting Officer(s):	S Ward		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Rimini Homes on behalf of the owner S Thanissorn for the proposed single storey additions, alterations and carport to the existing single house on No. 19 (Lot 46) Daphne Street, North Perth and as shown on the plans received 25 September 2002, subject to:

- (i) the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted);*
- (ii) the construction of crossovers shall be in accordance with the Town's specifications; and*
- (iii) compliance with all relevant Environmental Health, Building and Engineering requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: S Thanissorn
APPLICANT: Rimini Homes
ZONING: Metropolitan Region Scheme – Urban
Town Planning Scheme No. 1 – Residential R30
EXISTING LANDUSE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
Carport		
Southern side - Dwelling	1.0 metre	750 millimetres
Southern side -	1.7 metres	700 millimetres
Use Class	Single House	
Use Classification	'P'	
Lot Area	359 square metres	

SITE HISTORY:

The property currently accommodates a brick and pitched metal roof dwelling. The surrounding area is characterised by dwellings with carports in the front setback area. There is a privately owned sealed right of way along the rear of the property.

DETAILS:

An application has been received to construct single storey additions, alterations and carport to the existing single house. The proposed carport will be within the front street setback area and complement the existing dwelling.

CONSULTATION/ADVERTISING:

No comments were received during the consultation period.

COMMENTS:

Side Setbacks

The variation to the side setback to the proposed dwelling additions and carport are generally acceptable in the context of the amenity of the area, and no objection received from the affected neighbour.

Carport

The Town's 'Street Setbacks' Policy and the Residential Design Codes (R Codes) has regard to carports in the front setback area, and provides for car parking to be accessible from an existing right of way where available, and provided its width is no more than 50 per cent of the frontage.

A site inspection has revealed that due to the narrow width (3.0 metres) and configuration of the right of way (90 degree bends), manoeuvring a standard vehicle to the rear of the property via the right of way would be difficult, therefore, access from the right of way is not reasonably practical. This has been confirmed by the Town's Engineering Services.

The carport width is only some 36 per cent of the front elevation of the existing main dwelling and 32 per cent of the lot frontage, and will allow an unobstructed view between the dwelling and street.

The design, profile and finishes of the proposed carport are considered acceptable in terms of compatibility with the existing dwelling.

Due to the scale of the existing dwelling and proposed additions, the proposal will not overshadow more than 35 per cent of the adjoining property in accordance with the R Codes.

Summary

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

10.1.9 No. 5 (Lot 25) Waugh Street, North Perth - Proposed Alterations and Two-Storey Additions to and Partial Demolition of Existing Single House

Ward:	Mount Hawthorn	Date:	10 October 2002
Precinct:	North Perth, P8	File Ref:	PRO1460 00/33/1275
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner R Munro for proposed alterations and two-storey additions to and partial demolition of existing single house at No. 5 (Lot 25) Waugh Street, North Perth, as shown on plans stamp-dated 23 August 2002 and 15 October 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Waugh Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iii) a detailed landscaping plan, including a schedule of plant species, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the town's parks services section;*
- (v) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the eastern side of the balcony accessible from parents room on the first floor level shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level, or otherwise screened to comply with clause 3.8.1 of the Residential Design Codes 2002. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (vi) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title 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.*

- (vii) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (viii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (ix) *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 Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing; and*
- (x) *to protect the reasonable privacy of the adjoining residents, the windows to the parents room on the western elevation shall not exceed one square metre in aggregate, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: R Munro
APPLICANT: R Munro
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - Residential R30/40
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks - Side - western	2.1 metres to two storey	1.3 metres
Privacy	7.5 metres from unenclosed outdoor habitable spaces to boundary	4.5 metres to eastern boundary from first floor balcony
Use Class	Single House	
Use Classification	'P'	
Lot Area	491 square metres	

SITE HISTORY:

The subject place is a brick and tile dwelling that was constructed circa 1922. The place has undergone alterations to the front verandah, windows and roofing material. The place is not listed on the Town's Municipal Heritage Inventory.

DETAILS:

The proposal involves the demolition of a rear lean-to extension, which is not a part of the original 1922 dwelling.

The additions involve an extension to the rear and the addition of a second storey positioned towards the rear of the property.

CONSULTATION/ADVERTISING:

Two objections were received during the advertising period. Concerns raised included, bulk and scale of the proposal, setbacks, overshadowing and site coverage.

COMMENTS:

Bulk and Scale

The proposal complies with the building scale requirements of the Residential Design Codes 2002 (R Codes) and the Town's Policy relating to Building Scale, and is therefore not considered to have an unreasonable effect on the amenity of the adjoining properties, and the streetscape.

Overshadowing

Due to the orientation of the subject lot, the proposal is not considered to cause significant overshadowing to the adjoining property, in that less than 35 per cent of the adjoining property is overshadowed at midday on 21 June in accordance with the R Codes. The resulting shadow would cast south over the rear of the subject property.

Site Coverage / Open Space

The proposal complies with the open space requirement of the R Codes, in that greater than 45 per cent of the lot is open space.

Privacy

The R Codes state that overlooking of adjoining active habitable spaces and outdoor living areas should be avoided. It is considered that there is potential overlooking from the proposed balcony off the parents room on the first floor on the eastern elevation into the adjoining backyard. The balcony is less than 7.5 metres from the eastern property boundary, which is considered an appropriate separation distance in the R Codes. The applicant is proposing to plant mature tree species along the eastern property boundary to provide a screening barrier. It is also noted that the affected adjoining property owner has not objected to this balcony.

It is considered appropriate that screening to the eastern side of the balcony be imposed, to prevent unreasonable overlooking into the adjoining eastern property. Accordingly, revised plans should be submitted prior to the issue of a Building Licence satisfying the requirements of the R Codes.

Setbacks

The proposal involves a continuation of the existing building line down the western property boundary. It is unlikely that setting back this portion of the building to comply with the R Codes will achieve a greater perceived improvement to the adjoining properties amenity in terms of bulk and scale. The windows to the parents room are classified as minor opening and not considered to unreasonably impact on the adjoining properties privacy. Accordingly, the proposed variation to the second storey setback requirements is considered to be minor and this variation is supported.

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

10.1.10 No. 2A (Lot 106) Campsie Street, North Perth - Proposed Two-Storey Single House

Ward:	North Perth	Date:	14 October 2002
Precinct:	Smith's Lake, P6	File Ref:	PRO 1317 00/33/1321
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by B Kapor on behalf of the owners B and A Kapor for a proposed two-storey single house at No. 2A (Lot 106) Campsie Street, North Perth, as shown on plans stamp-dated 7 October 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the kitchen window on the southern elevation be modified so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to bedroom 3 on the eastern elevation, and the window to the bedroom 4 on the western elevation, shall have a sill height of 1.6 metres, or shall not exceed one square metre in aggregate, respectfully, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (iv) prior to the issue of a Building Licence, the subject land shall be subdivided as generally shown on the approved plans on Certificates of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to subdivide the subject land as generally shown on the approved plans within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (v) subject to first obtaining the consent of the owners of No. 2A Campsie 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. 2A Campsie Street in a good and clean condition;*

- (vi) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to the right of way shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
 - (vii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant;*
 - (viii) *the construction of crossovers shall be in accordance with the Town's specifications;*
 - (ix) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
 - (x) *prior to the issue of a Building Licence, revised plans and/or supporting documentation shall be submitted and approved demonstrating a pedestrian access way with a minimum width of 1.06 metres along the length of the existing dwelling, and a minimum width of 1.5 metres for the remaining length from Campsie Street to the proposed rear lot / dwelling being provided, and thereafter constructed prior to the first occupation of the proposed dwelling; or*
prior to the first occupation of the proposed dwelling, the full length and width of the right of way from Campsie Street to the eastern boundary of the subject land shall be upgraded into and provided as a dedicated road, and sealed, drained, paved, lit and sign posted to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense in accordance with Policy relating to Rights Of Way - "Dedication of";
 - (xi) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
 - (xii) *prior to the first occupation of the development, the full length and width of the right of way from Campsie Street to the eastern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense; and*
 - (xiii) *the pergola shall remain an unroofed open-framed structure;*
- to the satisfaction of the Chief Executive Officer.*
-

LANDOWNER: A and I Kapor
APPLICANT: I Kapor
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - Residential R40
EXISTING LAND USE: Vacant

COMPLIANCE:

Requirements	Required	Proposed
Setbacks - Front	4 metres to main dwelling 4.5 metres to garage 3 metres to porch 3 metres to balcony	1.4 metres to main dwelling 1.4 metres to garage 0 metre to porch 0 metre to balcony
- Rear - south	1.5 metres for ground floor	1 metre to kitchen
- Side - west	1 metre to garage	0 metre to garage
Use Class	Single House	
Use Classification	'P'	
Lot Area	217 square metres	

SITE HISTORY:

8 December 1997 A Building Licence was issued for a single dwelling at No. 2A (Lot 106) Campsie Street, North Perth.

26 July 1999 The Town recommended approval to the Western Australian Planning Commission (WAPC) for the survey strata subdivision of No. 2A (Lot 106) Campsie Street, North Perth, into two lots (281 square metres and 218 square metres, respectively), with no common property.

25 October 1999 The WAPC approved a survey strata subdivision of No. 2A (Lot 106) Campsie Street, North Perth into two lots in a similar configuration to the current application.

Condition 3 of the WAPC approval states the following:

"The applicant obtaining development approval from the Council for a grouped dwelling on the proposed vacant strata lot to the satisfaction of the Western Australian Planning Commission;"

Condition 4 of the WAPC approval states the following:

"The full length of the right of way from Campsie Street to the eastern most boundary of the subject land being sealed, drained and paved full width to the satisfaction of the Western Australian Planning Commission."

The applicant has not yet satisfied these conditions, hence a survey strata subdivision has not yet been created. This approval from the WAPC is valid for three years, that is, until 25 October 2002.

- 13 August 2002 At the Ordinary Meeting, the Council received a report regarding an identical application and deferred its decision as the owner was not able to address Council.
- 27 August 2002 At the Ordinary Meeting, the Council determined to refuse the application for the following reasons:
- "(i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
 - (ii) *the non-compliance with the density, setback, total open space and plot ratio requirements of the Residential Planning Codes (R-Codes)."*

Under the Residential Design Codes 2002 (R Codes) this proposal is considered to be a single house, and therefore assessed in isolation of the existing house at No. 2 Campsie Street. Hence, there are noticeable differences between this report and reports previously considered by Council.

As part of this application, the applicant has advised that they wish to initiate the dedication of the adjoining right of way (ROW). This would join up with the dedicated ROW created as part of the development of "Richmond on the Park". Accordingly, should the dedication of the ROW be approved, there will be no need for a pedestrian access way down the side of the existing house at No. 2A Campsie Street for the collection of mail and rubbish bins, and for the provision of services, as they can be put down the dedicated road.

The Town's Technical Services have advised that the ROW has an adequate width to be a dedicated road. Should the Town determine to approve the application subject to the ROW becoming a dedicated road, it is considered appropriate that the bollards at the end of this ROW are removed so that the new dedicated road will connect through to the currently unnamed dedicated road created as a part of the "Richmond on the Park" subdivision/development that connects to Toorak Rise. At such a time, the Town's Technical Services will undertake an assessment of lighting in the ROW to determine if additional lighting is required. Any costs associated with the dedication of the ROW, including lighting, drainage and sealing of the ROW, should be conditioned to be at the cost of the applicant.

DETAILS:

The proposal involves the construction of a two-storey single house. As part of the application the applicant intends to initiate the dedication of the adjoining ROW for vehicular and pedestrian access.

CONSULTATION/ADVERTISING:

The proposal was not advertised as a similar application has been advertised and considered by Council within the previous 12 months. Three submissions were received during the previous consultation period. Concerns related to a reduction in direct natural sunlight in the backyard of the adjoining property, and variations to open space and setbacks. One objector has spoken to the owner and understands that the house will be 700-800 millimetres above the adjoining property, and they would like the retaining wall to conform to relevant Australian Standards and also requested if it would result in the existing bollards being removed from Toorak Rise to allow easier entry into Campsie Street.

COMMENTS:

Pedestrian Access Way and Dedication of ROW

The applicant is unable to provide a pedestrian access way, with a minimum width of 1.5 metres, to Campsie Street, as required for the collection of mail and rubbish bins and provision of services, due to the location of the existing house. Therefore, the Town recommends that the ROW be made into a dedicated road in order to provide legal access for vehicles, pedestrians and provision of services to the proposed dwelling. As this dedicated road will predominantly benefit the subject property, it is considered appropriate that all cost associated with the dedication of the ROW be met by the applicant/owner. If this dedication does not proceed, the applicant is required to provide a pedestrian access way down the side of the existing house with a minimum width of 1.06 metres adjacent to the existing house and 1.5 metres wide for the remaining length from Campsie Street to the rear lot / dwelling.

Front Setback

The proposed dwelling has a 1.4 metres setback to the (to be) dedicated road, with a cantilevered balcony and porch with a zero setback to the ROW. This variation is supported in this instance, due to the small size of the block and as it is considered to be a minor road accessing a minimal number of dwellings. The dwelling addresses the (to be) dedicated road, providing passive overlooking and interaction, which is encouraged. It is considered appropriate that the Town's Policy relating to Street Walls and Fences is applied to this northern property boundary, requiring a visually permeable fence so that visual interaction and passive surveillance of the street is maintained.

Rear Setback

The new Residential Design Codes (R Codes) has a new definition of a major opening. The window to the kitchen is now considered to be a major opening as it has a greater area than 1 square metre. Accordingly, in order to comply with this setback, it is recommended that approval be subject to revised plans being received and approved showing modifications to this window so that it is no longer considered a major opening as defined by the R Codes.

West Setback

The proposed parapet wall for the garage on the western property boundary is considered supportable as it is a minor variation, the adjoining property is owned by the same land owner, abuts onto the existing house, and does not unduly affect the amenity of the adjoining property.

Total Open Space, Plot Ratio and Overshadowing

In accordance with the new R Codes, the proposal complies with these requirements and therefore the proposal is not considered to unduly detrimentally affect the amenity of the adjoining properties or streetscape in this regard.

Retaining Walls

One submission received raised concerns regarding the proposed retaining walls. The retaining walls will be assessed as a part of the Building Licence application to ensure that they comply with the relevant standards.

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

10.1.11 No. 68 (Lot 95) Wasley Street, North Perth - Proposed Alterations and Additions to, and Including a New Cellar and Carport to the Existing Grouped Dwelling

Ward:	Mount Hawthorn	Date:	14 October 2002
Precinct:	Norfolk, P10	File Ref:	PRO1812 (00/33/1228)
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the landowners A J Burns and D J Dragojevich for proposed alterations and additions to, and including a new cellar and carport to the existing grouped dwelling at No.68 (Lot 95) Wasley Street, North Perth, and as shown on plans stamp dated 19 July 2002 and elevations dated 2 October 2002, subject to;

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the carport being setback a minimum of 300 millimetres from the front boundary of the lot;*
- (ii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Wasley Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fence and gate being visually permeable, with a minimum 50 per cent transparency. No gate shall open onto the road reserve;*
- (iv) no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*
- (v) the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted);*
- (vi) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vii) the construction of crossovers shall be in accordance with the Town's specifications;*
- (viii) compliance with all relevant Environmental Health, Engineering and Building requirements; and*

(ix) *subject to first obtaining the consent of the owners of No. 70 Wasley 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. 70 Wasley Street in a good and clean condition;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: A J Burns and D J Dragojevich
APPLICANT: A J Burns and D J Dragojevich
ZONING: Metropolitan Region Scheme – Urban Town Planning Scheme No.1 – Residential R40
EXISTING LAND USE: Single Residence

COMPLIANCE:

Requirements	Required	Proposed
Setbacks West	1.0 metre	Nil - 1.96 metres (existing)
Use Class	Grouped Dwelling	
Use Classification	'P'	
Lot Area	1012 square metres	

SITE HISTORY:

The property currently accommodates a brick and iron dwelling. Surrounding landuses are characterised by predominately single residential development.

DETAILS:

Approval is sought for alterations and additions to the existing dwelling, including a new cellar, and a carport within the front setback area.

CONSULTATION/ADVERTISING:

Nil submissions were received during the advertising period.

COMMENTS:

Setbacks

The location of the proposed carport within the front setback is acceptable, given the existence of similar structures along Wasley Street, and allows separation between the carport and the front of the dwelling to maintain its visual appearance and traditional setting as much as possible. A condition should require that the carport achieve a minimum setback of 300 millimetres from the front boundary to provide a minimum sense of separation from the street.

It is considered that the western side setback variations comply with clause 3.3.1 of the Residential Design Codes (R Codes), do not present an unreasonable loss of amenity for the adjoining property and is accordingly supported.

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

10.1.12 No.314 (Lot 12) Vincent Street, Nos.177-179 (Lots 9 &10) Oxford Street and No.2 (Lot 4) Stamford Street, Leederville - Proposed Screening of Balconies to Units 4, 5, 6, 10, 11 and 12 in Block A, Units 15, 16, 19, 20, 23 and 24 in Block B and Units 27, 28, 32 and 33 in Block C to Approved Development of Five, Two-Storey Grouped Dwellings, Six Offices and Fifty-Eight (58) Multiple Dwellings

Ward:	North Perth	Date:	15 October 2002
Precinct:	Oxford Centre, P4	File Ref:	PRO1469 00/33/1331
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the applicant Spowers Architects on behalf of the landowner Cape Bouvard Developments Pty Ltd for proposed screening of balconies to units 4, 5, 6, 10, 11 and 12 in Block A, units 15, 16, 19, 20, 23 and 24 in Block B and units 27, 28, 32 and 33 in Block C to approved development of five, 2-storey grouped dwellings, six offices and fifty-eight (58) multiple dwellings on No.314 (Lot 12) Vincent Street, Nos.177-179 (Lots 9 &10) Oxford Street and No.2 (Lot 4) Stamford Street, Leederville and as shown on the plans stamp-dated 10 October 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements; and*
- (ii) compliance with the conditions of Planning Approval (Serial No. 00/33/0532) dated 29 May 2001 for the proposed demolition of an existing dwelling, a commercial building and former RAAF demountable buildings; and alterations, additions and partial demolition to a former RAAF Drill Hall and development of five, 2-storey grouped dwellings, six offices and fifty-eight (58) multiple dwellings; and condition (xviii) of that Planning Approval being addressed under this approval in relation to units 4, 5, 6, 10, 11 and 12 in Block A, units 15, 16, 19, 20, 23 and 24 in Block B and units 27, 28, 32 and 33 in Block C;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: Cape Bouvard Developments Pty Ltd
APPLICANT: Spowers Architects
ZONING: Metropolitan Region Scheme: Urban and Other Regional Road
Town Planning Scheme No.1: Residential/ Commercial R80, Commercial and Other Regional Road
EXISTING LAND USE: Former RAAF drill hall and five, 2-storey grouped dwellings, six offices and fifty-eight (58) multiple dwellings, currently under construction.

COMPLIANCE:

Requirements	Required	Proposed
Previous Policy Relating to Privacy and Overlooking	Minimum acceptable standard of screening shall be lattice battens with openings no greater than 50 millimetres by 50 millimetres to a minimum height of 1.4 metres above the deck of the balcony or the like	Minimum 30 millimetres opening gaps between 120 millimetres high horizontal panels.
R Codes	Major openings to be screened to a minimum height of 1.6 metres above the finished floor level	Minimum 30 millimetres opening gaps between 120 millimetres high horizontal panels.
Use Class	Office Building; Grouped Dwellings; Multiple Dwellings	
Use Classification	Commercial Zone - 'P'; 'AA'; 'AA' Residential/Commercial R80 Zone - 'AA'; 'P'; 'P'	
Lot Area	6943 square metres	

SITE HISTORY:

The Council at its Ordinary Meeting held 22 May 2001 conditionally approved the demolition of an existing dwelling, a commercial building and former RAAF demountable buildings; and alterations, additions and partial demolition to a former RAAF Drill Hall and the development of five, 2-storey grouped dwellings, six offices and fifty-eight (58) multiple dwellings.

A Building Licence in accordance with the above was issued on 20 December 2001.

DETAILS:

Approval is sought to use an alternative form of screening for the proposed balconies to units 4, 5, 6, 10, 11 and 12 in Block A, units 15, 16, 19, 20, 23 and 24 in Block B and units 27, 28, 32 and 33 in Block C. Samples of the proposed screening and lattice are displayed with the proposed plans.

The conditional Planning Approval issued 29 May 2001 included condition (xviii) relating to the screening of a number of balconies to the proposed development as follows:

*"(xviii) prior to the first occupation of the development, the balconies to the living rooms of the two southern-most dwellings in Block B on the first, second and third floor levels on the western elevation, the balconies to the living rooms of the dwellings in Block A on the first and second floors on the northern elevation, and the two western-most balconies to the dwellings in Block C on the first and second floors on the northern elevation, shall be screened a minimum height of 1.4 metres above the respective balcony finished floor level with the minimum standard of screening being fixed material with openings no greater than 50 millimetres by 50 millimetres;
"*

In support of the proposal, the applicant writes:

"....The current condition allows for an off the shelf timber lattice screen with a transference/permeability of up to 50% - 70%.

*We wish to offer an alternative for Council's consideration which is as follows:
Horizontal Stained Timber Slats 120 millimetres high, with 30 millimetres gaps between. The timber is proposed to be encased in an aluminium frame which matches the balustrading proposed. The proposed solution has a visual permeability/transparency of 25%....Our proposal has a significantly lower transparency, compared to that of the complying screen. Hence offers greater privacy to adjoining owners.
..."*

CONSULTATION/ADVERTISING:

The current planning application was not formally advertised, as it represents a minor amendment to the previous Planning Approval, and is being referred to the Council for its determination. Nevertheless, the comments of an adjoining affected landowner, who objected to the previous proposal, were sought in relation to the alternate screening proposal however, written consent was not forthcoming.

COMMENTS:

The proposed screens sufficiently meet the intention of the Town's previous Policy relating to Privacy and Overlooking. Clearly, the horizontal opening does not comply with the required 50 millimetres maximum however, in terms of visual permeability, the proposed screens decrease visual permeability and unreasonable overlooking from the balconies by virtue of the smaller horizontal openings when compared to lattice.

It is considered that the proposal will not have an unreasonable adverse impact on the adjoining landowners or the Oxford Centre in general and exceeds the intention of the Town's previous Policy Relating to Privacy and Overlooking with regard to the screening of the balconies. Accordingly, it is recommended that the proposal be approved, subject to standard conditions and similar conditions applied to the previous Planning Approval dated 29 May 2001 and condition (xviii) of that Planning Approval being addressed under this approval in relation to units 4, 5, 6, 10, 11 and 12 in Block A, units 15, 16, 19, 20, 23 and 24 in Block B and units 27, 28, 32 and 33 in Block C.

10.1.13 No.4 (Lot 35) Vine Street, North Perth - Proposed Additional Two-Storey Grouped Dwelling (Involving Conversion of Existing Two-Storey Garage and Loft) to Existing Dwelling

Ward:	Mount Hawthorn	Date:	16 October 2002
Precinct:	Smith's Lake, P6	File Ref:	PRO1854 (00/33/1280)
Reporting Officer(s):	H Coulter, P Mastrodomenico		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by C Mark on behalf of the landowners C A and J L Mark for a proposed additional two-storey grouped dwelling (involving conversion of existing two-storey garage and loft) to existing dwelling at No.4 (Lot 35) Vine Street, North Perth, and as shown on amended plans dated 16 October 2002, subject to:

- (i) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Vine Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) *prior to the first occupation of the proposed dwelling, 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 of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (iii) *a right of way security bond and/or bank guarantee for \$880 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
- (iv) *prior to the first occupation of the development, the full length and width of the right of way from Vine Street to the northern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (v) *a bond and/or bank guarantee for \$10 000 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*

- (vi) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (viii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (ix) *a detailed landscaping plan, including a schedule of plant species, the landscaping and reticulation of the Vine Street verge adjacent to the subject property, and the landscaping of the perimeter of the proposed new dwelling with mature trees to a minimum height of 3 metres when planted to reduce the visual impact of the development from adjoining properties, shall be submitted and approved prior to the first occupation of the proposed dwelling. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (x) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the proposed dwelling, the three bedrooms and living room/kitchen on the eastern and western elevations respectively, on the first floor shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished ground floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed;*
- (xi) *prior to the first occupation of the development, the existing dwelling shall be provided with a store, not visible from the adjacent street(s), accessible from the outside, and of a minimum area of 4 square metres and a minimum dimension of 1.5 metres. The store shall be provided as a weatherproof enclosure with a lockable door and be built in materials compatible with the development;*
- (xii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (xiii) *no car parking structures shall be erected within the front setback area adjacent to Vine Street; and*
- (xiv) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER:	J L & C A Mark
APPLICANT:	C Mark
ZONING:	Metropolitan Region Scheme – Urban Town of Vincent Town Planning Scheme No.1 – Residential R40
EXISTING LAND USE:	Single House and Two-Storey Garage/Loft

COMPLIANCE:

Requirements	Required	Proposed
R Codes	Minimum 4.5 metres setback between bedroom and boundary	3.0 metres
R Codes	Minimum 6.0 metres setback between living room/kitchen and boundary	3.0 metres
Store	4 square metres store for each dwelling	Store not shown for existing dwelling
Town's Vehicular Access Policy	Where available, on-site parking to be accessed from a right of way	Parking within front setback area (2 bays)
Use Class	Grouped Dwelling	
Use Classification	'P'	
Lot Area	493 square metres	

SITE HISTORY:

The property is located on the eastern side of Vine Street between Alma and View Streets. A private, unsealed right of way, approximately three metres in width, exists along the rear of the property.

The Town issued a Building Licence for a two-storey garage addition to the existing dwelling on 20 March 2001. The Licence was issued subject to, among other conditions, *'the structure not being used for industrial, commercial or habitable purposes'*.

5 April 2001,
7 May 2001 &
9 May 2001

Three separate complaints regarding likely use of structure under construction to be used for habitable purposes.

22 August 2001

Planning, Building and Environmental Health Officers visited the site and observed that the structure is being used for habitable purposes. Aspects of the accommodation indicated that the structure was being used for short-term tenants not related to the owner. Additional building works including internal doors and walls and an external window, forming additional rooms such as a kitchen, bathroom, and three bedrooms were also observed.

20 September 2001

Notices pursuant to the Health Act 1911, the Town Planning and Development Act, Town Planning Scheme and Local Government Act were served on the owner.

3 October 2001

Meeting held with owner Mr Mark, Chief Executive Officer and Manager, Planning Building Services.

11 October 2001

Owner appealed against the Building Notice served pursuant to the Local Government Act.

23 October 2001

The Executive Director, Public Health advised the Town that an appeal had been lodged against the Health Notice.

- 29 October 2001 Owner appealed against the Planning Notice to the Town Planning Appeal Tribunal (TPAT).
- 19 November 2001 In determining an appeal against the Health Notice served on the owners of the subject property, the Acting Executive Director for Public Health found in favour of the Appellants.
- 20 November 2001 The Council at its Ordinary Meeting refused an application for Ancillary Accommodation to the Existing Single House and advised the owners and occupiers to cease the unauthorised habitation of the two-storey garage/loft within seven days.
- 21 November 2001 First sitting of the TPAT relating to the above appeal.
- 29 November 2001 The Minister for Local Government advised the owner of the subject property that he had dismissed his appeal against the requirement of the Building Notice served by the Town.
- As a result of the above, given that the Minister did not specify a time frame for the unauthorised building works to be removed, directions are required to be made by the Court of Petty Sessions. The Town's solicitors are currently acting on the Town's behalf to advise the owner of the subject property of the requirements under the prescribed legislation.
- 31 December 2001 Development application received proposing an additional two-storey grouped dwelling (conversion of two-storey garage and loft) to existing dwelling.
- 17 January 2002 TPAT Directions Hearing adjourned to enable the parties to finalise the terms of an agreement in principle which had been reached. The agreement related to the Town withdrawing the Section 10 Notice in the event that Mr Mark would withdraw his appeal against the section 10 Notice, Mr Mark would not use the garage/loft for habitable purposes before the Council or appeal body determined any application for same, Mr Mark would allow the Town's Officers to inspect the structure and the Town agrees not to pursue past breaches of the Scheme and associated Health and Building Legislation relating to the unauthorised use and works to the structure.
- 25 January 2002 The owner of the subject property agreed to the terms of the agreement noted above.
- 29 January 2002 The Town wrote to the owner of the subject property informing that the Notice under Section 10 of the Town of Vincent Town Planning Scheme No.1 issued on 17 September 2001 is withdrawn.
- 12 February 2002 The Council at its Ordinary Meeting refused an application proposing an additional two-storey grouped dwelling (conversion of two-storey garage and loft) to the existing dwelling.
-

- 19 February 2002 Metropolitan Region Scheme Form 2 Refusal to Commence Development issued in accordance with the Council's decision on the recent Development Application.
- 17 April 2002 The Town received notification from the Town Planning Appeal Tribunal that the First Sitting of an Appeal (No.45 of 2002) was scheduled for 15 May 2002 relating to the Council's refusal of a Development Application proposing an additional two-storey grouped dwelling (conversion of two-storey garage and loft) to the existing dwelling.
- 9 May 2002 The Appellant provided the Town with a copy of the Grounds of Appeal.
- 18 June 2002 The Town's Officers participated in mediation discussions with the applicant, his representative and two representatives of the Town Planning Appeal Tribunal. The outcome of the discussions are as follows:
1. Car parking, stores, and overlooking issues can be adequately addressed via revised plans.
 2. The main outstanding issues relate to the density and impact on the amenity of the area.
 3. The appellant and his representative will discuss possible revisions to the proposal and are expected to submit revised plans to the Town in due course. The revised plans will explore the possibility of addressing the issues, including the modification to the existing finishes (materials, colours, and the like), and planting of mature trees along the perimeter of the subject structure.
 4. In light of the above, mediation was adjourned for revised plans to be submitted to and considered by the Town and its Council.

DETAILS:

Approval is sought to convert and modify the existing garage and loft structure for a grouped dwelling.

The applicant in letter dated 14 October 2002, states as follows;

"the rear of my property is totally obscured from the front and from either side. It is currently clad with a material which is weatherproof, maintenance free, termite proof and fireproof..... If the Shire deems it otherwise, I shall comply and strip and reclad with western red cedar weather boards, those as indicated.

CONSULTATION/ADVERTISING:

No submissions were received during the submission period.

COMMENTS:

Density

The development previously proposed a 1.4 percent (7 square metres) increase in the permitted dwelling density, however following gazettal of the Residential Design Codes (R Codes) on 4 October 2002, the minimum lot areas have now been achieved in this instance.

Privacy

With regard to upper floor windows, there is concern that as they are not setback in accordance Residential Design Codes (R Codes) privacy requirements of 4.5 metres in the case of bedrooms and 6.0 metres in the case of the living room/kitchen. Screening of these windows in accordance with the R Codes should be imposed to ensure compliance.

Parking

The existing single house exists without parking provision and the proposed provision of 2 bays within the front setback area is contrary to the Town's Vehicular Access Policy, which specifically discourages this type of parking where a right of way exists. Given that the right of way will be utilised to provide access to the rear dwelling's proposed bays, it is considered that access from Vine Street to provide a crossover to the 2 car bays for the existing dwelling is not unreasonable and can be supported in this instance.

Visual Amenity

The plans indicate existing trees located adjacent to the rear and side boundaries of the property.

In order to reduce the visual impact of the development from adjoining properties, the applicant should plant additional mature trees to a minimum height of 3 metres generally around the perimeter of the dwelling.

The applicant has proposed the suggested option for cladding the upper floor to the eastern end of the subject structure with western red cedar cladding weather boards. This is considered to be more visually dominating than the existing finish, and therefore not supported.

Right of Way

According to the Town's Technical Services the right of way has a width of 3.0 metres, which is considered unsuitable as a primary vehicle access of a residence and may cause difficulties in the maneuvering of vehicles. Notwithstanding these comments, the dwelling is currently using the right of way for vehicular access and appears to have enough maneuvering space.

Conclusion

The areas of concern relating to density, car parking, stores, visual amenity and overlooking issues have been adequately addressed and discussed above. In light of this, it is recommended that the application be approved, subject to standard and appropriate conditions to address the matters discussed above.

10.1.14 No. 8 (Part Lots 21 and 22) Campsie Street, North Perth - Proposed Demolition of Existing Dwelling and Construction of Three (3) Two-Storey Grouped Dwellings

Ward:	North Perth	Date:	10 October 2002
Precinct:	Smith's Lake, P6	File Ref:	PRO 2089 00/33/1302
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by V Civitella on behalf of the owners Civitella Holdings Pty Ltd, for proposed demolition of existing dwelling and construction of three (3) two-storey grouped dwellings at No. 8 (Part Lots 21 and 22) Campsie Street, North Perth, as shown on plans stamp-dated 8 October 2002, subject to:*
- (a) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
 - (b) *subject to first obtaining the consent of the owners of No. 6 (Lot 20) and No. 10 (Lot 31) Campsie Street, North Perth, for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary walls facing No. 6 (Lot 20) and No. 10 (Lot 31) Campsie Street, North Perth in a good and clean condition;*
 - (c) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Campsie Street, shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
 - (d) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Campsie Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. This is to include the provision of at least one Fraxinus griffithi on the verge to replace the Schinus terebinthifolius which is to be removed for the crossover to Unit B. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
 - (e) *no street trees shall be removed, cut back, pruned or interfered with in any way, without the prior approval of the Town's Parks Services Section;*

- (f) *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 Clause 3.5.3 of the Residential Design Codes 2002;*
 - (g) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
 - (h) *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;*
 - (i) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
 - (j) *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;*
 - (k) *a right of way security bond and/or bank guarantee for \$880.00 shall be lodged prior to the issue of a Building Licence and be held until all building works have been completed. The right of way shall remain open at all times and not be used to store building materials or obstructed in anyway. The right of way surface (sealed or unsealed) shall be maintained in a trafficable condition for the duration of the works. If at the completion of the development the right of way surface has deteriorated, or become impassable (for an standard 2 wheel drive vehicle) as a consequence of the works the applicant/developer/builder/owner is to make good the surface to the satisfaction of the Town's Technical Services Division;*
 - (l) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division.*
 - (m) *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 Town's assets have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
 - (n) *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;*
 - (o) *a visual truncation of 2 metres x 2 metres shall be provided at the intersection of the driveways and footpaths on Campsie Street;*
-

- (p) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (q) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (r) *to protect the reasonable privacy of the adjacent residents, the windows to bedroom 1 on the northern elevation of Units B and C, and the windows to the first floor living area on the northern elevation of Unit A, shall not exceed one square metre in aggregate on each wall, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002; and*
- (s) *the home office in Unit A shall be used for habitable purposes only. Any proposal to use this room for commercial use will require a further planning application to be lodged and approved prior to first commencement of such a use;*

to the satisfaction of the Chief Executive Officer; and

- (ii) *the Council authorises the Chief Executive Officer to refund \$141.50 to the applicant, such that the applicant pays \$100 towards administration costs for Council to consider this application, in light that this matter has been recently considered by Council and the modifications to the plans are considered to be minor.*

LANDOWNER: Civitella Holdings Pty Ltd
APPLICANT: V Civitella
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 - Residential R40
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Setbacks		
- Rear ground floor	1 metre	0.2 metre to garage of Unit C
- Side - north	1 metre	0 metre to garage of Unit A
- Side - south	1 metre	0 metre to garage of Unit C
Use Class	Grouped Dwellings	
Use Classification	'P'	
Lot Area	779 square metres	

SITE HISTORY:

The existing house is a rendered brick and tile dwelling that was constructed c.1933.

A similar application was considered at the Ordinary Meeting of Council held on 13 August 2002 and was refused for the following reason:

"The extent of non compliance is considered excessive. The overall bulk and scale is excessive. This is a Greenfield site and should totally comply and not in keeping with the streetscape of the area."

DETAILS:

The proposal involves the demolition of the existing house, and construction of three two-storey grouped dwellings. Proposed Units A and B have vehicular access proposed from Campsie Street, while Unit C has vehicular access from the rear Town owned, sealed 5.8 metres wide right of way (ROW).

The applicant has provided revised plans which address several of the non-compliance requirements previously considered by Council.

The applicant has also made a written submission requesting that the fee be waived completely (that is, refunded in full) as the original proposal was recommended for approval by Officers and that, with respect to the concerns expressed by Council in their rejection of the proposal, the amendments made of the proposal are of a relatively minor nature.

The applicant explains that he expected that no additional fee would be levied, especially as Planning and Building Services, with whom he liaised with, were generally supportive of the proposal. The applicant was advised that there was an additional fee of 50 per cent of the original fee, (which equates to \$483) to reapply to the Town. After some discussion with the staff, this was revised to 25 per cent of the original fee (\$241.50). The 25 per cent fee was paid so that the processing of amended drawings could commence without further delay. In light of the extent of resources needed for the reassessment undertaken for this proposal, it is considered appropriate that a fee of \$100 be paid, and the applicant be refunded \$141.50.

CONSULTATION/ADVERTISING:

This application was not advertised as a similar application has been advertised and considered by the Council within the past twelve months.

Two submissions were received during the original advertising period.

The first submission generally supported the development but requested that Unit B have frosted windows for the north facing windows of bedroom 1 and bedroom 4, to both let in light to the bedroom and hallway but also protect the privacy of the adjoining unit. Concern was also expressed regarding overshadowing from the development.

The second submission requested the garage to Unit C be setback from the right of way (ROW) and also that the balcony to the upper level of Unit C be setback to reduce potential overlooking into the rear yards of homes along Toorak Rise.

COMMENTS:

Demolition

A detailed heritage assessment is contained in Appendix 10.1.15.

The subject place is a rendered brick and tile dwelling that was constructed c.1933. It represents a part of the residential building stock that was constructed during the Interwar period from 1919 to 1939. The dwelling is mostly intact and while some of its original features such as windows and ceilings are of interest, it is not considered that these features alone justify the retention of the house or qualify the place for consideration for entry in the Town's Municipal Heritage Inventory. The place is not rare and overall it is considered to be of little aesthetic, historic, scientific and social value.

The place does not meet the minimum criteria for entry in the Town's Municipal Heritage Inventory and as such, it is recommended that the proposal to demolish the place be approved, subject to standard conditions.

Setbacks

The proposed parapet walls for the garages are not considered to adversely effect the amenity of the adjoining property, as they are single storey and take up approximately 15 percent of the side boundaries. Accordingly, this variation is supported.

Unit C Garage

One submission received during the previous consultation period requested that the garage to Unit C be setback off the ROW. The Town's Technical Services have advised that they have no objection to the reduced setback of the garage to Unit C from the ROW. The ROW has been widened to 5.8 metres and therefore it is considered that there is adequate maneuvering area from this garage.

Unit C Balcony

One submission received during the previous public consultation period requested that the balcony to Unit C be setback off the ROW. The applicant has submitted revised plans showing that the proposed balcony on the first floor of Unit C, setback 1 metre from the ROW and having screened portions of the balcony to protect the adjoining neighbours privacy. The balcony is 7 metres from the lot on the other side of the ROW and is not considered to cause unreasonable loss of amenity to the adjoining properties privacy. This reduced balcony setback is therefore supported.

Privacy

The windows to the first floor habitable rooms now comply with the R-Code requirement and are not considered to cause unreasonable overlooking to the adjoining properties.

Overshadowing

Due to separation distances between the proposed dwellings and the southern property boundary, the proposal is not considered to cause significant overshadowing to the adjoining property, in that, less than 35 per cent of the adjoining property is overshadowed at midday on the shortest day of the year in accordance with the R-Codes.

Crossovers and Street Trees

The Town's Engineering Services require that the crossovers comply with standards, being a minimum of three metres wide. In order to achieve this, it will require the removal of a Japanese Pepper Tree (*Schinus terebinthifolius*) from the verge. The Town's Parks Services has advised that they have no objection to the removal of the *Schinus terebinthifolius* from the verge of Campsie Street, as they are considered to be inappropriate for verge planting as they are a weed in many countries, invade sewer and water pipes and due to their soft wooded nature, tend to drop limbs. It is likely that these trees were privately planted. It is considered appropriate that the costs for the removal and replacement of these trees with a Evergreen Ash (*Fraxinus griffithi*) should be met by the applicant/owner at a cost of approximately \$350 per tree.

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

10.1.15 Nos. 134 - 144 (Lots 96, 97 & 98) Parry Street Corner of Pier and Edward Streets, Perth - Proposed Signage to Existing Office, Self Storage Units (Warehousing) and a Caretaker's Residence.

Ward:	North Perth	Date:	9 October 2002
Precinct:	Beaufort, P13	File Ref:	PRO0188 00/33/1307
Reporting Officer(s):	C Mooney		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by T Del Borrello on behalf of the owner S & B and V & T Vahdat for the proposed signage to existing office, self storage units (warehousing) and a caretaker's residence at Nos. 134 - 144(Lots 96, 97 & 98) Parry Street, corner of Pier and Edward Streets, Perth, and as shown on the plans stamp-dated 18 September 2002 and amended plans dated 8 October 2002, subject to:

- (i) this approval is based on the sign strategy as submitted. Any additional signage on the subject site, including windows signs, shall require further Planning Approval and Sign Licence Applications being submitted and approved prior to the erection of such signage;*
- (ii) a Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) the signage shall not have flashing or intermittent lighting;*
- (iv) compliance with all Building, Environmental Health and Engineering requirements, including, the relevant Australian Standards and noise regulations; and*
- (v) prior to the issue of a Sign Licence, revised plans for sign number five shall be submitted and approved demonstrating that the area of the sign being a maximum of ten square metres.*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: S & B and V & T Vahdat
APPLICANT: T Del Borrello
ZONING: Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential/Commercial R80
EXISTING LAND USE: Office, self-storage units (warehousing) and a caretakers residence.

COMPLIANCE:

Requirements	Required	Provided
Wall Sign	Area not to exceed 10 square metres in aggregate on any one wall.	# 5: 28.8 metres square # 7: 7.2 metres square Total: 36 metres square
	Commercial building located within a residential zone not to exceed 1.2 square metres.	#1: 9.72 metres square #2: 1.8 metres square #4: 7.2 metres square # 5: 28.8 metres square # 6: 6.2 metres square #7: 7.2 metres square
Projecting Sign	Not to exceed a vertical dimension of 600 millimetres	#1: 1200 millimetres in height
Use Class	Office, Warehouse and Caretakers Residence.	
Use Classification	'AA', 'SA' & 'P'	
Lot Area	5169 square metres	

SITE HISTORY/BACKGROUND:

The property is located on the northwest corner of Parry Street and Pier Street and extends through to Edward Street. The existing building was originally constructed in 1955 and was occupied by the Gordon and Gotch magazine distribution business. The surrounding land uses are predominantly commercial along Stirling Street with single residential dwellings concentrated in the street blocks south of Pier Street and facing Parry Street.

- September 1990 Proposed Staff Parking and Vehicle Storage given limited two-year approval by the Perth City Council.
- March 1992 and
February 1994 Two, further two-year approval periods issued by the Perth City Council for the above use.
- 10 March 1997 The Council at its Ordinary Meeting approved renovations to the existing office, warehouse and distribution centre subject to the provision of 22 car bays and the applicant being advised that any future redevelopment of the subject land will be required to provide on-site car parking in accordance with the Town Planning Scheme.
- 11 September 2001 The Council at its Ordinary Meeting conditionally approved alterations and additions and a change of use from office, warehouse and distribution centre to office and self-storage units (warehousing).
- 18 December 2001 The Council at its Ordinary Meeting conditionally approved alterations and additions and a change of use from office, warehouse and distribution centre to office and self-storage units (warehousing) and a caretakers residence.

DETAILS:

The applicant seeks approval for the following signage to advertise the name and nature of the business and operating hours on the subject site:

(i) 1 x Projecting Sign above the main entrance (Pier Street) comprising:

- 8100 millimetres (width) x 1200 millimetres (height);
- 9.72 square metres in area.

Stating: "*Self Lock Storage*", with logo.

(ii) 1 x Wall Sign (Pier Street) comprising:

- 1800millimetres (width) x 1000 millimetres (height);
- 1.8 square metres in area.

Stating: "*Self Lock Storage, 92288277, 7 day access 7am - 7pm, Office Open, Monday - Saturday 7am - 7pm*". In small print, "*Latest Electronic Security. Add or Remove at no Extra Cost, Resident Manager*", with logo.

(iii) 1x Wall Sign (located at Pier Street, storage entrance) comprising:

- 1800 millimetres (width) x 600 millimetres (height);
- 1.08 square metres in area;

Stating: "*Self Lock Storage, Authorised Entry only, Maximum Head Room 3.6m*", with logo.

1x Wall Sign (located inside the building entrance at Pier Street)

- 2600 millimetres (width) x 75millimetres (height);
- 0.195 square metre in area.

Stating: "*Maximum Head Room 3.6m*"

(iv) 1 x Wall Sign (located on Edward Street facade) comprising:

- 6000 millimetres (width) x 1200 millimetres (height);
- 7.2 square metres in area.

Stating: "*Self lock Storage, Ph 9228 8277, 7 Day Access*", with Logo.

(v) 1x Wall Sign (located on the western facade, corner of Parry Street and adjacent carparking) comprising:

- 12000 millimetres (width) x 2400millimetres (height);
- 28.8 square metres in area;
- Illuminated by externally located floodlights, which run at the top of the signage.

Stating: *"Self lock Storage, Ph 9228 8277, 7 Day Access"*, with logo.

(vi) 1 x Wall Sign (located on the front facade of Parry Street) comprising:

- 1 individual logo: 750 millimetres (width) x 750 millimetres (height);
- 15individual lettering panels: 500 (width) x 750 millimetres (height);
- 6.1875 square metres in area.

Stating: *"Self Lock Storage"*, with logo.

1 x Wall Sign (located above the original entrance to Parry Street)

- 2400 millimetres (width) x 300 millimetres (height);
- 0.72 square metre.

Stating: *"Entrance via Pier St."*

(vii) 1 x Wall Sign (located on western facade) comprising:

- *6000 millimetres (width) x 1200 millimetres (height);*
- *7.2 square metres in area.*

Stating: *"Self Lock Storage, Ph 9228 8277, 7 Day Access"*, with logo.

CONSULTATION/ADVERTISING:

The proposal was not required to be advertised.

COMMENTS:

The proposal represents a sign strategy for the entire building on site with signs effectively facing 3 street frontages and 1 facing adjacent carparking.

In light of the commercial nature of the subject property, the scale of the building and the general commercial nature of the surrounding area, the proposed signage strategy and signals are considered acceptable. However, sign number 5 should be limited to 10 square metres to lessen the visual impact on the residential area on the opposite side of Parry Street.

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

10.1.16 No. 18 (Lot 15) Brisbane Street, Corner Bulwer Street, Perth - Proposed Change of Use from Office to Eating House in Approved Three Storey Mixed Use Development

Ward:	North Perth	Date:	14 October 2002
Precinct:	Beaufort, P13	File Ref:	PRO1838 (00/33/1265)
Reporting Officer(s):	V Lee		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Maloney on behalf of the owners Banning Holdings Pty Ltd for a proposed change of use from office to eating house at Office 1 in approved three storey mixed use development at No. 18 (Lot 15) Brisbane Street, corner Bulwer Street, Perth as shown on plans stamp dated 16 August 2002, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iii) prior to the issue of a Building Licence or prior to the first occupation of the development, which ever occurs first, revised plans shall be submitted and approved demonstrating the provision of one unisex end-of-trip shower and change room facility and three storage lockers;*
- (iv) prior to the first occupation of the development, one (1) class 1 or class 2 bicycle parking facility and two (2) class 3 bicycle parking facilities shall be provided at a location convenient to the entrance of No. 18 (Lot 15) Brisbane Street, Perth in compliance with the Town's Policy relating to Parking and Access. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (v) the public area of the eating house shall be limited to 51 square metres; and*
- (vi) prior to the issue of the Building Licence or first occupation of the development, which ever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$12 150 for the equivalent value of 4.86 car parking spaces, based on the cost of \$2500 per bay as set out in the Town's 2002/2003 Budget;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: Banning Holdings Pty Ltd
APPLICANT: J A Maloney
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No. 1 -
Residential/Commercial R80
EXISTING LAND USE: Vacant

COMPLIANCE:

Requirements	Required
Use Class	Eating House
Use Classification	'SA'
Lot Area	873 square metres

Car Parking for Residential Component:

Required	Proposed
15 bays	15 bays

Car Parking for Non-Residential Component:

Car parking requirement (nearest whole number)	16 carbays
Apply the adjustment factors.	(0.4913)
<ul style="list-style-type: none"> ▪ 0.85 (within 800 metres of a train station) ▪ 0.85 (within 400 metres of bus stop) ▪ 0.8 (mixed use development) ▪ 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces) 	7.86 car bays
Minus the car parking provided on site for non-residential component	3 car bays provided
Minus the most recently approved on site car parking shortfall.	0 carbays
Resultant shortfall.	4.86 car bays

Bicycle Parking Facilities:

Required	Provided
One Class 1 bicycle parking facility for employees of the restaurant; Two Class 3 bicycle parking facilities for visitors to the restaurant	Nil shown on plans

SITE HISTORY:

20 November 2001 Council at its Ordinary Meeting conditionally approved an application at the subject site for the demolition of the existing service station and construction of a three-storey mixed use development comprising six offices and eight multiple dwellings. The service station has subsequently been demolished and the land is currently vacant.

DETAILS:

The subject building has not yet been constructed. The applicant is seeking approval for a change of use for proposed Office 1 into an eating house with seating for 20 people.

CONSULTATION/ADVERTISING:

The proposal was advertised in accordance with the Town Planning Scheme and Policy requirement for 'SA' advertising. No submissions were received during this time.

COMMENTS:

The proposed eating house use is considered to be appropriate as a part of the approved development, with the immediately surrounding area being a mix of residential and commercial uses.

In accordance with the Town's Policy relating to Parking and Access, approval should be subject to the provision of bicycle parking facilities and appropriate end of trip facilities, and payment of cash-in-lieu for the resultant car parking shortfall for the non-residential component.

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

10.1.17 No. 109 (Lots 81-83) (Survey Strata Lot 3) Chelmsford Road, Fronting Jack Marks Lane, Mount Lawley - Proposed Two-Storey Single House

Ward:	North Perth	Date:	14 October 2002
Precinct:	Norfolk, P10	File Ref:	PRO 0840 00/33/1299
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

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

- (i) the application is not consistent with the orderly and proper planning and preservation of the amenities of the locality;*
- (ii) the non-compliance with the provision of open space, setback to right of way, side setback and privacy requirements of the Residential Design Codes (R-Codes);and*
- (iii) consideration of the objection received;*

the Council REFUSES the application submitted by Renowned Homes on behalf of the owner, M & D McCoy, for the proposed two-storey single house as shown on the plans dated 11 September 2002, at No. 109 (Lots 81 - 83) (Survey Strata Lot 3) Chelmsford Road, fronting Jack Marks Lane, Mount Lawley.

LANDOWNER: M & D McCoy
APPLICANT: Renowned Homes
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No.1 - Residential R 40
EXISTING LAND USE: Vacant

COMPLIANCE:

Requirements	Required	Proposed
Open Space	45 per cent (99.45 metres squared)	31.5 per cent (69.7 metres squared) – shortfall of 29.75 metres squared.
Setback to Right of Way	2.5 metres	1.5 metres to garage and upper level bedroom one; 2.7 metres to remainder of house.
Setbacks - Eastern ground floor - garage and workshop boundary wall upper level - two storey boundary wall upper level -	1.5 metres 1.2 metres 1.2 metres	nil nil 1.012 metres
Western ground floor - boundary wall upper level - two storey boundary wall	1.5 metres 1.2 metres	nil nil
Privacy	Screening to 1.6 metres above finished floor level of overlooking major openings	Nil screening to upper level bedroom 2 and 3 windows.

Use Class	Single House
Use Classification	'P'
Lot Area	221 square metres

SITE HISTORY:

29 March 2000 The Western Australian Planning Commission conditionally approved the survey strata subdivision, which subdivided one existing allotment into five (5) allotments, with one retaining the existing house, and with no common property.

DETAILS:

The subject lot has adequate area to be developed for a single house in accordance with the Residential Design Codes (R-Codes). The proposal for a two-storey single house was submitted to the Town on 11 September 2002, at which time the proposal complied with the previous R-Codes.

The applicant was advised by facsimile of the non-compliance issues with the new R-Codes, however requested that the matter be referred to Council for determination in its current form.

CONSULTATION/ADVERTISING:

One letter of objection was received during the consultation period which related to the potential overlooking from the new dwelling into neighbouring properties.

COMMENTS:

Open Space

The R-Codes require that a development on a survey-strata lot without common property, as for a green title lot, is assessed as a Single House. The development is then required to individually comply with the Codes in relation to all standards, including the provision of open space. In this instance, the new two-storey residence was assessed in accordance with the requirements of a single house, with a lot area of 221 metres squared.

The R-Codes require the provision of 45 percent (99.45 square metres) open space, whereas the proposal only provides 31.5 percent (69.7 square metres), which is a shortfall of 29.75 square metres. The shortfall of open space is not considered supportable, as it involves a significant variation to the requirements of the R-Codes.

Setback to Right of Way

The proposal does not comply with R-Code requirements for setbacks to right of ways. The R-Codes allow a lesser setback from 4.0 metres to 2.5 metres in an area coded R40, where a house is fronting a right of way. The proposal does not comply with the R-Codes, as it proposes a 1.5 metres setback to the garage and upper level bedroom one and a 2.7 metres setback to the entrance. The reduced front setback is not considered supportable, as it would set a precedent for further similar development on neighbouring properties. Although there are other garages and structures within minimal setbacks to the right of way.

Privacy

To protect neighbours privacy, it is recommended that the windows to bedrooms 2 and 3 be screened to 1.6 metres, above the finished first floor level. It is acknowledged that the applicant provided screening to 1.4 metres in height and that was the requirement at the time of application, however the new R-Codes require screening to 1.6 metres high.

Side Setbacks

The boundary walls and other reduced side setbacks are generally acceptable, as the neighbouring property owners have no objection to them. However, two-storey high boundary walls are considered quite excessive. The R-Codes only allow for single storey (up to 3.5 metres high) boundary walls for properties coded R30 or higher. Therefore, any boundary walls higher than this requires Council to exercise its discretion when considering approval.

Accordingly, it is recommended that the proposal be refused.

**10.1.18 No. 28 (Lot 87) Loch Street, Dual Frontage with Carrington Street,
North Perth - Proposed Two-Storey Single House to Existing Dwelling**

Ward:	Mount Hawthorn	Date:	10 October 2002
Precinct:	North Perth, P8	File Ref:	PRO 1755 00/33/0567
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

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

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with;*
 - (a) the provision of open space, primary street setback, side setback and privacy requirements of the Residential Design Codes (R-Codes); and*
 - (b) the primary street setback requirements of the Town's Policies relating to Street Setbacks and the Eton Locality;*

the Council REFUSES the application stamp dated 27 August 2002 submitted by Rechichi Architects on behalf of the owner, L Mesev and A Meseva, for the proposed two-storey single house to the existing dwelling at No. 28 (Lot 87) Loch Street, Dual Frontage with Carrington Street, North Perth.

LANDOWNER: L Mesev and A Meseva
APPLICANT: Rechichi Architects
ZONING: Metropolitan Region Scheme - Urban
Town Planning Scheme No.1 - Residential R 30/40
EXISTING LAND USE: Single House

COMPLIANCE:

Requirements	Required	Proposed
Open Space	45 per cent (101.2 metres squared)	37 per cent (83.9 metres squared)
Primary Street Setback	4.0 metres to ground floor and 6.0 metres to upper level	1.0 metre to garage and upper level terrace; 2.0 metres to porch and upper level ensuite; 4.0 metres to upper level master suite.
SideSetbacks eastern - garage and terrace - ground floor - upper level western - ground floor - upper level (two storey boundary wall) southern - ground floor - upper level	1.1 metres 1.5 metres 1.6 metres 1.2 metres 1.2 metres 1.5 metres 1.5 metres	nil 1.2 metres 1.2 metres nil nil 1.2 metres 1.2 – 3.2 metres
Privacy	Screening to 1.6 metres above finished first floor level to overlooking major openings.	1.4 metres high screening to overlooking major openings.

Use Class	Single House
Use Classification	'P'
Lot Area	531 square metres (for the existing lot) 225 square metres (for future lot fronting Carrington Street)

SITE HISTORY:

24 July 2001: The Council at its Ordinary Meeting resolved to grant conditional approval for the development of a single storey grouped dwelling fronting Carrington Street to the existing dwelling.

DETAILS:

The subject lot has adequate area to potentially be subdivided into two lots. In support of their proposal, the applicant has provided the following comments:

“...concession is sought for the reduced front setback to the garage on the basis of the existing precedence of vehicle storage in the immediate locale. The tight confines of the site coupled with its solar orientation, has let little for consideration in the location of the garage, whilst also enabling retention of the existing street tree.

Privacy issues concerning the three adjoining properties have been addressed by providing obscure screening to overlooking windows and balcony’s to 1.4 metres above floor level.

Copies of adjoining landowner’s signatures regarding the nil-setback concession will be forwarded as soon as they come to hand.”

CONSULTATION/ADVERTISING:

No comments were received during the consultation period. However, signatures of no objection were submitted from the adjoining property owners on 7 October 2002.

COMMENTS:

Open Space

The Residential Design Codes (R-Codes) require that a development on a survey-strata lot without common property, as for a green title lot, is assessed as a Single House. The development is then required to individually comply with the Codes in relation to all standards, including the provision of open space. In this instance, the new two-storey residence was assessed in accordance with the requirements of a single house, with a future lot area of 225 metres squared.

The R-Codes require the provision of 45 percent open space, whereas the proposal only provides 37 percent, which is a shortfall of 17.3 square metres. The shortfall of open space is not considered supportable, as it involves a significant variation to the requirements of the R-Codes.

Primary Street Setback

The proposal does not comply with the R-Codes or Town Policies requirements for front setbacks. The R-Codes require a front setback of 4.0 metres in an area coded R40. The Eton Locality Policy requires a setback of 6 metres for the upper level. The Town's Policy – Street Setbacks requires that a garage be setback 6.0 metres from the street frontage or behind the line of the front main building (not behind a porch or balcony). With this in mind, the proposal does not comply with either the R-Codes or Town Policies, as it proposes a 1.0 metre setback to the garage and terrace area and a 2.0 metres setback to the porch and upper level ensuite. The lesser setbacks of some carports and garages servicing residences fronting Loch Street is not deemed to set a precedent for a new dwelling to have similar setback concessions. The reduced front setbacks are not considered supportable, as it would set a precedent for further similar development on neighbouring properties and is considered out of character with the traditional setbacks of the existing streetscape.

Privacy

To protect neighbours privacy, it is recommended that the overlooking habitable room windows and balconies be screened to 1.6 metres above the first floor level. It is acknowledged that the applicant provided screening to 1.4 metres in height and that was the requirement at the time of application, however the new R-Codes require screening to 1.6 metres.

Setback

The boundary walls and other reduced side setbacks are generally acceptable, as the neighbouring property owners have no objection to them and single storey boundary walls have little impact upon neighbouring properties in this instance. However, the two-storey high boundary wall to the western boundary is considered quite excessive. The R-Codes only allow for single storey (up to 3.5 metres high) boundary walls for properties coded R30 or higher. Therefore, any boundary walls higher than this requires Council to exercise its discretion when considering approval. In this particular case, the two-storey boundary wall is considered to be detrimental to the streetscape and is not the norm nor appropriate within this residential area.

The zero metre setback to the proposed garage and terrace area on the western side setback is not considered acceptable within the front setback area.

Accordingly, it is recommended that the proposal be refused.

10.1.19 Nos. 140 - 140B (Lots 9 and 56) Edward Street Corner of Pier Street, Perth - Proposed Signage to Existing Alleged Unauthorised Development

Ward:	North Perth	Date:	16 October 2002
Precinct:	Beaufort, P13	File Ref:	PRO1088 00/33/1274
Reporting Officer(s):	C Mooney		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

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

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the adverse affect on the amenity of the locality by virtue of intensifying and entrenching a non-compliant and an alleged unauthorised use; and*
- (ii) granting Planning Approval for a development associated with an alleged unauthorised use is considered to contravene the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Town Planning and Development Act 1928;*

the Council REFUSES the application submitted by S Chun Fa on behalf of the landowner Computer Accounting and Tax Pty Ltd for the proposed signage to existing alleged unauthorised development at Nos. 140 - 140B (Lots 9 and 56) Edward Street, Corner Pier Street, Perth, and as shown on plans stamp dated 26 August 2002.

LANDOWNER: Computer Accounting and Tax Pty Ltd
APPLICANT: T Chun Fa
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential/Commercial R80
EXISTING LAND USE: Alleged unauthorised development.

COMPLIANCE:

Requirements	Required	Provided
Wall Sign	Not to exceed 1 sign per lot.	2 signs
Use Class	Alleged - 'Brothel'	
Use Classification	'Unlisted'	
Lot Area	587 square metres	

SITE HISTORY/BACKGROUND:

19 October 1987 The Perth City Council at its Ordinary Meeting approved extensions to the existing building at No.140 Edward Street for offices and a take-away lunch bar subject to the amalgamation of the lots.

- 1 December 1998 The Town confirmed that further planning approval to use the premises for 'consulting rooms' was not required under provision of Clause 34 (2A) of the City of Perth City Planning Scheme (1985).
- 22 April 1999 A site inspection was undertaken by Council Officers of No.140 Edward Street which revealed that new showers and fans had been installed in 7 rooms of the premises.
- 31 May 1999 The Town's Solicitors were requested to arrange a private investigator to gather evidence determining the current use of No.140 Edward Street.
- 12 July 1999 A petition was received containing 264 signatures expressing concern over the establishment of brothels in the Beaufort Precinct, namely No.140 Edward Street and No.185 Stirling Street.
- 12 August 1999 The Town received information from the Private Investigator confirming the unauthorised and illegal use of the premises at No.140 Edward Street.
- 13 September 1999 The Council at its Ordinary Meeting resolved to:
- (i) *receive the report relating to the unauthorised use of the property at Nos.140 & 140B Edward Street, Perth as a brothel;*
 - (ii) *advise the Town's Solicitors to write to the owner and occupier of Nos.140 & 140B Edward Street, Perth requiring the unauthorised use to cease immediately; and*
 - (iii) *authorise the Chief Executive Officer, if required, to undertake the measures contained in the letter dated 25 August 1999 from Minter Ellison, Lawyers in relation to the unauthorised use of Nos.140 & 140B Edward Street, Perth as a brothel.*
- 23 September 1999 A letter was sent to the Town's Solicitors regarding the Council's resolution of its Ordinary Meeting held 13 September 1999.
- 19 November 1999 The Town's Solicitors advised correspondence received in response to letters sent to owners and occupiers as requested above.
- 23 March 2000 The Town requested Minter Ellison to inspect the premises at Nos.140-140B Edward Street and report on their use.
- 13 June 2000 Report prepared by Scope Investigation Service received in respect of their investigation of Nos. 140 Edward Street confirming brothel uses.
- 17 August 2000 The owners and operators of Nos.140-140B Edward Street were advised to cease within 7 days any illegal uses occurring from the premises.
- 21 August 2000 Solicitors acting on behalf of the owners of Nos.140-140B Edward Street issued a Notice of Default to the present tenants.
-

- 10 October 2000 The Council at its Ordinary Meeting resolved as follows:
- "That the Council;*
- (i) *receives the report relating to the alleged illegal use at No 75 (Lot 5) and Nos 140 – 140B (Lots 56 & 9) Edward Street, Perth; and*
- (ii) *authorises the Chief Executive Officer to commence legal proceedings in relation to the alleged illegal use at No 75 (Lot 5) and Nos 140-140B (Lots 56 & 9) Edward Street, Perth."*
- 20 February 2001 The Town obtained two reports from a surveillance and investigation operator that confirmed the unauthorised and illegal use of the premises at Nos.140-140B Edward Street was operating as a 'brothel'.
- 11 June 2001 A site inspection was undertaken by Council Officers of No.140 Edward Street which revealed that the premises was operating as a 'brothel' under the business name of 'Annastasia's'. The premises comprised seven (7) bedrooms, six (6)-containing double beds and the seventh used as a sitting room.
- 21 August 2001 The Town advised the proprietors of No. 140 - 140B Edward Street, Perth, that the existing signage does not have Planning Approval and it was requested to be removed.
- 26 February 2002 The Council at its Ordinary Meeting resolved to receive a confidential report relating to the alleged unauthorised development and again write to the Western Australian Government Premier, Minister for Planning and Infrastructure and Minister for Police and Emergency Services.
- 9 July 2002 Town correspondence highlighted the following:
- (i) Remove signage from the property by 16 July 2002.
- (ii) Legal advice stated that, " . . . *Planning Approval for signage associated with the use appears to be authorised or even illegal may be construed as support for that use. Accordingly, in order for the Council to approve an application on the site, it would need to be demonstrated that the current use is in fact authorised"*

DETAILS:

The subject premises consist of a building used as an alleged unauthorised use, with rear vehicular access from Pier Street and, a privately owned right of way. The proposal seeks to intensify the existing use and to obtain Planning Approval for the signage proposal.

The applicant seeks approval for the following signage to advertise the name, operating hours and telephone number of the business on the subject site:

1: 1 x Wall Sign above the main entrance (Pier Street) comprising:

- 1200 millimetres (width) x 600 millimetres (height);
- 0.72 square metre in area.

Stating: *"300, Open 24 Hours, 9328 9300"*.

2: 1 x Wall Sign located on the door of (Pier Street) comprising:

- 350 millimetres (width) x 200 millimetres (height);
- 0.7 square metre in area.

Stating *"International 300, Open 24 Hours, Please Press Button for Assistance"*.

3: 1 x Pylon Sign (located on bin enclosure) comprising:

- 1100 millimetres (width) x 1000 millimetres (height);
- 1.1 square metres in area;
- Double Sided.

Stating: *"300, Open 24 Hours, 9328 9300"*.

CONSULTATION / ADVERTISING:

The application was not required to be advertised. There have been general objections received by the Town, in relation to the subject signage proposal, mainly in relation to the nature of the business operating on site.

COMMENTS:

The 'Beaufort Precinct' Policy states that the Town should protect and enhance the amenity and general environmental standards of existing and future residential development and ensure the compatibility of commercial and residential uses, avoiding conflict between different uses.

The proposal involves an entrenchment of and intensification in the land-use, and is associated with a non-compliant and alleged unauthorised use of the land. It is considered that it would contravene Town Planning Scheme No. 1 and the Town Planning and Development Act 1928 to approve signage to an unauthorised use of land.

Accordingly, it is recommended that the application be refused.

10.1.20 Local Health Services and Sustainability

Ward:	Both Wards	Date:	14 October 2002
Precinct:	All Precincts	File Ref:	ENS0073
Reporting Officer(s):	D Brits		
Checked/Endorsed by:	R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) receives the report; and*
- (ii) advertises for public comment on Local Health Services and Sustainability;*
- (iii) after the expiry of the period for submissions, the Chief Executive Officer to report to Council, having regard to any written submissions.*

BACKGROUND:

Basic Environmental Health (World Health Organisation, 2001) outlines that when human beings first appeared in the world, their maximum life expectancy is believed to have been around 30 or 40 years. Due to the hostile environment in which they lived, they had a short life expectancy compared to that which characterises most societies today. Still, it was long enough for them to have children and to establish themselves as the species most capable of modifying their environment for better or worse.

To survive, the first humans had to cope with the following:

- the constant search for sufficient food and drinking water while avoiding plants that contained natural toxins (like poisonous mushrooms) or rancid infected meat;
- infections and parasites that spread from person to person or animal to person, often through food, drinking water, or insect vectors;
- injuries from falls, fires, and animal attacks; and
- cold and hot temperatures, rain, snow, natural disasters, and other adverse conditions.

These health hazards all occurred in the natural environment. In some societies, the “*traditional hazards*” listed above still dominate environmental health concerns. However, as human beings brought these hazards under control in some regions, “*modern hazards*” caused by technological and industrial development took over as the primary threat to health and well-being.

Over the last few decades, life expectancy has increased significantly in most countries. Some investigators say that this is largely due to improvements made in the living environment. Others say that improvements in nutrition are an essential reason for longer lives. Still others say that the changes could not have happened without improved medical diagnosis and treatment of illnesses. All of these statements are probably correct. Progress in health has gone hand in hand with improvements in environmental quality, nutrition, and medical care. People who are sick now are more likely to survive because of improved medical care, and the much greater number who are healthy at any given time are likely to stay healthy and fit because of improved nutrition and control of environmental health hazards.

HEALTH, ENVIRONMENT AND SUSTAINABILITY:

In the Constitution of the World Health Organisation (WHO), health is defined as “*a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity*” (WHO, 1948). This is the most commonly quoted modern definition of health. The concepts of disease, disability, and death tend to be much easier for health professionals to address than this idealistic concept of health. As a result, health sciences have largely been disease sciences since they focus on treating illness or injury rather than enhancing health.

“Health is only possible where resources are available to meet human needs and where the living and working environment is protected from life threatening and health-threatening pollutants, pathogens and physical hazards” (WHO, 1992a)

The idea of an inextricable link between human health and the environment has long been recognised. The impact of people on the environment is related to the size of the population and the level of consumption. Demographic factors such as aging society and needs of disabled people also need to be actioned.

Terry Thomas, Charles Douglas and Harry Cohen defined “*health*” in their 2002 Paper “*Health and Sustainability*” as a combination of:

1. *an expectation of a normal life span, and an absence of serious disability,*
2. *the fulfilment of family and friendship,*
3. *freedom from fear of violence and impairment of liberty,*
4. *the ability to contribute to, and be a part of, civil society, and*
5. *the attainment of social and spiritual contentment.”*

The concept of sustainable development requires that a modern economy not harm the environment to the extent that it closes off opportunities for future generations. Thus, the World Commission on Environment and Development (WCED), in the report, “*Our Common Future*” defined “*sustainable development*” as “*development that meets the needs of the present without compromising the ability of future generations to meet their own needs*” (WCED, 1987). To promote health, which implies the full development of human potential, an adequately prosperous economy, a viable environment, and a convivial community are needed (Dean and Hancock, 1992). These qualities should be reflected in a society’s economic activity, which must not destroy the human and social capital or the resources of society.

The benefits of economic activity need to be equitably distributed both within and among nations, societies, and communities (Hertzman et al., 1994). Because of the need for this kind of distribution, equity is an integral part of sustainable development. Agenda 21, the United Nations Program of Action for Environment and Development, agreed upon at Rio de Janeiro in 1992, reiterated this relationship, stating that “*Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature*” (UN, 1993). While virtually every aspect of human health is closely linked to the physical and social environment, we focus on the interaction between health and the environment according to the factors: biological pathogens and their vectors and reservoirs; physical and chemical agents in an environment that are independent of human activities and can impair human health by either their presence (e.g., naturally occurring radionuclides, ultraviolet light) or their absence (e.g., iodine, iron); and noxious physical and chemical agents added to the environment by human activities (e.g., nitrogen oxides, polycyclic aromatic hydrocarbons, particulates arising from fossil fuel combustion, waste produced by industry, biomedical waste, and radioactive waste).

Socioeconomic factors control how resources are used. Whether a person is hungry, adequately fed, or overfed, depends not only on the state of his or her natural resources but also on the socioeconomic factors that influence such things as how agricultural practices result in use or misuse of those resources and whether safe, nutritious, and affordable food is available. Health also depends on how people feel about their society—including how much trust and social cohesion exists in their community (Putnam, 1993; Kawachi et al., 1999). The following definition of environmental health is thus applicable: “*Environmental health comprises those aspects of human health, including quality of life, that are determined by physical, biological, social, and psychosocial factors in the environment. It also refers to the theory and practice of assessing, correcting, controlling, and preventing those factors in the environment that can potentially affect adversely the health of present and future generations*” (WHO, 1993a).

Environmental health hazards arise from both natural and anthropogenic (human-caused) sources. These include biological hazards (e.g., bacteria, viruses, parasites, and other pathogenic organisms), chemical hazards (such as toxic metals, air pollutants, solvents, and pesticides), and physical hazards (e.g., radiation, temperature, and noise). Health can also be profoundly affected by mechanical hazards (e.g., motor vehicle, sports, home, agriculture, and workplace injury hazards) and psychosocial hazards (e.g., stress, lifestyle disruption, workplace discrimination, effects of social change, marginalisation, and unemployment).

On a global scale, environmental factors including overcrowding, migration, poor sanitation, and the broad use of pesticides intimately involved in the transmission of infectious agents have had a profound effect on the occurrence of disease.

Safe food is essential and can be defined as food that, after being consumed, causes no adverse health effects. It is clear, however, that absolute safety is an unattainable goal, and safety must therefore be defined in relative terms such that any health risk associated with food consumption is limited to an acceptable level. The risks must also be weighed against the need for the consumption of a range of foods that supply nutrients sufficient for survival and good health.

STRATEGIC IMPLICATIONS:

Principal Activities Plan 2002 - 2006 - Key Result Area: The Physical Environment - “*promotion of a safe and healthy inner-city environment.*”

CURRENT LOCAL PRIORITIES TO BE DETERMINED:

Vincent Environmental Health and Sustainability should be seen to be in accordance with local residents and stakeholder priorities. One could list activities such as food safety, pollution control, disease control, community facilities, particularly for the aged and disabled, water conservation, habitable shelter/housing, dangerous accommodation control, environmental emergency management, environmental public risk management, and so on.

However, it would be prudent in an endeavour to promote greater “*environmental health ownership*”, to request feedback from local residents and stakeholders. Priorities will have to be set in terms of legal parameters, limited resources, expected outcomes, health benefits, and local environmental benefits.

10.1.21 Office of The Gene Technology Regulator - Request for advice on Application for Licence for Intentional Release of a Genetically Modified Organism into the Environment

Ward:	Both Wards	Date:	16 October 2002
Precinct:	All Precincts	File Ref:	ENS0073
Reporting Officer(s):	D Brits, A Bosworth		
Checked/Endorsed by:	R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report relating to request for advice on application for licence for intentional release of a genetically modified organism into the environment;*
- (ii) *requests the Office of the Gene Technology Regulator, and the Food Standards Australia New Zealand (formerly ANZFA) to ensure explicit and detailed labelling of Genetically Modified Products and Foods throughout the entire process; and*
- (iii) *requests the Office of the Gene Technology Regulator to submit an Annual Report amongst other Stakeholders to Local Governments on GMO Approvals.*

BACKGROUND:

Genetic modification or GM (also known as gene technology, genetic engineering, genetic manipulation) is the term used to describe a group of techniques which can alter the genetic material of a living organism (plant, animal or microbe) and thus modify its characteristics. The technology has a wide variety of applications including research, agriculture, production of therapeutic goods (e.g. insulin), bio-remediation (e.g. use of microorganism to decompose toxic substances) and industrial uses.

In the agricultural sector, proponents of GM believe that advances in primary production, from the use of this technology, will allow Australia to improve existing production efficiency. This in turn will help to maintain or improve Australia's share of world markets.

Food Standards Australia New Zealand (formerly ANZFA) protects the health and safety of the people in Australia and New Zealand by maintaining a safe food supply. They are a bi-national independent statutory authority that develops food standards for composition, labelling and contaminants, including microbiological limits, that apply to all foods produced or imported for sale in Australia and New Zealand. In Australia, Food Standards Australia New Zealand develops food standards to cover the whole of the food supply chain – from paddock to plate – for both the food manufacturing industry and primary producers. Food Standards Australia New Zealand works in partnership with Australia's Commonwealth, State and Territory governments and the New Zealand Government.

The State Government has declared that it will take a cautious approach to the introduction of GM crop varieties into farming systems, noting that a balance is required between opportunity and prudence. The Government considers that the utilisation of GM crops may be a critical element in the future competitiveness of the agricultural sector. It is also aware that some members of the community have concerns about using such crops.

Part of the Government's policy is a commitment to public consultation. The Office of the Gene Technology Regulator (OGTR) requested Council to provide advice on matters relevant to the preparation of the Risk Assessment and Risk Management Plan for application: DIR 021/2002 from Bayer CropScience for the release of GM Canola.

Bayer CropScience Pty Ltd (Bayer, formerly Aventis CropScience Pty Ltd) have lodged an application under section 40 of the Gene Technology Act 2000 (the Act) for a licence for dealings involving the intentional release of genetically modified (GM) canola (DIR 021/2002) into the environment. Following initial assessment of the application, OGTR is now writing to seek Council's advice on matters relevant to the preparation of the Risk Assessment and Risk Management Plan for this application.

OGTR is aware that this is the first time Councils have received a request for advice in respect of a licence application under the Act. Background information on the Act and the national scheme for the regulation of genetically modified organisms (GMOs) is provided on the Office of the Gene Technology Regulator (OGTR) website (www.ogtr.gov.au). Specific queries may be directed to their Office on the toll-free number, 1800 181 030.

The licence application (DIR 021/2002) made by Bayer is for approval for commercial release of genetically modified (GM) In Vigor Canola wherever it is suitable to cultivate canola in Australia. In Vigor Canola has been genetically modified to introduce a hybrid breeding system and to be tolerant to glufosinate ammonium, the active ingredient in the herbicide Liberty.

The Act sets out the processes that the Gene Technology Regulator, must follow in considering an application.

LEGISLATIVE FRAMEWORK:

Commonwealth Legislation

The *Gene Technology Act 2000* (the Act) (Commonwealth) was passed in December 2000 and became operational on 21 June 2001. This Act establishes the Gene Technology Regulator (the Regulator) as an independent statutory office holder with responsibility for implementing the legislation. The Act is the Federal component of a national scheme for regulating certain dealings with genetically modified organisms (GMOs).

Each State and Territory has enacted their own legislation to complement to apply the Commonwealth Act within their own jurisdiction.

A Gene Technology Inter-Government Agreement (IGA) has been negotiated to ensure the system remains consistent and uniform over time. The IGA will underpin the national system for the regulation of GMOs. It commits all Governments to:

- introduce substantially similar legislation in their jurisdiction;
 - establish a Ministerial Council to be known as the Gene Technology Ministerial Council;
 - provide for maintenance of a nationally consistent scheme, including a review of the scheme within four years; and
 - describe the roles and responsibilities of each jurisdiction.
-

The object of the national regulatory system for gene technology is to protect public health and the safety of people, and to protect the environment from risks associated with gene technology. Essentially, the system will operate by identifying and assessing risks posed by, or as a result of, gene technology and by managing public health and environmental risks through regulation of dealings with GMOs.

The Ministerial Council, comprised of one Minister from each jurisdiction and the Commonwealth, with each member required to provide a 'whole of government' perspective on behalf of their jurisdiction has, as one of its functions, the development of policy principles.

Section 21 of the *Gene Technology Act 2000* (Commonwealth) allows the Ministerial Council to issue a policy principles as follows:

"in recognising areas, if any, designated under State Law for the purposes of preserving the identity of one or both of the following:

- (i) *GM crops;*
- (ii) *non-GM crops;*

for marketing purposes."

Before issuing a policy principle, the Ministerial Council must be satisfied that the principle was developed in consultation with a number of bodies. Amongst these are industry, environmental, consumer and other groups, as the Ministerial Council considers appropriate.

Once a policy principle has been issued by the Ministerial Council under Section 21 of the Act, the Regulator must not issue any licenses that are inconsistent with this principle (Section 57 of the Act).

Under the regulatory scheme, licenses must be obtained for field-trials and commercial releases of GM crops, as they both involve intentional release into the environment. Further, for applications to commercially release a GM crop, the Regulator must be satisfied that the safety of the GM crop has been adequately tested by field trials in Australia.

Western Australian Legislation

Complementary State Legislation has been introduced in Western Australia through the *Gene Technology Bill 2001*.

This Bill contains a consequential amendment to the *Agricultural and Related Resources Protection Act 1996*, to enable the making of regulations to designate certain areas for the purpose of Section 21 of the *Gene Technology Acts* of the State and Commonwealth.

Legal Implications regarding Application DIR 021/2002

The Regulator has made an initial assessment as to whether the proposed release may pose significant risks to human health or the environment, in accordance with section 49 of the Act. The Regulator has decided that the proposed release does not pose a significant risk to human health or the environment.

This means that the Regulator is not required to seek public comment on the assessment of this proposal until the risk assessment and risk management plan has been prepared.

However, because of the considerable public interest regarding the possible commercial release of In Vigor Canola:

- The Regulator would welcome written submissions from interested people and - organisations on matters relevant to the preparation of the risk assessment and risk management plans for the proposed release;
- A review document "*The Biology and Ecology of Canola (Brassica Napus)*", can be accessed at the OGTR website (www.ogtr.gov.au);
- A number of previous risk assessment and risk management plans for dealings involving intentional release (DIR) of GMOs relevant to the current application are also available on the OGTR Website. The risk assessment and risk management plan for a previous limited release and controlled release of In Vigor Canola (DIR 010/2001) relevant to the current application is also available on the OGTR website.

STRATEGIC IMPLICATIONS:

Principal Activities Plan 2002 - 2006 - Key Result Area: The Physical Environment - "*promotion of a safe and healthy inner-city environment.*"

COMMENTS:

The Town's Environmental Health Officers recommend, in the light of the above information, that Council requests the Office of the Gene Technology Regulator, and the Food Standards Australia New Zealand (formerly ANZFA) to ensure explicit and detailed labelling of Genetically Modified Products and Foods throughout the entire process, and requests the Office of the Gene Technology Regulator to submit an Annual Report amongst other Stakeholders, to Local Governments on GMO Approvals.

10.1.22 No. 362 (Lot 60) Lord Street, Highgate - Proposed Alterations and Additions to Approved Additional Two (2) Two-Storey, Grouped Dwellings to Existing Grouped Dwelling

Ward:	North Perth	Date:	15 October 2002
Precinct:	Banks, P15	File Ref:	PRO0992, 00/33/1332
Reporting Officer(s):	S Turner		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by the owner A Ismailjee for proposed alterations and additions to the approved additional two (2) two-storey, grouped dwellings to the existing grouped dwelling, on No. 362 (Lot 60) Lord Street, Highgate and as shown on plans dated 10 October 2002, subject to the following conditions:

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) *the deletion of the front carport;*
 - (b) *the provision of two open uncovered car bays for the existing dwelling;*
 - (c) *the setback of the rear ground floor (including carport structures), of the two grouped dwellings accessed from the right of way, being a minimum of 6.0 metres, from the opposite side of the right of way; and*
 - (d) *amended elevations that reflect the minor modifications to the upper level;*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;
- (ii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (iii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Lord Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*

- (v) *prior to the first occupation of the development, the full length and width of the right of way from Chapman Street to the northern most boundary abutting the subject land shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (vi) *a bond and/or bank guarantee for \$2000 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
- (vii) *a visual truncation of 2 metres by 2 metres at the intersection of the driveway and the footpath on Lord Street, shall be provided at the owner's cost;*
- (viii) *a footpath security deposit bond and/or bank guarantee of \$550 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (ix) *the construction of the crossovers shall be in accordance with the Town's specifications;*
- (x) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Lord 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);*
- (xi) *compliance with the relevant Building, Engineering and Environmental Health requirements;*
- (xii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the windows to the sitting rooms, bedroom 2 and bedroom 3 on the northern and southern elevations and bedroom 3 windows facing east, on the first floor shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed; and*
- (xiii) *no car parking structures shall be erected within the front setback area adjacent to Lord Street;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: A Ismailjee
APPLICANT: A Ismailjee
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No. 1: Residential R60
EXISTING LAND USE: One single storey grouped dwelling fronting Lord Street, and two two-storey grouped dwellings fronting the rear right of way, under construction.

COMPLIANCE:

Use Class	Grouped Dwelling
Use Classification	'P'
Lot Area	556 square metres

Requirements	Required	Proposed
Front Setback (Carport to Existing Dwelling)	Access to right of way where available	Access to Lord Street, not rear right of way
Northern Side First Floor Setback	4.2 metres (for major openings)	1.025 – 2.465 metres
Southern Side First Floor Setback	4.2 metres (for major openings)	1.025 – 2.465 metres
Setback to right of way	2.5 metres	0.9 metre to carport and nil to upper level bedroom 3.
Policy - Vehicle Access to Dwellings via a Right of Way	Minimum access manoeuvring dimension of 6 metres	5.1 metres manoeuvring dimension, including right of way
Pedestrian Accessway	1.5 metres	1.2 metres and 1.07 metres

SITE HISTORY:

- 24 August 1998 The Council at its Ordinary Meeting conditionally approved two, 2-storey grouped dwellings additional to the existing single house to form three grouped dwellings.
- 25 September 2001 The above approval lapsed and a new development application was submitted. This was considered by the Council at its Ordinary Meeting, where it conditionally approved two, 2-storey grouped dwellings additional to the existing single house to form three grouped dwellings.
- 10 September 2002 The Council at its Ordinary Meeting resolved "*That this item be DEFERRED for further investigation concerning building licence approval and report*".

24 September 2002 The Council at its Ordinary Meeting resolved to refuse the application as no valid Building Licence is issued for the development, and undertake further action on the existing construction works and structures at the rear of the existing dwelling.

Further detailed investigation revealed that a Building Licence was issued on 22 February 2000 and a Planning Approval approved by Council on 24 August 1998, for the existing construction works and structures at the rear of the existing dwelling.

DETAILS:

Approval is sought for modification to the existing Planning Approval for alterations and additions to the existing grouped dwelling fronting Lord Street and two (2) two-storey, grouped dwellings fronting the right of way on the subject site. The modifications include a reduction in the setbacks of the upper level to the side and rear boundaries and the ground floor (carport) to the rear boundary, of the proposed new dwellings.

A private unsealed right of way (ROW) of 4.02 metres in width runs along the rear boundary.

CONSULTATION/ADVERTISING:

This application was not required to be advertised, as an identical proposal was advertised and determined within the past 12 months. During the previous advertising period no submissions were received.

The previous proposal was referred to the Department for Planning and Infrastructure (DPI) for comment as Lord Street is reserved as an Other Regional Road, which is affected by a road widening requirement under the Metropolitan Region Scheme (MRS). Previous comments received by the Town from DPI, in a letter dated 10 October 2001, state the following:

"The Department would be prepared to support a proposal which does not include any development within the ORR reservation (ie wholly contained on the portion of the subject land which is not reserved for ORR), subject to it being in compliance with the requirements of the Council's town planning scheme and relevant policies." Liaison with Officers at DPI confirmed that the front courtyard fencing would be considered acceptable within the 5 metre road widening reserve, however the carport structure would not.

Updated comments were received from the Department of Planning and Infrastructure on behalf of the WAPC in a letter dated 9 September 2002. The comments advise *"that the proposed car bay, courtyard and brick fence are permissible within the reservation. However, the proposed new carport is not acceptable within this area."* This advice has been addressed in clauses (i) (a) and (i) (m) of the Officer Recommendation.

COMMENTS:

These modifications are considered supportable in part, however the setback to the ground floor carports should be increased to allow a minimum of 6.0 metres, from the opposite side of the right of way.

Setbacks

Within the immediate streetscape along Lord Street, a pattern has not been established incorporating carports within the front setback area. In accordance with the Town's Policy - Street Setbacks and Department of Planning and Infrastructure's position as outlined previously, the proposed carport to the existing dwelling is not supported.

The variations to the side setbacks are not considered to have an undue adverse impact on the amenity of the adjoining properties. The adjoining property owners did not object to the proposal and as such, the proposed reduced setbacks to side boundaries are supported.

The Town's Technical Services has assessed the proposed access to the rear via the right of way. Due to the narrowness of the right of way and lot, manoeuvring a vehicle in and out of the proposed garage is difficult. In accordance with the Town's 'Vehicle Access to Dwellings Via a Right of Way' Policy, an increased setback of the lower level structures is required to comply with the 6 metres manoeuvring depth, measured from the opposite side of the right of way. The proposed reduced rear setback is not supported and as such is to be increased from 0.9 metre to 1.8 metres, in accordance with the Town's policy requirements. The existing building works and structures currently comply with this requirement, as such the required increased setback is not considered onerous to the applicant.

As this is the only vehicle access to the property, the proposed vehicle access from the right of way is considered acceptable in this instance.

Privacy

The windows to the upper floor sitting rooms, bedroom 2 and bedroom 3 to both new dwellings have undue overlooking potential and in accordance with the privacy requirements, a screening condition is considered appropriate.

Pedestrian Accessway

The width of the pedestrian accessway along the northern and southern sides of the existing dwelling will not unduly adversely affect the ability to provide pedestrian access from the rear new dwellings to Lord Street for postal, visitors and rubbish collection and public utilities, and is considered acceptable.

Setback to Right of Way

The existing setbacks to the right of way were approved prior to the new Residential Design Codes being gazetted on 4 October 2002. The proposed modifications to the upper level setback are considered supportable, as it will not unduly negatively affect adjoining properties.

Status of Existing Works

The existing development of the two rear grouped dwellings was substantially commenced within the timeframe of the Building Licence and Planning Approval. Therefore the existing building works and structures at the rear of the existing dwelling are authorised.

Summary

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

10.2 TECHNICAL SERVICES

10.2.1 Proposed Streetscape Improvements - Angove Street, North Perth

Ward:	North Perth	Date:	10 October 2002
Precinct:	North Perth Centre P9	File Ref:	TES0135
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:			
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the Proposed Streetscape Improvements for Angove Street, North Perth;*
- (ii) *APPROVES the implementation of the streetscape enhancement project as shown on Plan No. 2095-CP-1, 2 and 3 and incorporates, where practical, the suggestions made by the community;*
- (iii) *APPROVES BY AN ABSOLUTE MAJORITY the funding and staging scenario as outlined in the report;*
- (iv) *consults with adjacent property owners in Woodville Street regarding the implementation of the angle parking proposal as shown on plan No 2095-CP-4 and receives a report on the matter at the conclusion of the consultation period;*
- (v) *commences the Angove Street implementation works in the first week of November 2002 as requested by the Angove street business proprietors; and*
- (vi) *advises the Angove Street business proprietors of its resolution.*

BACKGROUND:

In December 1999, the Council adopted a long term Shopping Centre & Commercial Precincts Streetscape Upgrade Program, which scheduled Angove Street for 2002/2003.

On 6 November 2001, a report on the proposed Angove Street Streetscape Upgrade Proposal was presented to Council, where the Council adopted the Angove Streetscape Enhancement Proposal (as shown on Plan No. A4-1122-CP.01) and authorised the Chief Executive Officer and Executive Manager Technical Services, to further refine the plan in liaison with the Angove Street business proprietors.

The Council further resolved to authorise the CEO to investigate the possibility of engaging the services of a recognised urban designer and landscape architect to assist with the finalisation of the concept plan.

The Council subsequently allocated funds in the 2002/2003 Budget to implement the proposal.

DETAILS:

In House Working Group

In accordance with the Council's Resolution, an inhouse working group was established comprising officers from Technical Services, Planning and Community Development. The Working Group met regularly and developed the streetscape concept.

Once a "broad brush" concept had been developed, an urban designer (Hames Sharley) was invited to attend several meetings.

The final concept plan was presented to the business community at a public meeting held on 9 October 2002 and contained most of the elements as developed by the Working Group as follows:

Verges

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

Central Median

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

Road

- Removal of existing kerbing/Installation of new Kerbing
- Minor widening to accommodate wider central median.
- Installation of raised plateaus (red asphalt)
- Minor drainage Improvements.Line Marking.
- Resurfacing of Embayed parking with Red Asphalt (Stage 2 of project).
- Resurfacing of traffic lanes with Black Asphalt (Stage 2 of project).

Public Meeting

On 9 October 2002, the proposal was presented to the Angove Street business community. The meeting was held on site at the Rosemount Hotel and was attended by the Mayor, three elected members, four officers and 16 public.

The streetscape upgrade proposal was outlined to those present by way of a "power point" presentation (refer attached) and was generally very well received by all those present.

Comments from the Public

Some of the comments made by those present include the following:

Tree Species

- One person suggested evergreen trees should be planted.
- It was suggested a special tree be installed at either end of the project area near Fitzgerald Street and Daphne Street, as an entry statement.
- Replace olive trees, with another species.

Underground Power

One person asked whether he would have to pay for the underground power connection.

Commencement of Project

All present were in agreement that the project, as proposed, should commence as soon as possible and proceed until completed. However, in recognition of Christmas trading, it was agreed to concentrate on the north side initially, before commencing on the south side in the New Year.

Officer's Comments

Tree Species

- Alternatives will be considered in lieu of olive trees at intersection of Woodville/Anzac Roads, such as Flowering Plum, Manchurian Pears or Bay Trees.
- Planting of a large palm tree will be investigated and may be included, should the budget allow.
- It is proposed to commence the project in early November, pending Western Power.

Woodville Street "On-Road Angle" Parking

The proposal as presented, will provide for at least an additional 10 on road parking bays. It is recommended that the owners/occupiers adjacent to the proposed parking be consulted and a report will be presented to Council prior to implementation.

FINANCIAL/BUDGET IMPLICATIONS:

The total cost of the upgrade project incorporating ALL the items as presented, is estimated to cost \$308,500. The 2002/2003 Budget includes the following funds for Angove Street:

- Streetscape Improvements \$150,000.
- Roads to Recovery \$60,000 (Federal funding).

Therefore \$210,000 is available for Angove Street in 2002/2003, leaving a shortfall of \$98,500.

It is recommended that the funding shortfall be made up as follows:

Street Lighting/Underground Power

Western Power has advised this will cost \$48,500. It is recommended that this be funded from the following sources:

- \$25,000 from the 2002/2003 underground power budget allocation.
 - \$23,500 from the 2002/2003 street light upgrade program.
-

Landscaping

The total cost of landscaping is estimated to cost \$40,000. It is recommended that \$20,000 be funded from the project and the remaining \$20,000 be funded as follows;

- from the 2002/2003 Street Tree Enhancement budget allocation
- from projected savings in the 2002/2003 "Installation of Domestic Bores and Pumps" budget allocation.

Road resurfacing

Total estimated cost of road resurfacing is \$30,000. It is considered that these works could be carried out in 2003/2004 and funded from the 2003/2004 annual road resurfacing program, without compromising the integrity of the project.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 - Key Result Area 1 - *"The Physical Environment – 1.6 Continue to enhance the Townscape and the streetscape, building a distinctive style for the Town of Vincent"*.

COMMENTS:

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

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

The business proprietors at the public meeting made it clear that they wanted a high quality project to give the street a unique identity. This is reflected in the proposal and in the slightly higher implementation cost.

It is therefore recommended that the Council approves the implementation of the streetscape enhancement project, as shown on Plan No. 2095-CP-1, 2 and 3 and incorporates, where practical, the suggestions made by the community and the funding and staging scenario as outlined in the report.

It is also recommended that the Council consults with adjacent property owners in Woodville Street, regarding the implementation of the angle parking proposal, as shown on plan No 2095CP-4 and receives a report on the matter at the conclusion of the consultation period, and commences the Angove Street implementation works in the first week of November 2002, as requested by the Angove Street business proprietors.

10.2.2 2002/03 Perth Criterium Cycling Series - Leederville Race

Ward:	North Perth	Date:	15 October 2002
Precinct:	Oxford Centre - P4	File Ref:	TES0172 & CMS0033
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher		
Amended by:			

OFFICER RECOMMENDATION:

That;

- (i) *the Council approves the 2002/03 Perth Criterium Cycling Series to be held in Leederville on 2 January 2003;*
- (ii) *the Council APPROVES BY AN ABSOLUTE MAJORITY the direct funding of \$6,000 as a "bronze sponsor" of the 2002/03 Perth Criterium Cycling Series event and for the Town of Vincent to be acknowledged in all publicity;*
- (iii) *the Town arranges the erection of all signs and barricades for the various road closures required for the event, as shown on attached plan No. A4-99039, to be funded from the 2002/03 Parades and Festivals budget;*
- (iv) *the promoters liaise with the local businesses and Leederville Community Action Group to obtain their support for the event;*
- (v) *the 2002/03 Perth Criterium Series management be requested to comply with all necessary requirements for obtaining the necessary approvals for the proposed road closures;*
- (vi) *the event organisers distribute adequate information regarding the event to the public through the media and place appropriate notices in public places and display the Town of Vincent logo, as approved by the Chief Executive Officer;*
- (vii) *the Council gives, in principal, approval to support the event in Leederville for a further three (3) years, from 2002/03, 2003 and 2004, including the event to be held on 2 January 2003;*
- (viii) *the event organisers provide and enforce a pre-race marshalling area for all competitors' bicycles to ensure a clear path of travel for pedestrians in Oxford Street;*
- (ix) *the cafés and restaurants within the race circuit area be requested to remove all 'al fresco' dining tables from the footpath during the event to ensure a clear path of travel for pedestrians and spectators;*
- (x) *the event organisers notify, by letter drop, all residents and businesses within a 500m radius of Oxford Street; and*
- (xi) *the Mayor be invited to officiate proceedings on the night of the event.*

BACKGROUND:

With the success of previous Perth Criterium Cycling Series Leederville events, a proposal has been submitted to the Town by Perth Criterium Series Pty Ltd seeking its continuing support and sponsorship for the 2002/03 Leederville race planned for Thursday 2 January 2003. As with past events (1996, 1997, 1999, 2000 and 2001) the proposed venue is Oxford and Newcastle Streets, Leederville, and the event will be promoted as the '2003 "Be Active - Cycle Instead" Criterium Series'.

DETAILS:

The Town of Vincent has on five previous occasions, January 1996 and 1997* and December 1999, 2000 and 2001, hosted a leg of the Perth Criterium Cycling Series. All the events were judged a success in terms of public interest and spectator numbers.

Note: *The event lapsed for a year in 1998 as the result of financial difficulties encountered by the original organisers of the series.

As with the 1999, 2000 and 2001 events, approval for the 2002/03 event is being sought by Perth Criterium Series Pty Ltd, a private company specifically formed in 1999 to run the rejuvenated cycling series. Perth Criterium Pty Ltd board of management comprises several local cycling identities and is affiliated with the Western Australian Cycling Federation.

So as to avoid a repetition of the difficulties experienced in 1997/98, and as per their previous proposals, Perth Criterium Series Pty Ltd have presented a comprehensive financial plan to the Town outlining costings, sponsorship income and projected spectator numbers.

The proposed course for the Leederville event, as in the past, is centered on Oxford and Newcastle Streets. Starting from outside the BankWest building on the corner of Vincent Street, competitors will race down Oxford Street, turning left into Newcastle Street and straight into a tight 180° left hand turn near Carr Place. From Carr Place back up Oxford Street, crossing over Vincent Street, before another sharp 180° turn near the Leederville TAFE and proceeding back down Oxford Street to complete the circuit (refer attached plan No. 99039).

The three (3) race series will again feature several high profile Australian and International cyclists currently based in Europe, riders from the Australian Institute of Sport, as well as a strong field of local riders. In a departure from previous years, the Leederville race will be the first race in the series with the Town of Victoria Park and City of Subiaco hosting the subsequent events over successive nights, 2,3 and 4 January 2003 respectively.

While details are yet to be finalised, it is proposed that the race will commence at 7.30 pm and conclude at 8.30 pm with the road closures in place an hour prior to and after the event.

To facilitate the race, the following road closures will be required for a period of approximately three hours, on the night of the event:

- Vincent Street - between Loftus Street and Leederville Parade
 - Oxford Street - between Richmond Street and Leederville Parade
 - Newcastle Street - from Carr Place to Oxford Street
 - Mitchell Freeway (South) - Vincent Street off-ramp
-

As for the 2000 and 2001 event, it is proposed to use a Main Roads WA accredited Traffic Management Contractor to install and man the required road closures. In addition, the organisers will again seek the assistance of WA Police Service to oversee traffic control.

A problem that has arisen in past events has been the congestion of the footpaths in the Cafe strip along Oxford Street. A combination of race competitors', bikes being locked to bicycle parking rails in Oxford Street and the cafes' and restaurants leaving 'al fresco' tables on the footpath prior to and during the event, has resulted in a very congested path. The competitors tend to patronise the cafes before the race and lock in tandem up to four bicycles to each rail. Four bicycles together takes up to 1.0m of footpath which, when situated adjacent 'al fresco' dining tables, leaves little room for pedestrians. For this reason it is proposed that the organisers again provide a pre-race secured marshalling area for competitors' bikes. There is sufficient room for this facility on a closed portion of Vincent Street adjacent to the Luna Cinema. Further, it is recommended that organisers liaise with the cafes and restaurants to have them remove external tables prior to and during the event and that compliance will be monitored on the night by Health Services.

As a further pedestrian/spectator enhancement, the temporary barrier fencing is to be located within the on-road parking lane, approximately 1.5m out from the kerb, to relieve footpath congestion. This arrangement has minimal impact upon the riders, as they are generally positioned in the middle lanes to sweep into the bends.

As the Leederville race was judged by the organisers to be the most successful of the 1999 and 2000 series, Perth Criterium Series Pty Ltd are keen to retain the Leederville event and maintain their links with the Oxford Street Café strip and the Town.

At its Ordinary Meeting on 13 June 2000, Council considered a request from Perth Criterium Series Pty Ltd for a three (3) year sponsorship commitment from the Town to ensure that an event in the series be staged in Leederville. In respect of sponsorship, the Council resolved the following:

- "(ii) the Council APPROVES BY AN ABSOLUTE MAJORITY the direct funding of \$6,000 for the Town of Vincent to become a "bronze sponsor" of the 2000 Perth Ridesafe Criterium Series event and for the Town of Vincent to be acknowledged in all publicity;*

- (vii) the Council gives in principal approval to support the event in Leederville for a period of three (3) years, from 2000 to 2002, including the event to be held on 5 December 2000;"*

The 2002/03 event is the last under the current agreement. However, in light of the on-going success of the Leederville event, Perth Criterium Series Pty Ltd are keen to continue their association with the Town. To this end Perth Criterium Series Pty Ltd have advised that they, in conjunction with the Western Australian Cycling Federation, Cycling Australia and Events Corp, are currently negotiating to hold the inaugural World Criterium Championship in Perth in 2005, and if the series eventuates, stage a race within the Town.

It is Perth Criterium Series Pty Ltd intention to keep the Town fully informed of the progress of these negotiations and to formally seek Council's support if and when their discussions come to fruition.

‘Bronze’ Sponsorship Agreement

- \$6,000 direct funding from Council and a maximum of \$2,500 in logistical support (road closures etc.) – total value \$8,500.
- Signage – five (5) site signs to be supplied by the Town and to be displayed at prominent locations (purchased 2001)
- Digitised (Town of Vincent) Logo for TV Commercial Production, medium size logo (provided previously).
- Digitised (Town of Vincent) Logo/Bromides for printing purposes – brochures, posters, newspaper advertisements and web site etc medium size logo (provided previously).
- Town of Vincent logo displayed on the finish dais at all four (4) events; and
- Rights to conduct in house newsletter promotions and public promotions of the series and the same opportunity via other sponsors e.g. ANZ, Coca Cola and Local Government Libraries.

Proposed Benefit to the Town

The benefits for the Town, as perceived by Perth Criterium Series Pty. Ltd., are as follows:

- Acknowledge the Town of Vincent as a Bronze Sponsor at all the Perth Criterium Cycling Series events and projects.
- Ensure a field of elite riders for the ‘Leederville Race’ being the first event in the Perth Criterium Cycling Series.
- Position the Town's logo with the other bronze sponsors' logos in the proposed Television Commercial campaign.
- Include the Towns logo in all promotional literature, posters and programs.
- Supply the Town with signage placement at all four (4) events (maximum of 5 signs).
- Invite Council representatives to attend sponsor's functions at all four events in the series.
- Supply the rights to the Town to emphasise its sponsorship in its own publications and outlets.

FINANCIAL/BUDGET IMPLICATIONS:

Arranging supply, erection and manning of barricades and signage for road closures would be funded from the Parades and Festivals budget and is estimated to cost in the order of \$2,500. Direct funding of \$6,000 has been allowed for in the 2002/2003 budget.

STRATEGIC IMPLICATIONS:

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

COMMENT:

The Leederville race will be the first race of the 2002/03 Perth Criterium Cycling Series and is scheduled for Thursday evening, 2 January 2003. Prior to the 2001 event, the series was held in the first week of December. In 2001 the series was moved to the week between Christmas and New Years Eve to reduce competition with other pre Christmas activities. Whilst the crowd number was down on previous years, this period, other than New Years Eve, is traditionally a quiet period for Restaurants and Cafés with many people either away or reducing their social activities in anticipation of New Years Eve celebrations.

This year's series is scheduled for the first week in January 2003 in an endeavour to attract greater spectator numbers. This rescheduling should be of benefit to the Oxford Street traders, as the custom immediately after New Years Eve is normally expected to be light and therefore 4000+ people in the precinct would be a welcome fillip.

In respect of traffic management, as it is the holiday period, the impact of the road closures is significantly reduced. Further, given the building activity in the Leederville Precinct ie. 'Oxford Lane', reduces as builders traditionally shut down during the Christmas period, this further reduces the likely conflict of activities.

There will be three (3) races in the 2000/03 Perth Criterium Cycling Series with Leederville, Victoria Park and Subiaco being confirmed as venues.

The Town's commitment to continuing it's 'bronze sponsorship' will ensure that the race remains in Leederville for the foreseeable future and provides exciting opportunities to promote the Town, if the World Criterium Championship eventuates.

10.2.3 Northbridge Urban Renewal Project - Money & Lindsay Street Streetscape Improvements

Ward:	North Perth	Date:	15 October 2002
Precinct:	Beaufort P13	File Ref:	TES0150, TES0317, TES0313 & PLA0097
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:			
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the further report on the East Perth Redevelopment Authority's proposed Money and Lindsay Streets Upgrade Project, Newcastle Street to Little Parry Street;*
- (ii) *instructs East Perth Redevelopment Authority's project management consultants, Clifton Coney Stevens, to proceed with the undergrounding of the power in Money Street only, and;*
- (iii) *carries forward any savings from the Money Street works with a view to completing Lindsay Street in 2003/04; and*
- (iv) *advises the residents of Money Street, Lindsay Street and the East Perth Redevelopment Authority of its resolution.*

BACKGROUND:

Since late 1999, the Council has received a series of reports in respect of the East Perth Redevelopment Authority (EPRA) assuming responsibility for the planning and implementation of Northbridge Urban Renewal Project (NURP). A majority of the works completed to date has been confined to the project area proper (within the City of Perth) and boundary roads that the Town co-manages with the City, especially Parry and Summers Streets, with the Newcastle Street works currently in progress.

On the 25 June 2002, a report was presented to the Ordinary Meeting of Council outlining EPRA's upgrading proposals for Money and Lindsay Streets, Perth. EPRA's scope of works, between Newcastle and Little Parry Streets, includes underground power, new footpaths and verge treatments. EPRA, through their Project Management Consultants, Clifton Coney Stevens (CCS), provided the Town with a proposal to extend the works to Monger Street.

While Council made provision in the 2002/03 Capital Works Program to upgrade the footpaths and verge within the Town's sections of Money and Lindsay Streets, the project was contingent upon the power being undergrounded. To this end, CCS provided the Town with a provisional price of \$128,000 for the undergrounding works, which Council subsequently included in the 2002/03 budget. At the time it was emphasised that both EPRA and its CCS were keen to commence the works as soon as practical.

At the conclusion of discussion Council adopted the following resolution:

"That the Council;

- (i) *receives the report on the East Perth Redevelopment Authority's proposed Money and Lindsay Streets Upgrade Project, Newcastle Street to Little Parry Street;*

- (ii) *adopts the upgrade proposal as outlined in attached Plan No. DD 039 and notes that the scope of works, which includes the undergrounding of power, footpath upgrades, landscaping and possible road resurfacing, will be extended to Monger Street pending the adoption of the Town's 2002/2003 budget;*
- (iii) *notes that an independent arborist's report on protecting the significant street trees in both Money and Lindsay Streets during the project works will be undertaken; and*
- (iv) *advises the residents of Money Street, Lindsay Street and the East Perth Redevelopment Authority of its resolution."*

Upon receiving a copy of Council's resolution, CCS referred clause (iii) to their Electrical Consultants to verify that the works would be undertaken in accordance with Council's direction. As expected, the arborist recommended that all services were to be installed using directional drilling techniques, rather than open trenching, in the vicinity of the trees. However, CCS has since advised that their initial estimate was based upon open trenching and that the works within the Town's sections of Lindsay and Money Streets could not be completed for the original price.

CCS have provided a revised costing of \$175,310.16 to install underground power within the Town's portion of Lindsay and Money Streets, Perth, an increase of \$47,310 over the original estimate.

DETAILS:

As reported to the Ordinary Meeting of Council of the 25 June 2002, EPRA propose to substantially upgrade Lindsay and Money Streets, Perth, between Newcastle Street and Little Parry Street. With regard to the section of Money and Lindsay Streets, north of Little Parry Street to Monger Street, EPRA approached the Town to undertake similar improvements in conjunction with their works.

An allocation of \$128,000 was included in the 2002/03 budget (based on the costings supplied by EPRA's consultants) to underground the power in both streets, from Little Parry Street to Monger Street. Further, both streets were listed in the 2002/03 Footpath Replacement Program to upgrade the footpaths to cast in-site concrete at the conclusion of underground power works. Similarly, if EPRA's project budget allows for road resurfacing to Little Parry Street, and given the relatively small area involved, the Town would extend the works through to Monger Street with funds sourced from the 2002/03 Road Resurfacing Program.

In respect of the underground power works, the significant London Plane (Money Street) and Paperbark (Lindsay Street) street trees, present a similar scenario to that of recently completed Mary Street, Highgate Local Enhancement Project. Therefore, it could be expected that, as with Mary Street, directional drilling would be the preferred method of operation.

However, CCS have advised that their initial costing allowed for open trenching, resulting in a significant disparity of some \$47, 310 from the original costing of \$128,000, and the final price of \$175,310.16.

The Town argued, using Mary Street as an example, that the cost to underground the power in Mary Street was approximately \$3,380 per lot versus \$6,840 per lot quoted for Lindsay and Money Streets. CCS has endeavoured to justify this variation in their letter (refer attached) dated 8 October 2002.

Therefore the Town has four options:

- Accept Clifton Coney Stevens (EPRA) revised costings and include the additional funds (\$47,310) in any subsequent mid-year budget review.
- Advise EPRA that in light of the increased costs that the Town does not wish to proceed with the works and re-allocate the funds, as directed by Council.
- Authorise CCS to proceed with the works in Money Street* only and carry forward any savings with a view to completing Lindsay Street in 2003/04.
- Call its own tender for suitably qualified consultants to design and project manage the installation of underground power in Lindsay and Money Streets, Little Parry Street to Monger Street.**

Note 1:* By virtue of their size the London Plane trees in Money Street have, over the years, been more severely pruned than the Paperbarks in Lindsay Street. Further, the mix of commercial and residential properties in Money Street is more conducive to installing underground power than the current developments/building mix in Lindsay Street.

Note 2:**While this is an option available to the Town, it is highly likely that the price will still exceed the \$128,000 allocated in the budget. The original intention was to extract cost savings by using EPRA's consultants and contractors as an extension or add on to an existing project. To call new tenders will require the successful consultant to redesign the project, as EPRA's consultant will retain ownership of their documentation. Further, the scope of works will have changed as EPRA's contractors will have completed their section and left the site and therefore there would be start-up costs for the new contractor, which would not have otherwise been incurred.

FINANCIAL/BUDGET IMPLICATIONS:

An allocation of \$128,000 was included in the 2002/03 budget for the undergrounding of the power in both Money and Lindsay Streets, from Little Parry Street to Monger Street. EPRA, via their consultants, are seeking a further \$47,310 increasing the project cost to \$175,310.16.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 - Key Result Area 1 - *"The physical Environment – 1.6 Continue to enhance the Townscape and the streetscape, building a distinctive style for the Town of Vincent"*.

COMMENTS:

EPRA's proposed Money and Lindsay Streets improvements are an extension of, and consistent with, EPRA's current Northbridge Urban Renewal Project works in surrounding streets. The project area, partially as a result of the Graham Farmer Freeway project, is looking neglected and in need of an upgrade to realise its full potential.

The overhead power lines are to be removed and placed underground, allowing the street trees to regrow unimpeded, dramatically improving the aesthetics of the streets. However, there is a substantial discrepancy of \$47,310 between the initial cost (\$128,000) and the final price of \$175,310 provided by EPRA's consultants and given the current budgetary constraints, the additional expenditure will be difficult to justify. Therefore, it is recommended that the Town proceed with the undergrounding of the power in Money Street only and that any savings be carried forward, with a view to completing Lindsay Street in the 2003/04 financial year.

10.2.4 Redevelopment of Oxford Street Reserve

Ward:	North Perth	Date:	14 October 2002
Precinct:	Oxford Centre, P4	File Ref:	RES0059
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher		
Amended by:			

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the proposed redevelopment of Oxford Street Reserve, located on the corner of Oxford Street and Leederville Parade, Leederville;*
- (ii) *APPROVES the proposal, as outlined on attached Plan No. 2082-CP-1B, however, defers the works until the proposal to install a roundabout at the intersection of Leederville Parade and Oxford Street has been further determined;*
- (iii) *receives a further report on the proposal for reasons outlined in clause (ii), should the proposed future roundabout significantly impact on the reserve redevelopment proposal; and*
- (iv) *expresses its appreciation to all respondents for their input regarding the redevelopment works and advises them of its resolution.*

BACKGROUND:

At the Ordinary Meeting of Council held on 10 September 2002, it was resolved: -

“That the Council;

- (i) *receives the report on the proposed Redevelopment of Oxford Street Reserve located on the corner of Oxford Street and Leederville Parade, Leederville;*
- (ii) *adopts the landscape concept plan for the Redevelopment of Oxford Street Reserve as shown on attached plan No. 2082-CP-1A; and*
- (iii) *in accordance with its policy No. 4.1.21, Community Consultation, advertises the proposal as outlined on concept plan No. 2082-CP-1A to all owners and occupiers of Oxford Street, Leederville Parade and Frame Court, Leederville, including local businesses and community groups for a period of twenty-one (21) days inviting written submissions on the proposal and consider any submissions received at the conclusion of the period.”*

On 16 September 2002, a letter and concept plan outlining the proposal were sent to local businesses and residents in the vicinity of the Reserve. A notice was also placed in the Community papers and the Plan displayed at the Administration and Civic Centre.

DETAILS:

The landscape concept plan was advertised for public comment for a period of twenty-one (21) days, closing on 11 October 2002. Of the sixty two (62) letters distributed, only four (4) responses were received where the following comments were made: -

- Delighted by new plan – would like to take opportunity to suggest erection of “Education Stands” reminding the Community about littering and provide dog “droppings” bags.

Officer’s Comments

- ❖ Appropriate signage will be installed and dog “poo” bags provided if necessary in this location.
- Cluttering up a small park with lots of hard-surfaces and unrelated elements.
- Pathways create small narrow lawn areas which would cost a lot to reticulate, mow and trim the edges.
- Embankment is a good idea, but it needs to be covered in a shrubby groundcover – preferably native (*Banksia sp*) or grasses.
- Drinking fountain would be better nearer the playground – possibly between the playground and the carpark.
- Playground needs some form of barrier between carpark to stop kids running on the road.
- Uplighting or bollard lighting would look better, especially to showcase trees like the *Croymbia citriodora*.
- Brick pathway is not thought out properly. It connects nothing with nothing and runs right through the middle of the park.
- Artwork is a great idea. Use local artists please. (I like the Smith’s Lake Sculpture).
- Plant selection is poor because it is not Western Australian, is not necessarily waterwise, and has no design narrative.

Officer's Comments

- ❖ Proposed pathways provide a link from the footbridge across the park to the carpark and allow disabled access to the playground. The path from the central palm feature around to the entrance of the Skate Park was included following consultation with the local youth.
 - ❖ Plant selection has been reviewed following the consultation period and native trees/shrubs will now be used predominantly throughout the reserve.
 - ❖ A playground barrier was initially considered, however deleted due to cost. This will be reviewed and included in a future budget if required.
 - As a business owner in Leederville, we do experience parking problems for clients at certain times of the day. I understand there is a proposal to redevelop the Avenue carpark, but as yet I am not aware of a formal proposal and would suggest this deserves a higher priority than the park redevelopment.
 - Western Australia has a vast range of magnificent plants. It puzzles me why Councils are not using native plant species and varieties exclusively, particularly in light of the current concerns over our water resources. The current ‘trend’ for using Plane Trees, which are so regularly planted in the most inappropriate places is an example of inappropriate selection for many situations. In the plan I find the Phoenix *canariensis* interspersed with the Eucalyptus *leucoxlyn rosea* a very strange selection, aesthetically. Therefore, I would prefer to see the non-endemic species in the plant list replace with WA native species.
-

Officer's Comments

- ❖ The Avenue Carpark is to be redeveloped in 2002/03 and works are programmed to commence in the new year.
- ❖ As indicated above, the plant selection has been reviewed and will now consist of predominantly native species. The central palm feature, however, will be retained.

Recommendations:

- (a) That the proposed artwork "seating" be rotated 180 degrees so that it opens outwards towards the park, as illustrated in the design approved by the Town of Vincent.
- (b) That the proposed artwork "seating be swapped with the seat immediately to its east, so that it lines up with the low middle section of the skateboard park.
- (c) That a large overhead shade tree to be planted against the back of the middle section of the proposed metal artwork "seating" in order to provide summer and not winter shade.
- (d) That the Town of Vincent staff ensure that it complies with artist's moral rights and copyright legislation by formally consulting with the professional artists who were employed to design the seat and drinking fountain, to ensure that they are in agreement with the location and final design of the seat and drinking fountain.

Officer's Comments

Following discussions with Community Development staff, it is considered that the artworks designs should be further discussed with the artists, prior to the works being commenced.

CONSULTATION/ADVERTISING:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 Key Result Area 3.6 *"Develop and Implement Strategies to Improve the Town's Parks and Reserves"*.

FINANCIAL/BUDGET IMPLICATIONS:

As previously reported (10 September 2002), the estimated total cost of the redevelopment works of Oxford Street Reserve is \$52,500.

The total budget allocation including a carried forward amount for the playground upgrade is \$52,500.

COMMENTS:

The proposed artworks will not impact on the other redevelopment works planned within the reserve. It was originally programmed to commence this project in October 2002, however for the following reasons it would be prudent to commence construction early in the new year.

- Artwork design issues will be resolved and project can be finalised.
 - Works will not impact on the “Arty Farty” street festival being held in December 2002.
 - The Town has recently received funding to construct a roundabout at the corner of Oxford Street and Leederville Parade and it would be ideal to complete both projects in unison. (A separate report on this matter is included in this agenda).
-

10.2.5 2002/03 National Black Spot Program

Ward:	Both	Date:	15 October 2002
Precinct:	All	File Ref:	TES0173
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher		
Amended by:			

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the favourable outcome of the Town's 2002/2003 National Black Spot Program submissions;*
- (ii) *APPROVES the proposed roundabout at the intersection of Oxford Street and Leederville Parade, Leederville, estimated to cost \$100,000, as shown on attached plan 1126-CP;*
- (iii) *advertises the proposal for public comment for a period of twenty one (21) days, inviting written submissions; and*
- (iv) *receives a further report at the conclusion of the consultation period.*

BACKGROUND:

The Federal Black Spot Program, under which a number of safety improvements were previously implemented throughout the Town, concluded as of 30 June 2002. The success of the program over its (six) 6 year life span prompted The Department of Transport and Regional Services (DOTARS) to introduce a new scheme, the 'National Black Spot Program'.

In January 2002 DOTARS wrote to all Local Governments introducing the new program and calling for project submissions. The criteria for the new program was essentially the same as its predecessor, with submissions closing 15 March 2002.

DETAILS:

'Black Spots' are locations that have a high accident recurrence rate resulting in significant personal and property damage. Locations designated 'Black Spots' are prioritised in descending order of severity. In order to achieve an equitable funding arrangement, Main Roads WA (MRWA), who manage the new program on behalf of DOTARS, endeavours to spread the funds as evenly as possible throughout the State and amongst Local Governments.

MRWA provided every Local Government with a list of eligible locations, inviting them to submit a funding application. Some thirty three (33) metropolitan submissions were successful with a total value of \$3.026 million.

The Town nominated four (4) locations for consideration.

In a letter dated 8 October 2002, DOTARS advised, via MRWA's 'Black Spot' Coordinator, that the Town was successful in one (1) of its submissions.

The following table provides a brief description of each location submitted, the proposed modification and estimated project cost:

Location	Proposal	Estimated Cost	Status
<i>Intersection of Charles St & Ellesmere St, North Perth.</i>	<i>Install traffic islands on approaches.</i>	<i>\$17,000</i>	<i>Unsuccessful</i>
Intersection of Leederville Pde & Oxford St, Leederville.	Construct roundabout.	\$100,000	Successful
<i>Intersection of Charles St & Mabel St, North Perth.</i>	<i>Install traffic islands on approaches.</i>	<i>\$12,000</i>	<i>Unsuccessful</i>
<i>Intersection of Fitzgerald St & Alma Rd, North Perth.</i>	<i>Install 'half seagull' traffic island in Alma Rd preventing right turn movement into Fitzgerald Street.</i>	<i>\$17,000</i>	<i>Unsuccessful</i>

FINANCIAL/BUDGET IMPLICATIONS:

The project will be fully funded by Federal grant monies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 - Key Result Area 1.5(c) "*Evaluate traffic on major access roads and local area traffic management.*"

COMMENTS:

As outlined in the report, the Town has been advised that it has been successful in attaining National Black Spot funding to construct a roundabout at the intersection of Oxford Street and Leederville Parade, Leederville.

In an unrelated agenda item before Council (refer item 10.2.4), the Manager Parks Services has reported on the proposed redevelopment of Oxford Street Reserve. The report seeks, for various reasons, to defer the works.

The Town was only advised of the success of its Black Spot funding submission, after the Oxford Street Reserve redevelopment proposal had been adopted in principal by Council at its Ordinary Meeting of 10 September 2002.

In light of the proposed deferment of the park redevelopment, an opportunity now exists to link the two (2) projects to create superior and integrated development.

A roundabout at this location would have numerous benefits for the Oxford Centre Precinct.

The obvious benefit would be improved road safety and traffic management. A roundabout would significantly reduce the predominate right angled through and rear end accidents that occur at this location. It would also eliminate the unsafe 'U' turn manoeuvre at the southern end of Oxford Street which many motorists currently undertake. While Leederville Parade is classified as a district distributor A road, it is line marked as a single lane in either direction and therefore a roundabout at this location does not effect nor reduce the capacity of the road. Further, a roundabout will lower the speed of traffic using Leederville Parade as a link between the Vincent Street and the Mitchell Freeway on/off ramps with Loftus Street and Graham Farmer Freeway access.

A roundabout also provides an opportunity to create a focal entry/exit point to the Oxford Centre Precinct. The roundabouts central landscaping can be integrated into that of the park redevelopment to create a common theme effectively linking the two (2) projects.

While a roundabout does not specifically address the adopted Oxford Centre Study objectives, concept plan and recommendations, an opportunity exists to implement an immediate and tangible improvement in the Oxford Centre Precinct. It may be necessary to modify the roundabout in the future, to accommodate the Town Square one-way vehicular circulation system, as proposed in the adopted Oxford Centre Study Plan. A skillfully landscaped roundabout would provide a focal point, such as the planting of a date palm within the centre of the roundabout, lessen the visual and physical impact of vehicles and soften the streetscape.

10.2.6 Capital Works Program 2002/2003 - Progress Report No. 1 as at 30 September 2002

Ward:	Both	Date:	14 October 2002
Precinct:	All	File Ref:	FIN0025
Reporting Officer(s):	M Rootsey, R Lotznicher, R Boardman		
Checked/Endorsed by:	J Giorgi		
Amended by:			

OFFICER RECOMMENDATION:

That the Council RECEIVES the Progress Report No. 1 for the Capital Works Program 2002/2003, as detailed in the attached Item 10.2.6.

BACKGROUND:

The Council adopted the Capital Works Program at the Ordinary Meeting of Council held on 23 July 2002. Quarterly reports are presented to Council to advise of the schedule and progress of the Capital Works Program. This is the first Progress Report for this financial year covering the period ending 30 September 2002.

DETAILS:

The report focuses on the work that was due to be completed in the first quarter. Comments on the report relate only to works scheduled to be carried out in the period up to 30 September 2002.

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATION:

The progress is proceeding according to the Annual Budget.

STRATEGIC IMPLICATION:

Strategic Plan 2000 – 2002 – Key Result Area 4.1: *Introduce mechanisms to ensure continuous improvement in our service delivery*

LEGAL:

Nil.

COMMENTS:

In the first quarter allowances are made for the budget adoption and the collection of rates income to fund the program.

However the majority of the work scheduled for the period is either in progress or completed. There have been some delays in the starting of some jobs in the Footpath program, this was due to the unavailability of the contractor due to personal matters. This has now been resolved and the program is back on schedule.

10.3 CORPORATE SERVICES

10.3.1 Disabled And Aged Access Improvements At Shalom Coleman Dental Clinic

Ward:	Both	Date:	14 October 2002
Precinct:	All	File Ref:	TES0453
Reporting Officer(s):	D Brits		
Checked/Endorsed by:	R Boardman, R Lotznicher, J Anthony		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council APPROVES BY AN ABSOLUTE MAJORITY the adjustment of the 2002/2003 Budget to improve disabled and aged access at the Town of Vincent-owned Shalom Coleman Dental Clinic for around \$43,000 from a source to be identified during the first Budget Review.

BACKGROUND:

The Minister for Health, the Honourable Mr Bob Kucera and John Grapsas, Acting Regional Dental Officer, North, of the Department of Health of Western Australia lodged a special request with the Town to improve disabled and aged (universal) access at the Shalom Coleman Dental Clinic, North Perth, due to on-going requests from aged patients and persons with disabilities, who use this Centre for specialised dental care.

Subsequently, a site meeting was conducted on 26 September 2002 with the following representatives in attendance:

- John Grapsas, Acting Regional Dental Officer, North;
- Architect Peter Jones - Disability/Universal Access Consultant;
- Craig Wilson, Manager, Engineering Design;
- Deon Brits, Acting Manager, Health Services; and
- Keith Steicke, Property Maintenance Officer.

After discussion, the Access Plan submitted by Architect Peter Jones was supported in-principle, subject to Council approval, by the representatives that includes the following items and indicative costing:

- Installation of automatic self-opening entrance door, \$3,000;
- Disabled and Universally Accessible Toilet Conversion, \$28,000; and
- Internal ACROD disabled parking bay, drop-off area, and crossover access from Haynes Street, \$ 12,000. Indicative Total: \$ 43,000.

STRATEGIC IMPLICATIONS:

Principal Activities Plan 2002 - 2006 - Key Result Area: The Physical Environment - *"promotion of a safe and healthy inner-city environment."*

Strategic Plan 2000 – 2002

- Key Result Area 2.1 *"Publicly celebrate the Town's diversity"*;
- Key Result Area 2.3 (a) *"Review methods of communicating with the community"*;
- Key Result Area 2.4(a) *"to facilitate the provision of services and programs which are relevant to the needs of our community"*; and

- Key Result Area 2.4(b) *“Promote community development and cultural diversity of the Town”*.

At its Ordinary Meeting held on 24 May 1999, the Council resolved:

“That the Council;

- (i) receive the Town of Vincent Disabled Access Audit Survey Remedial Action Report as laid on the table prepared by the Disability Access Advisory Group;*
- (ii) receives the recommendations of the Town of Vincent Access Audit Survey Remedial Action Report and consider \$53,500 for the 1999/2000 budget”*

COMMENTS:

The adoption of the Five Year Strategic Access Plan in 1999 limits the risk of persecution under the Disability Discrimination Act (1992) and demonstrates that Council is providing access for all residents of all abilities (universal access). Access improvement at Shalom Coleman Dental Clinic, North Perth, is listed in the Five Year Strategic Access Plan adopted in 1999, Ian Lush & Associates Access Report, Disability Services Consultant Architect Peter Jones` recommendations, and draft Budgets since that time, however due to projects with higher priorities this project has not been addressed to date. As a result of the latest requests, it is considered necessary to report this matter to Council for urgent consideration, as this community need is well established, it will persist and costs keep on escalating year by year. In relation to funding, the Budget Review will be reported to Council in due course. Should any savings on other completed projects realise, it will be reported during the Budget Review in order to reallocate funds to minimise the likelihood of over expenditure in relation to overall Capital Works and Specified Building Maintenance as a consequence of this important aged and disabled access plan requested by several persons.

10.3.2 Investment Report

Ward:		Date:	01 October 2002
Precinct:		File Ref:	FIN0033
Reporting Officer(s):	C Liddelow		
Checked/Endorsed by:	N Forsyth		
Amended by:			

OFFICER RECOMMENDATION:

That the Investment Report for the month ended 30 September 2002 be received.

BACKGROUND:

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

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

DETAILS:

Total Investments for the period ended 30 September 2002 were \$11,819,875 compared with \$8,671,385 at 31 August 2002. At 30 September 2001, \$12,913,856 was invested.

Total accrued interest earned on Investments as at 30 September 2002:

	Budget	Actual	%
	\$	\$	
Municipal	300,000	56,809	18.94
Reserve	355,100	77,141	21.72

COMMENT:

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

10.3.3 Financial Statements as at 30th September 2002

Ward:		Date:	16th October 2002
Precinct:		File Ref:	
Reporting Officer(s):	Natasha Forsyth		
Checked/Endorsed by:			
Amended by:			

OFFICER RECOMMENDATION:

That the Financial Reports for the month ended 30 September 2002 be received.

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 2002.

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 69% of the Budget received to date.

General Purpose Funding (Page 2)

General Purpose Funding is showing 89% of the budget received to date, this is due to rates being levied.

Health (Page 4)

Health is showing 81% of the budget received to date. This is due to Health Licences being issued.

Community Amenities (Page 6)

Community Amenities is showing 34% of the budget received to date. This is due to bin charges being invoiced.

Transport (Page 11)

Transport is showing 16% of the budget received to date.

Economic Services (Page 12)

Economic Services is showing 16% of the budget received to date.

Other Property and Services (Page 13)

Other Property and Services in this report is 17% of budget.

Operating Expenditure

Operating expenditure for the month is favourable to Budget (17%).

Law, Order & Public Safety (Page 3)

The first quarterly instalment of the Fire Services contribution has been paid.

Education & Welfare (Page 5)

Water rates have been paid on the properties in the Town.

Recreation & Culture (Page 7)

Water rates have been paid on properties, parks and reserves in the Town.

Capital Expenditure Summary (Pages 15 to 25)

The Capital Expenditure summary details projects included in the 2002/03 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 \$1,152,085, which is 8% of the budget.

Statement of Financial Position and Changes in Equity (Pages 26 and 27)

This statement is in essence the Balance Sheet of the Town as at 30 September 2002 and shows current assets of \$21,918,395 less current liabilities of \$2,275,728, for a current position of \$13,642,667. Total non-current assets amount to \$96,582,011 for total net assets of \$116,215,889.

Restricted Cash Reserves (Page 28)

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

Transfers 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 2002, interest of \$77,141 was transferred. Restricted cash reserves total \$6,607,632 at the end of September 2002.

Debtors and Rates Financial Summary

General Debtors (Page 29)

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 \$427,258 are outstanding at the end of September. . Of this \$35,597 (8%) 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.

Rate Debtors

The notices for rates and charges levied for 2002/03 were issued on the 12 August 2002.

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

First Instalment	16 September 2002
Second Instalment	18 November 2002
Third Instalment	15 January 2003
Fourth Instalment	19 March 2003

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.

10.3.4 Authorisation of Expenditure for the Period 01 September - 30 September 2002

Ward:		Date:	1 October 2002
Precinct:		File Ref:	FIN0033
Reporting Officer(s):	P Forte		
Checked/Endorsed by:	N Forsyth		
Amended by:			

OFFICER RECOMMENDATION:

That;

- (i) *the Schedule of Accounts for the period 1 September – 30 September 2002 be confirmed and the list of payments as laid on the table be included in the Minutes;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees be confirmed and be included in the Minutes;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office be confirmed and be included in the Minutes;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office be confirmed and included in the Minutes;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors be confirmed and included in the Minutes; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans be confirmed and included in the Minutes.*

DECLARATION OF INTEREST

Members/ Officers	Voucher	Extent of Interest
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Nil.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
MW & VC Smith	500604	\$1,034.34
SH & A Barker	500605	\$84.85
Total Municipal Account		\$1,119.19
Advance Account		
Automatic Cheques	39823 – 39974, 40039 – 40232	\$1,021,124.12
Manual Cheques		
Transfer of Creditors by EFT	Batch 20 – 24	\$725,695.82
Transfer of Payroll by EFT	September 2002	\$410,929.96
Transfer of PAYG Tax by EFT	September 2002	\$123,936.35
Transfer of Child Support by EFT	September 2002	\$300.92
Transfer of Superannuation by EFT		
City of Perth	September 2002	\$21,666.80
Local Government	September 2002	\$49,530.79
Total Advance Account		\$2,353,184.76
Bank Charges & Other Minor Debits		
Bank Charges – CBA		\$7,520.74
Lease Fees		\$1,170.41
Corporate MasterCards		\$4,840.98
Total Bank Charges & Other Minor Debits		\$13,532.13
Less GST effect on Advance Account		
Total Payments		\$2,367,836.08

COMMENT:

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

STRATEGIC IMPLICATIONS:

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

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

ADVERTISING/CONSULTATION:

Nil.

10.3.5 Cultural Development Seeding Grant Applications

Ward:	Both	Date:	10 October 2002
Precinct:	All	File Ref:	CMS0008
Reporting Officer(s):	D Spurgeon		
Checked/Endorsed by:	J Anthony		
Amended by:			

OFFICER RECOMMENDATION:

That the Council APPROVES the applications for Cultural Development Seeding Grants of \$500 (five hundred dollars) each for:

- (i) *Highgate Primary School; and*
- (ii) *The Verge Incorporated.*

DETAILS:

Highgate Primary School

As an incentive for positive interaction and self-esteem within the playground and classroom, the children of Highgate Primary School will create stickers and certificates that can be presented at school assemblies. The school seeks a Cultural Development Seeding Grant to assist with the costs of purchasing coloured card and sticker paper. The students will feel a sense of ownership of the project due to their involvement in all stages including promotion, judging, designing and creation of the certificates and stickers.

The Verge Incorporated

The Verge Incorporated is a self-supporting, not for profit collective of independent artists. The Verge Inc. has established an artist run exhibition centre, Kurb, and is running the *Christmas Survival Show* exhibition in December. The exhibition runs from 6 December to 21 December 2002 with a party event on 14 December. The Verge Inc. has applied for a Cultural Development Seeding Grant to put towards the running costs of the project and the marketing and promotion of the exhibition. Kurb is open to all members of the public and the *Christmas Survival Show* will be targeted towards Town of Vincent residents as well as the general public from the greater metropolitan area.

CONSULTATION/ADVERTISING:

These applications were received after the March 2002 advertised round. Such applications are processed as per the advertised round applications.

STRATEGIC IMPLICATIONS:

The Cultural Development Seeding Grants and the submitted application address the following section of the Town's Strategic Plan 2001-02:

- 2.1 *Publicly celebrate and promote the Town's diversity.*

FINANCIAL/BUDGET IMPLICATIONS:

The Council's budget contains an amount of \$10,000 for donations.

COMMENTS:

The Highgate Primary School project encourages young people to interact with each other in a positive manner. The sticker and certificate project will support cooperative attitudes between students as well as between the teachers and students, while helping to increase self-esteem in the playground.

The Verge Incorporated project (Kurb) allows residents from all walks of life within the Town of Vincent to integrate while encouraging residents to become involved in arts and cultural activity.

Successful applicants must acknowledge the Town of Vincent's support of their project by displaying the Town's logo on all promotional material such as flyers and posters.

10.3.6 Donation to the Mount Hawthorn Branch of Retirees WA Inc

Ward:	Both	Date:	14 October 2002
Precinct:	All	File Ref:	FIN0008
Reporting Officer(s):	A Hope		
Checked/Endorsed by:	J Anthony		
Amended by:			

OFFICER RECOMMENDATION:

That the Council APPROVES a donation of \$500 (five hundred dollars) to the Mt Hawthorn Branch of Retirees WA Inc (formerly Mt Hawthorn Pensioners League) to assist them in providing a Christmas party and affordable outings, activities and events for their members.

DETAILS:

The Mount Hawthorn Branch of Retirees WA Inc meets each fortnight at the Menzies Park Pavilion. Throughout the year they organise outings, activities and events for members. Where possible they subsidise the cost of these activities in order to make them affordable for people on a low income. Each year they hold a Christmas Party at no cost to members.

Retirees WA Inc Mt Hawthorn Branch is requesting a donation of an unspecified amount from the Town of Vincent to assist them in providing a Christmas party this year and affordable outings, activities and events for members in the coming year.

In 2002 and 2001 the Town of Vincent provided a donation of \$500 to the group.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

It is expected that the donation of \$500 (five hundred dollars) will be expended from the Donation account.

COMMENTS:

Thirty five to forty seniors attend fortnightly meetings at the Mount Hawthorn branch of Retirees WA Inc. It is one of the few organisations that provides regular social activities for seniors in the Mt Hawthorn area.

10.3.7 Donation Towards Mission Australia's Christmas Lunch in the Park

Ward:	Both	Date:	15 October 2002
Precinct:	All	File Ref:	FIN0008
Reporting Officer(s):	A Hope		
Checked/Endorsed by:	J Anthony		
Amended by:			

OFFICER RECOMMENDATION:

That the Council APPROVES a donation of \$350 (three hundred and fifty dollars) to Mission Australia to assist them in providing a Christmas party for disadvantaged families and individuals.

DETAILS:

Mission Australia is holding its annual Christmas lunch on 25 December 2002 in Wellington Square, East Perth. Approximately 1500 people who may be experiencing difficulties in their lives due to family breakdown, financial problems, social isolation, the loss of a loved one, homelessness and mental illness will attend the lunch.

The organisation has requested a donation from the Town of Vincent to assist with the cost of staging this event.

Sponsors of the event will be acknowledged in the marquee on the day.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

It is expected that the donation of \$350 (three hundred and fifty dollars) will be expended from the Donation account.

COMMENTS:

There are a number of homeless and disadvantaged people in the Town of Vincent and it is likely that they will attend and benefit from this event.

10.4 CHIEF EXECUTIVE OFFICER

10.4.1 Strategic Plan Review Quotation - Appointment of Consultant

Ward:	Both	Date:	16 October 2002
Precinct:	-	File Ref:	
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

RECOMMENDATION:

That the Council;

- (i) **ACCEPTS** the quotation submitted by Bessen Consulting Services at a cost of \$4,895 as being the most acceptable to the Town to carry out a review of the Town's Strategic Plan 2000-2002; and
- (ii) **APPROVES** of the Indicative Timeline for a review of the Council's Strategic Plan 2000-2002, as detailed in this report.

BACKGROUND:

At the Council Meeting held on 12 February 2002, the Council received a report relating to a review of the Town's Strategic Plan.

The following are relevant parts of the report (Item 10.4.3) which was submitted to the Ordinary Meeting of Council held on 12 February 2002:

'That;

- (i) *the Progress Report on the Town of Vincent 2000-2002 Strategic Plan be received; and*
- (ii) *an amount of \$8,500 be listed for consideration in the 2002/2003 Draft Budget for the Strategic Plan to be completely reviewed.*

BACKGROUND

The Council's Strategic Plan 2000-2002 was adopted on 24 October 2000. Over the previous two years there have been periodic reports to Council on the progress of completing the strategies and action plans.

The process would include;

1. *workshops with Elected Members and Council's Senior Officers;*
2. *workshops with various community and business groups;*
3. *workshops with ratepayers and residents;*
4. *extensive consultation and advertising;*
5. *printing and distribution of plan.*

It is proposed to carry out this review in the last quarter of 2002."

At the Ordinary Meeting of Council held on 23 July 2002, the Council considered the Capital Works Schedule 2002/2003 and resolved as follows:

"That the Council APPROVES the attached 2002/2003 Capital Works Schedule, subject to the Angove Street Upgrade Works being moved from December (to avoid the festive season) and the project commence in October."

The Capital Works Schedule at Page 8 lists “*inter alia*” the following items:

Executive Management

- *Independent Organisational Review – Budget \$75,000 – Time: mid-February to mid-May 3002.*
- *Strategic Plan – Budget \$8,500 – Time: October-December 2002*
- *Lot 18 Marmion Avenue (Tamala Park Studies) – Budget: \$50,000 – Timeline: ongoing.*

In accordance with the Town’s adopted Capital Works Schedule 2002-2003, an advertisement was placed in “*The West Australian*” newspaper on 21 September 2002 calling for quotations to be submitted for a review of the Town's Strategic Plan. Requests for information were issued to 16 companies. Quotations were to be submitted by 8 October 2002.

On 23 September 2002, a memorandum was sent to all Elected Members with copies to Executive Managers and Managers outlining the indicative program and selection criteria and requesting comment on dates to carry out group sessions with Elected Members and Staff.

QUOTATION EVALUATION

The following weighted criteria was used for the selection of the consultant for this project.

Criteria	%	Weighting
1.1 Professional expertise and relevant experience in strategic planning <ul style="list-style-type: none"> • Demonstrated knowledge and experience in strategic planning. • Capacity to address the range of technical aspects involved in the project. 	10 10	20%
1.2 Relevant experience of key person(s) <ul style="list-style-type: none"> • Credentials (i.e. formal qualifications and experience) of key person(s). • Role of the key person(s) in the project. 	5 5	10%
1.3 Methodology <ul style="list-style-type: none"> • Proposed methodology for this project. • Previous methodology in relevant projects and demonstrated evidence of successful results. • Demonstrated experience in relevant projects of a similar nature 	7 7 6	20%
1.4 Key Issues <ul style="list-style-type: none"> • Demonstrate your understanding of the required service by identifying the key issues associated with delivering the project. • Explain how you intend to address these issues. 	7 8	15%
1.5 References <ul style="list-style-type: none"> • Submission of contact details of referees for similar projects 	5	5%
1.6 Fee Proposal <ul style="list-style-type: none"> • This contract is offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) 	30	30%
	100	100%

Evaluation Panel

The Evaluation Panel consisted of Chief Executive Officer, John Giorgi, Executive Manager Environmental & Development Services, Rob Boardman, and Acting Executive Manager Corporate Services, Jacinta Anthony.

Each quotation was assessed in accordance with an Evaluation Assessment Matrix as shown below:

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)

QUOTATIONS RECEIVED

Documentation was requested by sixteen (16) consultants and at the close of the quotation period (8 October 2002) eight (8) submissions were received as follows:

	<i>COMPANY</i>	<i>QUOTED AMOUNT (Incl GST)</i>
1	<u>Bessen Consulting Services</u> PO Box 879 Fremantle WA 6160	\$4,895.00
2	<u>GSM – Governance Systems Management</u> Suite 2 / 11 Ventnor Ave West Perth WA 6005	\$5,000.00
3	<u>Ernst & Young</u> Central Park 152 St Georges Tce Perth WA 6000	\$5,500.00
4	<u>Liz Pattison Pty Ltd</u> 22 Brisbane Tce Northbridge WA 6003	\$7,392.00
5	<u>Murray Jorgensen & Associates</u> PO Box 1211 Canning Bridge WA 6153	\$8,470.00
6	<u>AIM – Australian Institute of Management</u> 76 Burkdale St Floreat WA 6014	\$13,200.00
7	<u>PFK Corporate Finance</u> Level 7, BGC Centre 28 The Esplanade Perth WA 6000	\$15,000.00
8	<u>Consulting Communities</u> 14 Lagonda Place Marangaroo WA 6064	\$15,675.00

QUOTATION EVALUATION

The following weighted criteria will be used for the selection of the consultants for this project. Consultants addressed the selection criteria in their submission. All submissions were assessed by the Evaluation Panel and the following is a summary.

Criteria	%	Weighting	Bessen	GSM	Ernst & Young	Liz Pattison	Murray Jorgenson	AIM	PFK	Consulting Communities
1.1 Professional expertise and relevant experience in strategic planning		20%								
<ul style="list-style-type: none"> Demonstrated knowledge and experience in strategic planning. Capacity to address the range of technical aspects involved in the project. 	10		9	9	9	9	10	9	9	9
	10		9	9	9	9	10	9	9	9
1.2 Relevant experience of key person(s)		10%								
<ul style="list-style-type: none"> Credentials (i.e. formal qualifications and experience) of key person(s). Role of the key person(s) in the project. 	5		5	5	5	5	5	5	5	5
	5		5	5	4	5	5	5	5	5
1.3 Methodology		20%								
<ul style="list-style-type: none"> Proposed methodology for this project. Previous methodology in relevant projects and demonstrated evidence of successful results. Demonstrated experience in relevant projects of a similar nature 	7		7	7	5	7	7	7	6	7
	7		7	7	6	7	7	7	6	7
	6		6	6	5	6	6	6	5	6
1.4 Key Issues		15%								
<ul style="list-style-type: none"> Demonstrate your understanding of the required service by identifying the key issues associated with delivering the project. Explain how you intend to address these issues. 	7		7	7	7	7	7	7	6	7
	8		8	8	7	8	8	8	7	8
1.5 References		5%								
<ul style="list-style-type: none"> Submission of contact details of referees for similar projects 	5		5	5	5	5	5	5	5	5
1.6 Fee Proposal		30%								
<ul style="list-style-type: none"> This contract is offered on a lump sum fee basis. Include in the lump sum fee all fees, any other costs and disbursements to provide the required service and the appropriate level of the Goods and Services Tax (GST) 	30		30	26.25	22.5	18.75	15	11.25	7.5	3.75
	100	100%	98	94.25	85.5	86.75	83	79.25	68.5	71.75
Ranking			1st	2nd	4th	3rd	5th	6th	8th	7th

Note:

- Town to provide venue and all meals/refreshments, equipment for meetings.
- Meetings to be held at Town of Vincent Administration & Civic Centre Function Room
- Town will pay for advertisements and printing.

The CEO carried out reference check with Ricky Burgess, CEO, WALGA and Gary Evershed, CEO, Town of Bassendean. Both provided positive comments about Bevan Bessen and stated that they would definitely use his services again.

Indicative Timeline

Item	Timeline	Indicative hours
1. Quotation advertised	21 September	By Town
2. Issue of Background Papers	23 September – 4 October	By Town
3. Quotations Close	2pm Tuesday 8 October 2002	By Town
4. Assessment of Quotations	8 – 15 October 2002	By Town
5. Council Decision to appoint Consultant	22 October 2002	By Town
6. Initial briefing with CEO/Mayor	23-30 October 2002	1hr approx
7. Meeting with CEO and Executive Managers	26 October - 9 November 2002 Saturday	1hr approx
8. Meeting with elected members and key staff (full day or equivalent evenings)	26 October - 9 November 2002 Saturday	4-5hrs approx
9. Meeting with Community/Stakeholders	Mid to late November Evening	2-3hrs approx
10. Joint Meeting with Elected Members/Key Staff/Community Stakeholders (Evening)	Late November 2002	2hrs approx
11. Preparation of Draft Strategic Plan with strategies, action plan timeline and submission of electronic version within 14 days of joint meeting.	Late November 2002	
12. Adoption of Draft Strategic Plan by Council	17 December 2002	By Town
13. Advertising of Draft Strategic Plan	18 December 2002 to 14 February 2003	By Town
14. Adoption of Final Strategic Plan	25 February 2003	By Town

CONSULTATION/ADVERTISING:

It is essential that the elected Council, administration, ratepayers, residents and other key stakeholders be extensively consulted and be given the opportunity to have input in the proposed Strategic Plan. This will be carried out in accordance with the above Indicative Timeline.

The quotation was advertised in the West Australian Newspaper on 21 September 2002 with submissions closing on 8 October 2002.

LEGAL/POLICY:

At the Special Council Meeting held on 15 October 2002, the Council resolved “*inter alia*”:

“The Council ACKNOWLEDGES the advice of the Chief Executive Officer that it is recognised “Best Practice” procedure to carry out a review of the Council’s Strategic Plan prior to conducting an independent Organisational Review.”

The Local Government Act 1995, Section 5.52 requires each Council to prepare a plan of its principal activities for the next four or more years. This plan is required to be updated and reviewed annually. The Town's Principal Activities Plan was last adopted on 9 July 2002.

Whilst it is not a legal requirement to have a Strategic Plan, it is considered "*Best Practice*" management that a Strategic Plan be adopted to complement and be linked and aligned to the Principal Activities Plan and also the Annual Budget.

STRATEGIC IMPLICATIONS:

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas).

FINANCIAL/BUDGET IMPLICATIONS:

As the estimated cost was less than \$50,000 quotations were called and these were processed in a similar manner to those applicable to tenders.

The Council has resolved that an amount of \$8,500 be included in the 2002/03 Budget and this is detailed as follows:

Item	Amount
Consultant/Facilitator fees	\$5,500
Advertising	\$1,000
Printing	\$1,000
Administration and Sundries	\$1,000
Total	\$8,500

COMMENTS:

The review of the Council's Strategic Plan 2000-2002 is considered necessary to provide future direction to the Council over the next five (5) years. It is therefore recommended that the Council appoint a consultant to carry out this review as recommended.

DETAILED SUMMARY OF CONSULTANTS

1. Bessen Consulting Pty Ltd

Criteria	Comments
<p>1.1 Professional expertise and relevant experience in strategic planning</p> <ul style="list-style-type: none"> • Demonstrated knowledge & experience in strategic planning • Capacity to address the range of technical aspects involved in the project 	<p>The principal specialises in the facilitation of industry workshops, focusing on the resolution of issues and the development of directions, strategies and action plans.</p> <p>He has completed over 150 workshops including:</p> <ul style="list-style-type: none"> • Strategic Planning for the Board of Australian Institute of Management (WA) • Strategic Planning for St George's College, University of Western Australia • Strategic Planning for the WA Telecentre Network for Department of Commerce & Trade • Board Review and Strategic Planning for Brightwater Inc <p>The Principal is experienced in issues and approaches involved in local government and community planning and has completed the following projects:</p> <ul style="list-style-type: none"> • Community and Council Strategic Planning Workshops for the Town of Bassendean • Team Building for the State Council, WA Local Government Association • Team Building for the Executive of Western Australian Municipal Association.
<p>1.2 Relevant experience of key person</p> <ul style="list-style-type: none"> • Credentials of key person • Role of the key person in the project 	<p>Bevan Bessan has been involved with facilitation and planning for 23 years as an extension specialist, a manager in government agencies and a consultant</p> <p>The Principal, Bevan Bessen, will carry out all aspects of the review including briefings, facilitation of workshop sessions, community consultation, reviewing of the draft strategy and preparation of the Draft Strategic Plan</p>
<p>1.3 Methodology</p> <ul style="list-style-type: none"> • Proposed methodology for this project • Previous methodology in relevant projects and demonstrated evidence of successful results • Demonstrated experience in relevant projects of a similar nature 	<p>Satisfactorily meets criteria</p> <p>Satisfactorily meets criteria</p> <p>Satisfactorily meets criteria</p>
<p>1.4 Key Issues</p> <ul style="list-style-type: none"> • Key Issues satisfactorily demonstrated • Explain how you intend to address these issues 	<p>Satisfactorily meets criteria</p> <p>Satisfactorily meets criteria</p>
<p>1.5 References</p> <ul style="list-style-type: none"> • Ricky Burges, CEO – WA Local Government Association • Dr Penny Flett – Executive Director, Brightwater Care Group • Gary Evershed – CEO, Town of Bassendean 	
<p>1.6 Fee Proposal (inc GST)</p>	<p>\$4,895 (lowest)</p>

2. GSM – Governance Systems Management Pty Ltd

Criteria	Comments
<p>1.1 Professional expertise and relevant experience in strategic planning</p> <ul style="list-style-type: none"> • Demonstrated knowledge & experience in strategic planning • Capacity to address the range of technical aspects involved in the project 	<p>Have been involved in the roles of Facilitator and Participant in Strategic Plans for:</p> <ul style="list-style-type: none"> • City of Melville • WAMA • City of Perth <p>The Chairman is experienced in issues and approaches involved in local government and community planning.</p>
<p>1.2 Relevant experience of key person</p> <ul style="list-style-type: none"> • Credentials of key person • Role of the key person in the project 	<p>Garry Hunt has been a CEO in local government for over 20 years, including Cities of Perth and Melville and has extensive experience. He possesses the following qualifications.</p> <ul style="list-style-type: none"> • Bachelor of Business • Diploma of Local Government (Clerk) • Diploma of Local Government (Treasurer) <p>The Chairman, Mr Garry Hunt will be responsible for this project.</p>
<p>1.3 Methodology</p> <ul style="list-style-type: none"> • Proposed methodology for this project • Previous methodology in relevant projects and demonstrated evidence of successful results • Demonstrated experience in relevant projects of a similar nature 	<p>Satisfactorily meets criteria</p> <p>Satisfactorily meets criteria</p> <p>Satisfactorily meets criteria</p>
<p>1.4 Key Issues</p> <ul style="list-style-type: none"> • Key Issues satisfactorily demonstrated • Explain how you intend to address these issues 	<p>Satisfactorily meets criteria</p> <p>Satisfactorily meets criteria</p>
<p>1.5 References</p> <ul style="list-style-type: none"> • Tim Shanahan – CEO, Chamber of Minerals and Energy of WA • John McNally – CEO, City of Melville • Garry Dunne – Director of Service Units – City of Perth 	
<p>1.6 Fee Proposal</p>	<p>\$5,000 (2nd lowest)</p>

3. Ernst & Young

Criteria	Comments
<p>1.1 Professional expertise and relevant experience in strategic planning</p> <ul style="list-style-type: none"> • Demonstrated knowledge & experience in strategic planning • Capacity to address the range of technical aspects involved in the project 	<p>Has undertaken strategic planning assignments for both public and private sector clients. Clients and assignments have included:</p> <ul style="list-style-type: none"> • Department of Sport & Recreation • Town of Claremont • City of Swan <p>There are a number of technical aspects that will involve careful consideration in this project including:</p> <ul style="list-style-type: none"> • An understanding of the Town's stakeholders, elected members and management • An understanding of the strategic planning tools used by the Town • Familiarity with the relevant town planning policies and guidelines • Experience of similar issues in other Local Government Authorities • Broad experience of the disciplines that must be considered within the Strategic Plan, including financial, infrastructure, risk management and governance
<p>1.2 Relevant experience of key person</p> <ul style="list-style-type: none"> • Credentials of key person • Role of the key person in the project 	<p>Brian Cole - Director of Real Estate Advisory Services Division - (Specialist Input & Facilitation) – experience in undertaking a review of the Town of Cambridge's Strategic Plan</p> <p>Robin Rice (Project Director, facilitation and strategic review) – assignments for City of Swan and Department of Sport & Recreation</p> <p>Alistair Jobling (Planning, stakeholder consultation/facilitation and reporting) – extensive experience in conducting stakeholder and community consultation and has undertaken strategic reviews for public and private sector clients</p> <p>Robin Rice – will be responsible for ensuring the quality and timeliness of the service</p>
<p>1.3 Methodology</p> <ul style="list-style-type: none"> • Proposed methodology for this project • Previous methodology in relevant projects and demonstrated evidence of successful results • Demonstrated experience in relevant projects of a similar nature 	<p>Satisfactorily meets criteria</p> <p>Satisfactorily meets criteria</p> <p>Satisfactorily meets criteria</p>
<p>1.4 Key Issues</p> <ul style="list-style-type: none"> • Key Issues satisfactorily demonstrated • Explain how you intend to address these issues 	<p>Satisfactorily meets criteria</p> <p>Satisfactorily meets criteria</p>
<p>1.5 References</p> <ul style="list-style-type: none"> • Mr Graham Partridge – CEO, Town of Cambridge • Department of Sport and Recreation • Department of Consumer and Employment Protection • ATSIC • Fremantle Port Authority 	
<p>1.6 Fee Proposal</p>	<p>\$5,500 (3rd lowest)</p>

4. Liz Pattison Pty Ltd

Criteria	Comments
<p>1.1 Professional expertise and relevant experience in strategic planning</p> <ul style="list-style-type: none"> • Demonstrated knowledge & experience in strategic planning • Capacity to address the range of technical aspects involved in the project 	<ul style="list-style-type: none"> • Extensive strategic planning, information systems planning, organisation change and facilitation in a wide range of organisations • In-depth knowledge of local government and extensive strategic planning experience.
<p>1.2 Relevant experience of key person</p> <ul style="list-style-type: none"> • Credentials of key person • Role of the key person in the project 	<p>Liz Pattison possesses the following qualifications.</p> <ul style="list-style-type: none"> • Bachelor of Applied Science (Library Studies) • Master of Information Systems • Master of Industrial and Business Studies <p>Owner of company which was formed in February 1989</p>
<p>1.3 Methodology</p> <ul style="list-style-type: none"> • Proposed methodology for this project • Previous methodology in relevant projects and demonstrated evidence of successful results • Demonstrated experience in relevant projects of a similar nature 	<p>Satisfactorily meets criteria</p> <p>Satisfactorily meets criteria</p> <p>Satisfactorily meets criteria</p>
<p>1.4 Key Issues</p> <ul style="list-style-type: none"> • Key Issues satisfactorily demonstrated • Explain how you intend to address these issues 	<p>Satisfactorily meets criteria</p> <p>Satisfactorily meets criteria</p>
<p>1.5 References</p> <ul style="list-style-type: none"> • Lindsay Delahaunty - CEO - City of Stirling • Max Williams - CEO - Shire of Mundaring • Ray Tame - CEO - City of Armadale 	
<p>1.6 Fee Proposal</p>	<p>\$7,392 (4th lowest)</p>

5. Murray Jorgensen & Associates

Criteria	Comments
<p>1.1 Professional expertise and relevant experience in strategic planning</p> <ul style="list-style-type: none"> • Demonstrated knowledge & experience in strategic planning • Capacity to address the range of technical aspects involved in the project 	<p>The study team has a strong background in Strategic Planning and wide experience in delivering quality outcomes. Has completed a number of planning initiatives both in local government and the private sector and are experienced in the preparation of Strategic Plans and reports.</p> <p>Demonstrated knowledge of local government, along with sound understanding of business principles and strategic planning, the study team is well placed to understand and address technical aspects of the project.</p>
<p>1.2 Relevant experience of key person</p> <ul style="list-style-type: none"> • Credentials of key person • Role of the key person in the project 	<p>Murray Jorgensen offers 25 years local government, economic development and business experience including being CEO of Town of Albany and Shire of Manjimup and Commissioner of City of Cockburn.</p> <p>Matt Thomas has over 12 years experience in local government and private enterprise which has been at CEO or Director level.</p> <p>Matt Thomas will be the lead consultant with Murray Jorgensen providing expertise in the areas of systems, procedures and general overseeing of the project.</p>
<p>1.3 Methodology</p> <ul style="list-style-type: none"> • Proposed methodology for this project • Previous methodology in relevant projects and demonstrated evidence of successful results • Demonstrated experience in relevant projects of a similar nature 	<p>Satisfactorily meets criteria</p> <p>Satisfactorily meets criteria</p> <p>Satisfactorily meets criteria</p>
<p>1.4 Key Issues</p> <ul style="list-style-type: none"> • Key Issues satisfactorily demonstrated • Explain how you intend to address these issues 	<p>Satisfactorily meets criteria</p> <p>Satisfactorily meets criteria</p>
<p>1.5 References</p> <ul style="list-style-type: none"> • Mr Stephen Goode – CEO – City of Mandurah • Mr Ian Bodill – CEO – Shire of Augusta-Margaret River • Mr Allan Claydon – Director of Works and Services – City of Mandurah • Mr David Price – CEO – Shire of Serpentine-Jarrahdale • Mrs Annette Knight – Former Mayor of Albany 	
<p>1.6 Fee Proposal</p>	<p>\$8,470 (5th lowest)</p>

6. Australian Institute of Management

Criteria	Comments
<p>1.1 Professional expertise and relevant experience in strategic planning</p> <ul style="list-style-type: none"> • Demonstrated knowledge & experience in strategic planning • Capacity to address the range of technical aspects involved in the project 	<ul style="list-style-type: none"> • AIMWA believes in a partnering philosophy with clients to meet objectives/ • AIMWA and its consultants have dealt with all levels of management in both public and private sector. <p>AIMWA has assisted many organizations with development of their strategic plans including:</p> <ul style="list-style-type: none"> • United Farmers Co-operative Limited • Edison Mission Energy • Western Australian Treasury Corporation
<p>1.2 Relevant experience of key person</p> <ul style="list-style-type: none"> • Credentials of key person • Role of the key person in the project 	<p>Shaun Ridley – Deputy Executive Director</p> <ul style="list-style-type: none"> • M.Com. B.Ed. Dip. Teach. • Associate Fellow, Australian Institute of Management, AFAIM • Member, Australian Institute of Company Directors, MAICD <p>John King – WAIM Associate Consultant</p> <ul style="list-style-type: none"> • Master of Business Administration (MBA), University of Chicago • Bachelor of Commerce, University of Western Australia • Fellow, Australian Institute of Company Directors • Fellow, CPA Australia • Fellow, Australian Institute of Management <p>Both persons are Senior personnel with A.I.M. and will be responsible for this consultancy.</p>
<p>1.3 Methodology</p> <ul style="list-style-type: none"> • Proposed methodology for this project • Previous methodology in relevant projects and demonstrated evidence of successful results • Demonstrated experience in relevant projects of a similar nature 	<p>Satisfactorily meets criteria</p> <p>Satisfactorily meets criteria</p> <p>Satisfactorily meets criteria</p>
<p>1.4 Key Issues</p> <ul style="list-style-type: none"> • Key Issues satisfactorily demonstrated • Explain how you intend to address these issues 	<p>Satisfactorily meets criteria</p> <p>Satisfactorily meets criteria</p>
<p>1.5 References</p> <ul style="list-style-type: none"> • Cities of Perth, Subiaco, South Perth, Nedlands and Armadale • Towns of Cottesloe, Claremont and Bassendean 	
<p>1.6 Fee Proposal</p>	<p>\$13,200 (6th lowest)</p>

7. PFK Corporate Advisory Services (WA) Pty Ltd

Criteria	Comments
<p>1.1 Professional expertise and relevant experience in strategic planning</p> <ul style="list-style-type: none"> • Demonstrated knowledge & experience in strategic planning • Capacity to address the range of technical aspects involved in the project 	<p>Company has been in business for more than 50 years and has continued to service some of the largest companies and organizations in Western Australia including:</p> <ul style="list-style-type: none"> • Main Roads WA • Royal Perth Hospital • Western Australian Police • Department of Industry and Technology • Water Corporation <p>This Company has detailed its history in assisting many WA companies.</p>
<p>1.2 Relevant experience of key person</p> <ul style="list-style-type: none"> • Credentials of key person • Role of the key person in the project 	<p>Ian Olson, CA, B.Com, MAIDC, AIMM - Director</p> <p>Brian Aitken – Senior Business Consultant</p> <p>Ian Olson will lead the project and ensure the quality of the strategic plan and outcome.</p> <p>Brian Aitken will facilitate the various strategic planning meetings and sessions and preparation of the planning document.</p> <p>Ian and Brian will be involved in the presentation of the final plan and advice on implications.</p>
<p>1.3 Methodology</p> <ul style="list-style-type: none"> • Proposed methodology for this project • Previous methodology in relevant projects and demonstrated evidence of successful results • Demonstrated experience in relevant projects of a similar nature 	<p>Satisfactorily meets criteria</p> <p>Satisfactorily meets criteria</p> <p>Satisfactorily meets criteria</p>
<p>1.4 Key Issues</p> <ul style="list-style-type: none"> • Key Issues satisfactorily demonstrated • Explain how you intend to address these issues 	<p>Satisfactorily meets criteria</p> <p>Satisfactorily meets criteria</p>
<p>1.5 References</p> <ul style="list-style-type: none"> • Ben Smith – AlintaGas Ltd • Eric Phillips – MAES Ltd 	
<p>1.6 Fee Proposal</p>	<p>\$15,000 (7th lowest)</p>

8. Consulting Communities

Criteria	Comments
<p>1.1 Professional expertise and relevant experience in strategic planning</p> <ul style="list-style-type: none"> • Demonstrated knowledge & experience in strategic planning • Capacity to address the range of technical aspects involved in the project 	<p>This is a relatively new Company that specialises in the area of community participation, strategic planning and facilitation.</p> <p>Consulting Communities conducts business in three core streams. These are:</p> <ul style="list-style-type: none"> • Community participation • Strategic Planning • Corporate/community facilitation
<p>1.2 Relevant experience of key person</p> <ul style="list-style-type: none"> • Credentials of key person • Role of the key person in the project 	<p>Brett Treby has worked extensively with both Westrail in a State Government environment and City of Wanneroo in a Local Government capacity and is the Co-founder of Consulting Communities.</p> <p>Consulting Communities utilises the services of a number of key personnel.</p>
<p>1.3 Methodology</p> <ul style="list-style-type: none"> • Proposed methodology for this project • Previous methodology in relevant projects and demonstrated evidence of successful results • Demonstrated experience in relevant projects of a similar nature 	<p>Satisfactorily meets criteria</p> <p>Satisfactorily meets criteria</p> <p>Satisfactorily meets criteria</p>
<p>1.4 Key Issues</p> <ul style="list-style-type: none"> • Key Issues satisfactorily demonstrated • Explain how you intend to address these issues 	<p>Satisfactorily meets criteria</p> <p>Satisfactorily meets criteria</p>
<p>1.5 References</p> <ul style="list-style-type: none"> • Mr Daniel Simms – Manager of Strategic and Executive Services – City of Wanneroo 	
<p>1.6 Fee Proposal</p>	<p>\$15,675 (Highest)</p>

10.4.2 Capital Works Schedule - Independent Organisational Review – Motion to Change a Council Decision

Ward:	-	Date:	16 October 2002
Precinct:	-	File Ref:	FIN0025
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:			
Amended by:	-		

OFFICER RECOMMENDATION:

That;

- (1) *as required by the Town of Vincent Local Law relating to Standing Orders, Clause 3.21(3), the Council CONSIDERS the Statement of Impact prepared by the Chief Executive Officer, as detailed in this report, before voting on a Motion to revoke or change a decision of the Council;*
- (2) *the Council ACCEPTS the advice of the Chief Executive Officer not to change its Adopted Capital Works Schedule 2002-2003 to bring forward the Independent Organisational Review for the following reasons;*
 - (i) *(a) the financial consequences of the proposed change may result in an increase in costs in a number of key capital works projects;*
 - (b) *possible delays in completing some scheduled Capital Works projects;*
 - (c) *the need to re-schedule some projects;*
 - (d) *the need to engage temporary staff to maintain the current level of service to the community during the on-site review period; and*
 - (e) *the need to employ a Project Manager to assist the Chief Executive Officer to ensure that the Council's State Sporting Facilities Plan Projects are not compromised, delayed or be exposed to an increase in costs; and*
 - (ii) *it is recognised "Best Practice" procedure to carry out a review of the Council's Strategic Plan prior to conducting an Independent Organisational Review;*
- (3) *the Council, at its Ordinary Meeting held on 23 July 2002 (Item No. 10.2.4.) decided (inter alia);*

COUNCIL DECISION ITEM 10.2.4

"That the Council APPROVES the attached 2002/2003 Capital Works Schedule subject to the Angove Street Upgrade Works being moved from December (to avoid the festive season) and the project commence in October; ...

Independent Organisation Review: February – May 2003";

- (4) *Councillors Chester, Doran-Wu, Drewett, Franchina, Hall and Piper MOVE a motion to change the decision by;*

"changing the timeline proposed for the Independent Organisation Review scheduled for February – May 2003";

- (5) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, Councillors Chester, Doran-Wu, Drewett, Franchina, Hall and Piper, being more than one third of the number of offices of members of the Council, support this motion; and*
- (6) *the Council RESOLVES BY AN ABSOLUTE MAJORITY to change the decision by;*
- (i) *changing the Independent Organisational Review timeline scheduled for February – May 2003;*
 - (ii) *carrying out the Independent Organisational Review scheduled for October – December 2002;*
 - (iii) *changing the Capital Works Schedule 2002-2003 to reflect the new timetable;*
 - (iv) *endorsing the required processes to facilitate the Independent Organisational Review to commence immediately; and*
 - (v) *as a basis, uses the Terms of Reference as distributed to Elected Members (and Executive Officers), as shown below;*

“Terms of Reference

1. *Examine Council’s Strategic Plans, identify critical issues and determine the capacity of the Council to achieve stated objectives given staffing structure, resources and timelines. Prepare a draft strategic plan for discussion.*
 2. *Review the organisational structure and reporting lines including staffing levels to determine cost effectiveness and capacity to deliver the strategic and operational objectives of Council.*
 3. *Examine Council in terms of;*
 - 3.1 *Agenda preparation, quality and timeliness of reports;*
 - 3.2 *Preparation and research of documentation through from the Executive Group to Council;*
 - 3.3 *Measurable outcomes and commitment to follow through on Council decisions by the Executive Group.*
 4. *Review the employment contracts, letters of offer for all Senior Executives including;*
 - 4.1 *Current Executive performance management methodology against Key Performance Indicators (KPIs);*
 - 4.2 *Performance incentive arrangements and practices;*
 - 4.3 *Effectiveness and measurement of any Enterprise Bargaining Agreements (EBAs) or Work Place Agreements (WPAs);*
 - 4.4 *Remuneration review practices.*
 5. *Examine financial arrangements in direct measurement to;*
 - 5.1 *Budget performance preparation, management and performance;*
 - 5.2 *Performance against industry benchmarks/best practice in government and commerce;*
-

- 5.3 *Financial reporting at the Elected Members, Executive Group and operational levels;*
 - 5.4 *Audit performance.*
 6. *Review level of commercial acumen and awareness of business and financial transactions as they relate to;*
 - 6.1 *Outsourced contracts;*
 - 6.2 *Council trading enterprises (i.e. revenue generating activities);*
 - 6.3 *Internal/External Service Level Agreements.*
 7. *Review the extent to which Senior Executives are suited to meet the future requirements of the organisation.*
 8. *Survey the level of staff satisfaction covering;*
 - 8.1 *Councillors;*
 - 8.2 *Senior Executives;*
 - 8.3 *Available resources;*
 - 8.4 *Implementation of objectives;*
 - 8.5 *Follow through on stated initiatives;*
 - 8.6 *Satisfaction with Management.*
 9. *On site review to be completed in six (6) weeks and final report to be delivered within four (4) weeks.” and*
- (7) *in the event that the Council amends its Capital Works Schedule 2002-2003 to change the timeline and bring forward the Independent Organisational Review, the Council APPROVES BY AN ABSOLUTE MAJORITY to engage a Project Manager for an initial period of six (6) months, at an estimated cost of \$41,500.*

BACKGROUND:

At the Special Meeting of Council held on 15 October 2002, the Council considered this matter and resolved as follows;

“COUNCIL DECISION ITEM 6.4

That;

- (1) *as required by the Town of Vincent relating to Standing Orders, Clause 3.21 (3), the Council CONSIDERS the Terms of Reference and RECEIVES the Statement of Impact prepared by the Chief Executive Officer, as detailed in this report before voting on a motion to revoke or change a decision of the Council;*
 - (2) *the Council ACKNOWLEDGES the advice of the Chief Executive Officer that it is recognised “Best Practice” procedure to carry out a review of the Council’s Strategic Plan prior to conducting an independent Organisational Review;*
 - (3) *the Council determines and APPROVES of Project Objectives and Outcomes, Project Brief and Selection Criteria prior to carrying out the Independent Organisational Review;*
 - (4) *the Council APPROVES of the following AMENDED TERMS OF REFERENCE for the Proposed Independent Organisational Review;*
-

- 4.1 *Examines Councils current Strategic Plan 2000-02 and proposed Strategic Plan to 2002-2007;*
 - 4.1.1 *identifying critical issues;*
 - 4.1.2 *determining the capacity of the Council to achieve stated objectives given the current staffing structure, resources and timelines; and*
 - 4.1.3 *analysing the extent to which the goals of the organisation are pursued and aligned with Key Performance Indicators specified in the Town's Adopted Strategic Plan and the Principal Activities Plan.*
 - 4.2 *Review the organisational structure and reporting lines including staffing levels to determine;*
 - 4.2.1 *cost effectiveness;*
 - 4.2.2 *capacity to deliver the strategic and operational objectives of the Council; and*
 - 4.2.3 *service level delivery to the community.*
 - 4.3 *Examine Council systems, procedures and processes in terms of;*
 - 4.3.1 *agenda preparation, quality, accuracy and timeliness of reports (including notification to persons who have matters listed on the Council Agenda or have submitted an objection/comment);*
 - 4.3.2 *preparation and research of documentation;*
 - 4.3.3 *measurable outcomes and follow through on Council decisions by the Executive Management Team (including the thoroughness of implementing Council decisions); and*
 - 4.3.4 *alignment of decisions by the Council in relation to the Officer Recommendations, legislation, Council Policies and Guidelines and strategic direction of the organisation.*
 - 4.4 *Review the system of remuneration and performance assessment of Council Officers and employees, including;*
 - 4.4.1 *current performance management methodology against Key Performance Indicators (KPIs);*
 - 4.4.2 *performance incentive arrangements and practices;*
 - 4.4.3 *effectiveness and measurement of any Enterprise Bargaining Agreements (EBAs) or Work Place Agreements (WPAs); and*
 - 4.4.4 *remuneration/performance review procedures.*
 - 4.5 *Examine financial arrangements in direct measurement to;*
 - 4.5.1 *budget performance preparation, management and performance;*
 - 4.5.2 *performance against industry benchmarks/best practice in government and where appropriate commerce;*
 - 4.5.3 *financial reporting at the Elected Members, Executive Group and operational levels; and*
-

- 4.5.4 *audit performance.*
- 4.6 *Review performance outcomes of;*
 - 4.6.1 *outsourced contracts;*
 - 4.6.2 *Council trading enterprises (i.e. revenue generating activities);*
 - 4.6.3 *Internal/External Service Level Agreements;*
 - 4.6.4 *the Council's philosophy, policies and expectation for cost recovery of services, cost of services and service delivery; and*
 - 4.6.5 *internal/external services to eliminate duplication.*
- 4.7 *Survey the level of staff satisfaction covering;*
 - 4.7.1 *communication with Elected Members;*
 - 4.7.2 *Senior Executives;*
 - 4.7.3 *available resources;*
 - 4.7.4 *implementation of objectives;*
 - 4.7.5 *work environment; and*
 - 4.7.6 *satisfaction with management.*
- 4.8 *Review the organisational structure, administrative practices and procedures and decision making processes for matters requiring Council approval (e.g. development approvals, building licences, permits and licences) in direct measurement to;*
 - 4.8.1 *reporting to the Council;*
 - 4.8.2 *Council decisions;*
 - 4.8.3 *extent of delegation;*
 - 4.8.4 *performance against industry benchmarks/best practice in like local governments; and*
 - 4.8.5 *determining the extent of customer satisfaction regarding quality, accessibility, clarity and accuracy of information provided to ratepayers/residents and also developers.*
- 4.9 *Report on the Independent Organisational Review cost implications to the Council in terms of;*
 - 4.9.1 *any increased costs or cost savings as a result of any proposed recommendations/findings;*
 - 4.9.2 *implementation of any recommendations/findings;*
 - 4.9.3 *impact on the level of service to the Community.*
- 4.10 *Review the requirements for Senior Executives to meet the future requirements of the Organisation.*
- 4.11 *The Independent Organisational Review to be completed and a final report to be delivered within ten (10) weeks.*
- (5) *the Project Selection Criteria will include the following;*
 - "The proposed Independent Organisational Review to be undertaken with a minimum of disruption to the organisation."*

The following Clauses (6) - (9) inclusive be DEFERRED to the Ordinary Meeting of Council to be held on 22nd October 2002;

- (6) *the Council, at its Ordinary Meeting held on 23 July 2002 (Item No. 10.2.4.) decided (inter alia);*

COUNCIL DECISION ITEM 10.2.4

“That the Council APPROVES the attached 2002/2003 Capital Works Schedule subject to the Angove Street Upgrade Works being moved from December (to avoid the festive season) and the project commence in October; ...

Independent Organisation Review: February – May 2003”;

- (7) *Councillors Chester, Doran-Wu, Drewett, Franchina, Hall and Piper MOVE a motion to change the decision by;*

“changing the timeline proposed for the Independent Organisation Review scheduled for February – May 2003”;

- (8) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, Councillors Chester, Doran-Wu, Drewett, Franchina, Hall and Piper, being more than one third of the number of offices of members of the Council, support this motion; and*

- (9) *the Council RESOLVES BY AN ABSOLUTE MAJORITY to change the decision by;*

(i) *changing the Independent Organisational Review timeline scheduled for February – May 2003;*

(ii) *carrying out the Independent Organisational Review scheduled for October – December 2002;*

(iii) *changing the Capital Works Schedule 2002-2003 to reflect the new timetable;*

(iv) *endorsing the required processes to facilitate the Independent Organisational Review to commence immediately; and*

(v) *as a basis, uses the Terms of Reference as distributed to Elected Members (and Executive Officers), as shown below;*

“Terms of Reference

1. *Examine Council’s Strategic Plans, identify critical issues and determine the capacity of the Council to achieve stated objectives given staffing structure, resources and timelines. Prepare a draft strategic plan for discussion.*
2. *Review the organisational structure and reporting lines including staffing levels to determine cost effectiveness and capacity to deliver the strategic and operational objectives of Council.*
3. *Examine Council in terms of;*
 - 3.1 *Agenda preparation, quality and timeliness of reports;*
 - 3.2 *Preparation and research of documentation through from the Executive Group to Council;*
 - 3.3 *Measurable outcomes and commitment to follow through on Council decisions by the Executive Group.*

4. *Review the employment contracts, letters of offer for all Senior Executives including;*
 - 4.1 *Current Executive performance management methodology against Key Performance Indicators (KPIs);*
 - 4.2 *Performance incentive arrangements and practices;*
 - 4.3 *Effectiveness and measurement of any Enterprise Bargaining Agreements (EBAs) or Work Place Agreements (WPAs);*
 - 4.4 *Remuneration review practices.*
5. *Examine financial arrangements in direct measurement to;*
 - 5.1 *Budget performance preparation, management and performance;*
 - 5.2 *Performance against industry benchmarks/best practice in government and commerce;*
 - 5.3 *Financial reporting at the Elected Members, Executive Group and operational levels;*
 - 5.4 *Audit performance.*
6. *Review level of commercial acumen and awareness of business and financial transactions as they relate to;*
 - 6.1 *Outsourced contracts;*
 - 6.2 *Council trading enterprises (i.e. revenue generating activities);*
 - 6.3 *Internal/External Service Level Agreements.*
7. *Review the extent to which Senior Executives are suited to meet the future requirements of the organisation.*
8. *Survey the level of staff satisfaction covering;*
 - 8.1 *Councillors;*
 - 8.2 *Senior Executives;*
 - 8.3 *Available resources;*
 - 8.4 *Implementation of objectives;*
 - 8.5 *Follow through on stated initiatives;*
 - 8.6 *Satisfaction with Management.*
9. *On site review to be completed in six (6) weeks and final report to be delivered within four (4) weeks.”*

DETAILS:

At the Ordinary Meeting of Council held on 8 October 2002, the Council considered an item relating to a proposed motion to change a Council decision concerning the Independent Organisational Review and resolved to further consider this matter at a Special Meeting of the Council on 15 October 2002.

Capital Works Schedule 2002-2003

At the Ordinary Meeting of Council held on 12 March 2002 (Item 10.4.5), the Council resolved inter-alia as follows;

“That; ...

- (ii) *the Council considers allocating funds for an independent review of all Management areas in the 2002/03 Budget.”*
-

Formulation of Capital Works Schedule

In formulating the Council's annual Capital Works Schedule, the Town's Executive Management Team carefully programs the various projects. Consideration is given to;

- (a) Council decisions for specific requirements or projects;
- (b) budget constraints and funding timelines;
- (c) priority/urgency of projects;
- (d) staff resources and capacity to deliver;
- (e) orderly implementation of works to minimise costs;
- (f) public holidays;
- (g) staff leave;
- (h) involvement of other organisations (e.g. government departments);
- (i) impact on businesses/residents (e.g. festive season).

Full consultation and liaison with Section Managers and Supervisors is carried out. The Capital Works Schedule is then submitted to the Council for approval.

At the Ordinary Meeting of Council held on 23 July 2002, the Council considered the Capital Works Schedule 2002/2003 and resolved as follows;

“That the Council APPROVES the attached 2002/2003 Capital Works Schedule, subject to the Angove Street Upgrade Works being moved from December (to avoid the festive season) and the project commence in October.”

The Capital Works Schedule at Page 8 lists “inter alia” the following;

Executive Management

- *Independent Organisational Review – Budget: \$75,000 – Time: mid-February to mid-May 2003.*
- *Strategic Plan – Budget: \$8,500 – Time: October-December 2002.*
- *Lot 118 Marmion Avenue (Tamala Park Studies) – Budget: \$50,000 – Timeline: Ongoing.*

STATEMENT OF IMPACT:

In accordance with the Town's Standing Orders, the Chief Executive Officer is required to prepare a “Statement of Impact” of the legal and financial consequences of the proposed revocation or change.

1. Legal Consequences

It is one of the Chief Executive Officer's prime functions to provide advice and information to the Council, as required by S.5.41(a) and (b) of the Local Government Act 1995. To date, neither the Chief Executive Officer nor any of the Town's Staff have had any input into the preparation of the Project Objectives and Outcomes, Project Brief and Selection Criteria. It is important for the Chief Executive officer to have input into the proposed Project Objectives and Outcomes, Project Brief and Selection Criteria as this is in accordance with the Chief Executive Officer's functions.

2. **Financial Consequences**

2.1 Capital Works Projects

In view of the short duration provided in preparing this report, a full assessment of the impact on capital works projects and their completion cannot be made at this point of time. Executive Managers reviewed their specific areas of responsibilities and have provided a report. These reports are summarised later in this report.

2.2 Amended Capital Works Program

A review of the Capital Works Program may result in a rescheduling of programs to avoid any cost increases, which will impact on the Town's Budget. It is difficult to provide these details, at this stage, until the full details of the proposed Independent Organisational Review have been assessed. However, an obvious matter is the timing of the proposed review of the Council's Strategic Plan.

2.3 Day to Day Operational Matters and Service Delivery

- (a) The impact on day to day operational matters and service delivery has been carefully assessed to ensure that it is maintained at its current high level and there is no inconvenience to our ratepayers and residents.
- (b) The Town's staff leave roster has been reviewed to ensure that adequate staffing levels are maintained, particularly in key operational areas. A review of the staff leave roster to ensure that Senior Officers and key staff will be available to participate in the review, has also been carried out as any delay will extend the consultancy with resultant cost increases. This has identified that a number of staff will be on leave during October 2002 to January 2003, in accordance with their entitlement.

It will be necessary to engage temporary staff to cover absences and maintain service delivery. Details are shown in the following Division reports.

Implications for the Corporate Services Division:

Should an organisational review be undertaken, it is considered the Executive Manager of Corporate Services and Managers within the Division would have to allocate significant time during the period to provide relevant information to the respective consultants.

Project Postponement

The following projects will need to be postponed to assist with the requirements of the organisational review:

- computer desktop upgrade;
- customer satisfaction survey; and
- policy and procedures manual- Leederville Gardens Retirement Village.

The implementation of a new Corporate System which was live from July 2002 requires extensive development and support for its first six months of implementation. This is a critical financial year for the Manager Financial Services and officers in the Financial Services Section as they actively liaise with computer supplier, Civica, for continuing set-up and the introduction of additional modules in the early stages. Given the exclusive knowledge and skills required for the management of the project, it is not feasible to postpone this work neither is it possible to provide extra staffing to do the work required of the Manager.

The Principal Activities Plan which is coordinated by the Executive Manager Corporate Services will be undertaken in November 2002 which is critical for the Budget preparation process, which commences from January to March 2003. This work will be delayed. Again this role will not be easily resolved through the provision of additional staff.

Beatty Park Leisure Centre

Beatty Park Leisure Centre's 40th Birthday Celebrations cannot be postponed and given that this is a significant project, extra staffing resources will be required to assist if the Manager and key staff are required to assist with the organisational review. The period of October and November 2002 will see the commencement of approximately 10 - 15 casual summer staff being recruited. An intensive in house training program is conducted with the new staff during this period to ensure they are fully competent by December and the peak period to follow. A number of senior staff are involved in this induction and training process. If staff are required to participate in a review during this period, additional staff hours would be required.

The period of December 2002 to March 2003 is Beatty Park Leisure Centre's peak period. As a rule the Centre actively avoids major planning projects during this period as they need to be available and proactive in responding to day to day operational issues which arise during this period. If staff are required to participate in a review, additional staff hours would be required.

Implications for the Environmental & Development Services Division:

It is assumed that the Independent Organisational Review will mainly consume the time of the Executive Management Team (comprising the Chief Executive Officer and Executive Managers) and to a lesser extent, the Managers.

It is expected that the Division Officers, other than the Executive Manager Environmental and Development Services and the Section Managers, involvement with the Independent Organisational Review will be mainly responding to the survey of the level of staff satisfaction.

Notwithstanding the above, it appears that a significant amount of data collection, collation and possibly analysis will be required, such as data relating to key performance indicators, timing of agenda preparation and work flows.

Additionally, in the Customer service areas (within all sections of the Division), administration for the review in terms of keeping staff informed of requirements of the review, such as data collection or undertaking, and completing surveys, will require an unknown amount of time, and remove the staff from their function of service provision and delivery to the customer.

Overall, it is expected that there will be some impact on the operations of the Division, which currently operates at a level, close to its capacity, and any significant demands on staff time may result in reduced service delivery. It is recommended that the following matters should be addressed to minimise the impact on the operations of the EMT and the Managers during the Independent Organisational Review:

1. Appointment of temporary administrative staff, say 1-2 full-time officers for the 6 weeks "on-site review" period, to collect, collate and possibly analyse relevant data, particularly in the Planning and Building Services Section.
-

2. Development and implementation of procedures and practices, including possibly more delegations to the Managers and other Officers, if required, to ensure that the functions of the Executive Management Team and Managers are fully operational and not unduly disrupted by the time consumed with the Review.
3. In Library Services, it will be necessary to extend the hours of part time staff (librarians and /or professional) to ensure full coverage of desk rosters.

Implications for the Technical Services Division:

Should an organisational review be undertaken it is envisaged that the Executive Manager Technical Services, Managers and Supervisors within the Division, based on the draft terms of reference, would be required to allocate a significant amount of time during the period to provide relevant information to the respective consultants as required.

Depending on the amount of time required by key personnel during the review some capital works projects, including other ongoing and specific tasks, may be impacted upon. Depending on the timing of the Review, some critical deadlines may not be achieved e.g. funding submissions, agenda preparation, providing information which needs to be researched, to residents in a timely manner

Operationally, the Technical Services Division has a full Capital Works Program which requires an ongoing commitment by the Executive Manager Technical Services, Division Managers and Supervisors to ensure it is completed on time and on budget. In addition the large number of ongoing requests received which require extensive investigation, in some instances, also require our constant attention.

“Have your Say” surveys consume a large part of our time in investigating, actioning, and responding.

To maintain an acceptable "level of service" to our customers during the review, additional temporary resources may possibly be required, however this will need to be determined at the time.

Work Implications:

The Review may have some impact (in terms of time) on some of the following;

- Preparation of mid-year Budget review, including updating programs;
- Funding submissions to be submitted early 2003;
- Attendance at Mindarie Regional Council Technical and Strategic Working Group meetings, Local Area Management Working Group meetings and various In House Working Groups;
- Day to day liaison with Operational matters through the Principal Supervisor Engineering Services, staff liaison and day to day miscellaneous tasks/duties.

On the assumption that the personnel undertaking the review will require unfettered access to staff for extended periods there is potential that the review will impact upon the areas identified by the Executive Manager Technical Services and more specifically the following;

- Capital works project implementation, i.e. Engineering Technical Officer Design and Surveying on-call (during office hours) to setout and assist, could result in down time for works crew.
 - Processing permit applications, normally 24 hour notice for inspection and approval may be delayed.
-

- With the imminent commencement of several major capital works projects i.e. Leederville Oval redevelopment, it is anticipated that Engineering Design Services will play a crucial role in receiving and disseminating digital information from the various consultants (design and construction drawings) and provide other assistance/services as required. It is anticipated that this increase in workload will coincide with the proposed review and therefore there is potential for conflicting priorities. Additional staff will need to be engaged or the work outsourced to private enterprise.

State Sporting Facilities Projects:

The Town's Chief Executive Officer (and Senior Officers) have been progressing these projects, which have a combined total value of \$19,320,000, in partnership with the State Government of Western Australia. These require considerable time and input. Recent progress reports to the Council have specified timelines. Careful consideration will need to be given to these adopted timelines and "critical dates", as any delay will have significant cost escalations to these projects. This has been referred to the Project Architects and Consultants and the following is advised;

Leederville Oval Redevelopment

This timeline was approved by the Council at its Ordinary Meeting of Council held on 24 September 2002.

Project	Weeks Duration	Start Date	Finish Date
Preliminary Sketch Design	16	15 April 2002	14 August 2002
Approval to proceed with working drawings		14 August 2002	
Prepare working drawings	12	14 August 2002	14 November 2002
Steering Committee Decision		17 September 2002	
Council Decision – Application to CSRFF		24 September 2002	
Tender Period	3-4	9 November 2002	31 November 2002
Tender Assessment	1	1 December 2002	7 December 2002
Council Meeting/Award Contract		17 December 2002	
Construction Period	46	18 December 2002	31 October 2003
<u>Stage 2</u>			
Installation of Lights	12	1 July 2003	1 October 2003
Construction of toilets and other works	12	1 July 2003 <i>(or as soon as the final decision is made)</i>	1 October 2003
<u>Stage 3</u>			
Completion of Public Open Space and Carparks	16	1 January 2004 <i>(or sooner if possible)</i>	1 April 2004

Comment:

The timeline for this project is very tight and critical and any delay in assessing and approving the working drawings, tender specification or tender evaluation will invariably cause an increase in project costs. More importantly, any delay in this timeline will delay commencement of building works and this will result in Leederville Oval not being available for use as a West Australian Football League Oval. East Perth Football Club will need to find an alternative oval for playing and training. It is understood that if this occurs, they will not only be required to pay for ground hire, but may also not receive gate takings.

The Project Architect, Oldfield Knott Architects Pty Ltd, has been requested to provide comment on the impact on this project, if an Independent Organisational Review is brought forward and has advised of the following;

“14 October 2002

*John Giorgi
Town of Vincent
PO Box 82
LEEDERVILLE WA 6902*

Dear John

REDEVELOPMENT OF LEEDERVILLE OVAL

I am in receipt of your fax concerning the Independent Organisational Review.

Whilst I am not aware of the nature of this Review I am most concerned that it is possible that it may cause delay in your responses to our queries.

As you are aware, we are on a very tight program to complete documentation, call tenders, assess results and report back to Council in time for the 17 December 2002 Ordinary Meeting.

Should we not continue to receive quick responses to our ongoing questions there is no doubt that delay to this tight program would have the following consequences:

- Failure to provide accommodation for East Perth and Subiaco Football Clubs at Leederville Oval in time for the start of 2003 season would necessitate finding an alternative venue for the teams to train and play their scheduled home games. It is impossible to quantify the cost of this scenario other than to say it would be a substantial cost which is in no way allowed for in our contingency sum.*
- Delay in letting the contract would also attract escalation costs in line with the projected increases in the Consumer Price Index, currently running at 3% per annum. This would equate to an additional cost to the project of approximately \$10,000.00 per month of delay.*
- There would no doubt be claims from ourselves and our sub-consultants for additional fees and costs due to the extended hours required to complete the consultancy, including out of sequence work. It is not possible to quantify the additional costs at this stage.*

Please let us know as soon as possible if the Review is brought forward so that we can make every effort to minimise the delay and consequential additional costs to the budget.

Yours sincerely

*HUGH GILL
OLDFIELD KNOTT ARCHITECTS PTY LTD”*

Multi Purpose Rectangular Sports Stadium and Perth Oval Redevelopment

This timeline was approved at the Ordinary Meeting of Council held on 23 July 2002.

Project	Timeframe
Consultation	April 2002 - August 2002
Planning	August 2002 - September 2002
Preparation of Design Brief	September/October 2002
Preparation of Working Drawings	November 2002 - February 2003
Advertising of Tender	March 2003
Tender Assessment and Award of Contract	March/April 2003
Construction - Stage 1	April 2003 - October 2003
Construction - Stage 2	April 2004 - October 2004
Construction - Stage 3 (if required)	April 2005 - October 2005
Construction - Stage 4 (if required)	April 2006 - October 2006

Comment:

This project is in the final stages of the Design Brief and the project is currently being costed. The Chief Executive Officer has had three meetings since the last three weeks with the Project Architect and Quantity Surveyor to review costs. This work is critical at this stage as any delay will invariably result in cost increases.

The Project Architect has been requested to provide comment on the impact of this project, if an Independent Organisational Review is brought forward, and has advised of the following;

“14 October 2002

*Town of Vincent
246 Vincent Street
LEEDERVILLE WA 6007*

Attention: Mr John Giorgi

Dear Sir

RE: PERTH OVAL REDEVELOPMENT

In response to your letter of 10th October we comment as follows:

- The Perth Oval Redevelopment is on a critical time line because there are only set dates that construction can occur, namely, April to September 2003.*
- In order to meet this time frame, it is critical that we receive quick responses to the numerous matters that will arise during design, financial and budget issues, client and authority approvals, liaison with Council and Government departments, etc.*
- We feel that if you are not available to provide responses to queries quickly, we may not be able to meet the proposed timelines that are critical to Government, Council, Community and User groups of the new stadium.*
- Obviously if the project is delayed to the following year, there would be additional escalation costs for which additional funding will need to be found.*

We trust the above clarifies the matter and awaits your further advice.

*Yours faithfully
CON LAMPROPOULOS
PETER HUNT ARCHITECT”*

State Indoor Multi Use Sports Centre

This timeline was approved at the Ordinary Meeting of Council held on 23 July 2002.

Project	Timeframe
Consultation	April 2002 - November 2002
Planning	November 2002 – March 2003
Preparation of Design Brief	March 2003 – June 2003
Preparation of Working Drawings	June 2003 – September 2003
Advertising of Tender	October 2003
Tender Assessment and Award of Contract	October/November 2003
Construction	January 2004 – December 2004

Comment:

The impact on this project is considered minimal, due to the relatively long planning stage (i.e. November 2002 to March 2003.)

Project Manager

Should an Independent Organisational Review be carried out during the period October 2002 to January 2003 or the Chief Executive Officer be required to devote a considerable amount of time to the preparation of the necessary documentation, it will be necessary to provide additional resources to assist the Chief Executive Officer. This will ensure that the critical projects are properly resourced.

As Elected Members are aware, the previous year has been very busy and hectic, necessitating long hours to be worked by the Chief Executive Officer, Executive Managers and Managers. Many hours are performed outside normal working time.

The employment of a Project Manager will be necessary to maintain the current timelines, ensure the adopted Capital Works Schedule projects are not delayed and also that the redevelopment of Leederville Oval and the proposed Multi Purpose Rectangular Sports Stadium projects are not delayed or compromised.

A Project Manager employed on a contract basis would cost approximately \$81,000 per annum, as follows;

Salary	\$75,000
Vehicle Allowance	\$ 3,000
Administration Costs	\$ 1,500
Advertising/Recruitment costs	\$ 1,500
Total	\$81,000
	=====

Assuming that a Project Manager will be required for at least 6 months to cover the critical period, the immediate direct cost to the Council would be \$40,500. It may also be necessary to employ the Project Manager afterwards, to enable the Chief Executive Officer to implement any review recommendations.

There are no funds listed on the Budget 2002-2003 for a Project Manager.

Impact on Budget 2002-2003

The impact on the Budget 2002-2003 has been identified as follows;

1. Direct Staff Costs

Project Manager (6 months)	\$40,500
Three temporary Officers (6 weeks)	\$13,500
	<u>\$54,000</u>
	=====

2. Possible Increase in State Sporting Facility Projects

*Refer to Architects' letters.

3. Indirect Costs

Due to the limited time available to prepare this report, the indirect cost such as postponement of projects, project delay and impact on service delivery has not been costed.

ADVERTISING/CONSULTATION:

A tender will need to be advertised, in accordance with the Local Government (Functions and General) Regulations 1996, seeking consultants to carry out this Independent Organisational Review.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$75,000 is included in the Budget 2002/2003 to carry out an Independent Organisational Review.

LEGAL/POLICY:

The Local Government (Functions and General) Regulations 1996 requires a criteria to be specified in writing under which the tender will be assessed and awarded.

Local Government (Functions and General) Regulations 1996

"Tenders to be invited for certain contracts

11.(1) Tenders are to be publicly invited according to the requirements of this Part before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$50,000 unless sub regulation (2) states otherwise." (Underlining added.)

At the Special Meeting of Council held on 15 October 2002, the Council resolved inter alia as follows;

"(3) the Council determines and APPROVES of Project Objectives and Outcomes, Project Brief and Selection Criteria prior to carrying out the Independent Organisational Review;" ...

Standing Orders

The Town of Vincent Local Law Relating to Standing Orders, Clause 3.21(3) states as follows;

“(3) *The Council or a committee shall not vote on a motion to revoke or change a decision of the Council or committee whether the motion of revocation or change is moved with or without notice, if at the time the motion is moved or notice is given –*

- (a) *action has been taken to implement the decision; or*
- (b) *where the decision concerns the issue of an approval or the authorisation of a licence, permit or certificate and where that approval or authorisation of a licence, permit or certificate has been put into effect by the Council in writing to the applicant or the applicant’s agent by an employee of the Council authorised to do so;*

without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change. (Underlining added.)

The implementation of the adopted Capital Works Schedule 2002-2003 has commenced and a progress report is included in the Agenda for to the Ordinary Meeting of Council to be held on 22 October 2002, detailing the first quarter of the schedule.

At the Special Meeting of Council held on 15 October 2002, the Chief Executive Officer tabled legal advice which he had previously obtained concerning this matter. This legal advice is as follows;

*“Mr John Giorgi
Chief Executive Officer
Town of Vincent
PO Box 82
LEEDERVILLE WA 6902*

Dear Sir

Standing orders advice regarding change of earlier Council decision

We refer to your telephone conversation with Frank van der Kooy on 9 October 2002, during which you requested that we confirm our verbal advice provided on 3 October 2002 regarding changing an earlier decision of Council.

In particular, you indicated that the Council has requested that the following information be included in our advice:

1. *What were the questions asked?*
2. *What was the advice provided?*

Before dealing with each of these issues in turn, we will briefly outline the background to this matter.

Background

Based on our instructions, the background to this matter can be summarised as follows:

1. *At its ordinary meeting on 23 July 2002, the Council approved the 2002/2003 Capital Works Schedule which included an independent organisation review scheduled to be undertaken between February and May 2003.*
2. *On 1 October 2002, six councillors submitted a Notice of Motion to the CEO which moved that the organisational review scheduled for February to May 2003 be re-scheduled for October to December 2002 ('Notice of Motion'). The Notice of Motion also included the following:*
 - *changes to the Capital Works Schedule to reflect the new timetable;*
 - *the required processes to facilitate the organisational review to commence immediately; and*
 - *the terms of reference as distributed to elected members and the executive staff to be used as a basis.*
3. *The CEO was scheduled to complete his draft report to Council by 3 October 2002 and given the tight deadline was not able to prepare a Statement of Impact regarding the legal and financial consequences of the Notice of Motion.*

Questions asked

Against this background you sought our urgent advice during a telephone conversation with us on 2 October 2002, during which you asked the following questions:

1. *Should the Notice of Motion be excluded from the Council agenda until a Statement of Impact has been prepared by the CEO?*
2. *If the matter is placed on the agenda, can the Council vote on the motion before the Statement of Impact has been prepared?*

After providing our initial advice to you on 3 October 2002, you asked the following additional questions:

3. *Does the matter 'lie on the table'?*
4. *As the matter can not be voted on, how should it be treated at the Council meeting?*
5. *Can you provide any general comments in regard to the draft report to Council?*

We will now confirm the verbal advice provided to you on 3 October 2002 in response to these questions.

Advice provided

Consideration of the Notice of Motion

The first question concerned whether the CEO should properly exclude the Notice of Motion from the Council agenda until a Statement of Impact has been prepared by the CEO for consideration of the Council.

The Town of Vincent's Local Law Relating to Standing Orders 2001 ('Standing Orders') sets out the regime under which the Council is to consider a Notice of Motion.

Clause 2.26.2(1)(i) of the Standing orders provides that 'The CEO after consultation with the Mayor, may exclude from the Notice Paper any notice of motion which is out of order'.

We then considered whether the Notice of Motion which has been submitted by six councillors is out of order. Clause 3.2.2 of the Standing Orders provides the following definition of order:

'Any Member or person who does anything or behaves in a manner which is forbidden by any of these Standing Orders shall be deemed to be out of order.'

After reviewing the requirements relating to a Notice of Motion pursuant to the Standing Orders and the Local Government (Administration) Regulations 1996 ('Regulations'), it was our view that the Notice of Motion was not out of order. The Notice of Motion complied with the requirements in clause 2.26.1 of the Standing Orders in that it was submitted to the CEO more than 24 hours before publication of the Notice Paper and related to the administration of the Town.

Clause 3.20.2(1) of the Standing Orders, which closely reflects regulation 10(1) in the Regulations, details the procedure for revoking or changing a Council decision at a subsequent meeting. This clause provides:

'If a decision has been made at a Council or a committee meeting then any motion to revoke or change the decision must be supported:-

- (i) in the case where an attempt to revoke or change the decision had been made within the previous three (3) months but had failed, by an absolute majority; or*
- (ii) in any other case, by at least one third (1/3) of the number of offices (whether vacant or not) of Members of the Council or committee;*

inclusive of the mover.'

The Notice of Motion which was signed by six councillors meets the requirements in clause 3.20.2 of the Standing Orders and Regulation 10(1) of the Regulations. Regulation 10 was drafted pursuant to section 5.25(1)(e) of the Local Government Act 1995, which permits regulations to be drafted to make provision for the circumstances and manner in which a decision made at a Council meeting may be changed.

On this basis, it was our advice that the Notice of Motion was not out of order and accordingly the CEO could not exclude it from the Council agenda.

Council's powers regarding the Notice of Motion

The next question was whether the Council was able to vote on the motion that was to be included on the agenda. Clause 3.21(3) of the Standing Orders relevantly provides:

'The Council or a committee shall not vote on a motion to revoke or change a decision of the Council or committee whether the motion of revocation or change is moved with or without notice, if at the time the

motion is moved or notice is given –

- (a) action has been taken to implement the decision;*

...

without having considered a statement of impact prepared by or at the direction of the CEO of the legal and financial consequences of the proposed revocation or change.'

Based on our instructions, the CEO had not had sufficient time to prepare a Statement of Impact regarding the legal and financial consequences of the proposed change to the Council's decision. Accordingly, we advised that although the motion should be included on the agenda and could be discussed by the Council at its meeting, the Council could not vote on the notice in the absence of the relevant Statement of Impact.

Appropriate motion

After providing this advice, you asked whether the appropriate recommendation was for the matter to 'lie on the table'. We advised that the motion 'question be deferred' (clause 3.8 of the Standing Orders) is more appropriate given the fact that the time and date that the motion was to be considered was specified. We also confirmed that a member must move the relevant motion according to clause 3.6.3 of the Standing Orders.

After reviewing the draft report to Council regarding the Notice of Motion, we confirmed that it was appropriate and did not suggest any amendments.

Summary

In summary, our advice was as follows:

- 1. The Notice of Motion is not out of order and should not be excluded from the agenda.*
- 2. Although the Council is able to debate the Notice of Motion, it could not vote on the Motion in the absence of a Statement of Impact detailing the legal and financial consequences of changing the Council's earlier decision.*
- 3. The appropriate motion to be moved by a member of Council was that the 'question be deferred'.*
- 4. The draft report to Council regarding the Motion is appropriate.*

Please feel free to contact Neil Douglas or Frank van der Kooy if you wish to discuss our advice or require any further assistance.

Yours faithfully
MINTER ELLISON"

STRATEGIC IMPLICATIONS:

The Town's Strategic Plan 2000/2002 - Key Result Area 4: Leadership and Management and in particular, 4.2 states: *"introduce mechanisms to ensure continuous improvements in our service delivery."*

An Independent Organisational Review is not specifically identified in the Town's Strategic Plan.

COMMENTS:

It will now be necessary for the Council to determine and approve of the Project Objectives and Outcomes, Project Brief and Selection Criteria for this important project, as resolved by the Council at the Special Meeting of the Council held on 15 October 2002.

In view of the increased costs, possibly delay in some Capital Works projects and the impact on day to day operations and service delivery, possible delays in completing some scheduled Capital Works Projects, the need to re-schedule some projects and the need to employ a Project Manager to ensure the Council's State Sporting Facilities Plan Projects are not compromised, delayed or be exposed to an increase in costs, it is recommended that the Council not change its adopted Capital Works Schedule 2002-2003 and the Independent Organisational Review be carried out as previously approved by the Council.

The Chief Executive Officer considers that an Independent Organisational Review could yield positive results for the organisation should it be carried out in accordance with the appropriate Terms of Reference, clear Objectives and Outcomes and follow the due process.

10.4.3 Annual General Meeting of Electors 2002 and Adoption of Annual Report 2001/2002

Ward:	All	Date:	15 October 2002
Precinct:	All	File Ref:	ADM0009
Reporting Officer(s):	Annie Smith		
Checked/Endorsed by:	John Giorgi		
Amended by:	-		

RECOMMENDATION:

That:

- (i) *the 2002 Annual General Meeting of Electors be held in the Administration and Civic Centre on Tuesday, 17 December 2002, commencing at 5.30pm; and*
- (ii) *the draft Annual Report, as Laid on the Table and shown in Appendix 10.4.3, be accepted by the Council.*

BACKGROUND:

The Local Government Act 1995 under Section 5.27(1) requires every local government to hold a General Meeting of Electors once each financial year. The Act provides that the Order of Business at such a meeting is:

- (a) Welcome, Introduction and Apologies;
- (b) Contents of the Annual Report for 2001-2002;
- (c) General Business.

LEGAL:

The Local Government Act 1995, Section 5.53 requires every Local Government to prepare an annual report. Section 5.54 states that the Annual Report is to be accepted by the Local Government no later than 31 December of that financial year.

DETAILS:

As the Audit Report for 2001/2002 is finalised, it is now possible to finalise the Annual Report of the Town for that year for presentation to Electors. There are a number of statutory requirements to be met prior to the General Meeting, including formal adoption of the Annual Financial Statements by the Council and local advertising of the Meeting at least 14 days prior to the Meeting.

It is recommended that the Meeting be scheduled for Tuesday 17 December 2002, commencing at 5.30pm.

10.4.4 Proposed Amendments to the Local Government Act 1995

Ward:	Both Wards	Date:	15 October 2002
Precinct:	All Precincts	File Ref:	LEG0010
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the Proposed Amendments to the Local Government Act 1995 as shown in Appendix 10.4.4;*
- (ii) *advises the Western Australian Local Government Association (WALGA) that:*
 - (a) *it supports the proposed amendments to the Local Government Act 1995;*
 - (b) *it does not support No 8. - Proposed Amendment to the Number of Meetings a Member can be absent from without being disqualified - Section 2.25;*
 - (c) *it supports, in principle, No 59 - Establishing a Disciplinary Tribunal for Council Members - New Provision Part 8, subject to further details being provided and WALGA being fully consulted in this matter; and*
 - (d) *it supports:*
 - (1) *No 37 Relating to the rejection of a nominee of a company, subject to it being amended to include that when the nominee of a company is the sole and only shareholder of that company, that the nominee has the right to nominate for Council and satisfies the Elected Member eligibility criteria; and*
 - (2) *No 74 Relating to local government powers to order the repair of a fence, subject to this being amended to also give power to a Council to order the removal of overhanging branches between different lots, if the aggrieved landowner requests this.*

BACKGROUND:

WALGA recently wrote to the Town advising that the Department of Local Government and Regional Development has recently released to the Association and other parties a document outlining the proposed amendments to the Local Government Act. It is understood the details have also been provided at other forums around the State in the past several weeks.

In order to effectively respond to the proposals the WALGA is reviewing responses received in the original consultation process. It is however desirable to receive updated views wherever possible (and practical) on the whole document and particularly those issues that are on the list for the first time.

Comments have been requested by the end of October 2002.

DETAILS:

Many of these proposed amendments are as a result of the consultation in 1999 and 2000 with some additional ones that have been included by the Government and for which there has been no consultation.

Many of the proposed amendments will provide for a refined Local Government Act. Some of the more salient amendments include the following:

3. Changing the method of electing a mayor/president when elected at large – Section 2.13

Concerns have been raised about a loss of elector entitlements if a council moves to change the method of electing a mayor/president from one elected by the people to one elected by council.

Consequently, a new process is proposed which is to be followed when such a change is sought. This process will involve the following:

- If council agrees to progress such a change, it must seek feedback from the community on the proposal for a period of 6 weeks.
- The council is then to reconsider the proposal in light of the feedback received.
- If council resolves to proceed, a referendum is to be held.
- The Local Government Advisory Board is to set the question for the referendum and identify the arguments for change or retention of the status quo.
- The Western Australian Electoral Commission is to conduct the referendum.
- The result of the referendum will bind council.
- Should the referendum support change, implementation of the new method shall take place at the next election for the mayor/president (unless preparation for an election for the mayor/president has already commenced, in which case the election should occur and the appointed person should serve their term).
- Referendums on this matter cannot be held more than once every 4 years.

Chief Executive Officer's Comments

This change will ensure that ratepayers are fully consulted prior to a Council making any change. The proposed process will ensure that a community can provide feedback during a statutory consultation period.

8. Amendment to the number of meetings a member can be absent from without being disqualified - Section 2.25

An amendment is to be made to the number of meetings that an elected member, without leave of absence, can fail to attend without being disqualified.

It is intended to amend section 2.25 (4) so that a member is disqualified if they are absent throughout 4 consecutive ordinary meetings.

Chief Executive Officer's Comments

It is considered that three consecutive ordinary meetings as currently prescribed in the Act is considered satisfactory.

10. Introduction of an alternative oath or affirmation of allegiance and declaration – Section 2.29

It is proposed that newly elected members be given an alternative oath or affirmation of allegiance and declaration that removes reference to the reigning sovereign. This would be to the Commonwealth and people of Australia.

This will require an amendment to section 2.29 to indicate that an alternative oath or affirmation of allegiance and an alternative declaration is possible. In addition, it would need to be made clear that such an oath is not in contravention of the Criminal Code.

Chief Executive Officer's Comments

This matter has arisen on a number of occasions by many local governments and will address the concerns raised.

18. Reducing the advertising requirements for the review of local laws – Section 3.16

The advertising requirements for a review of a local law are quite onerous, particularly when compared to the requirements for the creation of a new law. It has therefore been decided to reduce the timeframe for public comment to bring it into line with the requirements for creating a new local law. In addition, the requirement to give notice of the outcome of a review will no longer be required.

This will require an amendment to section 3.16 (2)(c) to reduce the 12 week period to 6 weeks. In addition, section 3.16 (5) is to be deleted.

Chief Executive Officer's Comments

This amendment will reduce the time and cost in amending local laws and is therefore supported.

29. Entitlement to be an Occupier of Rateable Property – Section 4.32

It is proposed that section 4.32(3) should include a further requirement for a person to establish that they are a bona fide occupier. It is proposed that the person needs to have a minimum amount of rental paid per annum. This would need to be set in regulations and the amount shall be \$5000.

Chief Executive Officer's Comments

This amendment will remove the practice of persons obtaining leases solely for the purpose of satisfying the Elected Member eligibility requirements as an occupier.

37. Section 4.51 – Rejection of nomination on grounds of only being a company nominee.

A number of situations have arisen where nominations for elections have been accepted by returning officers where the person is only a company nominee. Section 2.19 (2) of the Act states that whilst such a person can be an elector they are not entitled to be a council member.

It is proposed that section 4.51 should have a specific provision giving the returning officer the power to reject such a nomination. It would appear appropriate to include this particular qualification matter as this information is known to the returning officer from the details submitted in applications to be an elector. It is acknowledged that there are various other entitlement matters that need to be met to hold office, however, those details are not readily available to returning officers for checking.

Chief Executive Officer's Comments

This amendment will remove an anomaly in the Act concerning the relationship between nominating for Council and eligibility to be sworn in if the person wins the Election. This matter has previously been reported to the Council following the 2001 Election. The Mayor has requested that the amendment relating to instances where the nominee is the sole and only shareholder of a company be also included.

43. Various amendments to the sections relating to the plan of principal activities

Amendments are proposed to the local government forward planning provisions to ensure that the plans developed are consistent with community desires and that there is flexibility for local governments to prepare plans that meet corporate needs.

This will require the following amendments:

- Sections 5.52, 5.56, 5.57 and 5.58 are to be deleted.
- Any reference in the Act (or regulations) to principal activity plans is to be removed.
- A statement is to be included in section 2.7 to require councils to plan for the future. The procedures for the making and the content of such plans shall be as prescribed in regulations.

Chief Executive Officer's Comments

This amendment is supported as there is a need to link a Council's Strategic Plan and Principle Activities Plan.

44. Definition of when a person has a financial interest – Section 5.60A

To clarify the scenario as to when an elected member or employee has a financial interest it is proposed that the definition contained in this section be broadened.

Section 5.60A should be amended so that when determining whether a person has an interest, it is necessary to consider whether there was a reasonable expectation of financial gain or loss resulting from either the way the matter might be dealt with by the council or committee, and the way that the matter might be dealt with by the elected member or employee. At present the requirement is limited to the way the local government would deal with the matter.

Chief Executive Officer's Comments

Any further clarification to this provision can only assist persons to determine whether they need to declare their interest.

48. Bringing forward the date for the adoption of annual budget – Section 6.2

To provide local governments with greater flexibility with their budget management activities, it is proposed to allow local governments to adopt their budget from 1 June each year.

Accordingly, this will require an amendment to section 6.2 to change the date from July 1 to June 1. Other consequential amendments may be necessary.

Chief Executive Officer's Comments

This is supported as it can a positive benefit of Council's bringing forward the adoption of a Budget, which means rates can also be received earlier. This will ensure that Capital Works Programmes can be more easily drafted, taking cognisance of Council cash flow.

58. Audit Committee – Part 7

New provisions about Audit Committees are to be inserted into the Act to ensure that council members maintain an involvement in the audit process. The Act should require each local government to establish an audit committee which will be open to the public.

- Membership of the committee may range from 3 elected members to full council. It may be a separate committee or it may be an adjunct to any other committee of council.
- Audit Committees can comprise only elected members and members of the community if the council so resolves (not council staff).
- Elected members are to comprise a majority of the Committee.
- The Chief Executive Officer of the local government or his/her nominee cannot be a member but may be an advisor to the committee.

The roles and responsibilities of the Audit Committee are to be as follows:

- Determining the process of selecting the Auditor.
- Recommending to Council on the appointment of the Auditor.
- Managing the audit process from the council's perspective.
- Meeting with the auditor at least once each year to discuss the process and/or the outcomes of the audit.
- Monitoring the administration's actions on, and responses to, any significant matters raised by the Auditor in the report referred to in section 7.9 of the Act and the management report.
- Submitting a copy of the audit contract to the Department of Local Government and Regional Development each time a new contract is entered into or the contract is amended.
- Presenting an Annual Report on the audit function to the Council and the Department of Local Government and Regional Development.
- Considering the completed Statutory Compliance Return and monitoring the administration's corrective action on matters of non-compliance.

In addition to the Report on the Accounts and the Annual Financial Report required by section 7.9 of the Act, the Act should require the Auditors of each local government to submit a further report on any issues which have been identified in their processes as needing to be addressed.

This second report, to be termed the "Management Report", is to be submitted to the CEO of the respective local government. The CEO is to be obliged to advise the Audit Committee on the action he or she has taken with regard to the Management Report.

The Audit Committee must advise the Council regarding its level of satisfaction with the CEO's response to the Management Report. The Council is to inform the public at the annual electors meeting of the content of the Management Report and Council's actions with regards to the issues raised.

It may be preferable to place the details of these requirements in regulations.

Chief Executive Officer's Comments

This is supported as it is in keeping with the principles of accountability and open government.

59. Establishing a Disciplinary Tribunal for Council Members – New provision Part 8

It is proposed to include a new provision which will provide for the establishment and operation of a tribunal to deal with matters of a disciplinary nature where a council member has not complied with a code of conduct or other relevant laws.

It is proposed that this tribunal be appointed by the Minister with the power to initiate disciplinary measures. It is proposed that such measures would include the temporary suspension of council members and other appropriate sanctions.

Further consideration will be given to the incorporation of these provisions in the State Administrative Tribunal legislation in due course.

Chief Executive Officer's Comments

This is supported in principle subject to further details being provided and WALGA being fully consulted on the matter. At present the Minister can only take action against the whole Council and not errant individual Members. Action against whole Councils is expensive and tarnishes the reputation of all persons.

A tribunal is supported subject to full consultation on the matter.

74. New power to allow a local government to issue a notice to repair a boundary fence – Schedule 3.1

To ensure that local governments have appropriate power in relation to the standard of boundary fences in their districts, the power to issue a notice requesting that a boundary fence be repaired is to be included in this Schedule.

A new provision is to be inserted in Schedule 3.1 to give local governments the power to issue a notice to an owner or occupier requesting that a boundary fence be repaired. It can only issue such a notice if there is a contravention of a local law on the matter.

Chief Executive Officer's Comments

Dividing fences are a contentious issue for local governments and any amendment to give stronger powers is supported.

The Mayor requested that this amendment be expanded to give Councils power to act on complaints and require the removal of overhanging branches on private property between different lots.

CONSULTATION/ADVERTISING:

Not applicable.

STRATEGIC IMPLICATIONS:

The proposed amendments to the Local Government Act 1995 will assist in good governance and assist in good decision making for the betterment of local communities.

COMMENTS:

The proposed amendments to the Local Government Act 1995 are supported and long overdue.

10.4.5 Proposed Amendments to the Town of Vincent Local Law Relating to Parking Facilities - Gazettal

Ward:	Both	Date:	11 October 2002
Precinct:	-	File Ref:	LEG0047
Reporting Officer(s):	A Smith, J MacLean		
Checked/Endorsed by:	John Giorgi		
Amended by:			

RECOMMENDATION:

That;

- (i) *pursuant to Sections 3.12 to 3.17 of Subdivision 2 of Division 2 of Part 3 of the Local Government Act 1995 the Council APPROVES BY A SPECIAL MAJORITY to amend the Town of Vincent Local Law Relating to Parking Facilities to include Richmond Street, Leederville as a Ticket Machine Zone as follows,*

LOCAL GOVERNMENT ACT 1995 (as amended)

TOWN OF VINCENT PARKING FACILITIES LOCAL LAW

AMENDMENT

In pursuance of the powers conferred upon it by Section 3.12 of the Local Government Act 1995, the above-mentioned Local Law and all other powers enabling it, the Council of the Town of Vincent HEREBY RECORDS having resolved on 22 October 2002 to amend the Town of Vincent Parking Facilities Local Law published in the Government Gazette on 23 May 2000 by:

Amending the existing First Schedule relating to Ticket Machine Zones – Periods and Fees, as follows:

- (a) *by inserting in column 1 “South side of Richmond Street”;*
(b) *by inserting in column 2 “Between Oxford Street and Loftus Street”; and*
(c) *by inserting in column 3 “8.00am to 8.00pm Monday to Sunday”; and*
- (ii) *the Council approves a concessional parking fee of \$2.20 per day for students of Leederville TAFE, with the provision that full-time students can purchase a pre-paid weekly and monthly parking permit, to enable them to utilise the south side of Richmond Street, Leederville at a cost of \$10.00 per week and \$27.50 per calendar month.*

BACKGROUND:

At the Ordinary Meeting of Council held on 13 August 2002, the Council resolved to advertise the proposed amendment to its Local Law Relating to Parking Facilities to include Richmond Street, Leederville as a Ticket Machine Zone.

One submission was received from a member of the public. The details of the submissions is outlined below:

➤ *Mr Buckels, Bourke Street, Leederville*

As a resident of Bourke Street, Leederville he is concerned that ticket parking on Richmond Street will in fact encourage people to park in residential streets like Bourke Street. Realises that time restricted parking is being introduced in areas such as Bourke Street. Believes that students will just move to a slightly further away block for free parking, increasing the problems in the area and leaving the Council with an empty carpark on Richmond Street.

Manager Law & Order Services Comment:

When the Council introduced one and one half hour (1½P) and three hours (3P) parking time restrictions, throughout the Loftus Centre Car Park, full-time students, attending Leederville TAFE, could no longer make use of the facility. A number of students petitioned the Town, seeking some consideration for all-day parking and the introduction of embayed parking in Richmond Street, controlled by ticket issuing machines will provide that all-day facility. However, the students have indicated that a daily fee of \$4.40, which equates to \$22.00 per week, is beyond their means and they again seek the provision of a concessional parking fee for this street.

If all-day parking is permitted in Richmond Street, with no parking fee attached, the vehicles that now pay for their parking in Frame Court and The Avenue Car Parks, will use Richmond Street to avoid paying for their parking. Since most of these drivers are at work before TAFE classes commence, the Students will again have nowhere to park all-day. The introduction of a standard parking fee for kerbside parking in Richmond Street will make this location less attractive to people who work in the Oxford Centre area, it will ensure that TAFE students will have plenty of available spaces close to their campus. However, it is considered appropriate for the Town to give a concession to these students by reducing the daily, weekly and monthly cost of parking. In view of the fact that students traditionally, have very limited financial resources available, it would be appropriate for a concessional parking fee of one half (½) of the normal daily parking fee to be imposed, vis \$2.20 per day, \$10.00 per week and \$27.50 per calendar month. The way of ensuring that only full-time TAFE students can obtain the concession, can be achieved by arranging for small self-adhesive identifying stickers, to be issued to students, by Leederville TAFE, at the time of paying their enrolment fees.

ADVERTISING/CONSULTATION:

The proposed amendment was advertised on a State-wide basis in The West Australian newspaper on 28 August 2002 and on a local basis in a local paper on 31 August 2002.

LEGAL/POLICY IMPLICATIONS:

The Local Government Act requires all proposed Local Law amendments to be advertised on a State-wide basis for a period of at least six weeks.

STRATEGIC IMPLICATIONS:

Key Result Area 1.4 of the Town's Strategic Plan 2000 - 2002, "*Develop and implement a transport and car parking strategy*" would appear to support the above concessional parking proposal. Key Result Area 1.7 of the Strategic Plan, "*Ensure that issues affecting access for all community members are addressed in all strategies*".

COMMENTS:

The Council, at its meeting held on 14 August 2002, approved the inclusion of Richmond Street, Leederville as a Ticket Machine Zone. It is necessary to amend the First Schedule of the Local Law relating to Ticket Machine Zones – Periods and Fees to include the south-side of Richmond Street. Until such time as the Local Law is amended and gazetted ticket parking restrictions can not be enforced. Therefore it is recommended that the amendments be approved and for gazettal.

To provide some support for TAFE students to make use of the all-day parking facilities being developed on the South side of Richmond Street, it would be appropriate for the Chief Executive Officer to negotiate with Leederville TAFE, with a view to establishing appropriate concessional parking fees.

10.4.6 Proposed Policy – Dangerous Buildings

Ward:	Both Wards	Date:	14 October 2002
Precinct:	All Precincts	File Ref:	ORG0023/PLA0022
Reporting Officer(s):	D, Brits, G McLeod-Thorpe, G Snelling		
Checked/Endorsed by:	D Abel, R Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report and the proposed Policy relating to Dangerous Buildings as shown in Appendix 10.4.6;*
- (ii) *advertises the proposed Policy relating to Dangerous Buildings for public comment, including;*
 - (a) *advertising a summary of the proposed Policy for a period of twenty-one (21) days; and*
 - (b) *notifying owners of potentially dangerous buildings and requesting their comment within the above advertising period;*
- (iii) *after the expiry of the period for submissions:*
 - (a) *reviews the proposed Policy, having regard to any written submissions; and*
 - (b) *reports to Council with a view of adopting or otherwise the Policy, with or without modifications; and*
- (iv) *lists for consideration in the 2003/2004 Budget the sum of \$3,000 for urgent securing and cleaning works with a view to list owners as debtors of the Town to recoup direct costs.*

BACKGROUND:

It has become increasingly apparent that there is a need for a policy that sets out the procedure and action required to be taken by the Town, in relation to the identification and rectification of ‘dangerous buildings’ within the community. It is anticipated that the Town’s proposed Policy relating to Dangerous Buildings will complement other Health Services Policies, including the Policy relating to Derelict Houses/Buildings: Securing and Cleaning Works.

DETAILS:

The Town's Policy relating to Dangerous Buildings has been developed to specify the procedure and action to be taken, both legally and operationally, with regard to identifying, assessing and making safe, dangerous buildings within the community of the Town of Vincent.

The objectives of the Policy are:

- *To preserve the built environment in the interest of safety, health and amenity for all residents and the community.*
- *To define the procedure and action necessary in relation to the identification and mitigation of dangerous buildings as specified in Part XV, Division 11, Sections 403 to 406, inclusive, of the Local Government (Miscellaneous Provisions) Act 1960.*

The proposed Policy also contains a copy of the Town of Vincent Notice to be served on the owner(s) of identified dangerous buildings, requiring the building to be put into such state of repair and good condition suitable for habitable use and occupation as the case requires, to the satisfaction of the Town, as per the Policy.

LEGAL IMPLICATIONS:

The proposed Policy has been developed in accordance with Part XV, Division 11, Sections 403 to 406, inclusive, of the *Local Government (Miscellaneous Provisions) Act 1960*.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002 – Key Result Area 1: The Physical Environment – “*Objectives: To create an accessible, safe and healthy environment for our community*”; and “*1.3 Develop and implement strategies to enhance the environment.*”

CONSULTATION/ADVERTISING:

It has been normal procedure to advertise proposed Town policies in a local newspaper, seeking public comment, for a period of three weeks after Council approval has been given, to ensure that the community are aware of the provisions. The policies are then reviewed with respect to any written submissions, and a report is prepared to Council with a view to adopting the final version of the policy. It is recommended that the same procedure be adopted in this case.

FINANCIAL/BUDGET IMPLICATIONS:

While there is no direct cost associated with the introduction of the Town’s proposed Policy relating to Dangerous Buildings, other than advertising expenses, it is recommended that \$3,000 be listed for consideration in the 2003/2004 Budget for carrying out urgent securing and cleaning works when property owner(s) are not able to be contacted, or are unwilling to carry out the works themselves. In these instances, Financial Services are to then list the property owner(s) as a Debtor of Council to recoup the costs incurred.

COMMENTS:

As the Town values and promotes an accessible, safe and healthy environment for the community, all available and necessary measures should be taken to ensure that dangerous buildings within the community are identified and dealt with in an efficient and consistent manner. The Town’s proposed Policy relating to Dangerous Buildings would assist in actioning written complaints, assessing the condition of buildings, requesting necessary action and describing the necessary procedure in the case of non-compliance. It is recommended that Council advertises the proposed Policy as per standard procedure.

10.4.7 Information Bulletin

Ward:	-	Date:	16 October 2002
Precinct:	-	File Ref:	-
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	J Giorgi		
Amended by:	-		

RECOMMENDATION:

That the Information Bulletin dated 22 October 2002 and distributed to Elected Members with the Agenda be received.

DETAILS:

The items included in the Information Bulletin dated 22 October 2002 are as follows:

ITEM	DESCRIPTION
IB01	Residential Design Codes of Western Australia
IB02	Introduction of Energy Efficiency Provisions to the Building Code of Australia
IB03	No. 91 (Lot 157, Strata Lot 2) Raglan Road, corner Hyde Street, Mount Lawley – Proposed Additional Two-storey Grouped Dwelling with Additional Uncovered Storage Area/Roof Terrace to Existing Dwelling – Appeal No. 124 of 2002
IB04	Nos. 228 - 232 Carr Place, Leederville - Unauthorised Building Works, Building Notice Appeal
IB05	Interim Response to Mr John Little - 711 Newcastle Street, Leederville - Public Question Special Council Meeting 15 October 2002

10.4.8 Confidential Report - Hill's Weeping Figs (Ficus hilli)

Ward:	North Perth	Date:	16 October 2002
Precinct:	Mt Hawthorn P1, Smith's Lake P6, North Perth P8, Norfolk P10, Hyde Park P12 & Beaufort P13	File Ref:	TES0234
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher		
Amended by:			

OFFICER RECOMMENDATION:

That pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, the Council proceeds "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members, relating to the Hill's Weeping Figs (Ficus hilli).

DETAILS:

At the Ordinary Meeting of Council held on 8 October 2002, this item was DEFERRED due to the lateness of the hour.

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains commercial and financial information.

LEGAL:

The Town of Vincent Local Law Relating to Standing Orders states the following:

"2.15 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
- (i) *to be treated as strictly confidential; and*
 - (ii) *not, without the authority of Council, to be disclosed to any person other than–*
 - (a) *the Members; and*
 - (b) *Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*
- prior to the discussion of that matter at a meeting of the council held with open doors.*
- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
- (i) *then to be treated as strictly confidential; and*
 - (ii) *is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1)."*

The confidential report is provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

At the conclusion of these matters, the Council may wish to make some details available to the public.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Mayor Nick Catania – Expression of Sympathy to those affected by the Bali Disaster and Donation to WA Bali Casualties Appeal

That;

- (i) *the Mayor, Councillors and Staff of the Town of Vincent express their deepest sympathy to the families and friends of victims of the Bali disaster; and*
- (ii) *the Town of Vincent makes a donation of \$5,000 to the Western Australia (WA) Bali Casualties Appeal through the Lord Mayor's Distress Relief fund.*

11.2 Notice of Motion – Councillor Simon Chester – Underground Power

That the Council authorises the Chief Executive Officer to prepare, no later than 12 November 2002, expressions of interest for Round 3 of the State Underground Power Program for all areas of the Town of Vincent as Major Residential Projects.

11.3 Notice of Motion – Councillor Simon Chester and Councillor Helen Doran-Wu – Scarborough Beach Road Upgrade

That the Council;

- (i) *authorises the Chief Executive Officer to utilise any surplus funds from the 2002/2003 budgeted traffic management improvements to Scarborough Beach Rd for the provision of;*
 - (a) *pedestrian safety fencing to the intersection of Scarborough Beach Rd, and Flinders Street; and*
 - (b) *community art banner poles for the central median between Fairfield and Matlock Streets;*

concurrent with the works being undertaken;
- (ii) *authorises the Chief Executive Officer to prepare plans for Stage 2 Upgrade of Scarborough Beach Road for the Financial Year 2003/2004, including;*
 - (a) *planter beds, street tree enhancement and artworks to existing paved area between Oxford Street and The Boulevarde; and*
 - (b) *authorises the Chief Executive Officer to approach Western Power for a lighting fitting upgrade of Scarborough Beach Road Town Centre;*

subject to consultation, including a public meeting, with the relevant stakeholders, businesses and community groups including playgroup, school, church and seniors groups.

11.4 Notice of Motion – Councillor Simon Chester and Councillor Helen Doran-Wu – Residential Design Codes – October 2002 Information Session

That the Council authorises the Chief Executive Officer to host an information session for Councillors, community groups, precinct groups and interested parties on the Residential Design Codes of Western Australia, gazetted on 4 October 2002. The session should occur no later than 14 December 2002 and, as a minimum, identify;

- (a) the future roles of the Residential Design Codes of Western Australia, Town of Vincent Town Planning Scheme and Town of Vincent Design Guidelines;*
 - (b) differences in the provisions of the Codes gazetted on 4 October 2002 and the 1991 Codes;*
 - (c) any new features of the revised Codes; and*
 - (d) possible effects on development within the Town of Vincent.*
-

11.5 Notice of Motion - Councillor Marilyn Piper - Motion to Change a Council Decision relating to Anzac Road Parking Restrictions

That;

- (1) *as required by the Town of Vincent Local Law relating to Standing Orders, Clause 3.21(3), the Council CONSIDERS the Statement of Impact prepared by the Chief Executive Officer, as detailed in this report, before voting on a Motion to revoke or change a decision of the Council;*
- (2) *the Council RECEIVES the Motion to Change a Council Decision concerning the Residential Parking Restrictions in Anzac Road, Mount Hawthorn;*
- (3) *the Council NOTES that the Council, at its Ordinary Meeting held on 27 August 2002 (Item No. 10.2.4.) decided;*

COUNCIL DECISION ITEM 10.2.4

"That the Council;

- (i) *receives the report on the Review of the Residential Parking Zone on the South Side of Anzac Road, between Oxford and Shakespeare Streets, Mount Hawthorn; and*
 - (ii) *APPROVES the continuation of the existing Residential Parking restriction in Anzac Road, between Oxford and Shakespeare Streets, Mount Hawthorn, as shown on attached Plan No. 2085 PP.1."*
- (4) *Councillor M Piper, Councillor B Franchina, and Councillor C Cohen, MOVE a motion to change the decision by;*

"changing the current parking restrictions, in Anzac Road, Mount Hawthorn, to a Parking Time Restriction, operating at all times";
 - (5) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, Councillor M Piper, Councillor B Franchina, and Councillor C Cohen, being one third of the number of offices of members of the Council, support this motion; and*
 - (6) *the Council RESOLVES BY AN ABSOLUTE MAJORITY to change the decision by;*

"changing the current Residents Only Parking Restrictions, on the south side of Anzac Road, Mount Hawthorn, to a three-hours (3P) Parking Time Restriction, operating at all times on the south side of Anzac Road, between Oxford Street and Shakespeare Street, Mount Hawthorn."
-

CHIEF EXECUTIVE OFFICER'S STATEMENT OF IMPACT:

In order to consider the Statement of Impact, in accordance with the Town of Vincent Local Law Relating to Standing Orders Clause 3.21 (3) it is necessary to note that the Council Decision under consideration has already been implemented. The following is the history of this matter.

BACKGROUND:

The Oxford Hotel, Oxford Street, Mount Hawthorn was refurbished in 2000, in accordance with the conditions of approval determined on appeal by the Minister for Planning and without the need to provide any additional parking facilities for the anticipated increase in patronage.

Because of the inconvenience to the residents of Anzac Road, a Report was presented to the Council on 5 December 2000 recommending, among other things, public consultation about a possible introduction of a Residential Parking Zone and of twenty-four (24) 90° angled parking bays in Anzac Road, Mount Hawthorn, between Oxford Street and the right-of-way, at the rear of the hotel. This was approved.

On 24 July 2001, the Council again considered the matter and approved the Council-amended proposal for the twenty-four (24) 90° angled parking bays and a Residential Parking Restriction on the south side of Anzac Road, between Oxford Street and Shakespeare Street, Mount Hawthorn.

On 14 August 2001, by Notice of Motion, Councillor Franchina proposed the introduction of ticket parking machines to the twenty-four (24) 90° angled parking bays in Anzac Road, Mount Hawthorn. The decision was deferred to the following Ordinary Meeting.

On 28 August 2001, by Notice of Motion, Councillor Franchina proposed the introduction of ticket parking machines to the twenty-four (24) 90° angled parking bays in Anzac Road, Mount Hawthorn. The decision was amended to introduce paid parking only between 8.00pm and 8.00am.

On 11 September 2001, the Council formally approved the introduction of fees of 60 cents per hour, at all times, for the paid parking in Anzac Road and approved the required amendments to the Parking Facilities Local Law, pending a favourable response from the statutory public consultation period.

At the same meeting, on 11 September 2001, Councillor Chester presented a Notice of Motion for the introduction of "Residents Only" parking restrictions on the north side of Anzac Road and for a performance review of the Anzac Road restrictions after six (6) months. This Notice of Motion was approved.

On 9 October 2001, a further report was presented to the Council, regarding a response from Main Roads WA, indicating that they did not approve the signal-modifications at the intersection, which was an integral part of the redevelopment of the western section of Anzac Road, adjacent to the Oxford Hotel. As part of the report, the Council approved clause 3 of the recommendation as follows:

"3. *in the event that 2. above is approved, the Council APPROVES BY AN ABSOLUTE MAJORITY;*

- (i) *not proceed with the installation of the half 'seagull' island, angled parking area and speed hump as shown on a the attached drawing A4-00-151/A for the reasons outlined in the report;*
- (ii) *advise the respondents of its resolution."*

The previously approved paid parking restrictions were not therefore installed.

On 20 November 2001, the Council approved a Notice of Motion to revoke the previous approval, to introduce a "Residents Only" parking restriction on the north side of Anzac Road.

The result of the above was that the original approval, on 24 July 2001, for the introduction of "Residents Only" parking restrictions on the south side of Anzac Road, between Shakespeare Street and the right-of-way at the rear of the Oxford Hotel was the only restriction approved.

On 25 June 2002, the Council considered a Notice of Motion from Councillor Drewett, recommending that the "Residents Only" restrictions only operate between 6.00pm and 6.00am, the following day. The decision of the Council was that the matter "*Lie on the Table*".

A survey was undertaken in July 2002, to establish if the Residents Only restrictions continued to be appropriate and, since the responses resulted in 50% of the residents wanting them retained and 50% wanting them changed, it was approved by the Council, on 27 August 2002, that the status quo should remain.

Since 27 August 2002, there has been a number of complaints that residents are deliberately parking their vehicles on the north side of Anzac Road (the unrestricted area), so that hotel patrons are unable to make use of the unrestricted area and can not park in the Residential Parking Zone, even though there is always available spaces.

STATEMENT OF IMPACT:

LEGAL IMPLICATIONS

Residents

Whether a "Residents Only" parking restriction or a timed parking restriction is in place, residents who do not have available on-site parking facilities can apply for Residential and Visitor's Parking Permits, which negate the need to comply with parking time restrictions. The only disadvantage in having parking time restrictions, as opposed to Residential Restrictions would be in the reduced availability of vacant spaces for residents. However, random surveys, undertaken by Rangers over the past few months, suggest that there is likely to be a number of available spaces, irrespective of restrictions.

A three-hour (3P) parking time restriction is normally only introduced in areas where there is very little demand for a turnover of parking spaces, such as Brewer Street and Glendower Street, Perth. Where there is a need for a regular turnover of parking spaces, it has been the normal practice to introduce one-hour (1P) or two-hour (2P) restrictions. However, Anzac Road may be an appropriate street for the suggested three-hour (3P) restriction.

Rangers

Rangers will deal with whatever restrictions are approved by the Council, so there should be little impact on their duties. However, the Rangers' roster was developed to maximise the coverage, at the times when it is most required. Currently, they finish work at 8.00pm on Mondays and Tuesdays, 9.30pm on Wednesdays and midnight on Thursdays to Sundays. This may present difficulties on Mondays to Wednesdays, since patrons would not usually go to the Oxford Hotel till 6.00pm or later and, with a three-hour restriction in place, the Rangers may not be able to deal with offenders, unless there is a revision of the roster requirements. Any such review of the current roster, will have a consequential impact in another area, by reducing the times that Rangers are available on the "busiest" days.

Businesses

It is unlikely that there will be any complaints from the local businesses, since they have long requested the changes. There have been a number of requests from the businesses, primarily from the Oxford Hotel, to remove the Residential Restrictions, during the day, when many residents are at work. Other than the Oxford Hotel, the other businesses would be unlikely to be affected by a retention of the Residential Restrictions at night.

There are no adverse legal implications associated with the proposed alteration to the existing Council decision. The new restrictions will be enforced in the same way as all other similar restrictions, throughout the Town.

FINANCIAL IMPLICATIONS:

The financial implications will be restricted to the alteration of the existing signage on the south side of Anzac Road and the erection of new signage on the north side of Anzac Road. It is estimated that this will cost approximately \$500.00.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nominations – Building Regulations Advisory Committee; Impact of Combining Tourist and Permanent Residential Accommodation and the Impact of Strata Titling of Tourist Accommodation Taskforce; Peel Region Planning Committee; WA Environmental Health Officers Professional Review Board, Wetland Coordinating Committee
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Ward:	-	Date:	15 October 2002
Precinct:	-	File Ref:	ORG0045
Reporting Officer(s):	Manuela McKahey		
Checked/Endorsed by:	John Giorgi		
Amended by:	-		

RECOMMENDATION:

That;

- (i) _____ *..be nominated as WALGA Member – Building Regulations Advisory Committee;*
- (ii) _____ *..be nominated as WALGA Member – Impact of Combining Tourist and Permanent Residential Accommodation and the Impact of Strata Titling of Tourist Accommodation Taskforce;*
- (iii) _____ *..be nominated as WALGA Member x 3 (Panel of four names per position) – Peel Region Planning Committee;*
- (iv) _____ *..be nominated as WALGA Deputy Member x 3 (Panel of four names per position) – Peel Region Planning Committee;*
- (v) _____ *..be nominated as WALGA Member – WA Environmental Health Officers Professional Review Board;*
- (vi) _____ *..be nominated as WALGA Deputy Member – WA Environmental Health Officers Professional Review Board;*
- (vii) _____ *..be nominated as WALGA Member – Wetland Coordinating Committee; and*
- (viii) _____ *..be nominated as WALGA Deputy Member – Wetland Coordinating Committee.*

BACKGROUND:

Please see Appendix 12.1 for details.

NOMINATIONS CLOSE FRIDAY 8 NOVEMBER 2002 AT 4.00PM.

13. URGENT BUSINESS

14. CLOSURE