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Minutes of the Ordinary Meeting of the Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 25 February 2003, commencing at 6.03pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil.

(b) Present:

| | |
|---|---|
| Mayor Nick Catania, JP | Presiding Member |
| Cr David Drewett, JP | Deputy Mayor - Mt Hawthorn Ward |
| Cr Simon Chester | Mt Hawthorn Ward |
| Cr Helen Doran-Wu | Mt Hawthorn Ward |
| Cr Basil Franchina | Mt Hawthorn Ward |
| Cr Kate Hall | North Perth Ward |
| Cr Ian Ker | North Perth Ward |
| Cr Marilyn Piper, JP | North Perth Ward |
| John Giorgi, JP | Chief Executive Officer |
| Rob Boardman | Executive Manager, Environmental & Development Services |
| Rick Lotznicher | Executive Manager, Technical Services |
| Mike Rootsey | Executive Manager Corporate Services |
| Debbie Winfield | Minutes Secretary |
| Julie Davidson | Librarian - Library Services (until 6.40pm) |
| Craig Wilson | Manager Engineering Design Services, Technical Services (until 6.40pm) |
| (both attended for presentation of Employee of the Month Award) | |
| Gary Brennan | Consultant for Independent Organisational Review |
| Jenny D'Anger | Journalist – Voice News |
| Ryan Sturman | Journalist – Guardian Express |

Approximately 24 Members of the Public

(c) Members on Leave of Absence:

Cr Caroline Cohen North Perth Ward

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

1. Mr David Annan of 5 Antigua Road, Harbour Rise, Hillarys – Item 10.1.7. Submitted a copy of a letter from the neighbour regarding the parapet wall. This was circulated to the Council. He asked for two conditions of approval to be deleted; the level of the building was decreased by 500mm by the Town Officer, and he would like the original height reinstated; and the window in the rear bedroom to be clear and not opaque.
2. Nick Geronimos of 16 Stuart Street, Northbridge – asked the Council questions on accountability, as follows:
 - Q1. He stated that with reference to his questions at the last meeting and the article in the (Vincent) Voice newspaper, dated 22 February 2003, page 2, Cr Franchina is noted as saying "...he believed the payout should not have been made public". Can the Council advise him:

Cr Franchina interjected and stated "... would you please stop..."

- (a) if any other matters have not been made public that relate to actions or expenditure by Councillors contrary to the Town's policies, and
 - (b) what is the Council's policy relating to keeping the ratepayers and electors, who contribute and fund this Council, informed of any extraordinary or unbudgeted costs.
- Q2. I seek information from the Council regarding the payments made to Councillors through the Allowances, Fees and Re-imbusement of Expenses Policy number 4.1.16 adopted by the Council on 23 July 2002, regarding:
- (a) the allowances, fees and re-imburements of expenses paid to Councillors this current and the previous (2001-2002) financial year;
 - (b) a breakdown by Councillor claims, and type of allowance, fee and re-imbusement of the utilisation of this policy; and
 - (c) as item 8 of the policy (Miscellaneous Councillor Expenses) is very broad, details as to the application of the funds, also by Councillor, would also be appreciated

A copy of the questions was submitted to Mayor Catania.

Mayor Catania stated that as the information needed to be researched by the Town's Officers, the questions would be taken "on notice" and the Chief Executive Officer would respond.

Cr Franchina arose and interjected that Mayor Catania "...was not fit to have that chair..."

Under Standing Orders, Mayor Catania sought clarification, and requested a retraction from Cr Franchina of his statement.

Cr Franchina refused to retract his statement.

Mayor Catania advised that Cr Franchina was in breach of Standing Orders 3.2.8 and that Cr Franchina was not to speak during this Item.

Cr Drewett called a Point of Order and challenged the Presiding Member's ruling stating that only Council could deem a breach of the Code of Conduct.

Moved Cr Drewett, Seconded Cr Piper

That, the Presiding Member's ruling under Standing Orders, be challenged.

**LOST ON THE CASTING VOTE OF
THE PRESIDING MEMBER (4-5)**

| <u>For</u> | <u>Against</u> |
|-------------------|-------------------------|
| Cr Drewett | Mayor Catania (2 votes) |
| Cr Franchina | Cr Chester |
| Cr Hall | Cr Doran-Wu |
| Cr Piper | Cr Ker |

Cr Drewett queried if the voting needed to be by an Absolute Majority.

Mayor Catania advised it was not.

Public question time continued:

3. Mr Beresford of 28 Gill Street, Mount Hawthorn – Item 10.1.3. Requested that Council consider deleting clause (x), as it will result in a carport width of less than 4.8metres which he believes is less than the width required for a serviceable double carport.
4. Steve Farrell of 90 Matlock Street, Mount Hawthorn – Chairperson Mount Hawthorn Precinct Group – Item 10.1.10. Stated that the Mount Hawthorn Precinct Group fully supported the Town Officer's recommendations and believed the comments in the Town Officer's report reflected the view of many of the residents in the Mount Hawthorn Precinct. Also stated that the development would result in a loss of amenity of the area and there were many non-compliances, and requested Council to support the Town Officer's recommendations.
5. John Hughs of 101 Flinders Street, Mount Hawthorn – landowner and applicant – Item 10.1.10. Stated that a previous application for a demolition licence had been unsuccessful, and that he had spent \$100,000 upgrading the house, and the development application was approved in March 2001. He believes that the non-compliances were approved then and are still current, and there is no streetscape to affect.

Cr Drewett raised a Point of Order, that under Standing Orders 3.2.6, the Mayor is not a Councillor and therefore does not have a vote in this matter. The Mayor sought clarification of the Standing Orders.

Chief Executive Officer, John Giorgi read the relevant clause of the Standing Orders to the Council, and stated that the Local Government Act required that all Elected Members vote, whilst in the Chamber. The Local Government Act takes precedence over a local law.

Mayor Catania rejected the Point of Order and public question time continued.

6. Dan Caddy of 44B Fairfield Street, Mount Hawthorn – Item 10.1.14. Requested Council not to support the Town Officer's recommendation and to request a more visually appealing solution from Telstra, as he considered the facility was visually unappealing and would be sited in a key entry point into Mount Hawthorn.
7. Andrew Spencer of 14 Elliott Road, Trigg – Item 10.1.8. Handed papers to Council. Stated that as the architects for the application, they had increased the landscaping and parking, provided a higher level of construction and the development would upgrade the area. Also stated would be prepared to amend plans to include offices if Council requested this.
8. Tim Lewis, Jones Architects – Item 10.1.8. Stated that the architects had created a more contemporary design for the site and streetscape, reduced the impact on the rear adjoining site and increased landscaping.
9. Dudley Maier of 51 Chatsworth Road, Highgate – Item 10.4.1, 10.3.9 and 10.3.6. In regard to Item 10.4.1, stated that ratepayers were being requested to spend \$14,000 on the plebiscite, which was not needed for a further four years, and he had not seen a displayed community demand for it. Suggested that this matter be laid on the table and reviewed in four years time. Also stated his concerns with the proposed brochure and the comment "cannot achieve change without Council support". In regard to Item 10.3.9, stated on purchase, Council had advised there would be revenue of \$17,000pa in lease, however, the Multicultural Services Centre of West Australia leased at \$10,000pa with three months rent free, and that it was not reasonable that a further rent free period be provided. In regard to Item 10.3.6, stated that the hire of screens and lighting was a recurring cost of \$6,500 each year and suggested an alternative method be investigated such as buying these items in conjunction with another Council.
10. Pearl Rasmussen of 28 Vincent Street, Mount Lawley – Item 10.3.12. Stated that the temporary artwork on William Street would occur over the month of April, as part of an exhibition taking place in Northbridge, and with twelve other participating artists. Also stated that the work was at no cost to the Council and will be removed at the end.
11. Linda Quinn of 109 Forrest Street, Mount Lawley – Item 10.1.1. Handed photographs to Council. Requested Council's support of nil parking bays and use of verge parking instead. Disagreed with the Town Officer's comment that verge parking would impact on the amenity of the area, and stated the photographs illustrated that it would be attractive.
12. Jennifer Lowe of 75 Lindsay, Street Northbridge, Curator of Exhibition – Item 10.3.7. Stated that she supported Pearl Rasmussen, and that she believed the exhibition was exciting and new, and would be beneficial to the community.
13. Andrew Greenfield of 67 Barley Street, Mount Lawley – Item 10.1.12. Stated that he endorsed the Town Officer's recommendation and thanked them for the manner in which they dealt with his concerns.

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

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Listed as IB08 in the Information Bulletin.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 Mr Elio Germano of 309 Bulwer Street, Perth, with 32 signatories, objecting to the construction of an eating house and car detailing facility at Nos 315-323 Bulwer Street, corner of Fitzgerald Street and Randell Place, Perth. It was recommended that this petition be referred to Executive Manager Environmental and Development Services for investigation and report.

Moved Cr Doran-Wu, Seconded Cr Hall

That the petition be received and the report be prepared as recommended.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 11 February 2003.

Moved Cr Ker, Seconded Cr Doran-Wu

That the Minutes of the Ordinary Meeting of Council held on 11 February 2003 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

6.2 Special Meeting of Council held on 18 February 2003.

Moved Cr Ker, Seconded Cr Hall

That the Minutes of the Special Meeting of Council held on 18 February 2003 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

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

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

For January 2003, the Mayor announced the award was presented to Craig Wilson, Manager Engineering Design Services, Technical Services. Craig was nominated by Rick Lotznicher, Executive Manager Technical Services.

Craig commenced with the town in 1997 as Senior Engineering Technical Officer and in 1998, after a restructure of the Technical Services, assumed the role of Manager Engineering Design Services.

The main role of the Engineering Design Services is to provide design and estimating services, project coordination and technical advice to the Engineering Services Waste Management and Works Section and Parks Services. Engineering Design Services has a pivotal role in ensuring the orderly and efficient implementation of the Town's capital works and operational programs and ensure these activities are competitive in terms of customer service, quality and cost.

Recent important projects designed by the section include the innovative roundabout at Stirling and Brisbane Streets, on road angle parking at Richmond Street and the Angove Street streetscape improvements.

The Mayor congratulated Craig and presented him with his award.

Received with acclamation.

7.2 Employee of the Month Award for the Town of Vincent for February 2003

The Mayor announced that for February 2003, the award was presented to Julie Davidson, Librarian – Local Studies and History. Julie was nominated by Elizabeth Scott, Manager Library Services, for the very positive attitude to her work, revealing a profound level of commitment and genuine interest in her field. Julie has been acknowledged by her peers for her proactive and creative approach; seeking out historical information and presenting it to the community.

The Mayor congratulated Julie and presented her with her award.

Received with acclamation.

8. DECLARATION OF INTERESTS

- 8.1 Mayor Catania declared a proximity interest in Item 10.1.1. The extent of his interest being that this property is in close proximity to where he currently resides.

- 8.2 Mayor Catania declared an impartiality interest in Item 10.4.3, specifically relating to Information Bulletin IB08. The extent of his interest being that he potentially may be required to appear as a witness in any court/legal proceedings that may arise as a result of this matter.
- 8.3 At 7.16pm, Mayor Catania declared a proximity interest in Item 10.3.9 - Lease for 4 View Street, North Perth. The extent of his interest being that he has an office in close proximity.
- 8.4 At 7.48pm, Mayor Catania declared a proximity interest in Item 10.1.9 - Upgrade and Beautification of Fitzgerald Street Business Precinct. The extent of his interest being that he has an office in close proximity.
- 8.5 Cr Doran-Wu declared a financial interest in Item 10.3.8. The extent of her interest being that she is an employee of the Loftus Community Centre that is considered in this item.
- 8.6 Chief Executive Officer, Mr John Giorgi declared an impartiality interest in Item 10.4.3, specifically relating to Information Bulletin IB08. The extent of his interest being that he potentially may be required to appear as a witness in any court/legal proceedings that may arise as a result of this matter.

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

Nil.

10. REPORTS

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

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

Items 10.1.7, 10.1.3, 10.1.10, 10.1.14, 10.1.8, 10.4.1, 10.3.9, 10.3.6, 10.3.12, 10.1.1 and 10.1.12.

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

Items 10.3.8 and 10.4.2.

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

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

| | |
|---------------|--------|
| Mayor Catania | Nil |
| Cr Drewett | 10.1.5 |
| Cr Cohen | Nil |
| Cr Franchina | Nil |
| Cr Piper | Nil |

| | |
|-------------|---------------------------|
| Cr Chester | 10.1.9, 10.2.9 and 10.1.6 |
| Cr Hall | Nil |
| Cr Doran-Wu | Nil |
| Cr Ker | 10.1.13 |

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

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

Nil.

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

Items 10.1.2, 10.1.4, 10.1.11, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.2.5, 10.2.6, 10.2.7, 10.2.8, 10.2.10, 10.3.1, 10.3.2, 10.3.3, 10.3.4, 10.3.5, 10.3.7, 10.3.10, 10.3.11 and 10.4.3.

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

Nil.

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

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

Items 10.1.2, 10.1.4, 10.1.11, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.2.5, 10.2.6, 10.2.7, 10.2.8, 10.2.10, 10.3.1, 10.3.2, 10.3.3, 10.3.4, 10.3.5, 10.3.7, 10.3.10, 10.3.11 and 10.4.3.

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

Items 10.1.7, 10.1.3, 10.1.10, 10.1.14, 10.1.8, 10.4.1, 10.3.9, 10.3.6, 10.3.12, 10.1.1 and 10.1.12.

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

Items 10.3.8 and 10.4.2.

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

Items 10.1.5, 10.1.9, 10.2.9, 10.1.6 and 10.1.13.

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

Nil.

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

Nil.

Moved Cr Ker, Seconded Cr Chester

That the following unopposed items be moved en bloc;

Items 10.1.2, 10.1.4, 10.1.11, 10.2.1, 10.2.2, 10.2.3, 10.2.4, 10.2.5, 10.2.6, 10.2.7, 10.2.8, 10.2.10, 10.3.1, 10.3.2, 10.3.3, 10.3.4, 10.3.5, 10.3.7, 10.3.10, 10.3.11 and 10.4.3.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

**10.1.2 No. 663, Unit 16, (Lot 53) Newcastle Street and Oxford Street, Leederville
- Proposed Awning Addition to Existing Development**

| | | | |
|------------------------------|--------------------|------------------|-------------------------|
| Ward: | North Perth | Date: | 19 February 2003 |
| Precinct: | Oxford Centre, P4 | File Ref: | PRO 0669; 00/33/1420 |
| Reporting Officer(s): | M Bonini | | |
| Checked/Endorsed by: | D Abel, R Boardman | | |
| Amended by: | | | |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Sadak on behalf of the owners of Strata Plan 10630, for proposed awning addition to existing development at No. 663, Unit 16, (Lot 53) Newcastle Street and Oxford Street, Leederville, as shown on plans stamp-dated 6 December 2002 and amended plans stamp dated 24 January 2003, subject to:

- (i) compliance with all relevant Environmental Health, Engineering and Building requirements;*
- (ii) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iii) a road and verge security deposit bond and/or bank guarantee of \$220 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (iv) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (v) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vi) the posts are to be located entirely within the boundary of the lot;*
- (vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the maximum depth of the awning fascia being 300 millimetres with signage prohibited from the face or on top of the awning; and*
- (viii) where the awning abuts another, the connection shall be treated so as to prevent the penetration of rain, and this is the responsibility of the property owner erecting the later structure;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.2

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

LANDOWNER: Owners of Strata Plan 10630
APPLICANT: A Sadak
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: District Centre

EXISTING LAND USE: Commercial Development

COMPLIANCE:

| | |
|--------------------|--------------------|
| Use Class | Eating House, Shop |
| Use Classification | "P, P" |
| Lot Area | 7163 square metres |

| Requirements | Required | Proposed |
|--------------------------------------|---|---|
| Projection of Awning into Footpath. | No part of any verandah or awning shall project from the building line for more than 3 metres or be more than 600 millimetres less than the width of the footpath (2.6 metres) whichever is lesser. | The awning projects 3.6 metres from the building line. |
| Awning Height | No part of any awning shall be less than 2.4 metres above the footpath and the lowest edge of the fascias thereof shall be not more than 3.15 metres above the footpath. | The fascia of the awning is 3.99 metres above the footpath. |
| Awning Depth (interpreted as height) | The maximum depth (interpreted as height) of any fascia to a pedestrian awning is to be 300 millimetres. | Depth of fascia is 420 millimetres. |

SITE HISTORY:

The subject unit is occupied by an eating house and shop.

DETAILS:

The proposed awning will be constructed to a maximum height of 3.99 metres and is proposed to project 3.6 metres from the building line. Steel posts located within the boundary of the lot will support the awning. The awning is proposed to be a total length of 24.4 metres with 18.65 metres fronting Newcastle Street.

CONSULTATION/ADVERTISING:

The owners of the strata plan, which the subject unit forms part thereof, have signed the planning application form (MRS Form 1), therefore, have authorised the proposal.

COMMENTS:

Projection of Awning into Footpath.

A 1.0 metre variation exists for the projection distance of the awning. The applicant has proposed the awning at a distance of 3.6 metres from the building in order to maintain a consistent appearance with the awning on the western adjacent unit. From an aesthetic perspective, the awning is considered acceptable at the proposed distance as it promotes continuity and integration with an already existing awning within the streetscape.

Awning Height

The height varies by 0.84 metre from the requirement. The height has been proposed to coincide with the height of the adjacent unit, again, to maintain a consistent and integrated visual appearance to the streetscape. As precedence already exists, it is considered appropriate in this instance to follow what is existing. The variation is therefore supported.

Awning Depth (Interpreted as Height)

The Oxford Centre Precinct Policy limits the depth of a fascia to an awning to 300 millimetres in order to prevent the placement of signage on or above the fascia. The proposed depth is 420 millimetres. It is considered appropriate to modify the depth to achieve compliance. This is represented as a condition of approval.

The above variations are considered to be minor and acceptable. It is considered that the amenity of the immediate and surrounding area will be protected and enhanced as a result of this development. It is therefore recommended that the proposal be approved, subject to standard and appropriate conditions.

10.1.4 No. 207 (Lot 298) Walcott Street, North Perth - Proposed Wall to Approved Five, Two-Storey Grouped Dwellings

| | | | |
|------------------------------|--------------------|------------------|------------------------|
| Ward: | Mount Hawthorn | Date: | 14 February 2003 |
| Precinct: | Norfolk; P10 | File Ref: | PRO1902; 00/33/1432 |
| Reporting Officer(s): | P Mastrodomenico | | |
| Checked/Endorsed by: | D Abel, R Boardman | | |
| Amended by: | - | | |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Amedeo Properties on behalf of the landowner CCC Development Pty Ltd for proposed retaining wall to approved five, two-storey grouped dwellings at No.207 (Lot 298) Walcott Street, North Perth and as shown on the plans stamp-dated 19 December 2002, subject to:

- (i) subject to first obtaining the consent of the owners of the adjoining No.209 (Lot 14) Walcott Street, Mount Lawley, for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No.209 (Lot 14) Walcott Street, Mount Lawley in a good and clean condition;*
- (ii) the front portion of the existing retaining/limestone wall along the eastern boundary (as depicted on the proposed plans) being replaced with a new structurally adequate retaining wall;*
- (iii) 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. In the event such documentation cannot be produced the applicant is reminded that use and access of the right of way is not permitted;*
- (iv) 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 Walcott 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;*
- (v) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vi) compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.4

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

LANDOWNER: CCC Development Pty L:td
APPLICANT: Amedeo Properties
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No. 1: Residential R60
EXISTING LAND USE: Vacant

COMPLIANCE:

| Requirements | Required | Proposed |
|--|-----------------|-----------------|
| Retaining Wall -Setback (the retaining wall is setback in accordance with the requirements for a major opening with a wall height of 2.4 metres in addition to the height of the retaining wall) | 6.0 metres | Nil |

SITE HISTORY:

The Council at its Ordinary Meeting held on 25 June 2002 conditionally approved a development application for five, two-storey grouped dwellings.

DETAILS:

Approval is sought to construct a retaining wall ranging from 1.3 metres to 2.8 metres in height along the eastern boundary

CONSULTATION/ADVERTISING:

No objections were received during the advertising period. The landowner of the affected No. 205 Walcott Street, Mount Lawley has no objections to the proposed retaining wall provided that the existing portion of the wall is replaced.

COMMENTS:

The property falls away from Walcott Street by approximately 5-5.5 metres to the rear of the site (see attached photographs). The approved development application for five, two-storey grouped dwellings steps down with the slope of the land. In order to construct a trafficable accessway, a retaining wall is required along the eastern boundary of the site.

As outlined in the Residential Design Codes, the objective of the site works is to reasonably preserve the sense of the natural topography of the site and locality with a view to protect the streetscape and amenity of adjoining properties. Given the significant variation of site levels across the site, the need to provide a reasonable vehicle accessway to Walcott Street and no objection from the affected eastern neighbour, the proposed retaining wall is considered appropriate.

A site inspection of the property has revealed that the existing wall is not structurally sound. The applicant has confirmed that the existing retaining wall will be replaced and as such, a condition to replace the existing retaining wall has been applied.

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

10.1.11 Nos. 412 - 414 (Lot 28) Newcastle Street, Dual Frontage with Harwood Place, West Perth - Proposed Increase in Maximum Lodgers Accommodation in Existing Lodging House (Backpackers Hostel) and Associated Alterations

| | | | |
|------------------------------|--------------------|------------------|------------------------|
| Ward: | North Perth | Date: | 18 February 2003 |
| Precinct: | Beaufort, P13 | File Ref: | PRO1772; 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;*
- (ii) non-compliance with the Town's Policy relating to Parking and Access; and*
- (iii) consideration of the objections received;*

the Council REFUSES the application dated 10 June 2002 submitted by L Kauhanen on behalf of the landowner Calbah Pty Ltd for the proposed increase in maximum lodgers accommodation in existing lodging house (backpackers hostel) and associated alterations at Nos. 412 - 414 (Lot 28) Newcastle Street, dual frontage with Harwood Place, West Perth, and as shown on plans stamp dated 14 June 2002.

COUNCIL DECISION ITEM 10.1.11

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

| | |
|---------------------------|--|
| LANDOWNER: | Calbah Pty Ltd |
| APPLICANT: | L Kauhanen |
| ZONING: | Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Commercial |
| EXISTING LAND USE: | Lodging House (Backpackers Hostel) |

COMPLIANCE:

| | |
|--------------------|-------------------|
| Use Class | Lodging House |
| Use Classification | "SA" |
| Lot Area | 835 Square metres |

Car Parking:

| | |
|--|----------------|
| Car Parking Requirement (nearest whole number) | 37 car bays |
| Apply the adjustment factors .085 (within 400 metres of a bus stop) | 31.45 car bays |
| Minus the car parking provided on site (11 car parking bays) | 20.45 car bays |
| Minus the most recently approved on site car parking shortfall | 4 car bays |
| Resultant shortfall | 16.45 car bays |

Bicycle Parking:

| Bicycle Parking | Requirement | Provided |
|---|-------------|------------|
| *Employee/ Resident Space - 1 space per 4 lodging rooms | 9.25 spaces | nil spaces |
| *Visitor/ Shopper Space - 1 space per 16 lodging rooms | 2.3 spaces | nil spaces |

*Bicycle parking has been calculated according to the to use class of "Residential Building" within the Town's Parking and Access Policy, Bicycle Parking Requirement Table.

It should be noted that the applicant has detailed that bicycle and end of trip facilities will be provided however, they are not indicated on the plans stamp-dated 14 June 2002. In addition showering facilities are already available on site.

SITE HISTORY/BACKGROUND:

The subject property is located on the northern side of Newcastle Street and consists of an 'L' shaped block with dual frontage to Harwood Place. The building is currently unoccupied.

Harwood Place is characterised by both residential uses located on the eastern side and light industrial uses located on the western side. The residential aspect of Harwood Place highlights the historical nature of inner urban semi-detached single story townhouses, built circa 1900's.

24 July 2001

Council at its Ordinary Meeting conditionally approved a proposed change of use from office/warehouse premises to lodging house (backpackers hostel) and associated alterations and additions at the above address. The applicant had originally applied for 75 lodgers, however after discussions with the applicant regarding the shortfall in parking, the applicant amended the application to 45 lodgers to address the shortfall in parking.

14 June 2002

Applicant resubmitted planning application to the Town requesting reconsideration of condition (vii) of Planning Approval granted on 24 July 2001, which states:

"(vii) the lodging house (backpacker hostel) shall accommodate a maximum of 45 lodgers at any one time;"

- 24 October 2002 Applicant advised that Special Advertising was required for further processing of planning application, as previously advised in correspondence from the Town dated 20 June 2002, from which the application was suspended.
- 12 November 2002 Applicant advised the Town, that they wished to submit the required information and apologised for any delay in processing.
- 6 December 2002 Special Advertising closed.
- 17 December 2002 A petition with 18 signatures opposing the planning application was read at the Ordinary Meeting of Council.

CONSULTATION / ADVERTISING:

The application was subject to Special Advertising. Four detailed submissions were received objecting to the increase in bed capacity. The objections and concerns received can be summarised by the following; an increase in parking in a locality that is developed to full capacity; the non-compliance with the Town's provisions for onsite car parking; possible entrenchment of anti-social behaviour; excessive noise and unduly affecting the current and future amenity of Harwood Place and surrounding locality.

In addition, a petition dated 3 December 2002, which was tabled at the Ordinary Meeting of Council held on 17 December 2002, can be summarised by the following;

- That accommodation is strictly limited to a maximum of 45 lodgers at any one time.
- A detailed management plan is submitted to residents and council for approval.
- That the Town's parking and access policy be strictly enforced.
- Compliance with Environmental, Engineering and Building requirements.
- Request that monies received from cash in lieu contributions be used for treatment to enhance the streetscape of Harwood Place.
- Action group discussions felt that Council contacted not all neighbouring occupants and owners and for this matter to be rectified.
- Request that a majority of council rather than a minority vote on the application.

The submissions are comprehensive and are 'Laid on the Table'.

DETAILS:

Approval is sought to increase the existing Planning Approval bed capacity from forty-five (45) beds to seventy-five (75) beds.

The applicant has submitted the following information in support of their application;

"We would like to submit a application to change the increase current use of the building from a short term hostel/backpacker accommodation of 45 people to a short term hostel/backpacker accommodation of 75 people.

Building changes required are the addition of internal partitions with gyprock walls with polyester noise insulation: Each room will be provided with mechanical ventilation and air conditioning.

A relaxation is asked on the parking issue as the property is close to the intersection of Newcastle Street and Fitzgerald Street. It is on a major bus route and within walking distance to the train station. Bicycle end of trip facilities will also be offered to reduce car traffic. . . . Noise is reduced along Harwood Place as the entrance to the accommodation is on Newcastle Street."

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.

It is considered that the nature of international 'backpackers/hostels' and both national and local 'backpackers/hostels' does not necessarily preclude the use of cars. The current nature of international backpackers travelling within Australia is well documented, and suggests that 'backpackers/hostels' do use vehicular transport, with many travellers purchasing cars when arriving. (Source: Tourism Queensland, 1999; Tourism Victoria, 2002; TNT & Student Uni Travel, 2002; and McBeth, 2002).

Given the shortfall of 16.45 car parking bays required, the proposal is likely to involve an intensification of traffic and carparking in an area that at present has extremely limited space for additional street parking.

The Town's Law and Order Services have provided the following information in regard to car parking in the immediate area:

"The area has always been 'high profile' from a parking view point, due to the nature of the locality. However no complaints of late have been received by Law and Order Services".

As stated in the Town's Parking and Access Policy:

"The Council, may in the pursuit of orderly and proper planning and the preservation of the amenities of the locality, refuse a proposed development where inadequate on-site parking has been provided."

Accordingly, it is recommended that the application be refused.

10.2.1 Council Approval of the Dedication of the Mitchell Freeway Within the Town's Perimeter

| | | | |
|------------------------------|-----------------------------|------------------|---------------------------------|
| Ward: | North Perth Ward | Date: | 13 February 2003 |
| Precinct: | Oxford Centre Pecinct P4 | File Ref: | TES0216; TES0469: TES0078 |
| Reporting Officer(s): | A. Munyard | | |
| Checked/Endorsed by: | R. Lotznicher | | |
| Amended by: | - | | |

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the proposed dedication of the "super Lots" comprising the Mitchell Freeway;*
- (ii) *APPROVES the proposed dedication as shown on attached Plan No. 189125-1; and*
- (ii) *advises Main Roads Western Australia and the Department of Land Administration of its resolution.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

BACKGROUND:

Main Roads WA (MRWA) have been working for some time towards rationalisation of the number of land parcels that comprise the Mitchell Freeway and the subsequent dedication of the amalgamated "super lots". In order to progress this matter, it is a requirement under the Land Administration Act 1997 (LAA) that the relevant Local Government resolve to approve the dedication.

DETAILS:

The affected portions of the land occupied by the Mitchell Freeway are shown on attached Plan 18125-1. Portions of Lots 5, 6 and 7 fall within the Town of Vincent and are the subject of this report. These are depicted on Deposited Plans 18136, 18137 and 18138 respectively, in which a number of smaller lots and part lots have been amalgamated.

This matter has been in progress for several years and the Town has been asked by MRWA to give priority to granting approval of the dedication. All of the subject land is in the ownership of the Commissioner for Main Roads.

CONSULTATION/ADVERTISING:

There is no statutory requirement to advertise the proposal, which is formalising what is accepted by the public to be the existing status quo. Consultation is not necessary.

FINANCIAL/BUDGET IMPLICATIONS:

The Town will incur no cost.

STRATEGIC IMPLICATIONS:

N/A

COMMENTS:

It is recommended that the Town approve the dedication of the Mitchell Freeway within the Town's perimeter as outlined in the report, and notifies MRWA of its decision.

10.2.2 Proposed Traffic Safety Improvements – Kalgoorlie Street, Mount Hawthorn

| | | | |
|------------------------------|----------------|------------------|----------------------|
| Ward: | Mt Hawthorn | Date: | 17 February 2003 |
| Precinct: | Mt Hawthorn P1 | File Ref: | TES0292 & TES0173 |
| Reporting Officer(s): | R Lotznicer | | |
| Checked/Endorsed by: | - | | |
| Amended by: | - | | |

OFFICER RECOMMENDATION:

That the Council;

- (i) receives the report on the proposed implementation of Traffic Safety Improvements in Kalgoorlie Street, Mt Hawthorn, Berryman Street to Scarborough Beach Road;*
- (ii) adopts the attached amended Plan No. 2114-CP-1A which incorporates the suggestions put forward by the Local Area Traffic Management Advisory Group;*
- (iii) readvertises the proposal for public comment for a period of twenty one (21) days, inviting written submissions; and*
- (iv) receives a further report on the matter at the conclusion of public consultation should any adverse comments regarding the proposal be received.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

BACKGROUND:

As previously reported to Council, the section of Kalgoorlie Street between Berryman Street and Scarborough Beach Road, is used extensively as both a drop off and pick-up point for pupils of the nearby Mt Hawthorn Primary School. It is also used as an access/parking area for the adjacent Braithwaite Park and Community centre.

The attached concept plan, No. 2114-CP-1, was prepared and distributed to the residents of Kalgoorlie Street seeking their views on the proposed traffic safety improvements.

At the close of the consultation period, seven (7) submissions including a thirteen (13) signature petition, were received. All respondents agreed that some form of traffic calming was warranted but had differing views on how this should be achieved.

At the Ordinary meeting held on 17 December 2002, the Council considered the report and adopted the following resolution:

“That the Council;

- (i) receives the report on the proposed implementation of traffic calming measures in Kalgoorlie Street, Mt Hawthorn, Berryman Street to Scarborough Beach Road;*
- (ii) refers the matter to the Local Area Traffic Management Advisory Group for consideration, and invites a representative(s) of the residents to attend;*
- (iii) considers the advice from the Local Area Traffic Management Advisory Group at a future meeting;*
- (iv) advertises the Local Area Traffic Management Advisory Groups recommendations for public comment for a period of twenty one (21) days, inviting written submissions; and*
- (v) receives a further report at the conclusion of the public consultation phase.”*

DETAILS:

In accordance with clause (ii) of the Council’s resolution, the matter was referred to the Local Area Traffic Management Advisory Group at its meeting held on 3 February 2003.

A representative of the Kalgoorlie Street residents was also in attendance at the meeting, where the following matters were discussed.

Closure of Kalgoorlie Street at the intersection of Scarborough Beach Road

Issues

Concerns were raised regarding vehicles entering Kalgoorlie Street from Scarborough Beach Road in contravention of the existing "one way" restriction and closure of the road at this location was requested as a measure to stop this practice.

Comments

The closure of Kalgoorlie Street at Scarborough Beach Road may increase traffic in adjoining streets and the wider area would need to be consulted should this be implemented.

It was considered this could not be justified and instead other measures should be implemented to deter vehicles illegally entering the street from Scarborough Beach Road, including road realignment and improved signage and line marking.

Traffic Speeds

Issues

Concerns raised regarding traffic speeds in the street by vehicles from the area accessing Scarborough Beach Road.

Comments

The results of vehicle classifiers indicate that the 85% speed on Kalgoorlie Street between Berryman Street and Scarborough Beach Road is only 49 kph, with an average speed of 37 kph. The traffic volume is 379 vid.

It is therefore considered the volume and speed of traffic in this section of Kalgoorlie Street is acceptable, however, as the street is used as a “drop off” area for children, some traffic measures “may” be warranted.

Speed Humps

Issues

Concerns raised regarding the number and height of proposed speed humps.

Comments

As the existing speed in the street is reasonable, fewer humps may be acceptable including one at the entrance (Berryman Street end) and one near the Scarborough Beach Road end.

Safe Crossing Point

Issues

It was considered that a safe crossing point should be provided in Kalgoorlie Street.

Comments

This can be accommodated and would comprise nibs, raised plateaus and extension of the footpath through the reserve.

Intersection Berryman Street / Kalgoorlie Street

Issues

It was suggested that consideration be given to changing the traffic priority at the Kalgoorlie / Berryman Street Intersection i.e. change the Stop signs from Berryman Street to Kalgoorlie Street, including the erection of *Local Traffic Only* signage.

Comments

This is a Main Roads WA (MRWA) matter and a request has been forwarded to MRWA requesting them to investigate this proposal.

Remaining section of Road

It is considered that the remaining section of road be treated as initially proposed, i.e. with linemarking to delineate the existing parking area and the provision of some disabled parking. Also, it was suggested there should be more education for children at the nearby school with regard to traffic safety.

Amended Proposal (Plan No. 2114-CP-1)

The amended proposal comprises the following:

- Improvements at the Scarborough Beach road intersection
- Safe crossing point in Kalgoorlie Street and associated footpath to the overpass
- Possible changes at the intersection of Berryman Street and Kalgoorlie Street
- Fewer speed humps
- Line marking and improved signage
- *Local Traffic Only* signage

STRATEGIC IMPLICATIONS:

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

CONSULTATION/ADVERTISING:

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

FINANCIAL IMPLICATIONS:

The estimated cost of the proposal as outlined on attached Plan No. 2114 is \$15,000 and sufficient funds have been included in the 2002/2003 budget to implement the works.

COMMENTS:

The amended proposal as developed by the LATM Advisory Group officers and community representative has been designed to address the specific issues raised.

It is therefore recommended that the amended proposal be advertised to the Kalgoorlie Street residents.

**10.2.3 2002/03 National Black Spot Program - Proposed Roundabout
Intersection of Oxford Street and Leederville Parade, Leederville**

| | | | |
|------------------------------|--------------|------------------|------------------|
| Ward: | Both | Date: | 18 February 2003 |
| 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 outcome of the public consultation regarding the proposed roundabout at the intersection of Oxford Street and Leederville Parade;*
- (ii) APPROVES the construction of the proposed roundabout at the intersection of Oxford Street and Leederville Parade, Leederville, estimated to cost \$100,000, as shown on attached plan 2113-DP-1; and*
- (iii) advises the respondents of its resolution.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

BACKGROUND:

At its Ordinary Meeting of 5 November 2002, the Council received a report on the success of the Town's funding application to participate in the recently introduced 2002/03 National Black Spot Program. Its predecessor, 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 Town had originally submitted four (4) Black Spot Improvement Projects to the Federal office responsible for the new program, the Department of Transport and Regional Services (DOTARS), for consideration. In October 2002 DOTARS advised that the Town had been successful in securing \$100,000 to construct a roundabout at the intersection of Oxford Street and Leederville Parade, Leederville.

Council, having considered the report, adopted the following resolution:

“That the Council;

- (i) receives the report on the favourable outcome of the Town’s 2002/2003 National Black Spot Program submissions;*
- (ii) APPROVES in principle the proposed roundabout at the intersection of Oxford Street and Leederville Parade, Leederville, estimated to cost \$100,000, as shown on attached plan 2113-CP-1;*
- (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.”*

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 National Black Spot 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, being the construction of the proposed roundabout at the intersection of Oxford Street and Leederville Parade.

Public Consultation

In accordance with clause (iii) of Council’s resolution of 5 November 2002, public consultation commenced in early December 2002, with an extended six (6) week comment period, in recognition of the holiday period, to ensure ample time for responses.

Of the 53 letters delivered to the businesses abutting Oxford Street and Newcastle Street (to Carr Place), the Leederville Action Community Group and Leederville Police, some fourteen (14) responses were received, all of which were very positive.

Comments varied from 'about time' to 'great concept' and 'fantastic'. The only misgiving expressed was by the Leederville Police, who had some concerns about possible traffic queuing in the peak periods.

FINANCIAL/BUDGET IMPLICATIONS:

The project will be fully funded by Federal grant monies.

STRATEGIC IMPLICATIONS:

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

COMMENTS:

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

The most obvious benefit would be improved road safety and traffic management. A roundabout will significantly reduce the predominate right angled through and rear end accidents that occur at this location. It will 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 Vincent Street and the Mitchell Freeway on/off ramps, with Loftus Street and Graham Farmer Freeway access.

As previously reported to Council at its Ordinary Meeting of 5 November 2002, the redevelopment of the adjacent Oxford Street Reserve was deferred, in part, pending the outcome of public consultation and Council's approval to proceed with the roundabout. In view of the positive outcome to the public consultation, an opportunity exists to proceed with the two (2) projects concurrently to create a superior and integrated development.

A roundabout will create a focal entry/exit point to the Oxford Centre Precinct, while the (roundabout's) central landscaping can be integrated into that of the park redevelopment to create a common theme effectively linking the two (2) projects.

10.2.4 Proposed Traffic Safety Improvements – Anzac Road, Leederville/Mount Hawthorn

| | | | |
|------------------------------|--|------------------|----------------------|
| Ward: | Mount Hawthorn | Date: | 17 February 2003 |
| Precinct:+ | Mount Hawthorn Centre P2 & Leederville Precinct P3 | File Ref: | TES0508 & TES0021 |
| Reporting Officer(s): | C Wilson | | |
| Checked/Endorsed by: | R Lotznicher | | |
| Amended by: | - | | |

OFFICER RECOMMENDATION:

That the Council;

- (i) receives the report on proposed Traffic Safety Improvements in Anzac Road, Leederville/Mt Hawthorn, Shakespeare Street to Loftus Street;*
- (ii) adopts the amended plan No 2141-CP.1 which incorporates the suggestions put forward by the Local Area Traffic Management Advisory Group;*
- (iii) requests Main Roads WA to downgrade the section Anzac Road, Oxford Street to Loftus Street, from a District Distributor B Road to a Local Distributor Road;*
- (iv) readvertises the proposal for public comment for a period of twenty one (21) days, inviting written submissions; and*
- (v) receives a further report on the matter at the conclusion of the public consultation should any adverse comments regarding the proposal be received.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

BACKGROUND:

At its Ordinary Meeting held on 11 June 2002, Council adopted a proposal to install traffic calming and streetscape enhancement measures in Anzac Road, between Oxford Street and Shakespeare Street.

The works commenced in July 2002 and were finalised in November 2002, with the installation of regulatory signage by Main Roads WA (MRWA).

During the course of the works the residents of Anzac Road, east of Shakespeare Street, expressed their concerns at what they considered a lack of appropriate public consultation. The residents felt the works also had an impact upon their amenity and that they should have been consulted.

A petition was read at the Ordinary Meeting of Council of 13 August 2002, whereby some 37 signatories sought to have immediate additional traffic calming measures introduced to the remainder of Anzac Road east of Shakespeare Street.

In a subsequent report to the Council at its Ordinary Meeting of 3 December 2002, it was recommended that the residents' concerns be directed to the Town's Local Area Traffic Management (LATM) Advisory Group for consideration. To this end Council resolved the following.

“That the Council;

- (i) receives the report on the proposed implementation of additional traffic calming measures in Anzac Road, Mt Hawthorn, between Shakespeare and Loftus Streets;*
- (ii) refers the matter to the Local Area Traffic Management Advisory Group for consideration, and invites a representative(s) of the residents to attend;*
- (iii) advertises the Local Traffic Management Advisory Groups recommendations for public comment for a period of twenty one (21) days, inviting written submissions; and*
- (iv) provides a further report to Council at the conclusion of the public consultation phase.”*

DETAILS:

In light of the acrimonious history associated with the redevelopment of the Oxford Hotel, the residents of Anzac Road, east of Shakespeare Street, expressed an opinion that their concerns have not been given due recognition. To this end a 37 signature petition was read at the Ordinary Meeting of Council of 13 August 2002 seeking to have Council consider the following:

- *Pedestrian, property and vehicle safety at the junction of Anzac Road and Shakespeare Street be given immediate priority.*
- *The full and proper consideration of a methodology to reduce traffic speed for the full length of Anzac Road is pursued.*
- *That the safety at the junction of Anzac Road and Shakespeare Street assumes priority over parking issues.*
- *Complementary works to those in progress are immediately undertaken in Anzac Road east of Shakespeare Street with a view to decreasing the dangers of the intersection.*
- *The downgrading of Anzac Road to a Local Distributor Road* be pursued with Main Roads as a priority by Council.*
- *That full and proper consultation of all impacted residents is undertaken prior to commencement of any works.*
- *That a prompt resolution to this long standing and on-going issue is reached.*
- *Anzac Road is currently classified as a District Distributor B Road.*

While the petitioners sought immediate action to address the perceived problems, the organisers were verbally advised that the Council currently did not have funds with which to undertake any additional works and that new traffic data would have to be collected to verify their claims. Further, they were advised that Council may consider further works if there were any cost savings from recently completed Oxford Street to Shakespeare Street improvements.

The traffic data collectors/classifiers were deployed at four locations in Anzac Road, between Oxford Street and Loftus Street, in late August 2002, after the intersection modifications and the installation of the speed humps, near the Oxford Hotel and immediately adjacent (western side) the Shakespeare Street intersection. Data had been previously collected in July 2001.

LATM Advisory Group

In accordance with clause (ii) of Council's resolution, the matter was referred to the Local Area Traffic Management Advisory Group meeting held on 3 February 2003.

Two residents of Anzac Road (the section Shakespeare Street to Loftus Street) were in attendance and were given an opportunity to voice their concerns and to provide suggestions for possible solutions.

Recent traffic data was tabled at the meeting indicating that the previously installed speed humps and intersection modifications had been effective in reducing the 85% speed of traffic between Oxford Street and Shakespeare Street, particularly approaching the Shakespeare Street intersection east bound.

In respect of the section of Anzac Road east of Shakespeare Street, the data vindicated the residents concerns that in the vicinity of Harrow Street the 85% speed remained at an unacceptably high 60/61 kph (Anzac Road is subject to the urban 50kph speed limit).

Speed of Vehicles

Issues

Motorists speeding up the hill from Loftus Street (west bound) approach the intersection of Shakespeare Street too fast, particularly during the evening peak period. It is also the residents' view that Anzac Road is being used as a rat run to avoid (traffic) queues for the left turn movement from Loftus Street into Scarborough Beach Road west bound.

Comment

The traffic data indicated that while there had been a reduction in vehicle speed when approaching Shakespeare Street east bound, it was not as pronounced for west bound movement and that the 85% speed of traffic near Harrow Street was unacceptably high. Therefore, it was agreed to consider the installation of a series of speed humps as per the attached drawing, No. 2141-CP.1, including one adjacent the intersection.

Road Classification

Issues

The current classification of Anzac Road (between Oxford Street and Loftus Street) as a District Distributor B Road is not warranted and nor did the traffic volumes support this.

Comments

Current traffic volumes support downgrading the section of Anzac Road, Oxford Street to Loftus Street, from a District Distributor B Road to a Local Distributor Road. However, as it (Anzac Road) provides an important link between the remainder of Anzac Road (west of Oxford Street), Oxford Street, both being District Distributor B Roads, and Loftus Street, a District Distributor A Road, any further down grading could not justified.

Shakespeare Street Intersection

Issues

Poor sight distance and obscured 'Stop Signs' when approaching Anzac Road from either direction in Shakespeare Street

Comments

Similar modifications to be undertaken on the eastern side of the intersection to complement that on the western side will allow the stop lines to be brought forward to improve sight distances. Further, the possibility of widening the approaches in Shakespeare Street to incorporate a central median island and signage to be investigated.

Adjacent street trees to be pruned, as required, to provide unobscured view of Stop Signs in Shakespeare Street, either direction.

Anzac Road – Oxford to Shakespeare

Issues

In respect of the section of Anzac Road, between Oxford Street and Shakespeare Street, it was the residents' contention that motorists are still inclined to speed over the crest of the hill (midway between the aforementioned intersections), and that an additional 'speed hump' was warranted at this location.

Comments

Whilst the residents, strictly speaking, were representing residents east of Shakespeare Street, their comments were noted and it was agreed that the situation should be monitored and an additional speed hump considered for installation, if warranted, and in consultation with affected residents.

Existing Speed Humps

Issues

It was considered existing speed humps (as installed in Anzac Road) are too low and should be raised to a similar standard to that of Farmer Street (North Perth) to discourage through traffic.

Comment

Even if downgraded to a Local Distributor Road, Anzac Road will still function as a higher order road than that of Farmer Street, with lower traffic volumes and therefore such severe speed humps are not consistent. However, it was agreed that the situation would be monitored and if traffic volumes and speeds increased substantially then the speed humps could be raised accordingly.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2007 - Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

"1.4 h) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) advisory Group – identify initiatives for redirecting traffic".

CONSULTATION/ADVERTISING:

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

FINANCIAL IMPLICATIONS:

The recently completed Anzac Road works had a budget allocation of \$25,000 with expenditure to date of approximately \$14,000. Therefore, some \$11,000 remains with which to install additional traffic calming measures in Anzac Road east of Shakespeare Street.

COMMENTS:

The residents of Anzac Road, east of Shakespeare Street, have expressed a strong desire for traffic calming measures to be introduced in the section between Shakespeare Street and Loftus Street. Recent traffic data supports the residents' contention that current traffic speeds are too high and that between Oxford Street and Loftus Street its classification as a District Distributor B Road is not warranted.

10.2.6 Proposed Installation of Half Basketball Court at Britannia Road Reserve, Leederville

| | | | |
|------------------------------|-------------------------|------------------|------------------|
| Ward: | Mt Hawthorn | Date: | 14 February 2003 |
| Precinct: | Leederville, P3 | File Ref: | RES0001 |
| Reporting Officer(s): | J van den Bok/J Anthony | | |
| Checked/Endorsed by: | R Lotznicher | | |
| Amended by: | | | |

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report in relation to the proposed installation of a half basketball court at Britannia Road Reserve, Leederville;*
- (ii) *APPROVES the installation of a half basketball court at Britannia Road Reserve as shown on attached Plan No. 2086-CP-01; and*
- (iii) *advises residents in the vicinity of Council's decision.*

COUNCIL DECISION ITEM 10.2.6

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

BACKGROUND:

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

“That the Council;

- (i) *receives the report on the proposal to install a half basketball court and erect shade sails over the existing playground at Menzies Park;*
- (ii) *due to the negative response from adjoining residents, DOES NOT APPROVE the installation of a half basketball court within Menzies Park as shown on attached Plan No. 20236;*
- (iii) *APPROVES the installation of shade sails over the existing playground at Menzies Park;*
- (iv) *authorises the Chief Executive Officer to investigate possible alternative sites for the half basketball court and submit a further report;*

- (v) *advises all respondents of the Council's resolution and the reasons for its decision to relocate the half basketball court; and*
- (vi) *authorises the Chief Executive Officer to investigate other appropriate activities at Menzies Park."*

The shadesail at Menzies Park has now been erected and over the past few months staff have been investigating the following:

- An alternative site for a half basketball court
- Other appropriate activities for Menzies Park that may be considered for inclusion in the Draft Budget for 2003/2004.

DETAILS:

Demographic Profile

To determine other appropriate activities for Menzies Park, a demographic profile of the Mt Hawthorn area and other suburbs within the Town was undertaken to ascertain the makeup of the population.

The results were as follows: -

| <i>Area</i> | <i>0-4 yrs</i> | <i>5-9 yrs</i> | <i>10-14 yrs</i> | <i>15-19 yrs</i> | <i>Total Persons</i> |
|--------------------|----------------|----------------|------------------|------------------|----------------------|
| Mt Hawthorn | 437 | 344 | 265 | 238 | 5423 |
| % of Total Persons | 8.06% | 6.34% | 4.89% | 4.39% | 100% |

| | | | | | |
|--------------------|-------|-------|-------|-------|------|
| Nth Perth | 431 | 350 | 290 | 371 | 7286 |
| % of Total Persons | 5.92% | 4.80% | 3.98% | 5.09% | 100% |

| | | | | | |
|--------------------|-------|-------|-------|-------|------|
| Mt Lawley | 87 | 90 | 114 | 128 | 2721 |
| % of Total Persons | 3.20% | 3.31% | 4.19% | 4.70% | 100% |

| | | | | | |
|--------------------|-------|-------|-------|-------|------|
| Perth | 106 | 102 | 58 | 158 | 3695 |
| % of Total Persons | 2.87% | 2.76% | 1.57% | 4.28% | 100% |

| | | | | | |
|--------------------|-------|-------|-------|-------|------|
| Leederville | 124 | 79 | 58 | 100 | 2480 |
| % of Total Persons | 5.00% | 3.19% | 2.34% | 4.03% | 100% |

| | | | | | |
|--------------------|-------|-------|-------|-------|------|
| Highgate | 68 | 79 | 87 | 93 | 1899 |
| % of Total Persons | 3.58% | 4.16% | 4.58% | 4.90% | 100% |

| | | | | | |
|--------------------|-------|-------|-------|-------|------|
| West Perth | 49 | 39 | 33 | 80 | 1960 |
| % of Total Persons | 2.50% | 1.99% | 1.68% | 4.08% | 100% |

| | | | | | |
|--------------------|-------|-------|-------|--------|------|
| East Perth | 6 | 0 | 9 | 17 | 154 |
| % of Total Persons | 3.90% | 0.00% | 5.84% | 11.04% | 100% |

A proximity profile of the area around Menzies Park using Census Collection District was also conducted with the following findings: -

| Age Range | Total | Total % of Population in Selected Area |
|---|-------------|--|
| 0-4 yrs | 166 | 5.93% |
| 5-9 yrs | 103 | 3.68% |
| 10-14 yrs | 121 | 4.32% |
| 15-19 yrs | 179 | 6.39% |
| Total Persons in the selected area | 2800 | |

As resolved at the Ordinary Meeting of Council held on 10 September 2002, due to a negative response from adjoining residents, a half basketball court was not approved for installation at Menzies Park. However, given the high percentage of youth in this area it would be prudent to provide suitable static leisure equipment, if not at Menzies Park, at a suitable location within the area.

Proposal – Half Basketball Court at Britannia Road Reserve

Following several site meetings and discussions with the Manager, Community Development and Administration Services, Youth Officer and Recreation Officer, the location adjacent to the Litis Stadium and the Freeway was identified.

At this site, the half basketball court can be located away from adjacent residents and located between the carpark and dual use path without creating a hazard.

In view of the above proposal, a letter drop was conducted on 20 January 2003, whereby 50 letters were distributed to residents in an area adjacent to the reserve. At the close of the consultation period, only eight (8) responses were received as follows: -

| Agree | Disagree |
|---|---|
| 4 | 4 |
| Comments: | Comments: |
| <ul style="list-style-type: none"> • Appears worthwhile • Support proposal | <ul style="list-style-type: none"> • Court is still a considerable size • Will decrease the size of dog exercise area |
| <ul style="list-style-type: none"> • Many folk including pedestrians using overpass will utilise | <ul style="list-style-type: none"> • Will encourage youth to loiter |
| <ul style="list-style-type: none"> • Sensible & beneficial facility | <ul style="list-style-type: none"> • Vandalism to local property |
| <ul style="list-style-type: none"> • Promotes further physical activity for youth | <ul style="list-style-type: none"> • Graffiti |
| <ul style="list-style-type: none"> • Great initiative | <ul style="list-style-type: none"> • Can't it be located near cricket nets |
| <ul style="list-style-type: none"> • Good thought out proposal | <ul style="list-style-type: none"> • Should be located more centrally at Braithwaite Pk/Menzies Pk |
| <ul style="list-style-type: none"> • Safe for children | <ul style="list-style-type: none"> • Already court on south side of Britannia Road |
| <ul style="list-style-type: none"> • Will not cross other sporting activities | <ul style="list-style-type: none"> • Encroaches on open parkland |
| <ul style="list-style-type: none"> • Required for the growing age group | |

Proposal – Appropriate Activities for Menzies Park

Whilst it has been requested to investigate other appropriate activities at Menzies Park, staff cannot identify any item of mobile or static leisure equipment that would be suitable for such a site, given its limited size and current uses.

Any proposal is likely to receive the same negative response, due to the likely noise implications to adjacent residents at Menzies Park.

It should be noted that Menzies Park comprises a sportsground with a large flat grassed area that provides a suitable location for various ball sports to be played by all age groups.

It therefore is not considered worthwhile progressing with identifying other leisure activities at Menzies Park without causing further conflict with adjacent residents in view that the maximum useable area has been developed.

CONSULTATION/ADVERTISING:

Adjacent residents will be advised of the Council's resolution.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2007 - Maintain and Enhance the Town's Infrastructure to Provide a Safe, Healthy, Sustainable and Functional Environment. "1.4 c) *Continue to design and implement infrastructure improvements for public open space.*"

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$6,500 has been allocated for the half basketball project in the 2002-2003 budget. Indicative construction/installation costs are as follows:

| | |
|---------------------------|-----------------------|
| Earthworks | \$500 |
| Concrete pad/reinforcing | \$3,500 |
| Basketball pole/backboard | <u>\$2,250</u> |
| | <u>\$6,250</u> |

COMMENTS:

It is considered the area at Britannia Road Reserve identified is the only area available within this locality that is suitable for a half basketball court.

All other areas identified will conflict with either adjacent residents or conflict with other sporting activities and create a safety issue.

Whilst there is already a half basketball court located on the southern of Bourke Street end of Britannia Road Reserve, this caters mainly for Leederville residents.

Installing a half basketball court as proposed on the attached Plan No. 2086-CP-01 will cater for residents in the area north of Britannia Road in Mt Hawthorn. It should be noted that from this proposed location, Menzies Park is only 700 metres away which is where the half basketball court was originally intend to be installed but has overwhelming rejection by residents adjoining the park.

10.2.7 Recreation of Parkland Formally Referred to as "Olive Park", Kingston Avenue, West Perth

| | | | |
|------------------------------|---------------|------------------|------------------|
| Ward: | North Perth | Date: | 17 February 2003 |
| Precinct: | Cleaver P5 | File Ref: | ORG0058/RES0045 |
| 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 proposal to investigate options for recreating an area of parkland formally referred to as "Olive Park" located in Kingston Avenue, near Loftus Street, West Perth; and*
- (ii) *authorises the Chief Executive Officer to write to the Department for Planning and Infrastructure) to investigate options for acquiring or leasing the area of vacant land (Pt Lot 5 on the attached plan) for the creation of a public park.*

COUNCIL DECISION ITEM 10.2.7

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

BACKGROUND:

In 1993, the former City of Perth entered into a five (5) year lease agreement with the State Planning Commission for a piece of land (Pt Lot 5) located on the corner of Loftus Street and Kingston Avenue, West Perth. This land is 664 square metres.

This lease was on the basis of a peppercorn rent and the lessee was to pay maintenance, taxes, rates and other outgoings. The State Planning Commission originally purchased this lot for possible road development.

The purpose of leasing this area of land was to provide the surrounding predominantly residential area with a play area for children. At the time there were no other parks or areas of public open space in the vicinity.

Subsequently the area was developed which included a fenced playground with seating, paths, landscaping and reticulated grassed areas.

The five (5) year lease of Lot 5 expired in January 1998 and was not able to be extended in view of the impending Loftus Street Duplication works.

At the Ordinary Meeting of Council held on 11 August 1997, it was resolved: -

“That the Council’

- (i) acknowledge to the Ministry for Planning the cancellation of the lease over the playground at the corner of Kingston Avenue and Loftus Street effective on 22 January 1998;*
- (ii) authorise the relocation of the playground equipment to Hyde Park; and*
- (iii) advise the Cleaver Precinct group of this action and invite the group to prepare a submission for Councils consideration on an alternative playground site.”*

Since 1998, the Town has developed Ivy Park as an area for local residents to recreate and the Loftus Street Duplication works have been completed. A vacant area of land still exists (Pt Lot 5) where Olive Park once existed.

DETAILS:

A letter has been received from the Cleaver Precinct Group Inc, requesting that the vacant area of land (Lot 5) be redeveloped into parkland now that the Loftus Street Duplication works have been completed.

The Precinct Group have suggested that the area be developed by providing seating and some minor landscaping.

In view that the area of land has been vacant for some time, it is considered that the Town should investigate what the intentions of the DPI are at this point.

It is envisaged that should this area be purchased or leased by the Town, that it would be grassed and seating installed beneath the large Olive tree that remains on the site.

CONSULTATION/ADVERTISING:

Nil

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2007 - Maintain and Enhance the Town’s Infrastructure to Provide a Safe, Healthy, Sustainable and Functional Environment. *“1.4 c) Continue to design and implement infrastructure improvements for public open space.”*

FINANCIAL/BUDGET IMPLICATIONS:

Should this proposal be approved, progressed and finally actioned, indicative costings for the establishment of a park are as follows: -

| | |
|---|----------------|
| Grassing (stolens) | \$750 |
| Reticulation (connect to existing Loftus Streetscape) | \$800 |
| Park furniture | \$1,800 |
| Plantings | <u>\$500</u> |
| Estimated total cost | \$3,850 |

Note: The cost to lease/acquire are unknown at this stage.

COMMENTS:

Ivy Park, located on the corner of Charles Street and Carr Street is currently the only piece of public open space within the Cleaver Precinct.

Therefore, it is recommended that the Chief Executive Officer initially writes to the DPI to investigate options for purchase or leasing of the land to provide another greenspace for local residents.

10.2.8 Tender for the Supply of One Only Road Sweeper with Gully Eductor

| | | | |
|------------------------------|-------------------------|------------------|------------------|
| Ward: | Both | Date: | 17 February 2003 |
| Precinct: | All | File Ref: | TEN0260 |
| Reporting Officer(s): | J van den Bok | | |
| Checked/Endorsed by: | R Lotznicher, M Rootsey | | |
| Amended by: | | | |

OFFICER RECOMMENDATION:

That the Council accepts the tender submitted by MacDonald Johnston Engineering at a cost of \$262,070, as the most acceptable to the Town for the supply of one (1) only road sweeper with gully eductor in accordance with the specifications as detailed in Tender No. 249/03.

COUNCIL DECISION ITEM 10.2.8

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

BACKGROUND:

The Town recently called tenders for the replacement of one (1) only road sweeper with gully eductor in accordance with the Major Plant and Equipment Replacement Program. Tenders closed on Wednesday 29 January 2003 for the supply of one (1) only road sweeper with gully eductor and three (3) tenders were received.

DETAILS:

Details of all submissions received for Tender No. 249/03 are as follows: -

| | Company | Model | Total Price (excluding GST) | Total Price Excluding GST Including Trade) |
|----|-----------------------------------|-------------------------|--------------------------------|--|
| 1. | MacDonald Johnston Engineering | 605LT | \$262,070.00 | \$180,070.00 |
| | | 770 | \$245,840.00 | \$163,840.00 |
| 2. | Tennant Company | 830II | \$234,595.00 | No Trade |
| 3. | Schwarze Industries | A5500 Isuzu FRR500 | \$227,770.00 | \$157,770.00 |
| | | A6500XL Isuzu FRR500 | \$233,070.00 | \$163,070.00 |
| | | A7500 Hino Ranger 7 | \$240,770.00 | \$170,770.00 |
| | | A8500 Hino Ranger 9 | \$249,770.00 | \$179,770.00 |

An evaluation panel consisting of Executive Manager Technical Services, Manager Parks Services and Principal Works Supervisor were to assess the conforming tenders using the selection criteria in accordance with the tender documentation as follows: -

| Factor | Weighting | Evaluation Criteria |
|------------------|-----------|---|
| Life Cycle Costs | 20% | Service/maintenance costs |
| Total Costs | 20% | The total cost shown on the Tender Schedule will be assessed with or without the trade-in included at the Town's discretion |

| Factor | Weighting | Evaluation Criteria |
|----------------------------|-------------|---|
| Mandatory Product Features | 15% | Product features essential to undertake required function. Specification conformance. Response and Detail to Specification. |
| Warranty | 15% | Assessed on past performance. Warranty period offered. |
| Delivery | 10% | Required in eight (8) weeks |
| Service Facilities | 10% | Ease of vehicle servicing. Availability of spare parts. Number of technical support staff available |
| Operator Ergonomics | 10% | Ease of operation/controls. Operator comfort. |
| | 100% | |

However, the submissions received from two (2) of the three Companies were deemed non-conforming.

The model submitted by Tennant Company does not comply with the size and width requirements of the hopper and sweeping mechanism nor does the overall power of the unit conform with the kilowatt rating specified.

All three (3) models submitted by Schwarze Industries are a regenerative air type, which does not have a 'belly broom' or main broom which has been specified in the tender document.

A sweeper with a 'belly broom' or main broom is (as specified) essential for effective use on many of the Town's undulating road surfaces.

CONSULTATION/ADVERTISING:

Tender No. 249/03 was advertised for a minimum of fourteen (14) days in accordance with the Local Government (Function & General) Regulations 1996.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2007 - Maintain and Enhance the Town's Infrastructure to Provide a Safe, Healthy, Sustainable and Functional Environment. *"1.4 c) Continue to design and implement infrastructure improvements for public open space."*

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$250,000 has been included in the 2002/03 budget for the replacement of this item of plant.

The total cost to the Town for the MacDonald Johnston unit is \$262,070 exclusive of GST. The additional \$12,070 required can be sourced from the Plant & Equipment Reserve Fund.

COMMENTS:

It is therefore recommended that the Council accepts the tender submitted by MacDonald Johnston Engineering for the supply of one (1) only road sweeper with gully eductor in accordance with the specifications as detailed in Tender No. 249/03.

10.2.10 Proposed Changes to Kerbside Recycling Collection Schedule

| | | | |
|------------------------------|--------------|------------------|------------------|
| Ward: | Both | Date: | 14 February 2003 |
| Precinct: | All | File Ref: | ENS0008 |
| Reporting Officer(s): | N Vaughan | | |
| Checked/Endorsed by: | R Lotznicher | | |
| Amended by: | - | | |

OFFICER RECOMMENDATION:

That the Council;

- (i) receives the report on proposed changes to the kerb side recycling collection schedule;*
- (ii) APPROVES the proposed changes to the Monday, Wednesday and Thursday recycling collection schedule as outlined in the report and shown on attached plans 2143-CP- 1 and 2143-CP-1A;*
- (iii) APPROVES the distribution of a letter, outlining changes to the kerbside recycling service, and new recycling calendars, to all residents whose refuse day occurs on a Monday, Wednesday, and Thursday; and*
- (iv) acknowledges that the proposal is designed to improve the efficiency of the collection of recycling for the Town's residents.*

COUNCIL DECISION ITEM 10.2.10

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

BACKGROUND:

At the Ordinary Meeting of Council held on 12 June 2001, the Council resolved (in Part) that:

“the three plastic “drop off” stations be discontinued and plastic kerbside recycling be introduced”;

One year later, at the Ordinary Meeting of Council held on 9 July 2002, the Council was advised that the discontinuation of the plastic drop off stations in 2001 *has proved to be successful, with plastics now being collected at the kerbside.*

At the Ordinary Meeting of Council held on 9 July 2003, it was resolved (in part) that:

"the Council accepts the tender submitted by Amcor Recycling for the Kerbside Recycling Collection Service as detailed in the report and in accordance with the specifications as detailed in Tender No. 236/02"

The volume of recycling collected from the Town's residents has increased dramatically since the introduction of plastic kerbside recycling..

DETAILS:

Existing

Currently the Town provides a fortnightly kerbside recycling collection with the recycling crates being collected once every fortnight, by the Town's recycling contractor, AMCOR, on the same day as the domestic rubbish pickup for a particular area.

The Town is currently divided into five (5) areas, as shown on the attached plan A – Existing.

Proposed

The increase in volume of recyclable material has created operational problems for AMCOR that in turn have affected the efficiency of the recycling collection rounds. To address the operational issues and increase efficiency of the Town's recycling service, officers recently met with representatives from AMCOR and jointly prepared the following proposed changes to improve the service. Refer attached 2143-CP-1A.

Monday Collection

Week 1 (M1): - South of area bounded by Anzac Road (all of Anzac Road inclusive), Oxford Street (west side only).

Week 2 (M2): - Remaining area.

Tuesday Collection

No change.

Wednesday Collection

Week 1 (W1): - South of area bounded by Scarborough Beach Road (south side only), Loftus Street (both sides of street inclusive), Vincent Street (both sides of street inclusive) and Oxford Street (east side of street only).

Week 2 (W2): - Remaining area.

Thursday Collection

Week 1 (TH1): South of area bounded by Glendower Street (both sides of street inclusive), Lincoln Street (both sides of street inclusive), Beaufort Street (west side of street only), Newcastle Street (north side of street only), and Fitzgerald Street (east side of street only).

Week 2 (TH2): - Remaining area.

Friday Collection

No change.

Consultation

It is proposed that a letter (refer attached) together with a new recycling calendar will be delivered to every household in the affected areas, informing them of the proposed changes.

FINANCIAL/BUDGET IMPLICATIONS:

AMCOR will pay for the full cost associated with the proposed changes including printing and delivery of recycling calendars and letters.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Draft Plan 2002-2007 - Protect and enhance environmental sustainability and biodiversity. *"1.1 j) Develop a waste management strategy that is aligned with the Mindarie Regional Council's Secondary Waste Treatment initiatives and has positive environmental outcomes."*

COMMENTS:

It is considered that the proposed changes to the kerbside recycling collection service as outlined in the report will benefit the Town's residents and it is therefore recommended that the Council adopts the proposal.

10.3.1 Authorisation of Expenditure for the Period 01 January - 31 January 2003

| | | | |
|------------------------------|-----------------------|------------------|-----------------|
| Ward: | | Date: | 6 February 2003 |
| Precinct: | | File Ref: | FIN0033 |
| Reporting Officer(s): | P Forte | | |
| Checked/Endorsed by: | C Liddlelow/N Forsyth | | |
| Amended by: | | | |

OFFICER RECOMMENDATION:

That;

- (i) the Schedule of Accounts for the period 1 January – 31 January 2003 be confirmed and the list of payments as laid on the table be included in the Minutes;*
- (ii) direct lodgement of payroll payments to the personal bank account of employees be confirmed and be included in the Minutes;*
- (iii) direct lodgement of PAYG taxes to the Australian Taxation Office be confirmed and be included in the Minutes;*
- (iv) direct lodgement of Child Support to the Australian Taxation Office be confirmed and included in the Minutes;*
- (v) direct lodgement of creditors payments to the individual bank accounts of creditors be confirmed and included in the Minutes; and*
- (vi) direct lodgement of Superannuation to Local Government and City of Perth superannuation plans be confirmed and included in the Minutes.*

COUNCIL DECISION ITEM 10.3.1

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

DECLARATION OF INTEREST

| Members/ Officers | Voucher | Extent of Interest |
|------------------------------|----------------|---------------------------|
|------------------------------|----------------|---------------------------|

Nil.

BACKGROUND:

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

DETAILS:

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

| FUND | CHEQUE NUMBERS/ PAY PERIOD | AMOUNT |
|---|---------------------------------------|-----------------------|
| Municipal Account | | |
| Town of Vincent Advance Account | EFT | \$756,321.53 |
| Total Municipal Account | | \$756,321.53 |
| Advance Account | | |
| Automatic Cheques | 41497 – 41857 | \$630,769.61 |
| Manual Cheques | 39001 | \$595.80 |
| Transfer of Creditors by EFT Batch 54, 56 – 58, 61, 62, 64 | | \$314,183.62 |
| Australia Post Lease Equipment | January 2003 | \$311.77 |
| Transfer of Payroll by EFT | January 2003 | \$427,899.95 |
| Transfer of PAYG Tax by EFT | January 2003 | \$263,820.65 |
| Transfer of Child Support by EFT | January 2003 | \$1,248.92 |
| Transfer of Superannuation by EFT City of Perth | January 2003 | \$37,854.76 |
| Local Government | January 2003 | \$85,898.40 |
| Total Advance Account | | \$1,762,583.48 |
| Bank Charges & Other Minor Debits | | |
| Bank Charges – CBA | | \$1,088.86 |
| Lease Fees | | \$1,170.41 |
| Corporate MasterCards | | \$3,497.80 |
| Total Bank Charges & Other Minor Debits | | \$5,757.07 |
| Less GST effect on Advance Account | | -\$0.00 |
| Total Payments | | \$2,524,662.08 |

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.

10.3.2 Financial Statements as at 31st January 2003

| | | | |
|---------------------------------|-----------------|------------------|-----------------------|
| Ward: | | Date: | 12th February 2003 |
| Precinct: | | File Ref: | |
| Reporting Officer(s): | Natasha Forsyth | | |
| Checked/Endorsed by: | Mike Rootsey | | |
| Amended by: | | | |

OFFICER RECOMMENDATION:

That the Financial Reports for the month ended 31 January 2003 be received.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

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 31 January 2003.

DETAILS:

The Financial Statements comprise:

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

Operating Statement and Detailed Summary of Programmes/Activities

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

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

Operating Revenue

Operating revenue is currently showing 84% of the Budget received to date.

General Purpose Funding (Page 2)

General Purpose Funding is showing 94% of the budget received to date, this is due to rates being levied.

Health (Page 4)

Health is showing 94% of the budget received to date. This is due to Health Licences being issued.

Community Amenities (Page 6)

Community Amenities is showing 85% of the budget received to date. This is due to bin charges being invoiced.

Transport (Page 11)

Transport is showing 71% of the budget received to date.

Economic Services (Page 12)

Economic Services is showing 55% of the budget received to date.

Other Property and Services (Page 13)

Other Property and Services in this report is 87% of budget.

Operating Expenditure

Operating expenditure for the month is level with Budget (59%).

Law, Order & Public Safety (Page 3)

The third 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 \$3,305,888, which is 24% 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 31 January 2003 and shows current assets of \$17,172,260 less current liabilities of \$1,947,635, for a current position of \$15,224,625. Total non-current assets amount to \$95,707,724 for total net assets of \$110,633,809.

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 31st January 2003, interest of \$188,891 was transferred. Transfers to Reserves totalled \$428,083 and transfers from Reserves amounted to \$224,000. Restricted cash reserves total \$6,923,466 at the end of January 2003.

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 \$333,947 are outstanding at the end of January. Of this \$38,529 (11%) 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.

10.3.3 Capital Works Program 2002/2003 - Progress Report No. 2 as at 31st December 2003

| | | | |
|------------------------------|-------------------------------------|------------------|-----------------|
| Ward: | Both | Date: | 7 February 2003 |
| 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. 2 for the Capital Works Program 2002/2003, as detailed in attachment 10.3.3.

COUNCIL DECISION ITEM 10.3.3

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

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 second Progress Report for this financial year covering the period ending 31 December 2002.

DETAILS:

The report focuses on the work that was due to be completed in the second quarter. Comments on the report relate only to works scheduled to be carried out in the period up to 31 December 2002.

ADVERTISING/CONSULTATION:

Not applicable.

FINANCIAL/BUDGET IMPLICATION:

The progress is proceeding according to funding in the Annual Budget.

STRATEGIC IMPLICATION:

Draft Strategic Plan 2002 – 2007 – Key Result Area 1.4: *Maintain and enhance the Town's infrastructure to provide a safe, healthy sustainable and functional environment.*

LEGAL:

Nil.

COMMENTS:

The capital works programme is progressing according to schedule.

10.3.4 Timetable - Budget 2003/2004

| | | | |
|------------------------------|-------------|------------------|-----------------|
| Ward: | Both | Date: | 2 February 2003 |
| Precinct: | All | File Ref: | FIN0025 |
| Reporting Officer(s): | M Rootsey | | |
| Checked/Endorsed by: | John Giorgi | | |
| Amended by: | | | |

OFFICER RECOMMENDATION:

That the Council APPROVES the timetable for the 2003/2004 Budget as detailed in this report.

COUNCIL DECISION ITEM 10.3.4

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

BACKGROUND:

The Administration has commenced preparation of the 2003/2004 Budget. It is the intention to adopt the 2003/2004 Budget at the first Council Meeting on the 8th July 2003. It is therefore important that the Council approves the timetable as outlined to ensure that the Budget is adopted on the proposed date.

DETAILS:

It is important that the Annual Budget links to the Town of Vincent new Strategic Plan 2002-2007 and the Principal Activities Plan for 2003 – 2007 which will be prepared in February 2003. The timetable proposed allows for suitable community and Elected Members review. The Town of Vincent prides itself on being one of small number of Councils that invites its community to comment on the budget, prior to adoption.

The proposed Budget Timetable is outlined below:

| DATE | TOPIC |
|-------------|--|
| 1-30 April | Executive Management Team (EMT) to review Budget input & initial report. |
| TBA - April | Budget briefing for Community input |
| 5 May | Issue first draft to Elected Members |
| 13 May | 1st Budget briefing/Special Council Meeting |
| 20 May | 2nd Budget briefing/Special Council Meeting |
| 21-22 May | Finalise documentation for Public Comment |
| 23 May | Advertise for Public Comment/Send to Community Groups |
| 13 June | Close Public Comment |
| 16-30 June | Prepare final Budget documentation and report for Council |
| 4 July | Issue Agenda Report |
| 8 July | Adoption of Annual Budget first Council meeting in July |

CONSULTATION/ADVERTISING:

Nil

STRATEGIC IMPLICATIONS:

Draft Strategic Plan 2002-2007 – Key Result Area 4 - Governance & Management
4.2 - Deliver Services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.

4.2d - Ensure that processes comply with relevant legislation.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

To enable this timetable to be met it is important that both the Administration and Council adheres to the deadlines identified in the timetable.

10.3.5 Donation to International Association of Lions Clubs District 201 w1

| | | | |
|------------------------------|---------------------|------------------|------------------|
| Ward: | Both | Date: | 13 February 2003 |
| Precinct: | All | File Ref: | FIN0008 |
| Reporting Officer(s): | A Hope | | |
| Checked/Endorsed by: | J Anthony/M Rootsey | | |
| Amended by: | | | |

OFFICER RECOMMENDATION:

That the Council APPROVES a donation of \$315 to the International Association of Lions Clubs District 201 W1 to enable nine (9) children to attend the Association's annual "Children's Film Festival" being held during April, May and June 2003.

COUNCIL DECISION ITEM 10.3.5

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

DETAILS:

The above organisation has requested financial assistance to enable up to 9 disadvantaged children to attend their annual "Children's Film Festival" being held during April, May and June 2003.

The organisation is hosting the festival as one of its major fundraising projects. The proceeds will be donated to Princess Margaret Hospital for Children and King Edward Memorial Hospital and other community projects supported by Rotary.

Tickets are \$35.00 inclusive of GST.

The organisation was given a donation of \$350 in February 2002 to assist disadvantaged children living in the Town to take part in an annual film festival.

STRATEGIC IMPLICATIONS:

Draft Strategic Plan 2002 – 2007 - Key Result Area 2.1: "Celebrate and acknowledge the Town's social diversity".

FINANCIAL/BUDGET IMPLICATIONS:

\$315.00 would be allocated from the Donations account.

COMMENTS:

The International Association of Lions Clubs has stated that children and families living within the Town of Vincent would be the recipients of sponsorship provided by the Town.

10.3.7 Cultural Development Seeding Grant Application - Love Tester

| | | | |
|------------------------------|---------------------|------------------|-------------|
| Ward: | Both | Date: | 14 February |
| Precinct: | All | File Ref: | CMS0008 |
| Reporting Officer(s): | D Spurgeon | | |
| Checked/Endorsed by: | J Anthony/M Rootsey | | |
| Amended by: | | | |

OFFICER RECOMMENDATION:

That Council APPROVES the application of Love Tester Collaborative for a Cultural Development Seeding Grant of \$500.

COUNCIL DECISION ITEM 10.3.7

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

DETAILS:

Love Tester, the project, by the Love Tester Collaborative is a visual arts exhibition to be held in and around areas of the Town of Vincent, within Northbridge. The Love Tester gives emerging young curators the opportunity to work with mentors from the Artists Foundation of Western Australia. Refer also to Item 10.3.12.

First time curators will have the chance to explore the managerial areas of the art world and gain knowledge from experienced professionals in the industry. Each of these curators brings with them a unique talent, and through this project these talents can be combined and skills shared.

The aim of the exhibition is to reach people that may not usually visit galleries and to expand the boundaries of what accepted art practice is. Local businesses involved will help to expand the demographic of the exhibition.

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:

Of the \$10,000 budgeted for this item, \$6,436 remains unallocated.

COMMENTS:

The Cultural Development Seeding Grant of \$500 is to be approved for Love Tester Collaborative on condition that the money is used to support projects that occur within the Town of Vincent.

10.3.10 The Village Northbridge - Draft Community Development Plan

| | | | |
|------------------------------|------------|------------------|------------------|
| Ward: | Both | Date: | 10 February 2003 |
| Precinct: | All | File Ref: | PRO1409 |
| Reporting Officer(s): | J. Anthony | | |
| Checked/Endorsed by: | M. Rootsey | | |
| Amended by: | | | |

OFFICER RECOMMENDATION:

That Council;

- i) receives the report on the Village Northbridge Draft Community Development Plan; and*
- ii) authorises the Chief Executive Officer to examine opportunities as outlined by the plan and submit a further report to Council on the financial implications of the Town's involvement in the project.*

COUNCIL DECISION ITEM 10.3.10

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

DETAILS:

The Village Northbridge is an urban renewal project currently being undertaken by EPRA. The project area is bounded by Fitzgerald, Newcastle, Money, Parry, Lord, Beaufort and Aberdeen Streets. It covers approximately 27 hectares of land above and next to the Graham Farmer Freeway.

During 2000 and 2001, a consultation process was undertaken with local residents, business owners, arts and cultural organisations, human service agencies, education institutions, Local Government, relevant State Government departments and other stakeholders. From August 2001 to July 2002, stakeholders were consulted to identify aspirations, needs and core values for community development on the project.

Through this process, a community development plan (attached) has been drafted to establish the method by which *The Village Northbridge* will become a cohesive and vibrant community that reflects and contributes to the rich traditions of Northbridge. The aim of the project is to demonstrate excellence in urban renewal by providing an exemplary inner city lifestyle in a vibrant mixed- use village with good amenities and a strong sense of community. The project intends to provide opportunities for people seeking an inner city lifestyle to live comfortably alongside a wide variety of new and existing commercial, retail and entertainment outlets. The plan also claims to have considered the surrounding neighbourhoods and business districts to ensure that initiatives complement Northbridge and North Perth.

In their demographic analysis, EPRA anticipates that there will be a projected increase in residents (300%), which will create additional demand for local community facilities and services in the vicinity.

The Community Development Plan recommendations specific to the Town of Vincent are as follows:

| Recommendation | Potential Partners | Officer's Comments |
|---|---|--|
| Implement a partnership approach to delivery of the Community Development Plan | Town of Vincent, City of Perth, Central TAFE, local organisations and associations. | A partnership approach toward Northbridge will be beneficial in theory. However the practical aspects of the partners working together towards a common goal will be a challenging task. |
| Seek support for children's playground in the project area. | Town of Vincent, City of Perth, local social service associations and businesses, local schools. | The project area within the Town's boundaries does not have any public open space to build a children's playground. Playgrounds exist nearby in Hyde Park, Birdwood Square and Robertson Park. |
| Support establishment of Claisebrook Heritage Trail and community art project | Town of Vincent, Aboriginal Advancement Council, ATSIC, Department of Indigenous Affairs and others | The Town is currently progressing the Wetlands Heritage Trail which is linked to the Town's section of East Perth. There are opportunities to link to another trail which could enhance both projects. |
| Provide a range of information resources (residents' kits, newsletters etc) to residents and businesses on wellness activities, inner city lifestyles, learning programs, local amenities, public transport, parking, clubs and associations, charitable organisations, and local festivals and activities. | Town of Vincent, City of Perth, Central TAFE, local organisations and associations. | The Town's officers currently package information together for residents according to the nature of their query and needs. A "Welcome Pack" is also distributed to all new residents, by the Town. |
| Commence a biannual 'Quality of Life' survey to monitor and revise the implementation of the CDP. | Town of Vincent, City of Perth, Central TAFE, local residents. | The Town is currently trialing a customer satisfaction survey specific to halls and reserves administration. The success of this trial, which involves software analysis of data is anticipated to be extended to other areas of query in terms of the Town's residents. |
| Support the Yellow Fish Road program with local schools, local artists and the Town of Vincent. | Town of Vincent, Central TAFE, local artists and local schools. | The Town currently actively supports the Yellow Fish Road Program in collaboration with the Claisebrook Catchment Group. |

The Plan also proposes a community hub in the project area, incorporating the services of the existing Women's Health Care House, which is situated on Aberdeen Street.

Through the consultation meetings which were held by the Towns Executive Manager, Corporate Services and Manager, Community Development and Administrative Services. The project consultants were advised that as the premises are not located within the Town's boundaries, it would be difficult to financially support or endorse the project.

Similarly, the agenda item for the City of Perth Council meeting on 11 February 2003, reported that the City "is unwilling to support and provide funding for a second community centre located in The Village Northbridge along the border with the Town of Vincent".

STRATEGIC IMPLICATIONS:

Draft Strategic Plan 2002-2007

Key Result Area 2 - Community Development

2.1 Celebrate and acknowledge the Town's social diversity

2.2 Evaluate and enhance the way that Council provides and co-ordinates community and information services.

FINANCIAL/BUDGET IMPLICATIONS:

The financial implications of the plan are not evident from the draft report. Further investigation and discussions with EPRA and other stakeholders will provide the opportunity to ascertain the level of financial involvement required from the Town. However the City of Perth have been requested to subsidize the operations of the proposed Community Centre to the amount of between \$70,000 - \$100,000 and it is assumed that the Town of Vincent would be asked to do the same.

COMMENTS:

It should be noted that only a relatively small portion of the project area is within the boundaries of the Town being Newcastle, Money, Parry and Lord Streets. The majority of the project area falls within the boundaries of the City of Perth.

The plan encompasses robust community development principles with strategies that are worthy of consideration for the Town's residents and community. The practicality of working through such sound strategies in a confined project area with diverse stakeholders who are varied in their sphere of interest, will pose some issues for the Town's administration.

10.3.11 Emergency Services Levy

| | | | |
|------------------------------|-----------|------------------|------------------|
| Ward: | Both | Date: | 10 February 2003 |
| Precinct: | All | File Ref: | |
| Reporting Officer(s): | M Rootsey | | |
| Checked/Endorsed by: | | | |
| Amended by: | | | |

OFFICER RECOMMENDATION:

That the Council;

- i) receives the report on the Emergency Services Levy; and*
- ii) includes the information on the introduction of the Emergency Services Levy in the Council newsletter circulated to residents.*

COUNCIL DECISION ITEM 10.3.11

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

BACKGROUND:

On 1st July 2003, it is proposed that a new property based Emergency Services Levy will be introduced. It will be based on the level of service provided and calculated on the Gross Rental Value (GRV) of most urban properties with a fixed rate charge per property in rural and remote areas.

A review into the funding arrangements for the Fire and Emergency Services Authority (FESA) has been in progress for several years. A similar proposal was to have been implemented in the 1999/2000 financial year. This proposal failed to gain support in Parliament in 1999. Since then, the model has undergone review and some amendments have been made. This amended and revised funding model was then reintroduced into Parliament.

In December 2002, legislation was passed by Parliament for the introduction of the Emergency Services Levy proposed by FESA. The introduction of the levy will replace the current funding arrangements in place, which involve Local Governments, State Government and the Insurance industry. This charge will be a non-fire-risk based levy and will commence on 1 July 2003 as a special transitional arrangement until 30 June 2004, enabling the existing system to be gradually phased out.

DETAILS:

Under the present system, the insurance companies have been obligated to meet 75% of the annual cost of the Career Fire and Rescue Service which services the Perth Metropolitan area and the city centres of Albany, Bunbury, Geraldton, Kalgoorlie-Boulder, Mandurah and the Town of Northam. Insurance companies fund the cost by placing a levy on the insurance policies of those properties insured and serviced in the mentioned areas. This levy, placed on insurance premiums, is known as a Fire Service Levy or FSL.

The remaining balance of 25% of the Career Fire and Rescue Service budget is funded by both Local Governments collectively, and the State Government each contributing 12.5%. The contribution payable for each local government is determined as a percentage by dividing the Gross Rental Valuation for that Council over the total Gross Rental Valuations for all affected Councils within the serviced area, which is then applied against the total contribution amount needed. This cost of the levy to the Town is funded through both general purpose revenue and the Town's rate revenue.

For insurance policies holders, the present insurance contribution for the Fire Service Levy is funded and levied on both residential building and contents insurance at a rate of 19% (for 2001/2002). This increases the cost of the insurance cover and is further compounded by both the Goods and Service Tax (10%) and Stamp Duty (8% after all other taxes and levies) raising the Fire Service Levy effectively from 19% to 23% of the basic premium, having regard to the compounding effects of the GST and Stamp Duty.

The situation is similar for both commercial and industrial property insurance Fire Service Levy arrangements with Contract/Engineering combined insurance at 26% (2001/2002) and Fire and Consequential Loss insurance at 28% (2001/2002). Again, with the effects of GST and Stamp Duty, the true Fire Service Levy of the base premiums are 31% and 33% respectively. This illustrates the significant cost of the levy to insurance policy holders, however, it is expected that the new Emergency Services Levy that will be levied will be less as it will be exempt from both Goods and Service Tax and Stamp Duty.

Problems with the Current Funding Arrangements

Due to the current system being substantially funded through the Insurance industry, the funding is vastly inequitable. It is currently estimated that one in three houses in Perth is either uninsured or underinsured. Based on this, under the existing insurance-based Fire Service Levy arrangement, those people insuring are subsidising those who do not insure but nevertheless are still provided with emergency services. In addition, 30% of all fire service call outs within the Perth Metropolitan Area and Regional Centres (areas covered by the Career Fire & Rescue Service) are for fires on vacant land, which are generally not insured.

It is estimated that based on a home and contents insurance survey conducted (ICA Survey 1999) that:

- 9% of all owner-occupied homes have no building insurance cover
- 21% of all owner-occupied homes have no contents insurance cover
- 75% of all tenanted properties have no contents insurance cover
- 31% of all properties have no building or contents insurance cover

This confirms that under the existing funding methodology, a large number of people make little or no contribution to the cost of fire service protection. Additionally, some owners who choose to insure do so through companies that are located outside Australia, which means they do not contribute to the 75% of funding levied by the insurance industry.

Due to the current levy attracting both the Goods and Services Tax and Stamp duty, property owners are paying approximately an additional 4% on residential properties and 5% for commercial and industrial properties which do not contribute to the funding of FESA.

Local Governments through the required 12.5% contribution are vastly funding a State Government service.

The current system is both largely inequitable and has a complex collection of funds with a combination of insurance levies, Local Government funds, State Government contributions and volunteer fundraising.

New Funding Arrangements

A summary of the key aspects of the replacement funding system is as follows:

On 1 July 2003 a new replacement funding system will come into effect to finance the operations of the following services:

- The Career Fire and Rescue Services (CFRS);
- The Volunteer Fire and Rescue Service (VFRS);
- The State Emergency Service [including Emergency Management Services] (SES and EMS); and
- FESA Units (Combined, multi-skilled emergency services groups).

The new system will raise approximately the same amount of money that is currently expended on these services. However, some additional revenue will be raised to provide immediate financial support for volunteer services in areas that require priority attention, and to cover the cost of Local Government levy administration.

Under the above arrangements, the following existing funding systems will be abolished:

- The obligation on insurance companies to meet 75% of the cost of the CFRS;
- The State and Local Government 12.5% contributions to the CFRS;
- All other State and Local Government contributions to the direct operating costs of BFBs, FESA and SES Units; and
- The State Government's 100% contribution to the VFRS.

All properties in the State will be classified into 5 property ESL Categories based on the type of protection provided in that location. The criteria for each ESL Category classification is as follows:

- ESL Category 1 - Perth metropolitan area serviced by a network of Career Fire and Rescue Service stations and the SES.
- ESL Category 2 - Major rural cities with a Career Fire and Rescue Service station, Volunteer Fire and Rescue Service Brigade and the SES.
- ESL Category 3 - Fringe of the metropolitan area and Northam, with Bush Fire Brigades and the SES, plus support from Career Fire and Rescue Service or FESA staff.
- ESL Category 4 - Major country towns supported by Volunteer Fire and Rescue Service, Bush Fire Brigades or FESA Units with breathing apparatus, and the SES,
- ESL Category 5 - Everywhere else, supported by Bush Fire Brigades or FESA Units, and the SES.

A letter received from FESA on the 29th January 2003 has confirmed that all Town of Vincent property falls under ESL Category 1.

A new property-based Emergency Services Levy (ESL) will be charged to all property owners at the rate in the dollar specified for the particular ESL Category in which their property is located. The amount payable will be determined by applying this rate to the property's Gross Rental Value (GRV). A fixed charge of \$30 per property will apply in ESL Category 5.

The new ESL will be exempt from GST and Stamp Duty.

All property will attract the same ESL rate in the dollar in each ESL Category, regardless of use. Hence, for example, the rate in the dollar in each ESL Category will be the same for residential and commercial properties.

The rate in the dollar has not been determined at present and the Minister has until 10th May each year to declare both the rate in the dollar and the minimum and maximum charges. It has been indicated, however, that the minimum payment for the Emergency Services Levy in 2003/2004 will be \$30.

The maximum payment for residential properties will be \$175 and will apply at a GRV of \$14,000 and \$100,000 applies at a GRV of \$8,000,000 for commercial properties. From this information, it is expected the rate in the dollar, yet to be officially announced, will be 1.25 cents. It has also been indicated that the rate in the dollar for both residential and commercially classified properties will not differ.

For residential properties in the Town, it has been estimated the average levy per property will be approximately \$125, based on an average GRV of \$10,000, using the proposed rate in the dollar of 1.25 cents. For the 2003/2004 financial year, which is a transitional period, the average charge will be approximately \$75 which is 60% of the normal charge. This will be dependent on the financial and valuation data used by FESA.

All property owners will be required to pay the new ESL. This includes:

- Vacant land owners;
- Not for profit organizations and other organizations otherwise exempt from State Government taxes, fees and charges;
- Public Financial and Non-Financial Corporations;
- Local Governments; and
- The State Government (General Government Sector Agencies).

This includes those properties claiming exemption under section 6.26 of the Local Government Act 1995 (for example churches and charitable organisations).

The State Government will maintain its support of the cost of these services, although this contribution will no longer have any connection with any particular service. This contribution will be comprised of;

- An ESL payment for its own property; and
- A continuing subsidy to support the work of the fire and emergency services, particularly volunteers in rural and remote areas of the State.

Concessions to the ESL will be granted to the following:

- Pensioners and Seniors in the same way as applies to Local Government rates; and
- Homeswest tenants with income-linked rates that are not able to be increased by Homeswest to accommodate the additional ESL charge.

From 2003/04 the new ESL will be invoiced and collected by Local Governments (shown as a separate line item on the rates notice). Local Government will be paid an administrative fee for this service and the cost of all necessary computer changes will be financed by FESA. The ESL may be paid by instalments.

To avoid overpayments of insurance-based Fire Service Levies (FSL) by policy holders, the insurance industry will require a full 12-month advance notice in order to commence the FSL elimination process. The FSL elimination will occur in the period January 2003 to December 2003.

On the basis of the above, the insurance industry will still need to contribute 75% of CFRS operating costs for the period July to December 2003. However, this revenue will be deducted from FESA's operating budget for 2003/04 before the new ESL rates for that financial year are determined. Hence, ESL rates in 2003/04 will be much lower than will be the case in normal subsequent years.

As a consequence, insured property owners in ESL Categories 1 and 2 will pay two separate payments in 2003/04 towards the cost of the CFRS as follows:

- One payment under the old arrangements as part of their insurance premium costs in respect of the period July 2003 to December 2003; and
- A second payment under the new ESL arrangements as a charge on their rates notice in respect of the period January 2004 to June 2004.

However, it is not expected that the sum total of the above two payments will differ significantly from the annual cost of the new ESL if it was to apply to the full cost of the CFRS in the 2003/04 financial year.

The owners of underinsured and uninsured properties and vacant land in ESL Categories 1 and 2 will all benefit from the phased introduction of the new ESL arrangements in 2003/04. That is, although the ESL amount that they will pay in this period will rate to a full financial year, it will only approximate two thirds of the annual cost due to the flow through revenue effects of FSL contributions paid by the insured as indicated above. All property owners will pay the full ESL rates in 2004/05.

Although the elimination of the existing FSL on insurance premiums will occur over two financial years 2002/03 and 2003/04, this will not affect the budgeting and funding arrangements for the various services. That is:

- The elimination of the Local Government 12.5% contribution to the CFRS will be effective as at 30 June 2003 and will not therefore be payable beyond this date; and
- All operating costs for the various services will be funded under the new replacement arrangements for the whole of 2003/04 and beyond.

FESA will arrange, in conjunction with the Valuer General's Office, for the determination of any additional property information and valuations, and will meet the cost of the ongoing administration of these records.

Local Governments will be required to submit annual budgets in respect of the direct operating costs of their BFBs. These submissions will form the basis of the annual operating grants (which will be paid on a monthly or quarterly basis). Similar arrangements will exist for SES Unit funding in respect of Local Government contributions to these costs, as the case requires.

Applications for 100% capital funding for appliance sand specialised equipment for BFBs will also need to be submitted to FESA by Local Governments. These requests will be considered by a new Grants Committee, which will comprise equal representation from FESA and Local Government.

As a consequence of the above, these expenditures will no longer need to be financed through Local Government's own rates budgets or through community fundraising. However, this will not impact the existing management and control of these services, which will remain unchanged.

There will be no change to the existing budgeting and financial administration arrangements for the CFRS and VFRS and for those SES and FESA Unit expenditures under the direct administration of FESA.

How will the new ESL be collected?

- a) The ESL will be raised by Local Government on behalf of FESA as a separate line item on the existing rates notice, but be clearly labelled "Emergency Services Levy".
- b) Local Governments will be paid a fee for this agency service. This fee will recognise the cost of raising, collecting and remitting the ESL to FESA. It will also provide real additional income to Local Government.
- c) Local Governments are ideally placed to collect the new ESL on behalf of FESA, having almost all of the property details and GRVs. With modifications to systems and processes at FESA's cost, Local Governments will collect the ESL, thus avoiding the high costs associated with alternative collection arrangements, which would otherwise need to be passed onto property owners.
- d) All costs associated with obtaining new property valuations and changing Local Government computer systems will be met by FESA.
- e) The collection strategy will enable relatively small ESL amounts to be paid by instalments as part of an existing billing system. This would not be cost effective if separate ESL accounts had to be issued.

Why is Local Government being asked to collect the levy?

- a) With some minor exceptions, Local Governments have all the relevant GRV and billing address information to make them the cheapest and more efficient collection option, as compared with other government agency alternatives. As the ESL is required to fund its own collection expenses, this is an important issue to keep the cost of the ESL down.
- b) Further, by including the ESL on the Rates Notice, property owners will have access to instalment plans for relatively low charges that would not otherwise be available.
- c) Finally, by including the ESL on the Rates Notice and with FESA financing all the implementation costs, including the computer systems changes, the fee paid to Local Governments for this service by FESA will be an additional source of revenue for this sector. This will further enhance the financial position of Local Governments as a consequence.

CONSULTATION/ADVERTISING:

Brochures explaining the Emergency Services Levy will be distributed with the Rate Notices.

LEGAL/POLICY:

Fire and Emergency Services Legislation (Emergency Services Levy) Amendment Act 2002.

FINANCIAL/BUDGET IMPLICATIONS:

The Town of Vincent has included \$188,000 in the 2002/03 budget as its current contribution to Fire Services Levy, with the introduction of the ESL this will not be required.

Similarly its funding support for the Northshore SES unit, which for 2002/03 was budgeted to be \$5,310, will also not be required.

The Town will receive an administration fee based on the amount of the Town's ESL Levy for the administrative work associated with the operation of ESL in the Town. An estimate of this fee to be received has been calculated at \$35,000.

The Town will have to pay the ESL on Town of Vincent owned properties, the Valuer General will provide a GRV for all Council owned properties. The cost of the ESL on Town of Vincent properties is yet to be calculated.

COMMENTS:

The introduction of the new funding arrangement on Council rates is a significant change to the current funding arrangements in place for the FESA. The new funding methodology is intended to be far more equitable across the whole community at a favourable low cost option by utilising local government rate notices. While the Town will only be operating as a collection agency for the levy on behalf of the State Government it is anticipated that many property owners within the community will see the charge as an additional local government charge and subsequently a large rate increase.

To assist in informing residents of these new funding arrangements for the Emergency Services Levy and the additional charges to be placed on the Council rate notice, information be provided in the Council Newsletter.

It is important the Council is aware of this levy and the questions that it may raise in the community.

10.4.3 Information Bulletin

| | | | |
|------------------------------|----------|------------------|------------------|
| Ward: | - | Date: | 18 February 2003 |
| Precinct: | - | File Ref: | - |
| Reporting Officer(s): | A Smith | | |
| Checked/Endorsed by: | J Giorgi | | |
| Amended by: | - | | |

RECOMMENDATION:

That the Information Bulletin dated 25 February 2003, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.3

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

DETAILS:

The items included in the Information Bulletin dated 25 February 2003 are as follows:

| ITEM | DESCRIPTION |
|-------------|--|
| IB01 | Western Australian Electoral Commission – Letter re Western Australian State Electoral Boundaries |
| IB02 | Letter to Registrar, Town Planning Appeal Tribunal regarding Nos. 140 (Lots 9 and 56) Edward Street corner Pier Street, Perth - Proposed Signage to Existing Alleged Unauthorised Development - Appeal No. 157 of 2002 |
| IB03 | Letter to Mr D Igglesden from the Minister for Planning and Infrastructure, regarding the Appeal on the Proposed Development of a Two Storey Dwelling on the Rear Strata Lot 2 being Lot 88 of Swan Location 804 (No. 12A) Knutsford Street, North Perth |
| IB04 | Letter to the Director Governance and Statutory Support, Department of Local Government and Regional Development, regarding Nos. 177-179 (Lot 48) Carr Place, Leederville - Notice Appeal |

- IB05 Letter to the Minister for Planning and Infrastructure regarding No. 31 (Lot 31) Mabel Street, North Perth - Appeal Against Notice to Remove the Unauthorised Timber Frame Lattice Privacy Screen Structure - AP 14312.02L
- IB06 Letter from Tosolini Family re Library Service
- IB07 Letter from Western Australian Local Government Association re Local Government Daytime Sprinkler Ban
- IB08 Letter to Mr N Geronimos, 16 Stuart Street, Northbridge. Response to questions taken "on notice" at the Ordinary Meeting of Council 11 February 2003.

**10.1.7 No. 177 (Lot 800) Fitzgerald Street, Corner of Fitzroy Street, West Perth
- Proposed Four, Two-Storey Grouped Dwellings**

| | | | |
|------------------------------|--------------------|------------------|-------------------------|
| Ward: | North Perth | Date: | 18 February 2003 |
| Precinct: | North Perth, P8 | File Ref: | PRO0209 (00/33/1232) |
| Reporting Officer(s): | V Lee, M Bonini | | |
| Checked/Endorsed by: | D Abel, R Boardman | | |
| Amended by: | - | | |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by J Corp Pty Ltd on behalf of the landowner D R Garnham and T J Kilbey for proposed four, two-storey grouped dwellings at No. 177 (Lot 800) Fitzgerald Street corner of Fitzroy Street, West Perth and as shown on amended plans stamp dated 18 February 2003, subject to;

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) *a visual truncation of 2 metres by 2 metres at the intersection of the driveway and the footpath and shall be provided at the owner's cost; and*
 - (b) *a visual truncation of 3 metres by 3 metres at the corner of Fitzroy and Fitzgerald Streets;*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town 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 Fitzgerald and Fitzroy Streets 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;*
- (iv) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Fitzgerald Street and Fitzroy Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (v) *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;*
- (vi) *subject to first obtaining the consent of the owners of No.173 Fitzgerald Street and No.3 Fitzroy Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing south and west in a good and clean condition;*
- (vii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (viii) *a road and verge security bond and /or bank guarantee of \$880 shall be lodge 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;*
- (ix) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (x) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xi) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to the first floor bedroom 3 of unit 1 on the south western elevation shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed;*
- (xii) *the carports 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 south western and north western boundaries of the lot;*
- (xiii) *compliance with the relevant Building, Engineering and Environmental Health requirements; and*
- (xiv) *prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town showing the finished ground floor level of the proposed dwellings being 11.00;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Hall, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Moved Cr Hall, Seconded Cr Franchina

That, in clause (xiv) "11.00" be deleted and replaced with "11.5", as follows:

"(xiv) prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town showing the finished ground floor level of the proposed dwellings being 11.5;"

Debate ensued.

**AMENDMENT LOST ON THE CASTING VOTE
OF THE PRESIDING MEMBER (4-5)**

| | |
|-------------------|-------------------------|
| <u>For</u> | <u>Against</u> |
| Cr Drewett | Mayor Catania (2 votes) |
| Cr Franchina | Cr Chester |
| Cr Hall | Cr Doran-Wu |
| Cr Piper | Cr Ker |

(Cr Cohen on approved leave of absence.)

Moved Cr Hall, Seconded Cr Piper

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

AMENDMENT CARRIED (7-1)

| | |
|-------------------|-----------------------|
| <u>For</u> | <u>Against</u> |
| Mayor Catania | Cr Chester |
| Cr Doran-Wu | |
| Cr Drewett | |
| Cr Franchina | |
| Cr Hall | |
| Cr Ker | |
| Cr Piper | |

(Cr Cohen on approved leave of absence.)

Moved Cr Hall, Seconded Cr Piper

That, in clause (vi) the words "and subject to the production of the original letter to the Town from" be inserted after the words "subject to first containing the consent of", as follows

"(vi) subject to first obtaining the consent of, and subject to the production of the original letter to the Town from, the owners of No.173 Fitzgerald Street and No.3 Fitzroy Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing south and west in a good and clean condition;"

AMENDMENT CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

MOTION AS AMENDED CARRIED (7-1)

For
Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Drewett
Cr Franchina
Cr Hall
Cr Piper

Against
Cr Ker

(Cr Cohen on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.7

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 Corp Pty Ltd on behalf of the landowner D R Garnham and T J Kilbey for proposed four, two-storey grouped dwellings at No. 177 (Lot 800) Fitzgerald Street corner of Fitzroy Street, West Perth and as shown on amended plans stamp dated 18 February 2003, subject to;

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

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

(b) *a visual truncation of 3 metres by 3 metres at the corner of Fitzroy and Fitzgerald Streets;*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town 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 Fitzgerald and Fitzroy Streets 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;*

(iv) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Fitzgerald Street and Fitzroy Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

(v) *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;*

- (vi) *subject to first obtaining the consent of, and subject to the production of the original letter to the Town from, the owners of No.173 Fitzgerald Street and No.3 Fitzroy Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing south and west in a good and clean condition;*
- (vii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (viii) *a road and verge security bond and /or bank guarantee of \$880 shall be lodge 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;*
- (ix) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (x) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xi) *the carports 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 south western and north western boundaries of the lot;*
- (xii) *compliance with the relevant Building, Engineering and Environmental Health requirements; and*
- (xiii) *prior to the issue of a Building Licence, revised plans shall be submitted to and approved by the Town showing the finished ground floor level of the proposed dwellings being 11.00;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: D R Garnham and T J Kilbey
APPLICANT: J Corp Pty Ltd
ZONING: Metropolitan Region Scheme – Urban
Town Planning Scheme No.1 – Residential R80
EXISTING LAND USE: Vacant Land

COMPLIANCE:

| Requirements | Required | Proposed |
|---------------------|-----------------------------------|------------------------------------|
| Total Open Space | 45 per cent (306.9 square metres) | 40 per cent (275.89 square metres) |
| Plot Ratio | 0.7 (477.4 square metres) | 0.85 (583.86 square metres) |

| | | |
|---|---|--|
| Setbacks -East (Fitzgerald St) ground floor first floor -South ground floor first floor carport -West (carport) | 4.0 metres 6.0 metres 1.5 metres 2 metres 1 metre 1.5 metres | 2.008 metres 2.008 metres Nil Nil Nil Nil |
| Buildings on boundary | Buildings on boundary on one boundary only permitted subject to average height of 3 metres for not more than 2/3 of the length of the balance of the boundary behind the front setback. | Buildings on boundary proposed on two boundaries - western boundary (maximum 3 metres high) for more than 2/3 of length of boundary, and on southern boundary (maximum 5.7 metres high). |

| | |
|--------------------|-------------------|
| Use Class | Grouped Dwelling |
| Use Classification | 'P' |
| Lot Area | 682 square metres |

SITE HISTORY:

The subject site is currently vacant and is located on the corner of Fitzgerald and Fitzroy Streets, West Perth. The surrounding area is characterised by single residential to the north, west and immediate south, and Robertson Park to the east.

On 29 August 1996, the Town issued a Demolition Licence for the demolition of a single storey custom orb roof building on the site.

The Council at its Ordinary Meeting held on 22 February 2000 refused a development application for four, two-storey plus loft grouped dwellings on the subject site 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, with respect to the visual amenity of the locality by virtue of the scale, mass and bulk of the proposed development on the Fitzgerald Street and Fitzroy Street streetscapes and the adjacent properties;*
- (ii) *non-compliance with the plot ratio, open space and setback requirements of the Residential Planning Codes; and*
- (iii) *consideration of objections received."*

8 October 2002 The Council at its Ordinary Meeting held on 8 October 2002 approved a similar proposal subject to conditions including:
"*(i) (d) the southern side setback being in compliance with the Residential Planning Codes."*

11 February 2003 Council at its Ordinary Meeting refused a similar application.

DETAILS:

Approval is sought to construct four two-storey grouped dwellings. The applicants are mainly seeking a reconsideration of condition (i) (d) of the approval determined at the Ordinary Meeting of Council held on 8 October 2002. The condition states the following;

"the southern side setback being in compliance with the Residential Design Codes."

However, the plans received on 18 February 2003 show minor modifications to the plans to increase the amount of open space on site and compliant overshadowing on the adjoining lot. This includes open sides to porches, reduction in the length of parapet wall on the southern boundary, and relocation of a laundry/store room from the southern boundary.

Due to the introduction of the Residential Design Codes in October 2002 (R Codes), the proposal is required to be re-assessed under the new R Codes. This has resulted in changes to the previous Compliance Table for the 8 October 2002 agenda report. Essentially, the plan has not increased the amount of variations to the proposal, however assessment of these requirements has changed.

CONSULTATION/ADVERTISING:

The proposal was not readvertised as a similar proposal has been advertised and considered by the Council within the past 12 months. Three submissions were received during the initial advertising period however, nil submissions were received when re-advertised in August 2002. Excerpts of the previous submissions are as follows:

"It appears that unit one parapet wall will be 5.2 metres high and will not only block a considerable amount of light from my kitchen and bathroom but will also block out the northerly sun making rear courtyard cold and damp."

"..I would like to lodge an appeal ...on the grounds of severe loss of privacy for my tenants and their probable loss of street parking."

"...there are several reasons for our objections...invasion of our backyard privacy...the increased vehicles parking on Fitzgerald Street ..."

The Metropolitan Region Scheme was amended in 1995 to reduce the land required on the subject lot for regional road purposes. Currently, a 5 square metres (3 metres by 3 metres) truncation is reserved at the corner of Fitzgerald Street and Fitzroy Street.

COMMENTS:

The modifications to the previous plans increased the amount of open space on site and compliant overshadowing on the adjoining lot and the length of parapet wall on the property boundary.

The non-compliances and previous objections received have been addressed in detail in the reports to the Ordinary Meetings of Council held on 8 October 2002 (Item 10.1.7) and 11 February 2003 (Item 10.1.6).

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

10.1.3 No. 28 (Lot 46) Gill Street, Mount Hawthorn - Proposed Carport and Fencing Additions to Existing Single House

| | | | |
|------------------------------|--------------------|------------------|-------------------------|
| Ward: | Mount Hawthorn | Date: | 17 February 2003 |
| Precinct: | North Perth, P8 | File Ref: | PRO 2247; 00/33/1481 |
| Reporting Officer(s): | M Bonini | | |
| Checked/Endorsed by: | D Abel, R Boardman | | |
| Amended by: | - | | |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners S and E Beresford for the proposed carport and fence additions to existing single house on No. 28 (Lot 46) Gill Street, Mount Hawthorn, as shown on the plans stamp-dated 31 January 2003;

- (i) compliance with all Building, Environmental Health and Engineering requirements and relevant Australian Standards and noise regulations;*
- (ii) a road and verge security deposit bond and/or bank guarantee of \$220 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (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 Gill Street, including the front fence along the western side boundary within 4.0 metres from the front boundary, 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) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) the construction of crossovers shall be in accordance with the Town's specifications;*
- (vi) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vii) details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (viii) street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*

- (ix) *subject to first obtaining the consent of the owners of No. 26 Gill 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. 26 Gill Street in a good and clean condition;*
 - (x) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the maximum total width of the carport being reduced to 5.1 metres; and*
 - (xi) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the eastern fence/wall and the eastern fence/wall shall have maximum height of 1.8 metres;*
- to the satisfaction of the Chief Executive Officer.*

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Chester, Seconded Cr Ker

That clause (x) be deleted, and the following clause be renumbered accordingly.

AMENDMENT CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.3

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners S and E Beresford for the proposed carport and fence additions to existing single house on No. 28 (Lot 46) Gill Street, Mount Hawthorn, as shown on the plans stamp-dated 31 January 2003;

- (i) *compliance with all Building, Environmental Health and Engineering requirements and relevant Australian Standards and noise regulations;*
- (ii) *a road and verge security deposit bond and/or bank guarantee of \$220 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (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 Gill Street, including the front fence along the western side boundary within 4.0 metres from the front boundary, 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) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (v) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (vi) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vii) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (viii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (ix) *subject to first obtaining the consent of the owners of No. 26 Gill 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. 26 Gill Street in a good and clean condition; and*
- (x) *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 eastern fence/wall and the eastern fence/wall shall have maximum height of 1.8 metres;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: S and E Beresford
APPLICANT: As above
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R30/40
EXISTING LAND USE: Single house

COMPLIANCE:

| | |
|--------------------|-------------------|
| Use Class | Single House |
| Use Classification | "P" |
| Lot Area | 531 square metres |

GARAGE

| Requirement | Required | Proposed |
|---------------|---|---|
| Front Setback | 6 metres from frontage street or behind the line of the front main building wall. (Street Setbacks Policy); 4 metres from frontage street. (R Codes) | 1.5 metres. |
| East Wall | Maximum height of 1.8 metres. (R Codes carport definition) | Parapet Wall to a maximum height of 2.9 metres. |

| | | |
|---------------------------------------|--|---|
| Carport Width (Street Setback Policy) | Maximum 50 percent of frontage width of existing dwelling can be occupied by carport width. | 52 percent. |
| Front Fence along West Boundary. | Fence in front setback area shall not 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 wall shall be a maximum height of 1.2 metres above the ground level, with the infill portion of the fence and gates being visually permeable, with a minimum 50 per cent transparency. | Solid wall to a maximum height of 1.8 metres. |

SITE HISTORY:

No.28 Gill Street is occupied by a single storey, brick and tile character style residence.

DETAILS:

The applicant seeks approval for the front fence and the carport located within the front setback area.

CONSULTATION/ADVERTISING:

The applicant sought and obtained signatures of consent from the neighbours of Nos.29, 26, 25 and 30 Gill Street.

COMMENTS:

Front Setback

The Town's Policy states that carports may be permitted within the front setback area provided that there is no alternative location on the lot to accommodate the carport. In this instance, there is no alternative location resulting in the proposed setback for the carport being 1.5 metres from the front boundary. The proposal complies with the Residential Design Codes (R Codes) in relation to Sightlines at Vehicle Access Points and Street Corners. Furthermore, it was noted that the immediate surrounding properties, namely, Nos. 27, 29, 30, 32 Gill Street all accommodate carport or shade sail structures within the front setback area. It is considered that the proposed carport will not unduly compromise the visual amenity of the streetscape as precedence already exists. The carport is also proposed to visually compliment the style and character of the existing dwelling. The variation is therefore accepted and supported.

East Wall

The proposed carport involves a parapet wall on the eastern boundary. The parapet wall does not comply with the provisions of the R Codes in relation to the definition of Carports. The R Codes require that carports be unenclosed unless it abuts a dwelling or a property boundary which, relates to a boundary fence. In this instance, the parapet wall does not represent a boundary fence as it exceeds 1.8 metres in height. Therefore, in order to achieve compliance, the wall must be reduced to 1.8 metres or be removed and replaced with piers.

Carport Width

To prevent the dominance of a carport within the front setback area to the general streetscape, the Town's Policy limits the width of a carport in relation to the total width of the existing dwelling. As the table above suggests, the requirement is to be no more than 50 percent of the width of the existing dwelling. In this instance the carport occupies 52 percent. It is considered reasonable to reduce the width of the carport to 5.1 metres, as this will result in compliance with Town's Policy and still comply with the parking width requirement of the R Codes. This is represented in the approval conditions above.

Front Fence

The proposed front fence extends across 5.6 metres of the front boundary and is of open aspect fencing as required in the Town's Policy relating to Street Walls and Fences. A solid fence is also proposed along the western boundary, extending 9 metres in length. The Town's Policy relating to Street Walls and Fences states the following;

"Street walls and fences means any wall or fence located within the street setback area."

Therefore, any wall that lies in the front setback area being within 4 metres from the front boundary must comply with the open aspect provision of the Town's Policy. In this instance, the west wall lies in the front setback area and is solid in nature. It will be required that the wall be modified to comply with the Town's Policy and be of open aspect design to the 4 metres distance from the front boundary.

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

10.1.10 Nos. 18 and 18A (Lot 551, Survey Strata Lots 4 and 3) Woodstock Street, Mount Hawthorn - Proposed Two (2) Two-Storey Single Houses, with Loft to One Single House

| | | | |
|------------------------------|--------------------|------------------|------------------------|
| Ward: | Mount Hawthorn | Date: | 17 February 2003 |
| Precinct: | Mount Hawthorn, P1 | File Ref: | PRO2220; 00/33/1429 |
| Reporting Officer(s): | P Mastrodomenico | | |
| Checked/Endorsed by: | D Abel, R Boardman | | |
| Amended by: | - | | |

OFFICER RECOMMENDATION:

That;

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

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the front setback of the Town's Policy relating to the 'Ellesmere' Locality the side setback, height and privacy requirements of the Residential Design Codes, and the Town's Policy relating to Street Setbacks; and*
- (iii) consideration of the objections received;*

the Council REFUSES the application submitted by J Hughan for proposed two (2) two-storey single houses, with loft to one single house on Nos.18 and 18A (Lot 551, Survey Strata Lots 4 and 3) Woodstock Street, Mount Hawthorn and as shown on the plans stamped 22 January 2003.

Moved Cr Drewett, Seconded Cr Hall

That the recommendation be adopted.

Debate ensued.

LOST (3-5)

For

Mayor Catania
Cr Chester
Cr Ker

Against

Cr Doran-Wu
Cr Drewett
Cr Franchina
Cr Hall
Cr Piper

(Cr Cohen on approved leave of absence.)

Reasons:

- 1. Council had given the applicant a previous commitment.**
- 2. An amount of \$100,000 had been spent on the house by the owner.**
- 3. It will maintain the streetscape.**

ALTERNATIVE RECOMMENDATION:

Moved Cr Drewett, Seconded Cr Hall

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the owner, J Hughan for proposed Two (2) Two-Storey Single Houses, with Loft to One Single House at Nos. 18 and 18A (Lot 551, Survey Strata Lots 4 and 3) Woodstock Street, Mount Hawthorn, and as shown on the plans stamp dated 22 January 2003, subject to:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) 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 Woodstock 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 and the landscaping and reticulation of the Woodstock 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);*
- (iv) subject to first obtaining the consent of the owners of No. 101 and No.103A Flinders Street, Mount Hawthorn for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 101 and No.103A Flinders Street, Mount Hawthorn in a good and clean condition;*
- (v) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to the loft on the northern elevation on the loft floor shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished loft floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject window not exceeding one square metre in aggregate in the respective subject wall, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;*
- (vi) prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the garage being setback to allow for 6.0 metres manoeuvring distance from the garage to the opposite boundary of the right of way; and*
 - (b) the crossover and driveway to the eastern house being parallel and of the same width of the existing crossover to the existing dwelling.*

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

- (vii) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
- (viii) *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".*
- (ix) *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;*
- (x) *a road and verge security deposit bond and/or bank guarantee of \$1100 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (xi) *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 a 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;*
- (xii) *a two (2) metres by two (2) metres visual truncation at the intersection of the driveways and footpaths and right of way, respectively, shall be provided at the owner(s)s cost;*
- (xiii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xiv) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xv) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xvi) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xvii) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s); and*
- (xviii) *compliance with all relevant Environmental Health, Building and Engineering requirements;*

to the satisfaction of the Chief Executive Officer.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Chester

That a new clause (xix) be added as follows:

“(xix) the height of the building in this application be maintained at the height of the building in the previously approved application;”

AMENDMENT CARRIED (7-1)

| | |
|-------------------|-----------------------|
| <u>For</u> | <u>Against</u> |
| Mayor Catania | Cr Piper |
| Cr Chester | |
| Cr Doran-Wu | |
| Cr Drewett | |
| Cr Franchina | |
| Cr Hall | |
| Cr Ker | |

(Cr Cohen on approved leave of absence.)

MOTION AS AMENDED CARRIED (6-2)

| | |
|-------------------|-----------------------|
| <u>For</u> | <u>Against</u> |
| Mayor Catania | Cr Chester |
| Cr Doran-Wu | Cr Ker |
| Cr Drewett | |
| Cr Franchina | |
| Cr Hall | |
| Cr Piper | |

(Cr Cohen on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.10

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme the Council APPROVES the application submitted by the owner, J Hughan for proposed Two (2) Two-Storey Single Houses, with Loft to One Single House at Nos. 18 and 18A (Lot 551, Survey Strata Lots 4 and 3) Woodstock Street, Mount Hawthorn, and as shown on the plans stamp dated 22 January 2003, subject to:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*

- (ii) *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 Woodstock 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 and the landscaping and reticulation of the Woodstock 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);*
 - (iv) *subject to first obtaining the consent of the owners of No. 101 and No.103A Flinders Street, Mount Hawthorn for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 101 and No.103A Flinders Street, Mount Hawthorn in a good and clean condition;*
 - (v) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window to the loft on the northern elevation on the loft floor shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished loft floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject window not exceeding one square metre in aggregate in the respective subject wall, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;*
 - (vi) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the garage being setback to allow for 6.0 metres manoeuvring distance from the garage to the opposite boundary of the right of way; and*
 - (b) *the crossover and driveway to the eastern house being parallel and of the same width of the existing crossover to the existing dwelling.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vii) *detailed plans of site works, including identification of pavement type, drainage and parking shall be submitted with the Building Licence application;*
 - (viii) *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".*
 - (ix) *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;*

- (x) *a road and verge security deposit bond and/or bank guarantee of \$1100 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (xi) *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 a 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;*
- (xii) *a two (2) metres by two (2) metres visual truncation at the intersection of the driveways and footpaths and right of way, respectively, shall be provided at the owner(s)s cost;*
- (xiii) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xiv) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (xv) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (xvi) *details of all street trees adjacent to the subject property shall be submitted with the Building Licence application;*
- (xvii) *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);*
- (xviii) *compliance with all relevant Environmental Health, Building and Engineering requirements; and*
- (xix) *the height of the building in this application be maintained at the height of the building in the previously approved application;*

to the satisfaction of the Chief Executive Officer.

| | |
|---------------------------|---|
| LANDOWNER: | J Hughan |
| APPLICANT: | J Hughan |
| ZONING: | Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30 |
| EXISTING LAND USE: | Vacant Land |

COMPLIANCE:

| | |
|--------------------|---|
| Use Class | Single House |
| Use Classification | "P" |
| Lot Area | Lot 551 - 946 square metres Survey Strata Lot 4 - 205 square metres Survey Strata Lot 3 - 212 square metres |

| Requirements | Required | Proposed |
|---|---|--|
| Woodstock Street Setback | 4.0 metres to ground floor, and 6.0 metres to upper floor. | Survey Strata Lot 3 - 4.0 metres to ground floor; and 4.0 metres to upper floor. Survey Strata Lot 4 - 4.0 metres to ground floor; and 5.0 metres to upper floor. |
| Privacy - (Survey Strata Lot 3) Northern Side (loft) | Balconies within 7.5 metres of a property boundary on the first floor to be screened. | No screening shown |
| Side Setbacks- <u>Survey Strata Lot 3</u> | | |
| Western Side (ground) | 1.5 metres | Nil |
| Eastern Side (ground) | 1.5 metres | Nil |
| Western Side (first floor) | 3.8 metres | 1.0 metre |
| Eastern Side (first floor) | 1.8 metres | Nil |
| <u>Survey Strata Lot 4</u> | | |
| Western Side (ground) | 1.0 metre | Nil |
| Eastern Side (ground) | 1.5 metres | Nil |
| Western Side (first floor) | 1.6 metres | Nil |
| Eastern Side (first floor) | 3.1 metres | 1.0 metre |
| Total wall height | | |
| -Northern Elevation | 9.0 metres | 9.6 metres |
| -Western Elevation | 9.0 metres | 9.9 metres |
| -Southern Elevation | 9.0 metres | 9.6 metres |

SITE HISTORY:

The surrounding area is characterised by a mix of single and two storey dwellings.

13 March 2001 An application for two, two-storey grouped dwellings to the existing grouped dwelling was granted conditional approval at the Ordinary Meeting of Council.

CONSULTATION/ADVERTISING:

There were three objections received during the advertising period. Issues raised included, the height and setbacks of the proposed dwellings, concerns over the proposed loft mainly the size of the windows and the potential for overlooking onto the adjacent properties, and the negative impact the development will have on the existing streetscape.

DETAILS:

Approval is sought for the construction of two (2) two-storey single houses where a single house will be constructed on each survey strata lot.

COMMENTS:

Overlooking

There is considered to be unreasonable overlooking from the proposed loft window to the western house on the northern elevation. It is considered necessary that this major opening is screened in order to comply with the Privacy requirements of the Residential Design Codes.

Height

The proposed height of the development does not comply with the requirements of the Residential Design Codes and the Town's Policies. It is considered that the height of the proposal will cause an unreasonable loss of amenity to the adjacent properties. In light of this and the objection received, the variation is not considered supportable.

Woodstock Street Setback

A reduced front setback of 5.02 metres (ground and first floors) to the western house and 4.55 metres (ground floor) and 5.0 metres (first floor) to the eastern house was approved at the Ordinary Meeting of Council held on 13 March 2001.

The Residential Design Codes (R-Codes) require a street setback of 4.0 metres in an area coded R30. The Ellesmere Locality Policy requires a setback of 6.0 metres to the upper floor. The street setback does not comply with requirements of the Town Policies relating to the Ellesmere Locality, as it proposes a 4.0 metres first floor front setback to the western house and a 5.0 metres first floor front setback to the eastern house. The reduced front setback is not considered supportable, as it would set a precedent for further similar developments and is considered out of character with the traditional setbacks of the existing streetscape.

Side Setbacks

It is considered that the side setback variations present an unreasonable loss of amenity to the adjacent properties. In light of this and the objection received, the side setback variations are not considered supportable.

In light of the above, it is recommended that the proposal be refused.

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

| | | | |
|------------------------------|---------------------------|------------------|---------------------|
| Ward: | Mount Hawthorn | Date: | 18 February 2003 |
| Precinct: | Mount Hawthorn Centre, P2 | File Ref: | PRO1181; PLA0001 |
| Reporting Officer(s): | Y Scheidegger | | |
| Checked/Endorsed by: | D Abel, R Boardman, | | |
| Amended by: | - | | |

OFFICER RECOMMENDATION:

That the Council SUPPORTS the Telecommunications Low - Impact Facility (as shown on drawing DWG. No. W101221, Sheet No. 3, Issue 4, dated 6 January 2003) on the Mount Hawthorn Telephone Exchange at No. 129 (Lot 100) Scarborough Beach Road, corner Oxford Street, Mount Hawthorn.

Moved Cr Doran-Wu, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Moved Cr Hall, Seconded Cr Chester

That the word "SUPPORTS" is deleted and replaced with the word "NOTES", and that a new clause (ii) be added "requests that a more innovative alternative design be submitted." as follows:

"That the Council,

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

Debate ensued.

AMENDMENT CARRIED (5-3)

For
Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Franchina
Cr Hall

Against
Cr Drewett
Cr Ker
Cr Piper

(Cr Cohen on approved leave of absence.)

MOTION AS AMENDED CARRIED (6-2)

For
Mayor Catania
Cr Chester
Cr Drewett
Cr Doran-Wu
Cr Franchina
Cr Hall

Against
Cr Ker
Cr Piper

(Cr Cohen on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.14

That the Council,

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

DETAILS:

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

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

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

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

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

It should be acknowledged that Telstra has proactively considered and addressed the visual impact of the telecommunications low-impact-facility and has provided the Town with three proposals.

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

COMMENTS:

This matter was addressed in a Delegated Authority Report to Elected Members on 6 February 2003. Two Elected Members submitted objections to this matter being determined under delegated authority; therefore the proposal is being referred to this Ordinary Meeting of Council for consideration and determination. Telstra were advised of the outcome on 13 February 2003.

The Town requested comments from the Elected Members', and at the time of this Report being prepared, the following comments have been received:

- "Regarding Telecom Tower cr Oxford St and Scarborough Beach Rd*
1) suggestion from the public for a public open space and clock tower
2) current proposal is very high and unimaginative
3) want an appropriate entry statement to Mt Hawthorn"

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

10.1.8 Nos.104-106 (Lots 393 & 441) Scarborough Beach Road, Mount Hawthorn - Proposed Demolition of Existing Vehicle Sales Premises and Construction of Six (6), Two-Storey Grouped Dwellings - Town Planning Appeal Tribunal Mediation

| | | | |
|------------------------------|--------------------|------------------|-------------------------|
| Ward: | Mount Hawthorn | Date: | 18 February 2003 |
| Precinct: | Mount Hawthorn, P1 | File Ref: | PRO2132 (00/33/1258) |
| Reporting Officer(s): | P Mastrodomenico | | |
| Checked/Endorsed by: | D Abel, R Boardman | | |
| Amended by: | - | | |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council SUPPORTS as part of the Town Planning Appeal Tribunal Appeal No. 155 of 2002, the application submitted by BBS Property Development on behalf of the landowner Plange Nominees, for the proposed demolition of existing vehicle sales premises and construction of six (6), two-storey grouped dwellings on Nos. 104-106 (Lots 393 and 441) Scarborough Beach Road, Mount Hawthorn, and as shown on amended plans stamp-dated 17 February 2003, subject to:

- (i) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) 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 AS 2890.1 – "Off Street Parking";*
- (iii) a road and verge security bond and /or bank guarantee of \$550.00 shall be lodge 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) the construction of crossovers shall be aligned at 90 degrees to Scarborough Beach Road and be in accordance with the Town's specifications. The applicant/owner shall pay the full cost of modifying the drainage gully/grate adjacent to the proposed crossover and any other servicing relocations which may be required;*
- (v) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vi) prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*

- (vii) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (viii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (ix) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the window to bedroom 1 to unit 3 on the first floor level on the northern elevation shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (x) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the deletion of the existing visitors bay to the western elevation and the addition of a new visitors bay being provided with adequate area for maneuvering. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (xi) *subject to first obtaining the consent of the owners of Nos. 110 - 112 (Lot 442) Scarborough Beach Road, and No. 102 (Lot 392) Scarborough Beach Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 110 - 112 (Lot 442) Scarborough Beach Road, and No. 102 (Lot 392) Scarborough Beach Road in a good and clean condition;*
- (xii) *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);*
- (xiii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Scarborough Beach Road verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xiv) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s); and*
- (xv) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Doran-Wu, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Hall

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

CARRIED (6-2)

| | |
|-------------------|-----------------------|
| <u>For</u> | <u>Against</u> |
| Cr Doran-Wu | Mayor Catania |
| Cr Drewett | Cr Chester |
| Cr Franchina | |
| Cr Hall | |
| Cr Ker | |
| Cr Piper | |

(Cr Cohen on approved leave of absence.)

MOTION AS AMENDED CARRIED (7-1)

| | |
|-------------------|-----------------------|
| <u>For</u> | <u>Against</u> |
| Mayor Catania | Cr Ker |
| Cr Chester | |
| Cr Doran-Wu | |
| Cr Drewett | |
| Cr Franchina | |
| Cr Hall | |
| Cr Piper | |

(Cr Cohen on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.8

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council SUPPORTS as part of the Town Planning Appeal Tribunal Appeal No. 155 of 2002, the application submitted by BBS Property Development on behalf of the landowner Plange Nominees, for the proposed demolition of existing vehicle sales premises and construction of six (6), two-storey grouped dwellings on Nos. 104-106 (Lots 393 and 441) Scarborough Beach Road, Mount Hawthorn, and as shown on amended plans stamp-dated 17 February 2003, subject to:

- (i) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) *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 AS 2890.1 – "Off Street Parking";*

- (iii) *a road and verge security bond and /or bank guarantee of \$550.00 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to 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) *the construction of crossovers shall be aligned at 90 degrees to Scarborough Beach Road and be in accordance with the Town's specifications. The applicant/owner shall pay the full cost of modifying the drainage gully/grate adjacent to the proposed crossover and any other servicing relocations which may be required;*
- (v) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (vi) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense;*
- (vii) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (viii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (ix) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the deletion of the existing visitors bay to the western elevation and the addition of a new visitors bay being provided with adequate area for maneuvering. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (x) *subject to first obtaining the consent of the owners of Nos. 110 - 112 (Lot 442) Scarborough Beach Road, and No. 102 (Lot 392) Scarborough Beach Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 110 - 112 (Lot 442) Scarborough Beach Road, and No. 102 (Lot 392) Scarborough Beach Road in a good and clean condition;*
- (xi) *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);*
- (xii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Scarborough Beach Road verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

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

to the satisfaction of the Chief Executive Officer.

LANDOWNER: Plange Nominees
APPLICANT: BBS Property Developments
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R60
EXISTING LAND USE: Motor Vehicle Sales Premises

COMPLIANCE:

Setbacks

| Requirements | Required | Proposed |
|-----------------------|------------------------------|--|
| -Front (Scarb.Bch Rd) | | |
| (Ground Floor) | 4.0 metres | Nil |
| (First Floor) | 6.0 metres | Nil |
| -Side (East) | | |
| (Unit 3) (ground) | 1.5 metres | Nil - 1.4 metres |
| (1st floor) | 3.2 metres | Nil - 1.625 metres |
| (Unit 6) (ground) | 1.5 metres | Nil - 2.125 metres |
| (1st floor) | 1.7 metres | Nil - 2.125 metres |
| -Side (West) | | |
| (Unit 4) (ground) | 1.5 metres | Nil - 4.0 metres |
| (1st floor) | 1.5 metres | Nil - 1.2 metres |
| Car parking | 14, including 2 visitor bays | 14, including two visitor bays however only 1 visitor bay complies with the requirements of the Town |

| | |
|---------------------------|--------------------|
| Use Class | Grouped Dwellings |
| Use Classification | 'P' |
| Lot Area | 1014 square metres |

SITE HISTORY:

The subject lots are occupied by a motor vehicle sales premise. The property is adjacent to a former residence used for offices and a builders hire yard along Scarborough Beach Road and single residential dwellings to the rear of the site along Hobart Street. Surrounding land uses are characterised by a mix of residential and commercial uses and is within close proximity to the District Centre of Mount Hawthorn.

24 September 2002 The Council at its Ordinary Meeting, refused the application for the proposed demolition of the existing vehicle sales premises and construction of three (3), two-storey grouped dwellings and three (3), two-storey with loft grouped dwellings.

- 18 November 2002 An application for a revised proposal submitted to the Town for further consideration.
- 22 November 2002 The Town receives Notice of First Sitting of Appeal to the Town Planning Appeal Tribunal, against the Council's refusal of 24 September 2002.
- 3 December 2002 The Council at its Ordinary Meeting, refused the application for the proposed demolition of the existing caryard premises and construction of three (3), two-storey grouped dwellings and three (3), two-storey with loft grouped dwellings.
- 11 December 2002 The Town receives copy of Notice of Appeal.
- 16 December 2002 The First Sitting of Appeal.
- 23 December 2002 The Town lodges Respondent Statement to the Town Planning Appeal Tribunal.
- 21 January 2003 Appeal Mediation held. This Mediation was adjourned for amended plans, which address the Council's concerns to be submitted to and determined by the Council. Directions hearing has been set for 27 February 2003, and substantive hearing listed for 19 March 2003
- 24 January 2003 Meeting between the applicant and Town's Officer's to discuss amended plans.
- 7 February 2003 The Town receives amended plans for the proposed construction of six (6), two-storey grouped dwellings as part of the appeal mediation process.

DETAILS:

Approval is sought for the demolition of the vehicles sales premises and the construction of six, two-storey grouped dwellings.

The previous application sought a number of variations to the Residential Design Codes and the Town's Policies, in terms of setbacks, plot ratio, open space, private open space, privacy and carparking. The new proposal has taken into account the above non compliances and the revised plans seeks only minor variations to the Residential Design Codes and the Town's Policies.

CONSULTATION/ADVERTISING:

The application was not advertised as the amended plans are part of the appeal mediation process. There was one letter of objection during the previous advertising period, issues raised included the devaluing of property, overshadowing and loss of views.

COMMENTS:

Demolition

The City of Perth building archive index cards indicate that the building was constructed on the site in 1978 for Mikan Motors. It is a brown brick building with a long fascia sign across its facade that now bears the name of 'J.C. Statton Motor Co'. The building is set back significantly from the street and is of little aesthetic value.

It is evident that the place has little or no cultural heritage significance and it contributes little to the streetscape. As such, it is considered that the proposal to demolish the subject building does not warrant a detailed heritage assessment.

It is recommended that the application to demolish the existing building be approved, subject to standard conditions.

Design

The proposal (as opposed to the previous applications submitted to the Town) complies with the requirements of the Residential Design Codes, in terms of open space, plot ratio, outdoor living areas, car parking and northern first floor setback. Only minor variations to setbacks are sought in this instance. Consideration of the amenity of the adjoining landowners has been well taken into account in the design of the units, as major openings have been orientated away from neighbouring boundaries and setback in accordance with the Privacy requirements of the Residential Design Codes.

Street Setback

Given the irregular geometry of lots, the setbacks of the existing mixed 'ribbon' type of development along this section of Scarborough Beach Road, and the various design features incorporated into the front facade and setback, including a feature tree in each front unit courtyard, significant staggering of setbacks and finishes, the proposed front setback to Scarborough Beach Road is considered acceptable.

Setbacks

The eastern and western side setbacks, given the absence of objection and that it is considered the variations are minor and will not have an unreasonable adverse impact on the amenity of adjacent lots, are supported.

Privacy

All major openings to habitable rooms have been well addressed in order to comply with the Privacy requirements of the Residential Design Codes. Bedroom one to unit 3 indicates full-length privacy screening and has been conditioned to ensure screening in accordance with the Residential Design Codes

Car parking

It is considered that the plans can be reasonably modified such that the non compliant visitor carbay complies with the Towns requirements and Australian Standards, and a condition has been applied accordingly.

Overshadowing

By virtue of the north-south orientation of the property and the setback of the proposed development from the adjoining properties, the proposal will comply with the 'Solar Access for Adjoining Sites' provisions of the Residential Design Codes, such that no adjoining lot will be in more than 50 percent shadow at noon on June 21 as a result of the development.

Property Values

The comments regarding perceived property value loss and loss of views are acknowledged however, they are not a major planning consideration. Further, the design, layout and appearance of the development is not dissimilar to the approved and constructed contemporary grouped dwelling developments in the immediate and surrounding areas of the Town.

Summary

The proposal represents an appropriate and positive development for the site and may set a desirable precedent for further development of a similar nature in the future. It is therefore recommended that the application be approved, subject to standard and appropriate conditions to address the issues discussed above.

10.4.1 Proposed Plebiscite to Decide the Method of Election of the Mayor

| | | | |
|------------------------------|-------------|------------------|------------------|
| Ward: | Both | Date: | 18 February 2003 |
| Precinct: | All | File Ref: | ADM0057 |
| Reporting Officer(s): | John Giorgi | | |
| Checked/Endorsed by: | - | | |
| Amended by: | - | | |

OFFICER RECOMMENDATION:

That the Council;

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

"Question

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

Elected by the Electors

OR

Elected by the Council from amongst the Councillors"

COUNCIL DECISION ITEM 10.4.1

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

SUPPORTING INFORMATION:

As show in Appendix 10.4.1

BACKGROUND:

At the Council meeting held on 11 June 2002, the Council considered a Notice of Motion and resolved as follows;

"That the Council APPROVES BY A SPECIAL MAJORITY;

- (i) *to conduct a plebiscite to decide the method of vote to elect the Mayor;*
- (ii) *to hold the plebiscite on the Election Day in May 2003;*
- (iii) *in accordance Section 4.20(4) of the Local Government Act 1995, to appoint the Electoral Commissioner to be responsible for the conduct of the plebiscite;*

- (iv) *in accordance with Section 4.61(2) of the Local Government Act 1995, that the method of conducting the plebiscite will be as a postal plebiscite;*
- (v) *to include in the 2002-2003 Budget an amount of \$11,000 to cover the cost of the plebiscite;*
- (vi) *to authorise the Chief Executive Officer to prepare a report;*
 - (a) *on the question to be asked;*
 - (b) *on the advantages and disadvantages of both methods of election of the Mayor, i.e.;*
elected by the Councillors;
elected by the Electors; and
 - (c) *on the cost and other relevant matters."*

At the Council Meeting held on 11 June the Council also resolved inter alia as follows:

"That;

- (1) *the Council receives the legal advice relating to the Council's resolution relating to the Wards and Representation and the Method of the Election of the Mayor;*
...
- (3) *the Council notes that the resolution of 14 May 2002 does not effect a change to the Town's method of electing its Mayor by the electors of the district; ...*

DETAILS:

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

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

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

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

On Wednesday, 29 May 2002, the Minister for Local Government, the Hon Tom Stephens, telephoned and called upon the Town's Chief Executive Officer. He expressed his comments about the Council decision. Later that day, he wrote to the Town's Chief Executive Officer.

The Minister expressed the view *"that prior to removing the right of electors to directly electing their Mayor, a Council should consult with electors."* He intends to bring forward amendments to the Local Government Act that would *"entrench that requirement to consult through a plebiscite of electors."*

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

The following is background information, including advantages and disadvantages of the both methods.

1. Method of Electing Mayors by Various Metropolitan WA Local Governments

| COUNCIL ELECTED MAYOR | No of Electors | ELECTORS ELECTED MAYOR | No of Electors |
|----------------------------------|---------------------------|-----------------------------------|---------------------------|
| Armadale | 33,113 | Cambridge | 17,028 |
| Bassendean | 9,783 | Canning | 58,947 |
| Bayswater | 38,999 | Claremont | 6,348 |
| Belmont | 19,664 | Cockburn | 45,000 (est) |
| Gosnells | 51,388 | Cottesloe | 5,480 |
| Kalamunda* | 32,504 | East Fremantle | 4,705 |
| Kwinana | 12,471 | Fremantle | 18,014 |
| Mundaring* | 23,257 | Joondalup | 100,109 |
| Peppermint Grove* | 1,034 | Melville | 64,432 |
| Rockingham | 44,975 | Mosman Park | 5,574 |
| Serpentine-Jarrahdale* | 5,780 | Nedlands | 14,272 |
| Stirling | 121,084 | Perth | 7,828 |
| Swan | 47,225 | South Perth | 24,783 |
| | | Subiaco | 10,989 |
| | | Victoria Park | 17,675 |
| | | Vincent | 18,353 |
| | | Wanneroo | 50,674 |
| | | | |
| (13) | | (17) | |

* Denotes Councils with Presidents

2. Reviewing Ward Representation

Schedule 2.2 of the Act requires local governments with wards to carry out reviews of the ward boundaries and number of Councillors for each ward. No more than eight years can elapse between successive reviews.

The Town reviewed its ward representation in 2002 and was approved at the Ordinary Meeting of Council held on 13 August 2002. The Local Government Advisory Board approved the Council decision in this matter and this was published in the Local Government Gazette on 14 January 2003.

If the method of election of Mayor is changed to that being elected by the Council from amongst the Councillors, the number of Councillors in each ward would need to be reviewed.

3. How Would any Change Affect the Council Decision Making?

A review of the Council's Local Law Relating to Standing Orders would be required. Apart from the above, the Council decision making would be unchanged.

4. Cost Implications – Changing the Number of Elected Members

If the method for election of the Mayor is changed to that elected by the Council from amongst the Councillors and the current number of nine (9) Elected Members remains, there will be five Councillors in one ward and four (4) in the other. This would be inequitable and unacceptable. Therefore, the number of Councillors would need to be reviewed. The following options would be:

- (a) Status quo to remain – ie nine (9) Councillors;
- (b) Reduce the number of Councillors to eight (8);
- (c) Increase the number of Councillors to ten (10).

If the Town was to add an additional Councillor to the existing number of nine (9), it is estimated the cost of servicing an additional Councillor would be approximately \$11,800 per annum. This figure is based upon the current total expenditure for fax/phone machine, mobile phone, conferences, allowances, meals and other equipment as shown below:

| Details | Cost |
|---|-----------------|
| Meeting Fees | \$6,000 |
| Telephone Costs | \$2,000 |
| Miscellaneous Councillor Expenses | \$1,500 |
| Mobile Phone (now included in call costs) | |
| Hands Free Car Kit (including installation) | \$300 |
| Fax Machine | \$700 |
| Internet Connection | \$300 |
| Dry Cleaning - claimable | |
| Child Care – Claimable – Annual Budget allowance of \$3,000 for Councillors (if applicable) | |
| Printing & Stationery Costs – entitled to 500 letterhead & 250 business cards per annum | \$700 |
| Travelling & Parking Costs – paid mileage per km/taxi & parking costs – Annual Budget for all Councillors \$2,600 | \$300 |
| TOTAL | \$11,800 |

Further investigation into the most appropriate number of Councillors in each ward would need to be carried out.

In terms if the cost of conducting elections, the Town expends around \$25,000 (based on a cost of \$2.00 per elector) to conduct biennial ward elections. Should a Mayoral election no longer be required at the same time as Ward elections then it has been estimated by the Western Australian Electoral Commission that this would save the Town \$7,000 (every four years) to the overall election cost.

5. Term of Mayor

At present, the Mayor is elected every four (4) years.

If the Mayor is elected by the Councillors, it is for a term of two (2) years. A term of two years ensures that a Councillor has a defined period in which to perform as the Mayor and, should fellow Councillors believe that the incumbent is not meeting the expectations of the community, there is an opportunity to elect another Councillor at the appropriate time following the biennial election.

The Local Government Act provides that the term of office for a Mayor elected by the Electors would be for four years. This period corresponds to the term of office of a Councillor who is elected for the same period.

It is possible that it could be considered that a term of four years in the office of Mayor does not allow regular turnover and may give rise to a number of problems.

However, it does provide for a defined and lengthy period of leadership regardless of the quality of the incumbent to fulfil the role.

Two years is considered to be a reasonable time for an individual to demonstrate leadership and guidance for the Council and the community. Depending on the level of achievement and whether or not the Councillor gains the trust and support of his colleagues during this period would generally determine re-election of that Councillor to the position of Mayor.

This does not eliminate any political “*jockeying*” for the position, it merely ensures that it is done at Elected Member level. In the alternative community elected Mayor model, politics is exposed at the grass roots. Candidates are “exposed” to public scrutiny via the local media and to election by the ratepayers.

6. Equity Issues

(a) Mayor elected by the Electors

This mode of election may preclude members of the community from running for office on the basis of financial penalty. The costs to individual candidates could run into thousands of dollars.

(b) Mayor elected by the Councillors

The cost of candidacy for election by the Council to the position of Mayor is nil. No additional costs are incurred for the conduct of an election, the process is simple and a result is determined, in most cases, almost immediately.

7. Advantages and Disadvantages for Modes of Electing the Mayor

| | Positive | Negative |
|--------------------------------|--|---|
| Mayor Elected by the Community | Seen to be representative of the community as they do not represent a Ward. | Actions can create conflict with no opportunity of redress by the Council. |
| | Seen to be independent of the Council and therefore answerable to the community. | The Councillors are required to work with a Mayor who may not have the support of the Council. Cannot achieve change without Council support. |
| | Continuity as elected for a four (4) year term. | Small increase in costs every second (2 nd) postal election. |

| | | |
|--|--|---|
| Mayor Elected from within the Council | Councillor elected would have the support of the Council. | Mayoral responsibilities may take opportunity away to effectively present the Ward. |
| | Mayor's performance and capacity can be reviewed prior to an election every two (2) years. | Potential for factions to be created to support various candidates. |
| | Small reduction in costs involved in conducting a Postal Election. | Not independent of Council. |
| | Mayor has a dual role, Community Representative and Chair of the Council (Councillors) | Represents one Ward. |

LEGAL/POLICY IMPLICATIONS:

Division 3 of the Local Government Act 1995 outlines the alternative methods of filling the Office of the Mayor, with Sections 2.11(2)(3) providing necessary powers for the local government to change the method of filling such office. It should be noted that any change requires a "Special Majority" of Council which is 75% of the offices of the Members of Council.

Section 2.12 makes provision for electors to initiate proceedings to have the method of filling the Office of Mayor changed. For such action to take place it is necessary for at least 250 in number or at least 10% of the total number of electors of the district to petition Council on the prescribed form, as contained in the Local Government (Constitution) Regulations 1996. In this respect the Local Government Department advises that the number of petitioners required by the Town would be 250. After consideration has been given to the proposal, by such means the Council thinks fit, a motion to change the method of filling the Office of the Mayor is to be put to the Council for a decision.

Any decision to change the method of election (to that by election of the Council) has effect in relation to the filling of the Office of the Mayor at the next ordinary election of the local government held after the decision is made.

The Local Government Act 1995 (LGA), Section 4.61(3) provides that a decision under Section 2.11(2) has no effect if it is made after the 80th day before, and ending on, the ordinary election day in the year in which the term of the office of the incumbent Mayor ends (ie 12 February 2003).

The LGA, Section 4.61(5) states that a decision made on or before the 80th day before an election (ie 11 June 2002) cannot be rescinded after the 80th day before the election day (ie 12 February 2003).

Furthermore, pursuant to the LGA, Section 4.61(4) the Council has declared the Electoral Commissioner to be responsible for the conduct of the election (or in this case, plebiscite). Section 4.20(6) states that a declaration made under Section 4.20(4) cannot be rescinded after the 80th day prior to election day (ie 12 February 2003).

The Role of the Council

"2.7. (1) *The Council*–

(a) *directs and controls the local government's affairs; and*

- (b) is responsible for the performance of the local government's functions.*
- (2) Without limited subsection (1), the council is to –*
 - (a) oversee the allocation of the local government's finances and resources;*
and
 - (b) determine the local government's policies.”*

The Role of the Mayor or President

- “2.8. (1) The mayor or president –*
- (a) presides at meetings in accordance with this Act;*
 - (b) provides leadership and guidance to the community in the district;*
 - (c) carries out civic and ceremonial duties on behalf of the local government;*
 - (d) speaks on behalf of the local government;*
 - (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and*
 - (f) liaises with the CEO on the local government's affairs and the performance of its functions.”*

Role of the Mayor

The provisions of the former Local Government Act 1960 did not specify the duties of the Mayor but rather the qualifications, in electoral terms, that entitled the person to hold the office ie that he/she is an Australian citizen, that he/she is 18 years of age, that he/she is on the electoral roll etc.

However, the current Act provides a more descriptive summary of duties of office under Section 2.8 and include:

The Role of Councillors

- “2.10 A councillor –*
- (a) represents the interests of electors, ratepayers and residents of the district;*
 - (b) provides leadership and guidance to the community in the district;*
 - (c) facilitates communication between the community and the council;*
 - (d) participates in the local government's decision-making processes at council and committee meetings; and*
 - (e) performs such other functions as are given to a councillor by this Act or any other written law.”*

The Role of the CEO

- “5.41 The CEO's functions are to –*
- (a) advise the council in relation to the functions of a local government under this Act and other written laws;*
 - (b) ensure that advice and information is available to the council so that informed decisions can be made;*

- (c) *cause council decisions to be implemented;*
- (d) *manage the day to day operations of the local government;*
- (e) *liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;*
- (f) *speak on behalf of the local government if the mayor or president agrees;*
- (g) *be responsible for the employment, management, supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);*
- (h) *ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and*
- (i) *perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO."*

It should be noted that the role of the Chief Executive Officer is also stated within the Act. Regardless of the mode of Mayoral election, the responsibilities of the Chief Executive Officer remain constant.

Electoral Commission Comment

The Supporting Information, as shown in Appendix 10.4.1 was referred to the Western Australian Electoral Commission for comment. Their suggested changes have been included in this document.

Proposed Changes to the Local Government Act

Proposed changes to the Local Government Act 1995 relating to this matter have not yet been advanced to a stage where it can be introduced in to the Parliament.

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENT:

The proposed plebiscite will provide an opportunity for the Town's ratepayers to voice their opinion on the method of election of the Mayor. The Council can consider the results of the proposed plebiscite and determine if any further action is required.

Mayor Catania advised that he declared a proximity interest in this item, the extent of his interest being that he has an office nearby. Mayor Catania departed the Chamber at 7.16pm and did not speak or vote on the matter. Deputy Mayor, Cr Drewett assumed the Chair.

10.3.9 Lease - 4 View Street, North Perth

| | | | |
|------------------------------|-------------|------------------|------------------|
| Ward: | North Perth | Date: | 10 February 2003 |
| Precinct: | North Perth | File Ref: | PRO1877 |
| Reporting Officer(s): | M Rootsey | | |
| Checked/Endorsed by: | | | |
| Amended by: | | | |

OFFICER RECOMMENDATION:

That the Council APPROVES the request from the Multicultural Services Centre of West Australia Inc to extend the rent-free period to the 1st April 2003.

Moved Cr Ker, Seconded Cr Piper

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Hall

That, the words “,or the date at which the Multicultural Services Centre of West Australia Inc commences operation of the building, whichever is the earlier” be inserted after the words “1st April 2003” as follows:

“That the Council APPROVES the request from the Multicultural Services Centre of West Australia Inc to extend the rent-free period to the 1st April 2003, or the date at which the Multicultural Services Centre of West Australia Inc commences operation of the building, whichever is the earlier.”

Debate ensued.

CARRIED (7-0)

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

Moved Cr Chester, Seconded Cr Hall

That, the Town write to the Multicultural Services Centre of West Australia Inc expressing disapproval at their procrastination.

Debate ensued.

Amendment withdrawn by Cr Chester with agreement of the Seconder Cr Hall.

MOTION AS AMENDED CARRIED (7-0)

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

COUNCIL DECISION ITEM 10.3.9

That the Council APPROVES the request from the Multicultural Services Centre of West Australia Inc to extend the rent-free period to the 1st April 2003, or the date at which the Multicultural Services Centre of West Australia Inc commences operation of the building, whichever is the earlier.

BACKGROUND:

The following resolution was adopted at the Ordinary Meeting of Council 10th September 2002 item no. 10.3.2.

That;

- (i) the Council APPROVES of a three (3) year lease with a two (2) year option over the premises (comprising of house and approximately 320m² of land) at 4 View Street, North Perth, as shown in Plan No. 2078-CP-2, being granted to the Multicultural Services Centre of West Australia Inc, for a rent of \$10,000 per annum subject to final satisfactory negotiations being carried out by the Chief Executive Officer;*
- (ii) the Multicultural Services Centre of West Australia carry out the listed improvements to the property at their cost;*
- (iii) the Council authorise the Chief Executive Officer to negotiate a rent free period for the Multicultural Services Centre of West Australia until 1 January 2003 to compensate for the costs incurred in the improvements; and*
- (iv) the lease contains a 12 month redevelopment break clause, allowing the Council to terminate the lease by giving 12 months' notice and the two (2) year option to be at the Council's discretion.*

DETAILS:

The Chief Executive Officer, in accordance with Council resolution negotiated a rent free period until 1st January 2003. The Multicultural Services Centre of WA committed to completing the refurbishment works, however due to delays over the Christmas period when most of the building industry is on holiday, they have been unable to contract for the work to be completed.

The Multicultural Services Centre has written to the Town requesting an extension of the rent-free period until April 1st 2003.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Town of Vincent Policy 1.2.8 - Policy Statement:

1. Any new lease granted by the Council shall usually be limited to a five year period, and any option to renew shall usually be limited to no more than a ten year period.
2. Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term.

STRATEGIC IMPLICATIONS:

Nil

FINANCIAL/BUDGET IMPLICATIONS:

The 2002/03 budget included an amount of \$15,000 for the lease of 4 View Street. A lease for \$10,000 has been negotiated with the Multicultural Services Centre of WA. This year the revenue received will be \$2,500 if the agreed rent-free period extension is approved.

COMMENTS:

It is recommended that the Council support the extension.

Mayor Catania returned to the Chamber at 7.25pm and resumed the Chair. He was advised that Item 10.3.9 was carried as amended (7-0).

10.3.6 Art Award 2003

| | | | |
|------------------------------|---------------------|------------------|------------------|
| Ward: | Both | Date: | 14 February 2003 |
| Precinct: | All | File Ref: | CVC0017 |
| Reporting Officer(s): | G Sweet | | |
| Checked/Endorsed by: | J Anthony/M Rootsey | | |
| Amended by: | | | |

OFFICER RECOMMENDATION:

That Council APPROVES:

- (i) *the Art Award opening ceremony be held on Friday 13 June 2003;*
- (ii) *the Art Award Exhibition be held on Friday 13 June to Sunday 22 June 2003;*
- (iii) *the Prize monies and award categories be re-distributed as detailed in this report;*
- (iv) *the Curator be invited to participate in judging; and*
- (v) *the Member for Perth and the Member for Curtin be approached to sponsor an award.*

Moved Cr Drewett, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Piper, Seconded Cr Hall

That in clause (v) the word "Federal" be inserted before the words "Member for Perth" and before the words "Member for Curtin", and the words ", and the State Member for Perth and the State Member for Yokine," be inserted before the words "be approached", as follows:

- "(v) the Federal Member for Perth and the Federal Member for Curtin, and the State Member for Perth and the State Member for Yokine, be approached to sponsor an award."*

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

Moved Cr Hall, Seconded Cr Ker

That in clause (ii) the words ", and the Chief Executive Officer be authorised to investigate alternative ways to provide screen and lighting" be inserted after the words "22 June 2003", as follows:

- “(ii) *the Art Award Exhibition be held on Friday 13 June to Sunday 22 June 2003, and the Chief Executive Officer be authorised to investigate alternative ways to provide screen and lighting;*”

Debate ensued.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

COUNCIL DECISION ITEM 10.3.6

- (i) *the Art Award opening ceremony be held on Friday 13 June 2003;*
- (ii) *the Art Award Exhibition be held on Friday 13 June to Sunday 22 June 2003, and the Chief Executive Officer be authorised to investigate alternative ways to provide screen and lighting;*
- (iii) *the Prize monies and award categories be re-distributed as detailed in this report;*
- (iv) *the Curator be invited to participate in judging; and*
- (v) *the Federal Member for Perth and the Federal Member for Curtin, and the State Member for Perth and the State Member for Yokine, be approached to sponsor an award.*

BACKGROUND:

The Town's Art Award has been growing in popularity and prestige since it began, to the point where we now receive inquiries, publicity and entries from all over the country. Feedback from both artists and the public has been consistently positive and supportive of the efforts made by the Town.

One result of this continued growth is the need to continually reassess the structure of the awards organisation and format, with the guidance of the Art Advisory Group and approval from Council.

The prizes for the Art Awards 2002 were;

| | |
|--|--|
| Vincent Prize: | \$6000 (acquisitive) |
| Vincent Awards: | \$2000 (non-acquisitive/ at judges discretion) |
| Vincent Ceramic Sculpture Award: | \$ 500 (non-acquisitive) |
| Voice News Encouragement Award: | \$ 500 (non-acquisitive) |
| Member for Perth Encouragement Award: | \$ 300 (non-acquisitive) |
| Member for Curtin Encouragement Award: | \$ 500 (non-acquisitive) |

DETAILS:

The Art Advisory Group met on the 13 February to discuss the Art Award for 2003. As a result of the meeting the Group has proposed the following changes to the Award for Councils consideration.

Dates

The dates of the Art Award prize ceremony and the subsequent exhibition are within the same time frame as for previous awards.

Prizes - 2003

The prize monies be distributed as follows; First Prize of \$2,000 (non-acquisitive), Second Prize of \$1,500 (non-acquisitive) and Third Prize of \$1,000 (non-acquisitive). The two awards made at the judges discretion be lowered to \$500 each (non-acquisitive) and the remainder of the Town's budget be allocated for purchasing, increasing the acquisition budget from \$6,000 to \$8,500.

The \$500 *Voice News* Encouragement Award (cash provided by the Town in exchange for equivalent or greater promotion in the *Voice News*); and a \$500 non-acquisitive ceramic sculpture award (\$200 donated by an anonymous local donor with the remainder provided by the Town) will remain as per last year.

Curator's Participation

It was suggested that the Curator be invited to be involved in judging of the awards, due to their constant interaction with the works over the course of their employment. The Art Advisory Group supports this recommendation.

Political Sponsorship

The Group recommended that the Member for Perth, John Hyde MLA, and the Member for Curtin, Julie Bishop MP be approached to sponsor extra prizes.

Application Form

The Group believed that due to changing the major prizes to non-acquisitive it was important to clarify that judging was not to be influenced by the price of artworks. Therefore the Group recommended that this information be included in the brochure and application form.

CONSULTATION/ADVERTISING:

A brochure listing the prizes and conditions of entry will be distributed to last year's 250 entrants, the 80 extra artists who have expressed interest, to community, arts centres and libraries throughout Perth and the State.

Display advertisements will be placed in the *Artist's Chronicle*, the newsletter of the Artists Foundation of WA, the *Voice News* and the *Guardian Express*. Line advertisements will be placed in The *West Australian's* Arts Directory.

STRATEGIC IMPLICATIONS:

Draft Strategic Plan 2002-2007; Key Result Area- Community Development
2.1 " *Celebrate and acknowledge the Town's social diversity*".

FINANCIAL/BUDGET IMPLICATIONS:

A sum of \$27,500 has been allocated for the 2003 Art Award in the Town's 2002-03 budget. This will be supplemented by an income from entry fees, donations and commissions, which amounted to \$5,000 last year.

An analysis of the cost of the Art Award 2002 is attached.

COMMENTS:

The Group believed that making the major prizes non-acquisitive would attract higher calibre artists to enter the award, as they would not have to part with their piece should they win.

It was also agreed that the Curator should be a member of the judging panel as they have had more exposure to the works and could therefore bring to the decision the effect of extended viewing, as opposed to a decision based on "first impressions".

An evaluation will be conducted to gauge the effect of these changes for the 2003 Art Award, which will be reported to Council after the exhibition.

10.3.12 Temporary Artwork on William Street

| | | | |
|------------------------------|---------------------|------------------|------------------|
| Ward: | North Perth Ward | Date: | 12 February 2003 |
| Precinct: | Beaufort P13 | File Ref: | CMS0025 |
| Reporting Officer(s): | G Sweet | | |
| Checked/Endorsed by: | J Anthony/M Rootsey | | |
| Amended by: | | | |

OFFICER RECOMMENDATION:

That Council APPROVES the temporary installation of a series of artworks by local artist Pearl Rasmussen, subject to the following conditions:

- (i) that the costs of the installation, maintenance and removal of the artwork be borne by the artist with no cost to Council;*
- (ii) that the artwork be installed and removed in consultation with the Town's Officers; and*
- (iii) that the artwork be removed by the artist upon the request of Town of Vincent or by 31 April 2003.*

Moved Cr Doran-Wu, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Piper, Seconded Cr Doran-Wu

That a new clause (iv) be added as follows:

“(iv) that the applicant consults with the businesses in the area.”

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

COUNCIL DECISION ITEM 10.3.12

- (i) that the costs of the installation, maintenance and removal of the artwork be borne by the artist with no cost to Council;*
- (ii) that the artwork be installed and removed in consultation with the Town's Officers;*
- (iii) that the artwork be removed by the artist upon the request of Town of Vincent or by 31 April 2003; and*
- (iv) that the applicant consults with the businesses in the area.*

DETAILS:

On 31 January 2003, the Arts Officer received an application from Pearl Rasmussen requesting permission to create a series of artworks on the pavement on William Street, between Brisbane and Newcastle Streets (exact locations are outlined in the attachment). This series is one part of an exhibition being held throughout the City of Perth, called Love Tester and is funded by the Artists Foundation of Western Australia. Also refer to Item 10.3.7.

Pearl stated that she has been working with a Sydney based artist doing similar street scape pieces for the last year, she has also had articles written about her work and published in nationally distributed magazines and newspapers.

Examples of Ms Rasmussen's previous work, drawings of the proposed artworks and a design with photographs indicating the exact location of the sites intended are attached.

Technical Services has advised that the existing concrete slab footpath in William Street, while in serviceable condition, will eventually be upgraded to brick paved standard in accordance with the Principal Activity Plan and/or when the Little Asia Town project proceeds. Therefore, as the proposed art works will have not a significantly impact upon the serviceability of the footpath Technical Services has no objection to the arts works being painted on the footpath in accordance with the following conditions:

1. A non-slip, acrylic paint to be used.
2. The artist to arrange removal of the paintings at the conclusion of the exhibition.
3. The Town is not held responsible for any damage to the art works as a result of:
 - acts of vandalism.
 - any maintenance or improvement works undertaken by the Town.
 - any activities by other service providers/authorities; and that
4. The Town be indemnified against any claim arising from installation of the art work.

STRATEGIC IMPLICATIONS:

Draft Strategic Plan 2002-2007

Key Result Area 2- Community Development

2.1 Celebrate and acknowledge the Town's social diversity.

FINANCIAL/BUDGET IMPLICATIONS:

There is no cost to Council.

COMMENTS:

Ms Rasmussen is a respected and well-known artist in the Vincent community as she has lived in the area for four years and been involved in various projects in that time.

Ms Rasmussen has satisfied the Community Arts Officer and the Manager Community Development and Administrative Services that the creation of the artworks will pose no inconvenience to pedestrians.

The pieces will be created using an acrylic-based paint, to ensure it will leave no lasting stains on the pavement.

To ensure that the artwork creates no extra work for Town staff, information will be included in all promotional material about the exhibition stating it was created with the permission of the Town and that further information is available from the artist, with contact details displayed.

Mayor Catania advised that he had declared a proximity interest in this item. Mayor Catania departed the Chamber at 7.38pm and did not speak or vote on the matter. Deputy Mayor, Cr Drewett assumed the Chair.

10.1.1 No. 109 (Part Lot 149) Forrest Street, Dual Frontage with Alma Road, North Perth - Proposed Freehold Subdivision, Involving No Carparking for the Existing Dwelling

| | | | |
|-----------------------|--------------------|-----------|------------------|
| Ward: | North Perth | Date: | 17 February 2003 |
| Precinct: | Norfolk, P10 | File Ref: | 120762 |
| Reporting Officer(s): | P Mastrodomenico | | |
| Checked/Endorsed by: | D Abel, R Boardman | | |
| Amended by: | - | | |

OFFICER RECOMMENDATION:

That;

in relation to the proposed subdivision of No. 109 (Part Lot 149) Forrest Street, dual frontage with Alma Road, North Perth and as shown on plans stamp-dated 14 November 2002 (subdivision 120762) that the Council APPROVES the variation to the carparking requirements of the Residential Design Codes, such that one (1) on site car parking bay and associated driveway and crossover for the existing dwelling shall be provided and constructed to the satisfaction of the Town/Western Australian Planning Commission.

Moved Cr Ker, Seconded Cr Hall

That the following AMENDED RECOMMENDATION be adopted.

That;

in relation to the proposed subdivision of No. 109 (Part Lot 149) Forrest Street, dual frontage with Alma Road, North Perth and as shown on plans stamp-dated 14 November 2002 (subdivision 120762) that the Council APPROVES the variation to the carparking requirements of the Residential Design Codes, such that ~~one (1) on site car parking bay and associated driveway and crossover for the existing dwelling shall be provided and constructed~~ nil car parking is provided on the proposed Lot "B" for the existing dwelling, subject to the following:

- (i) the provision of one (1), or, at the owner's discretion, two (2) paved verge carparking bay/s in accordance with the Town's Draft Policy relating to Specifications for Paving of Verges to Permit Vehicle Parking; and*
- (ii) a verge landscaping plan, including paved or other formal standing areas for vehicles, provided that such areas do not exceed 50 per cent of the area of the verge adjacent to the subject property and the existing mature verge tree is retained and not endangered by the use of the verge for car parking, to be submitted to and approved by the Town.*

All such works shall be undertaken prior to clearance of the diagram of survey, and maintained thereafter by the owner(s)/subdivider(s) at their cost, to the satisfaction of the Town/Western Australian Planning Commission.

Debate ensued

CARRIED (7-0)

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

COUNCIL DECISION ITEM 10.1.1

That;

in relation to the proposed subdivision of No. 109 (Part Lot 149) Forrest Street, dual frontage with Alma Road, North Perth and as shown on plans stamp-dated 14 November 2002 (subdivision 120762) that the Council APPROVES the variation to the carparking requirements of the Residential Design Codes, such that nil car parking is provided on the proposed Lot "B" for the existing dwelling, subject to the following:

- (i) *the provision of one (1), or, at the owner's discretion, two (2) paved verge carparking bay/s in accordance with the Town's Draft Policy relating to Specifications for Paving of Verges to Permit Vehicle Parking; and*
- (ii) *a verge landscaping plan, including paved or other formal standing areas for vehicles, provided that such areas do not exceed 50 per cent of the area of the verge adjacent to the subject property and the existing mature verge tree is retained and not endangered by the use of the verge for car parking, to be submitted to and approved by the Town.*

All such works shall be undertaken prior to clearance of the diagram of survey, and maintained thereafter by the owner(s)/subdivider(s) at their cost, to the satisfaction of the Town/Western Australian Planning Commission.

LANDOWNER: Linda Quinn Family Trust
APPLICANT: Linda Quinn Family Trust
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R40
EXISTING LAND USE: Single House

COMPLIANCE:

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

| Requirements | Required | Proposed |
|---------------------|--|-----------------|
| Minimum Carparking | Two parking spaces for existing dwelling | Nil |

SITE HISTORY:

The subject site has an existing single house that fronts Forrest Street.

CONSULTATION/ADVERTISING:

Advertising is not required for subdivision applications.

DETAILS:

The application is for the subdivision of the subject property into two freehold lots. Lot B (which will accommodate the existing dwelling to be retained) consists of 425 square metres and vacant Lot A – 250 square metres.

On 31 January 2003, the Western Australian Planning Commission conditionally approved the subdivision of the subject property into two lots. The applicant is seeking reconsideration of the following condition:

"(5) Two (2) on-site car parking bays and associated driveway and crossover for the existing dwelling being provided and constructed to the satisfaction of the Western Australian Planning Commission;"

COMMENTS:

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

The site currently has two carparking bays and access to two street frontages. The proposed subdivision will result in the existing dwelling having nil carparking bays.

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

"In excess of \$50, 000 has been spent on the renovation resulting in a beautifully presented home... The bitumen road in Forrest Street is in excess of 6 metres wide and therefore certainly wide enough for residential street parking... A satisfactory alternative to on-site parking would be to allow for the removal of a section of the verge to enable parking outside the site. A demonstration of the suitability of such parking is the parking allowance on Forrest Street only three houses from 109 Forrest Street....We have gone to great lengths to enhance the streetscape of Forrest Street....To comply with Condition 5 (two carparking bays), the limestone wall enclosing the front garden would need to be removed and the beautiful garden destroyed."

The provision of nil parking bays on the proposed site will result in cars being parked on the street, which is considered to have an undue adverse negative impact on the amenity of the area.

The provision of one on-site carparking space, in this instance, is considered supportable given the retention of the existing dwelling therefore ensuring adequate consideration of the amenity and streetscape character of the locality, and the close proximity to public transport on Fitzgerald Street and verge parking facilities on Forrest Street. There are also no carparking restrictions on Forrest Street adjacent to the subject property.

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

Mayor Catania returned to the Chamber at 7.40pm and resumed the Chair. He was advised that Item 10.1.1 was carried as amended (7-0).

10.1.12 No. 69 (Lot 551) Barlee Street, Mount Lawley - Proposed Change of Use from Private Club to Recreational Facilities

| | | | |
|------------------------------|--------------------|------------------|------------------------|
| Ward: | North Perth | Date: | 18 February 2003 |
| Precinct: | Forrest, P14 | File Ref: | PRO1205; 00/33/1456 |
| 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 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 in the locality;*
- (ii) non-compliance with the Town's Policy relating to Non-Residential Uses in/or Adjacent to Residential Areas; and*
- (iii) consideration of objections received;*

the Council REFUSES the application submitted by G Zampatti on behalf of the owners Virium Pty Ltd for the proposed change of use from private club to recreational facilities at No. 69 (Lot 551) Barlee Street, Mount Lawley, as shown on plans stamp dated 10 January 2003.

Moved Cr Drewett, Seconded Cr Ker

That the recommendation be adopted.

COUNCIL DECISION ITEM 10.1.12

Moved Cr Hall, Seconded Cr Doran-Wu

That this item be DEFERRED at the request from the applicant Katie Lavers, Co-Director skadada.

CARRIED (5-3)

| | |
|-------------------|-----------------------|
| <u>For</u> | <u>Against</u> |
| Mayor Catania | Cr Drewett |
| Cr Chester | Cr Ker |
| Cr Doran-Wu | Cr Piper |
| Cr Franchina | |
| Cr Hall | |

(Cr Cohen on approved leave of absence.)

LANDOWNER: Virium Pty Ltd
APPLICANT: G Zampatti
ZONING: Metropolitan Region Scheme - Urban
 Town Planning Scheme No. 1 - Residential R50
EXISTING LAND USE: Private Club

COMPLIANCE:

Car Parking:

| | |
|---|-------------------------------|
| Car parking requirement (nearest whole number) | 5 car bays |
| Apply the adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more public carparks in excess of 75 spaces) | (0.7225) 3.61 car bays |
| Minus the car parking provided on site. | 0 car bays |
| Minus the most recently approved on site car parking shortfall. * (143 / 4.5 x 0.7225) | 23 bays |
| Resultant surplus | 19 car bays |

*Under Town Planning Scheme No. 1, it is considered that the previous use would most appropriately be classified within the use class table as a 'club' and car parking calculated as per a 'hall'.

Bicycle Parking Facilities:

| Required | Provided |
|--|------------------------------------|
| *One class one or class two bicycle parking spaces per 400 square metres gross floor area for staff, plus one class three bicycle parking space per 200 square metres for visitors | No bicycle parking shown on plans. |

*Calculated from a health club requirement

| | |
|--------------------|-----------------------|
| Use Class | Recreational Facility |
| Use Classification | "AA" |
| Lot Area | 468 square metres |

SITE HISTORY:

The site is occupied by an existing building and an adjacent open yard which previous uses included a church, hall and private club. Surrounding land uses include the Town owned car park at the corner of Beaufort Street and Barlee Street, and residential properties to the south, east and north.

18 June 1973

The Council of the City of Perth conditionally approved a change of use from Salvation Army church/hall to headquarters of Cracovia Soccer Club, specifically for the following uses;

- (a) holding committee meetings;
- (b) display and storage of Club's trophies and movable property;
- (c) assembly of club juniors for purpose of voluntary youth work, such as screening of films, talks and similar activities;
- (d) conducting small socials for the players; and
- (e) holding various other meetings in relation to Club activities;

subject to the Club's activities being conducted in such a way that there is no cause for complaint from nearby residents.

- 1 February 1977 The City of Perth advised the owners of the property that they had no objection to the proposed amalgamation of Nos. 67 and 69 (Lots 51 and 54) Barlee Street.
- 12 December 1977 The Council of the City of Perth resolved to refuse an application to the extension of the existing hall used by a sporting club, including a games/dining area, licensed bar and store, for the following reason:
- "1. *The proposed extension to the hall be refused under Clause 30 of the Metropolitan Region Scheme on the grounds that the general disturbance caused by its use and lack of parking facilities would prejudice both the orderly and proper planning of the locality and the amenities of the locality.*"
- Use of the caretaker's residence for administration purposes was approved subject to it being conducted in such a way that it does not prejudice interests of nearby residents.
- 29 April 1988 The Town received a complaint from an adjoining property owner regarding preliminary plans for the use of the property as a community recreation centre, with concerns that the parking problems in the street would be compounded.
- 14 June 1999 The Council at its Ordinary Meeting conditionally approved two storey additions and alterations to the existing dwelling. It would appear that these additions were not undertaken.
- 17 July 2002 The Town received a complaint regarding the use of the existing building for martial arts classes and use by the subject dance company, relating to noise and vibration, hours of operation, and parking.
- 15 October 2002 The applicants advised that the dance company would be performing overseas and returning in December 2002 and would apply for Planning Approval at that stage. They also advised that the martial arts company, which had previously been a source of complaint due to noise during training, had relocated to a different premise.

DETAILS:

The applicant has advised that the proposed change of use is for Skadada, which is a dance and circus company with a national and international profile. Skadada's administration is based at No. 30 Brisbane Terrace in Northbridge. The applicants proposed to use the existing building at No. 69 Barlee Street for company dance training, classes and occasional performances. A lot of the training and choreography is done in silence and the use of low volume music is minimal. Generally, no more than eight dancers would be training at any one time and all dancers and trainers will be asked not to park on Barlee Street and to use the Council car park next to the studio.

Skadada would also like to run yoga and stretch classes in the evenings to 9.30pm. These would involve a maximum of 10 participants and participants would be asked to park in the Council car park.

Skadada would like to have approximately six performances during the year with a maximum audience of 30 people. The audience would be asked to park in the Council car park.

CONSULTATION/ADVERTISING:

Two written objections and two verbal non-objections were received in regard to the proposal. Concerns related to the noise from music accompanying the training, resonance and vibration through the wooden floors when dancers are landing and compounding of car parking problems in the area.

COMMENTS:

The Town's Policy relating to Non-Residential Uses in/or Adjacent to Residential Areas, states that such uses are only permitted where the nature of the non-residential use will not cause 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 subject property is zoned Residential and is surrounded by residential properties. The previous uses of the building as a church, hall and private club are noted. It is envisaged that the adjoining residents would have been subject to comparable impact from the previous uses compared to the use proposed. For example, noise levels from church services, and similar number of persons attending church services and club meetings. It is noted that previous approvals granted by the City of Perth have specifically conditioned the approval to protect the amenity of the adjoining property owners.

It is also noted that parking problems within the immediate Beaufort Street have been compounded in recent years.

There are concerns relating to the specific use of the hall that is proposed. It is acknowledged that in principle, the proposed use of the existing building by up to eight dancers training to no music or low level music, who park in the Council car park may be acceptable. However, the business has been operating and the Town has received complaints in regard to noise from music and movement within the building and car parking on the street. The resonance from the wooden floors on a daily basis may be considered to unduly affect the amenity of the adjoining residents.

The use of the hall for performances and yoga classes is considered to unduly affect the amenity of the adjoining properties, due to the number of vehicles that would be associated with the performances and classes. This portion of the proposal is not supported.

Should the application be approved, the applicant is advised that alterations may be necessary to the building to include facilities for the disabled, and measures taken to decrease the impact of noise and vibration.

In this instance, it is considered inappropriate for the Town to support the proposed use of the existing building for dancers to train, yoga classes or performances and accordingly the application is recommended for refusal.

Mayor Catania advised that Cr Doran-Wu had declared a financial interest in this item. Cr Doran-Wu departed the Chamber at 7.43pm and did not speak or vote on the matter.

10.3.8 Review of the 2002 / 2003 Annual Budget

| | | | |
|------------------------------|----------------------|------------------|------------------|
| Ward: | Both | Date: | 18 February 2003 |
| Precinct: | All | File Ref: | FIN0025 |
| Reporting Officer(s): | N Forsyth, M Rootsey | | |
| Checked/Endorsed by: | M Rootsey | | |
| Amended by: | | | |

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.3.8

Moved Cr Dre wett, Seconded Cr Ker

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (7-0)

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

DETAILS:

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

A review has been undertaken as at 31st December 2002 to adjust for any major variances or additional items required or the inclusion of previous decisions of the Council.

The following details are provided:

Insurance Claims - \$18,937

Two bore pumps at Hyde Park Nos 24/25 required replacement and were claimed under insurance - \$11,085.

Minor Plant Replacement - claimed under insurance - \$852.

A trailer was stolen at Hyde Park - \$7,000.

Funding Implication:

Insurance claims paid \$12,959.

Beatty Park - Purchase of Additional Equipment - \$11,960

As part of the Improved Safety and Emergency Initiatives at Beatty Park, the following items of equipment were approved to be purchased at the Ordinary Council meeting of the 17th December 2002 Item No. 10.3.3:

Defibrillation Unit - \$6,330

Emergency evacuation controller to the public address system - \$1,280

Purpose built viewing platform for lifeguards - \$4,350

Funding Implication:

Expenditure to be funded from Beatty Park Reserve Fund

Compactus - \$5,580

This item was completed in the final week of the previous financial year and it was originally anticipated that it would be accounted for in last year, however the item was paid for in this financial year and was not carried forward.

Funding Implication:

Expenditure to be funded from the Administration and Civic Centre Reserve.

Microphone / Amplifier - Function Room - \$832

The microphone for the function room required replacement and the previous one was malfunctioning and was irreparable. The funds for this expenditure have been allocated from savings on two Digital Cameras of \$1,000.

Funding Implication:

Re-allocation of expenditure from savings on Digital Cameras.

Trolley / Tables - \$1,419

A requirement for a trolley for the movement of tables and other heavy items has been identified. This was identified as a health / safety issue as staff are currently lifting these types of items. The funds for this expenditure are found from the costs savings on the purchase of the shredder of \$1,200.

Funding Implication:

Reallocation of expenditure from savings on shredder.

Flag Pole - Civic Centre - \$1,000

One of the flag poles required replacement following a routine maintenance check. This expenditure was not anticipated in the adopted budget.

Funding Implication:

Increased budget expenditure.

Office Furniture - \$5,610

Expenditure on office furniture for the Planning area has been received through a late invoice as the work was completed in the previous financial year. No budget provision was made in this year.

Funding Implication:

Increased budget expenditure.

Office Chairs - \$1,457

Four chairs have been replaced as they have been deemed to be ergonomically unsuitable.

Funding Implication:

Increased budget expenditure.

Visible Walls Project - \$18,000

At the Ordinary meeting of Council 24th September 2002, Item 10.3.8 the Council resolved to proceed with this revised project. The funds for this expenditure will come from the savings from the Headquarters Skateable Sculpture project. This project was itself revised as advised at the Ordinary meeting of Council 20th November 2001, Item No 10.3.4.

Funding Implication:

Reallocation from savings on Headquarters Skateable Sculpture project.

Shalom Dental Clinic - \$43,000

At the Ordinary meeting of Council 22nd October 2002, Item 10.3.1 the Council resolved to make an adjustment to the Budget for the improvements for disabled and aged access at the Shalom Dental Clinic as requested by the Minister for Health at a cost of \$43,000.

Funding Implication:

Increased budget expenditure.

Leederville Parade Roundabout - \$100,000

The Town applied for Federal Black Spot funding in early 2002 for four projects as stated in the report to the Council meeting of the 22nd October 2002, Item No 2.2. The Town has been advised that their funding application has been successful for the Leederville Parade Roundabout.

Funding Implication:

Federal Black Spot Grant - \$100,000

Angove Street - Streetscape Upgrade - \$68,500

At the Ordinary meeting of Council on the 22nd October 2002, Item 10.2.1, the Council adopted streetscape improvements to Angove Street, which included an increase of \$68,500 to the initial budget.

These works are to be funded as follows:

Underground power re-allocation - \$25,000

Street light upgrade program reduced expenditure - \$23,500

Savings from the Domestic Bore and Pump installation program - \$6,000

Street tree enhancement program - \$14,600.

Funding Implication:

Reallocation of funds from other works.

ASeTTS - 286 Beaufort Street - \$25,000

At the Ordinary Meeting of Council on the 24th September 2002 item no 10.3.7 the Council approved the additional sum of \$25,000 for the Town's contribution to the modification of the buildings at this location, this was to be funded from the Capital Reserve.

Funding Implication:

Expenditure to be funded from the Capital Reserve.

Plant Replacement Program - \$60,000

Two tractors were included in this program at an estimated cost of \$75,000 per tractor, however the actual cost has been \$45,000 resulting in a combined saving of \$60,000 on both items.

Funding Implication:

Plant & Reserve funding no longer required as a result of savings on the purchase of these items. No impact on financial position.

Library Extensions - \$148,000

This project will now be completed as part of the construction of State Multi-purpose Indoor Centre in 2004/2005.

Funding Implication:

Capital Reserve funding is no longer required in this financial year. No impact on financial position.

CSSRF Grant Funding Administration - \$383,882

At the end of the financial year 2002 the Department of Community Sport and Recreation, revised the administration of their CSSRF Sporting Facility Funds, due to the practical implications of GST. Previously the administration of the Grants funds for any applicant had been handled through the Local Government. The change has allowed incorporated organizations to receive the Grant funding direct. This now means that the Town will only have to budget for its own contribution, not the contribution of the club applying and the receipt of grant funds. The adjustments to the following budget line items have been made:

- Leederville Tennis Club - \$100,000
- Veterans Tennis Club - \$273,814
- West Australian Croquet Association - \$2,634
- West Australian Diving Association - \$7,434

Funding Implication:

Budgeted expenditure allocations no longer required as grants funds not administered by the Town. No impact on financial position.

Loftus Community Centre Sinking Fund - \$6,050

The sinking fund has accumulated a significant amount of funds, \$40,000. The centre will be revamped as part of the construction of the Multi-purpose Indoor Centre, therefore no major maintenance will be undertaken until this work has been completed. This contribution is a major expense for the centre, it has therefore been agreed to suspend contribution until further notice.

Funding Implication:

Reduced budgeted revenue.

Lease - 4 View Street - \$12,500

An allocation of \$15,000 was included in 2002/03 Annual Budget, however in accordance with the Council resolution of 10th September 2002, Item 10.3.2, the Multicultural Services Centre of West Australia will have the lease for \$10,000 per annum with a rent free period to 1 January 2003. A request has now been received to increase the rent free period to 1 April 2003.

Funding Implication:

Reduced budgeted revenue.

Perth Oval - lease - \$50,000

At the time of the preparation of the budget it was anticipated that the lease for Perth Oval for Perth Glory would be estimated at \$150,000. At the Ordinary Council meeting of 26th March 2002 Item 10.4.3 a lease payment for \$100,000 was adopted.

Funding Implication:

Reduced budget revenue.

Mobile Phones - \$10,000

Telstra have again changed the procedure for the replacement of mobile phones. Previously we had been advised that for this financial year any purchase would require an upfront purchase, however this has now been revised and the cost of replacement phones are costed by a monthly charge through the normal telephone account.

Funding Implication:

Information Technology Reserve funding no longer required. No impact on financial position.

Road - Depreciation - \$612,000

The Town, on advice from the auditors change the method of depreciation of Roads to be based on the cost basis. This is to ensure a consistent charge over the years and remove any significant fluctuations, which had the potential to occur with the valuation method previously used. This however resulted in a significant increase in the annual charge for depreciation. This change in methodology occurred at the end of the financial year and was not reflected in the budget estimates.

Funding Implication:

No impact on financial position as depreciation is a non-cash item.

Library Services - \$1,065

Changes in work practise have meant there is no longer a requirement for the purchase of a book trolley and the purchase of a poster storage unit is felt to be unnecessary, as the upgrade of the library has been deferred to a later financial year.

The funds of \$1,065 saved with these items is to be reallocated to the purchase of shelving, which is now required to cope with the recent increase in stock allocated from the State Library of WA (SLWA).

Funding Implication:

Reallocation of funds from deferred expenditure.

Oxford Street Carpark Ticket Machines - \$30,000

An allocation of \$30,000 was made in the 2002/03 budget for revenue received from ticket machines to be introduced at Oxford Street. These machines will not be purchased in this financial year.

Funding Implication:

Reduced budget revenue

Mt Hawthorn Primary School - \$16,000

The disabled toilet for the above school was completed in the final month of the previous year and was therefore not required to be carried forward.

Funding Implication:

Reduced budget expenditure.

Beatty Park Leisure Centre - Pilates Program - \$5,000

Beatty Park introduced a new program in the Health and Fitness Club named Pilates. It is estimated that this program will produce \$5,000 in this financial year. This program was not included in the original budget estimates.

Funding Implication:

Increased budget revenue.

Forrest Park - Pine log fencing - \$6,850

This work has been completed below budget, with a saving of \$6,850.

Funding Implication:

Reduced budget expenditure.

Les Lilleyman - rewire practice nets - \$2,955

This job has been completed with a cost saving of \$2,955.

Funding Implication:

Reduce budget expenditure.

Leake / Alma - auto reticulation - \$6,000

This project has been completed under budget with a saving of \$6,000.

Funding Implication:

Reduce budget expenditure.

Barlee Street Carpark - \$10,000

The revenue to date of \$6,832 from the Barlee Street carpark has already exceeded the annual budget estimate of \$6,000. Although the Council recently approved free parking during the day it is anticipated that an additional \$2,000 per month will be received in the rest of the financial year. This is based on current revenue receipts.

Funding Implication:

Increased budget revenue.

Safer WA Syringe Disposal Program - \$3,250

A grant was received from Safer WA for the above program. These funds and equivalent expenditure were not allowed for in 2002/03 Budget.

Funding Implication:

No impact on financial position as effect in both expenditure and revenue.

Leederville Gardens Management Fee - \$14,500

The Town of Vincent has taken over the management of the Leederville Gardens Retirement Village since 1st July 2002. This was not allowed for in the Budget, as the final decision to take over had not been made.

Funding Implication:

Increased budget revenue.

Headquarters Youth Facility Utility Charge Recoups - \$6,636

The recovery of Insurances and Water charges were not included in the budget. HQ lease had not been finalised.

Funding Implication:

Increased budget revenue.

Perth Oval - Utility Charges Recoups \$36,812

In the interim period Perth Glory are responsible for the utility costs, this agreement was finalised after the Budget was prepared. The accounts are paid by the Town and then invoiced to PGSC.

Funding Implication:

No impact on financial position as effects both revenue and expenditure.

Vincent Library Photocopying Revenue - \$9,000

The revenue received from the photocopying service offered by the Library has already exceeded the original budget estimate.

Funding Implication:

Increased budget revenue.

Parking Modified Penalties - \$50,000

The Budget estimate for Modified Parking Penalties will be exceeded this year, this is conservatively assessed at \$50,000. This can be attributed to additional revenue from Perth Oval.

Funding Implication:

Increased budget revenue.

Brisbane Street Carpark Prepaid Parking Tickets - \$6,250

There has been a significant increase in prepaid parking tickets at this car park. This is due to cessation of weekday parking within the interior of Perth Oval.

Funding Implication:

Increased budget revenue.

Garden Competition Sponsorship - \$2,332

Sponsorship of \$2,332 was received for the Town of Vincent Garden competition. No allocation was made in the budget. This was offset by the increased expenditure in the cost of holding the Garden Competition of \$4,900.

Funding Implication:

Increased budget expenditure of \$2,632.

Right of Way Contribution - \$9,409

Revenue for contributions towards the development of right of ways has been received. No estimate for this revenue was included in the Budget

Funding Implication:

Increased budget revenue.

Avenue Car park Mobile Phone Tower Lease - \$19,612

The Town received a lease payment from Telstra for the mobile phone tower in the Avenue Car Park. This lease was not finalised at the time of the budget preparation.

Funding Implication:

Increased budget revenue.

Royal Park Hall - \$7,000

There has been a significant increase to the anticipated usage of this Hall and has already exceeded budgeted estimates.

Funding Implication:

Increased budget revenue.

Mindarie Regional Council - \$26,102

The Town has received a larger than anticipated return on the surplus from operations of the Mindarie Regional Council. These excess funds will be transferred to the relevant Reserve account.

Funding Implication:

Increased revenue transferred to relevant reserve. No impact on financial position.

Headquarters Youth Facility - \$15,000

There is an estimated saving of \$15,000 on the specified maintenance work at HQ. The Board of HQ has requested that this saving be allocated toward the ongoing operating costs for this financial year.

Funding Implication:

Reallocation of budget savings - increase expenditure.

Specified Maintenance - \$56,111

The following savings have been made on the specified maintenance work listed below:

| | | |
|------------------------------|-------------------------------|----------|
| Banks Reserve Hall | Install disabled toilets | \$6,200 |
| Hyde Park East | Modify existing toilets | \$11,770 |
| Royal Park hall | Additional ramps | \$3,510 |
| Kyilla Pre-primary | Install disabled toilets | \$1,700 |
| Mt Hawthorn Community Centre | Timber floor treatment | \$2,100 |
| Forrest Park Croquet Club | Replace boundary fence | \$2,100 |
| Highgate Child Health Centre | External & internal rendering | \$5,332 |
| Highgate Pre Primary | Replace patio guttering | \$310 |
| Highgate pre primary | External painting | \$310 |
| Kyilla Pre Primary | External painting | \$1,067 |
| Kyilla Pre Primary | Provide safety glass to doors | \$420 |
| Banks Reserve Hall | Timber floor treatment | \$900 |
| Banks Reserve hall | External & internal painting | \$1,220 |
| Works Depot | Fit water saver valves | \$1,604 |
| HQ Youth Facility | Repair timber windows | \$15,000 |
| Woodville Reserve | Retile men's toilet floors | \$1,268 |

Funding Implication:

Reduce budget expenditure

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Strategic Plan 2000-2002

Key Result area 4.3(a)

Develop short-medium term financial plan.

FINANCIAL/BUDGET IMPLICATIONS:

At the end of the second quarter of the year, with the inclusion of the reported adjustments, there is an estimated surplus on the 2002/03 budget of \$52,709.

COMMENTS:

The Town reviews the budget at the end of each quarter, however at the end of the first quarter no adjustments were made. A final review for the year will be conducted at the end of the third quarter, 31st March 2003.

Cr Doran-Wu returned to the Chamber at 7.44pm. She was advised that Item 10.3.8 was carried by an Absolute Majority(7-0).

10.4.2 Delegations for the Period 1 October 2002 to 31 December 2002

| | | | |
|------------------------------|-------------|------------------|------------------|
| Ward: | Both | Date: | 18 February 2003 |
| Precinct: | All | File Ref: | ADM0018 |
| Reporting Officer(s): | Various | | |
| Checked/Endorsed by: | John Giorgi | | |
| Amended by: | - | | |

RECOMMENDATION:

That the Council;

- (i) *ENDORSES the delegations for the period 1 October 2002 to 31 December 2002 as shown in Appendix 10.4.2; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices to the value of \$33,050 for the reasons detailed in this report.*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Drewett, Seconded Cr Ker

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Cohen on approved leave of absence.)

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer and Executive Managers exercise the delegated authority in accordance with the Council's policies.

ADVERTISING/CONSULTATION:

Not applicable.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the CEO the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a CEO to further delegate to an employee of the Town; and states that the CEO is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

It is considered appropriate to report to Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown in the attached Appendix 10.4.2. Quarterly reports are reported to the Council.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Council's newly appointed auditors recommend that infringement notices be reported to Council for a decision to write-off the value of the infringement notice. In these cases it is the opinion of the Manager Law and Order Services that infringement notices cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice. The details of the infringement notices are as follows:

| Description | Amount \$ |
|---|---------------------|
| Residential parking restrictions – Perth Oval – valid reason provided # | 23,040 |
| Insufficient or incorrect signage | 4,450 |
| Vehicle registered to interstate or overseas owner | 2,060 |
| Ranger/Clerical Error/Training | 1,590 |
| Proof of vehicle breakdown or theft | 600 |
| Proof that ticket was purchased and produced | 660 |
| Vehicle ownership cannot be located | 530 |
| Faulty ticket machines | 120 |
| TOTAL | 33,050 |

The majority of reasons are that the resident or a resident's visitor failed to display the required residential parking permit – proof was provided

COMMENTS:

It is recommended that the delegations be endorsed by the Council.

10.1.5 No.171 (Lot 61) Egina Street, Corner Bondi Street, Mount Hawthorn - Proposed Alterations and Additions to Garage to Existing Single House

| | | | |
|------------------------------|--------------------|------------------|------------------------|
| Ward: | Mount Hawthorn | Date: | 17 February 2003 |
| Precinct: | Mount Hawthorn, P1 | File Ref: | PR02133; 00/33/1490 |
| 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 the owners P and C Koczwarra for the proposed alterations and additions to garage to the existing single house on No. 171 (Lot 61) Egina Street, corner Bondi Street, Mount Hawthorn and as shown on the plans received 5 February 2003, subject to:

- (i) the construction of crossovers shall be in accordance with the Town's specifications;*
- (ii) 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;*
- (iii) subject to first obtaining the consent of the owners of No. 169 Egina 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. 169 Egina Street in a good and clean condition;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services;*
- (v) the portion of the garage forward of the 6 metres front setback line to Egina Street shall be one hundred (100) percent open at all times; and*
- (vi) compliance with all relevant Environmental Health, Building and Engineering requirements;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Drewett, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Drewett, Seconded Cr Ker

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

AMENDMENT CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.5

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners P and C Koczwarra for the proposed alterations and additions to garage to the existing single house on No. 171 (Lot 61) Egina Street, corner Bondi Street, Mount Hawthorn and as shown on the plans received 5 February 2003, subject to:

- (i) the construction of crossovers shall be in accordance with the Town's specifications;*
- (ii) 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;*
- (iii) subject to first obtaining the consent of the owners of No. 169 Egina 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. 169 Egina Street in a good and clean condition;*
- (iv) all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services; and*
- (v) compliance with all relevant Environmental Health, Building and Engineering requirements;*

to the satisfaction of the Chief Executive Officer.

LANDOWNER: P and C Koczwarra
APPLICANT: C Koczwarra
ZONING: Metropolitan Region Scheme – Urban
Town Planning Scheme No. 1 – Residential R30
EXISTING LANDUSE: Single House

COMPLIANCE:

| Requirements | Required | Proposed |
|--|---|--|
| Setbacks Egina Street - Street Setback Policy | Garages to be at 6.0 metres from the frontage street or behind the front main building wall | 5.0 metres to proposed garage (7.62 metres to existing front main building wall) |
| Southern Side Setback | 1.5 metres | Nil |

| | |
|--------------------|-------------------|
| Use Class | Single House |
| Use Classification | 'P' |
| Lot Area | 637 square metres |

SITE HISTORY:

The property currently accommodates a two storey brick and pitched tiled roof dwelling with an undercroft garage fronting Egina Street. The Council at its Ordinary Meeting held on the 24 September 2002 conditionally approved an application to construct two storey additions, alterations and garage to the existing single house

DETAILS:

The applicant has submitted a new Planning Application, which now proposes to reduce the previously approved garage setback of 6.0 metres from Egina Street to 5.0 metres.

In support of the application, the applicant has submitted a letter. An extract of the letter is as follows:

- "(i) Exit door leading to staircase will be obstructed by parked vehicles making it impossible to exit the garage. Roller door would need to be open with car juttied out of entrance to open door. With the garage extended back the cars will not need to be parked so far forward in the garage and the door will not be obstructed. As it stands we will not be able to open the door if there is a car in the garage.*
- (ii) Moving around the garage between front and back of cars will be difficult as the cars will be parked with only a 255 mm (25.5cm) gap with the Holden Jackaroo at each end or 205mm (20.5cm) at each end for the Nissan Maxima. These distances may also decrease depending on specification requirements of panel lift garage door.*
- (iii) Security to family members will be compromised by not being able to safely exit the cars with the roller door down and exit the garage by the provided door to the staircase."*

CONSULTATION/ADVERTISING:

No objections were received during the advertising period.

COMMENTS:

Side Setback

The variation to the southern side setback to the proposed garage addition is considered acceptable as it is relatively minor, does not unreasonably adversely affect the amenity of the area, and no objection was received from the affected neighbour.

Egina Street Setback

The proposed garage should comply with the Town's Policy relating to Street Setbacks, within 6 metres of the street frontage given the "open" nature of the Egina Street streetscape.

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. 43 (Lot 3) Norfolk Street, North Perth - Proposed Freehold Subdivision

| | | | |
|------------------------------|--------------------|------------------|------------------|
| Ward: | Mount Hawthorn | Date: | 18 February 2003 |
| Precinct: | Norfolk, P10 | File Ref: | 120938 |
| Reporting Officer(s): | C Mooney | | |
| Checked/Endorsed by: | D Abel, R Boardman | | |
| Amended by: | - | | |

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS to the Western Australian Planning Commission that the application dated 28 October 2002 submitted by Fratelle Designs on behalf of the owners Rehnmark Pty Ltd for the proposed freehold subdivision of No. 43(Lot 3) Norfolk Street, North Perth, and as shown on plans stamp-dated 16 December 2002 (subdivision 120938) be REFUSED as the subdivision is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the proposed subdivision involving a substantial variation to the minimum open space and carparking requirements of the Residential Design Codes and the direct road frontage requirements of the Western Australian Planning Commission Policy No. D.C. 1.1; and*
- (ii) *the Council requests the Western Australian Planning Commission that if the Commission is inclined to approve the proposed subdivision, the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision.*

Moved Cr Chester, Seconded Cr Ker

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

- “(iii) the Council advises the applicant and owner that it supports the intention to retain the existing dwelling, however, in this instance, the subject application is not supported due to the non-compliance with the requirements relating to car parking, open space and road frontage for freehold subdivision;”*

Cr Drewett departed the Chamber at 7.47pm.

CARRIED (7-0)

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

COUNCIL DECISION ITEM 10.1.9

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Residential Design Codes, the Council RECOMMENDS to the Western Australian Planning Commission that the application dated 28 October 2002 submitted by Fratelle Designs on behalf of the owners Rehnmark Pty Ltd for the proposed freehold subdivision of No. 43(Lot 3) Norfolk Street, North Perth, and as shown on plans stamp-dated 16 December 2002 (subdivision 120938) be REFUSED as the subdivision is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the proposed subdivision involving a substantial variation to the minimum open space and carparking requirements of the Residential Design Codes and the direct road frontage requirements of the Western Australian Planning Commission Policy No. D.C. 1.1;*
- (ii) *the Council requests the Western Australian Planning Commission that if the Commission is inclined to approve the proposed subdivision, the Town is further consulted to obtain the appropriate conditions of the Town that should apply to the proposed subdivision; and*
- (iii) *the Council advises the applicant and owner that it supports the intention to retain the existing dwelling, however, in this instance, the subject application is not supported due to the non-compliance with the requirements relating to car parking, open space and road frontage for freehold subdivision.*

LANDOWNER: Rehnmark Pty Ltd
APPLICANT: Fratelle Designs
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R40

EXISTING LAND USE: Single house

COMPLIANCE:

| | |
|---------------------------|-------------------|
| Use Class | Single house |
| Use Classification | "P" |
| Lot Area | 453 square metres |

| Requirements | Required | Proposed |
|---|--|--|
| Existing Dwelling - Parking | Minimum 2 car parking bays | Nil car parking bays |
| Existing Dwelling – Outdoor Living Area | Located behind the street setback area | Located within the street setback area |
| Existing Dwelling – Open Space | Minimum total of 45 per cent of site | 42 per cent |
| Freehold Subdivision - Road Frontage | Direct road frontage to all lots | The proposal will prevent direct road frontage onto proposed Lot 2 |

SITE HISTORY:

The subject site has an existing single house, which is listed on the Town's Interim Heritage Database. At present, the three adjoining neighbouring sites, that have access to the private right of way (located off Burt Street adjacent to Norfolk Street), have single residential dwellings. A 3.0 metres wide privately owned unsealed right of way exists along the rear of the subject property.

CONSULTATION/ADVERTISING:

Advertising is not required for subdivision applications.

DETAILS:

An application has been received for the subdivision of the subject property into two freehold lots, demonstrated by the following:

- Lot 1 - 200 square metres (,which proposes to retain the existing dwelling); and
- Lot 2 - 253 square metres.

The subject proposal also aims to establish a freehold subdivision with no direct road frontage to Lot 2.

The Western Australian Planning Commission (WAPC) Policy No. DC 1.1 Clause 3.5 (3.5.1) states the following;

"New lots will be created only where each lot has, or can be, provided with direct frontage access to a constructed public road which is connected to the road system of the locality. This is to ensure the provision of public utility services as well as to provide vehicular access to the lot".

COMMENTS:

The applicant has proposed to retain the existing dwelling, which is listed on the Town's Interim Heritage Database, however the proposal cannot achieve the Residential Design Codes requirements of open space, location of outdoor living area and car parking, and the requirements of the Western Australian Planning Commission in regard to proposed Lot 2 having no direct road frontage.

In relation to the location of the outdoor living area, the Council in the past has generally supported this variation due to the nature of development within the Town.

At present, the car parking requirement is located at the rear of the existing dwelling, with access from a rear 3 metres wide unsealed private right of way. The required car parking bays could only be achieved if the verandah is demolished. This would lead to the car parking bays abutting the existing dwelling's living spaces and may also unduly affect the fabric of the existing dwelling, depreciating the heritage/streetscape significance of the building.

The subject proposal will result in a substantial over development of the subject property, due to the non-compliance with the carparking and open space requirements of the Residential Design Codes. In addition, the subject proposed Lot 2 has no direct road frontage and therefore, the proposal for a freehold subdivision without the above requirements should not be supported.

It is recommended that advice be returned to the Western Australian Planning Commission recommending refusal for the proposed freehold subdivision for the reasons outlined above.

10.2.9 Upgrade and Beautification Request - Fitzgerald Street Business Precinct, North Perth

| | | | |
|------------------------------|-----------------------|------------------|------------------|
| Ward: | North Perth | Date: | 18 February 2003 |
| Precinct: | North Perth Centre P9 | File Ref: | PKG0029 |
| Reporting Officer(s): | R Lotznicher | | |
| Checked/Endorsed by: | - | | |
| Amended by: | - | | |

OFFICER RECOMMENDATION:

That the Council;

- (i) *receives the report on the Upgrade and Beautification Request - Fitzgerald Street Business Precinct, North Perth;*
- (ii) *notes that the areas which are most suitable for planting additional trees and installing seating, as requested by the petitioners, comprise private property and is not under the care control and management of the Town;*
- (iii) *considers the proposal as outlined in the report and on attached plan No 2146-CP-1, estimated to cost in the order of between \$190,000 to \$390,000 depending on the scope of works, during its 2003/2004 budget deliberations; and*
- (iv) *advises the petitioners of its resolution.*

Moved Cr Ker, Seconded Cr Piper

That the recommendation be adopted.

Debate ensued.

At 7.48pm, Mayor Catania advised that he declares a proximity interest in this matter, as he just realised that he has an office in close proximity. He departed the Chamber and did not vote or speak on the matter.

Moved Cr Piper, Seconded Cr Doran-Wu

That Cr Ker assume the Chair in the absence of Mayor Catania and Deputy Mayor Cr Drewett.

CARRIED (6-0)

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

Moved Cr Ker, Seconded Cr Chester

That a new clause (iii) be inserted as follows and the original clause (iii) and the following clause are renumbered accordingly:

- “(iii) *writes to the owners of the private properties identified encouraging them to plant suitable trees and provide seating as a commercial decision as well as a contribution to the community;*”

AMENDMENT CARRIED (6-0)

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

MOTION AS AMENDED CARRIED (6-0)

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

COUNCIL DECISION ITEM 10.2.9

That the Council;

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

BACKGROUND:

At the Ordinary Meeting of the Council held on 17 December 2002, a petition from the North Perth Business and Community Association signed by 234 signatories was received requesting that:

“the Town of Vincent continue the streetscape into Fitzgerald Street Business Precinct to the same standard as the work soon to commence in Angove Street”

With regard to Angove Street, in December 1999 the Council adopted a long term Shopping Centre and 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 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 Chief Executive Officer 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.
- In accordance with the Council's Resolution, an in-house 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.

The Angove Street works are nearing completion.

DETAILS

Fitzgerald Street (Recent upgrade works 1997-2000):

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

The process followed was similar to the process which saw the Angove Street project come to fruition, including community consultation and a public meeting (at the Rosemount Hotel).

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

Verges

- Replacement of existing slab paths with red brick paving with cream header course.
- Verge trees located behind kerb where possible.
- Intersection Fitzgerald /Angove – landscaping (South side Angove) brickpaved paths
- New public Litter Bins.
- New kerbing

New Central Median Islands

- Brick paved infill (red) with cream header course.
- Strategically placed openings to allow access.
- Centrally planted trees where possible.

Road

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

More recent works have included the installation of a decorative safety fence at the intersection of View and Fitzgerald Streets and the formalisation of on-road parking in Fitzgerald Street.

Fitzgerald Street (Petitioners Requests):

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

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

More mature Trees

The Manager Parks Services recently carried out an assessment of Fitzgerald Street, from Farmer Street through to Vincent Street, and determined that there are few potential areas for the planting of large trees.

In addition, the existing median islands are too narrow (1.20 metres kerb face to kerb face) to accommodate large trees and the only areas identified were within the private property adjacent to the road reserve.

The attached plan No. 2146-CP-1 outlines the locations of existing trees and possible locations for additional large trees.

The estimated cost to install large trees in the locations as shown (which are mainly on private property) is in the order of \$16,000.

More attractive lighting (preferably with underground power)

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

The cost for the full undergrounding of power at Angove Street was cost prohibitive based on the available funds allocated for the project.

The estimated costs to implement full underground power / partial underground power at Fitzgerald Street between Angove and Raglan Road, is as follows:

- Full underground power including decorative lighting, connections, reinstatements additional central islands to accommodate lights is estimated to cost about \$370,000.
- Partial underground power including decorative lighting, connections, reinstatements additional central islands to accommodate lights is estimated to cost about \$160,000.

Seating (with shade)

It would be difficult to accommodate seating (with shade) on the verge in Fitzgerald Street due to its narrow width (2.0 to 2.5 m). It may appear that there is ample width in the verge however the large areas comprise private land as follows:

- South east corner Wasley / Fitzgerald 40m x 8m (320m²) brickpaved area adjoining the verge is PRIVATE PROPERTY
- West side Fitzgerald Street (North Perth Community Bank) 5m x 12m (60m²) adjoining the verge is PRIVATE PROPERTY
- West side Fitzgerald Street View Street to Alma Road (North Perth Plaza frontage) 78m x 6m (468m²) adjoining the verge is PRIVATE PROPERTY

Therefore, the most suitable locations for seating, and planting in Fitzgerald Street between Angove Street and Alma Road is on privately owned property which comprises approximately 850 square metres with an average width of 6.5m.

FINANCIAL/BUDGET IMPLICATIONS:

Existing Expenditure (to date)

The total cost of the upgrade works in this section of Fitzgerald Street to date is outlined below:

Fitzgerald Street (Angove to Vincent)

| | |
|--|-----------|
| 1997/1998 - Fitzgerald Street Streetscape upgrade <u>Stage 1</u> | \$100,000 |
| 1998/1999 - Fitzgerald Street Rehabilitation Angove to Raglan | \$150,000 |
| 1998/1999 - Fitzgerald Street Streetscape upgrade <u>Stage 2</u> | \$100,000 |
| 1999/2000 - Fitzgerald Street Streetscape upgrade <u>Stage 3</u> | \$41,000 |

Fitzgerald Street (Bulwer to Vincent)

| | |
|--|----------|
| 1998/1999 - Fitzgerald Street - Rehabilitation and streetscape | \$90,000 |
|--|----------|

Proposed Street Lighting/Underground Power

- Full underground power including decorative lighting, connections, reinstatements additional central islands to accommodate lights.
Estimated to cost in the order of \$370,000.
- Partial underground power including decorative lighting, connections, reinstatements additional central islands to accommodate lights is estimated to cost about \$160,000.

Landscaping

To install seven (7) large trees as shown on the attached plan No. 2146-CP.1 would cost in the order of \$16,000, however, these would need to be located in private property.

Seating

The estimated cost for the provision of seating and decorative litter bins as per Angove Street is \$900 per seat and \$1000 per litter bin.

STRATEGIC IMPLICATIONS:

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

COMMENTS:

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

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

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

The request for additional works, including the cost implications of the proposal and whether some of the requests can physically be accommodated in the road reserve have also been discussed in the report.

It is therefore recommended that the Council considers the funding implications of this proposal during the 2003/2004 budget deliberations.

Mayor Catania returned to the Chamber at 7.50pm and resumed the Chair. He was advised that Item 10.2.9 was carried as amended (6-0).

10.1.6 No. 28 (Lot 2) Scarborough Beach Road, North Perth – Proposed Additional Two Storey Single House and Carport and Store Additions to Existing Dwelling

| | | | |
|------------------------------|--------------------|------------------|------------------------|
| Ward: | Mount Hawthorn | Date: | 17 February 2003 |
| Precinct: | North Perth, P8 | File Ref: | PRO2192; 00/33/1382 |
| Reporting Officer(s): | P Mastrodomenico | | |
| Checked/Endorsed by: | D Abel, R Boardman | | |
| Amended by: | - | | |

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Lifestyle Homes on behalf of the owners M J and M R Lewis for proposed additional two storey single house and carport and store additions to existing dwelling at No.28 (Lot 2) Scarborough Beach Road, North Perth and as shown on the plans stamp dated 12 November 2002 and 7 February 2003, subject to:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to the right of way and/or Scarborough Beach Road shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) subject to first obtaining the consent of the owners of No. 30 (Lot 1) Scarborough Beach Road, Mount Hawthorn and No. 24 (Lot 3) Scarborough Beach Road, Mount Hawthorn for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 30 (Lot 1) Scarborough Beach Road, Mount Hawthorn and No. 24 (Lot 3) Scarborough Beach Road, Mount Hawthorn in a good and clean condition;*
- (iii) the carport to the existing dwelling 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 western boundary wall;*
- (iv) prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (v) prior to the first occupation of the development, the full length and width of the right of way from the end of the existing sealed surface to the western most boundary abutting the subject shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense land (the right of way surfacing to include full junction to truncation of east/west - north/south leg to ensure adequate turning room);*

- (vi) *a pedestrian access way of a minimum width of 1.5 metres, and 1.0 metre where it abuts the existing dwelling, shall be provided and constructed from Scarborough Beach Road to the proposed rear lot/dwelling;*
- (vii) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the portico being setback a minimum of 1.5 metres from the right of way; and*
- (b) *the proposed development having a minimum of 45 percent open space.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (viii) *a bond and/or bank guarantee for \$5000 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
- (ix) *a right of way security bond and/or bank guarantee for \$550 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) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (xi) *proposed crossovers shall be positioned in consultation with and as directed by 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) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Scarborough Beach Road verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (xiv) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

Moved Cr Chester, Seconded Cr Ker

That the amended officer recommendation be adopted.

AMENDED OFFICER RECOMMENDATION:

Amend clause (iii) of the previous recommendation to read as follows:

- (iii) *the carport to the existing dwelling 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 ~~western~~-eastern boundary wall;*

Moved Cr Ker, Seconded Cr Chester

That in clause (iii) the words "or the proposed store" be added after the words "boundary wall" as follows:

- "(iii) the carport to the existing dwelling 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 eastern boundary wall or the proposed store;"*

AMENDMENT CARRIED (7-0)

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

MOTION AS AMENDED CARRIED (7-0)

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

COUNCIL DECISION ITEM 10.1.6

- (i) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to the right of way and/or Scarborough Beach Road shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) *subject to first obtaining the consent of the owners of No. 30 (Lot 1) Scarborough Beach Road, Mount Hawthorn and No. 24 (Lot 3) Scarborough Beach Road, Mount Hawthorn for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 30 (Lot 1) Scarborough Beach Road, Mount Hawthorn and No. 24 (Lot 3) Scarborough Beach Road, Mount Hawthorn in a good and clean condition;*
- (iii) *the carport to the existing dwelling 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 eastern boundary wall or the proposed store;*
- (iv) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (v) *prior to the first occupation of the development, the full length and width of the right of way from the end of the existing sealed surface to the western most boundary abutting the subject shall be sealed, drained and paved to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense land (the right of way surfacing to include full junction to truncation of east/west - north/south leg to ensure adequate turning room);*

- (vi) *a pedestrian access way of a minimum width of 1.5 metres, and 1.0 metre where it abuts the existing dwelling, shall be provided and constructed from Scarborough Beach Road to the proposed rear lot/dwelling;*
 - (vii) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the portico being setback a minimum of 1.5 metres from the right of way; and*
 - (b) *the proposed development having a minimum of 45 percent open space.**The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
 - (viii) *a bond and/or bank guarantee for \$5000 for the full upgrade of the right of way shall be lodged prior to the issue of a Building Licence;*
 - (ix) *a right of way security bond and/or bank guarantee for \$550 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) *the construction of crossovers shall be in accordance with the Town's specifications;*
 - (xi) *proposed crossovers shall be positioned in consultation with and as directed by 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) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Scarborough Beach Road verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
 - (xiv) *compliance with all relevant Environmental Health, Engineering and Building requirements;*
- to the satisfaction of the Chief Executive Officer.*

FURTHER REPORT:

The north point on the site plan submitted by the applicant to Architects and Land Surveyors was incorrectly shown and should read north in the opposite direction, as shown on the attached amended site plan. In light of this error, the above clause (iii) and the following 'Compliance Table' and 'Comments' extracts of the previous report are required to be amended accordingly.

| Requirements | Required | Proposed |
|--|------------|----------|
| Setbacks - Western Side - Ground Floor | 1.5 metres | Nil |
| Eastern Side - Ground Floor - (Carport to existing dwelling) | 1.0 metre | Nil |

COMMENTS:

Setbacks

The ground floor western side setback variation (parapet wall) is considered supportable, as it is single storey in height and there is no unreasonable adverse effect on the adjacent property. Accordingly, this side setback variation is supported.

The carport/store to the existing dwelling eastern side setback variation (parapet wall) is considered supportable, as it is single storey in height and there is no unreasonable adverse effect on the adjacent property and streetscape.

Overshadowing

Calculation of overshadowing for the proposed development reveals that the shadow from the proposal will effectively cast in a southern direction 11.5 percent of the adjoining existing dwelling property and as such, the proposed dwelling will not unreasonably cast shadow across the adjoining properties, therefore complying with clause 3.9.1 (A1) of the Residential Design Codes.

Pedestrian Access Way

The Town's Policy relating to Vehicle Access to Dwellings Via a Right of Way requires all new dwellings to have a pedestrian access way width of 1.5 metres. The subject dwelling proposes a 1.0 metre width along the western boundary. The Town may consider a pedestrian access way of less than 1.5 metres where it abuts an existing house to be retained. Accordingly, the pedestrian access way can be reduced where it abuts the proposed dwelling in order to comply with the Town's requirements.

LANDOWNER: M J and M R Lewis
APPLICANT: Lifestyle Homes
ZONING: Metropolitan Region Scheme: Urban
Town Planning Scheme No.1: Residential R60
EXISTING LAND USE: Single House

COMPLIANCE:

| | |
|--------------------|-------------------|
| Use Class | Single House |
| Use Classification | "P" |
| Lot Area | 536 square metres |

| Requirements | Required | Proposed |
|---|------------|---|
| Setbacks - Eastern Side - Ground Floor | 1.5 metres | Nil |
| Western Side - Ground Floor - (Carport to existing dwelling) | 1.0 metre | Nil |
| Front Setbacks- Ground Floor - Portico to Right of Way | 1.5 metres | 1.0 metre |
| Ground Floor - (Carport to existing dwelling) | 6 metres | 1.9 - 9.5 metres |
| Open Space | 45 percent | 43.1 percent |
| Pedestrian Access Way | 1.5 metres | 1.0 metre (where it abuts the existing dwelling) |

SITE HISTORY:

The subject site is occupied by a single storey dwelling. The surrounding area is characterised by single storey dwellings. A 3.0 metres wide privately owned unsealed right of way runs along the rear boundary.

CONSULTATION/ADVERTISING:

There was one objection received during the advertising period. Issues raised included, the proposed parapet wall, the eastern side setback and the potential for overshadowing on the adjacent property. It was also raised that the proposed development may potentially compromise the privacy of the adjacent dwellings.

DETAILS:

Approval is sought for a double carport and store additions to the existing single house and a two storey single house to the rear that addresses the right of way. The applicant has submitted revised plans on 7 February 2003, which depict a boundary realignment in order to provide increased open space.

COMMENTS:

Setbacks

The ground floor eastern side setback variation (parapet wall) is considered supportable, as it is single storey in height and there is no unreasonable adverse effect on the adjacent property. Accordingly, this side setback variation is supported.

The carport/store to the existing dwelling western side setback variation (parapet wall) is considered supportable, as it is single storey in height and there is no unreasonable adverse effect on the adjacent property and streetscape.

The setback to the right of way (portico) will be conditioned to be setback at least 1.5 metres to allow for any future widening.

The setback of the carport to the existing dwelling is considered supportable in this instance, as the parapet wall is setback 9.527 metres from Scarborough Beach Road. It is not considered to unduly affect the amenity and streetscape of the area, as the carport is conditioned to be 100 percent open except where it abuts the western boundary.

Overlooking

It is considered that the proposal does not create unreasonable overlooking. The objector's concerns relating to overlooking are noted, however as the windows are not major openings, this is not considered to present unreasonable overlooking in terms of the Residential Design Codes. There is no potential for unreasonable overlooking from the proposed dwelling on the western elevation as there are no windows on these elevations.

Overshadowing

Calculation of overshadowing for the proposed development reveals that the shadow from the proposal will effectively cast in a southern direction and as such, the proposed dwelling will not unreasonably cast shadow across the adjoining properties, therefore complying with clause 3.9.1 (A1) of the Residential Design Codes.

Open space

The proposed dwelling has 43.1 percent open space, which is a variation to the 45 percent minimum required under of the Residential Design Codes. The applicant is seeking a concession, which is not considered supportable in this instance and, as such, will be conditioned to require a minimum of 45 percent open space.

Pedestrian Access Way

The Town's Policy relating to Vehicle Access to Dwellings Via a Right of Way requires all new dwellings to have a pedestrian access way width of 1.5 metres. The subject dwelling proposes a 1.0 metre width along the eastern boundary. The Town may consider a pedestrian access way of less than 1.5 metres where it abuts an existing house to be retained. Accordingly, the pedestrian access way can be reduced where it abuts the proposed dwelling in order to comply with the Town's requirements.

Summary

The proposal should be conditioned to comply with the 45 percent minimum open space requirement of the Residential Design Codes and, as such, is supportable as it is not considered to unreasonably adversely affect the amenity of the adjacent properties or the existing streetscape. Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

**10.1.13 No. 178 (Lot 253) Scarborough Beach Road, Mount Hawthorn -
Unauthorised Use of Rear Courtyard of Existing Eating House**

| | | | |
|------------------------------|--------------------|------------------|------------------|
| Ward: | Mount Hawthorn | Date: | 19 February 2003 |
| Precinct: | North Perth, P8 | File Ref: | PRO0069 |
| Reporting Officer(s): | V Lee | | |
| Checked/Endorsed by: | D Abel, R Boardman | | |
| Amended by: | - | | |

OFFICER RECOMMENDATION:

That the Council authorises the Chief Executive Officer to commence legal proceedings to cease the unauthorised use of the rear courtyard of existing eating house at No. 178 (Lot 253) Scarborough Beach Road, Mount Hawthorn.

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Hall

That the words “unless a development application is received within one month” be added after the words “Mount Hawthorn” as follows:

“That the Council authorises the Chief Executive Officer to commence legal proceedings to cease the unauthorised use of the rear courtyard of existing eating house at No. 178 (Lot 253) Scarborough Beach Road, Mount Hawthorn unless a development application is received within one month.”

Debate ensued.

AMENDMENT CARRIED (6-1)

For
Cr Chester
Cr Doran-Wu
Cr Franchina
Cr Hall
Cr Ker
Cr Piper

Against
Mayor Catania

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

MOTION AS AMENDED CARRIED (6-1)

For
Cr Chester
Cr Doran-Wu
Cr Franchina
Cr Hall
Cr Ker
Cr Piper

Against
Mayor Catania

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

COUNCIL DECISION ITEM 10.1.13

That the Council authorises the Chief Executive Officer to commence legal proceedings to cease the unauthorised use of the rear courtyard of existing eating house at No. 178 (Lot 253) Scarborough Beach Road, Mount Hawthorn unless a development application is received within one month.

LANDOWNER: Kalia Nominees Pty Ltd
TENANT: S Gardiner
ZONING: Metropolitan Region Scheme – Urban
Town Planning Scheme No.1 – Commercial
EXISTING LAND USE: Eating House

| | |
|--------------------|-------------------|
| Use Class | Eating House |
| Use Classification | 'P' |
| Lot Area | 665 square metres |

SITE HISTORY:

- 14 August 1995 The Council at its Ordinary Meeting resolved to approve an eating house at No. 178 Scarborough Beach Road, subject to conditions including:
- (i) the provision of 12 sealed, marked and drained carbays; and
 - (ii) a maximum of 40 square metres of the site being used for an eating area.
- 8 April 2002 The Town received a complaint regarding the expansion of the subject premises eating area into the rear courtyard and concerns relating to noise and odour.
- 10 October 2002 The tenant of the eating house was advised in writing that the use of the courtyard for eating area is unauthorised and was requested to cease such activities within the rear courtyard within 7 days, until Planning Approval for such a use had been applied for and granted.
- 16 October 2002 The tenant advised the Town of their position and requested in writing that the Town allow them to continue to trade while seeking approval.

6 November 2002 The tenant was advised that a complaint had been received regarding the lattice structure erected in the rear courtyard as the structure and garden bed were unlawfully attached to the adjoining building. The lattice structure was subsequently altered so it was no longer attached to the adjoining building. However, the Town understands that the garden bed still encroaches into the adjoining property. This garden bed encroachment is a civil matter to be addressed by the owners of the affected properties, and not the Town.

29 November 2002 The tenant was advised that the Town could not permit the continued use of the eating area within the rear courtyard prior to Planning Approval being granted. Accordingly, the tenant was advised to cease eating area activities within the rear courtyard.

The tenant has been contacted by the Town's Officer several times over the past months and has been requested to submit the planning application within certain time frames. To date, no application has been received.

DETAILS:

In addition to the communications between the tenants of the subject property and the Town's Planning and Building Services, the Town's Health Services have received a number of complaints regarding the rear area being utilised by staff and patrons. The complainant has advised that this has resulted in an increase in activity until late at night and a loss of amenity due to sleep disturbance, litter, and general noise disturbance. The Town's Health Services have advised the occupier of the eating house of their obligations with respect to the Environmental Protection (Noise) Regulations 1997.

Given the tenants' lack of action to address the matter and ongoing complaints received, it is recommended that the Council authorises the Chief Executive Officer to commence legal proceedings to cease the unauthorised use at No. 178 (Lot 253) Scarborough Beach Road, Mount Hawthorn.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Councillor Helen Doran-Wu – Traffic Complaints – Mount Hawthorn

That the Council;

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

COUNCIL DECISION ITEM 11.1

Moved Cr Doran-Wu, Seconded Cr Chester

That the motion be adopted.

Cr Piper departed the Chamber at 7.58pm.

Debate ensued.

Crs Drewett and Piper returned to the Chamber at 8pm.

MOTION CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

At 8.05pm Moved Cr Hall , Seconded Cr Chester

That Item 10.2.5 that was unopposed and moved en bloc under Item 10.5 and Item 10.6 (a) be RECOMMENDED

CARRIED (8-0)

(Cr Cohen on approved leave of absence)

10.2.5 Introduction of Fifteen Minute Parking Bays in Grosvenor Road, Mount Lawley

| | | | |
|------------------------------|----------------------------|------------------|------------------|
| Ward: | North Perth Ward | Date: | 18 February 2003 |
| Precinct: | Mount Lawley Centre P11 | File Ref: | PKG0034 |
| Reporting Officer(s): | A. Munyard | | |
| Checked/Endorsed by: | R Lotznicher | | |
| Amended by: | - | | |

OFFICER RECOMMENDATION:

That the Council;

- (i) receives the report on the introduction of fifteen (15) minute parking bays in Grosvenor Road, Mount Lawley;*
- (ii) APPROVES the introduction of parking bays, time restricted to fifteen (15) minutes between 8.00am until 8.00pm Monday to Sunday on the south side of Grosvenor Road, Mount Lawley, as shown on attached plan 2144-PP-1;*
- (iii) places a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iv) advises the adjacent businesses of the Council's resolution*

COUNCIL DECISION ITEM 10.2.5

Moved Cr Hall, Seconded Cr Chester

That this item be DEFERRED for investigation and report.

CARRIED (6-2)

For
Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Drewett
Cr Franchina
Cr Hall

Against
Cr Ker
Cr Piper

(Cr Cohen on approved leave of absence.)

BACKGROUND:

The introduction of parking bays restricted to fifteen (15) minutes on the south side of Grosvenor Road, adjacent to the supermarket, would be beneficial to the adjacent businesses and provide an improved amenity for their customers.

DETAILS:

The south side of Grosvenor Road, near the intersection of Beaufort Street, is currently a *NO STOPPING* zone. Modification of the intersection, carried out some years ago by the Town, has resulted in there being no apparent justification for this restriction to remain.

It is therefore proposed that parking be permitted adjacent to the supermarket, and that this be restricted to a short term of fifteen (15) minutes. This restriction will ensure short-term parking is frequently available, providing a convenient point for commuters to pick up essential items on their way to and from work.

Three (3) parking bays can be accommodated adjacent to the supermarket, with diagonal line marking at the east end, to ensure a safe setback from the intersection.

This matter has been discussed with the Town's Law and Order Services Officers, who can see no impediment to the introduction of the bays.

CONSULTATION/ADVERTISING:

This action will remove a current restriction and make more parking available. As this is in line with the expressed requests of local businesses, and will have no detrimental affect on residents, consultation is not necessary.

STRATEGIC IMPLICATIONS:

In line with Key Result Area One of the Draft Strategic Plan 2002-2007 - Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "1.4 i) *Develop a strategy for parking management in business, residential and mixed use precincts, that includes parking facilities that are appropriate to public needs*".

FINANCIAL/BUDGET IMPLICATIONS:

Signage and line marking would cost approximately \$250.00.

COMMENTS:

Both businesses and their customers welcome the introduction of additional parking and therefore approval is recommended.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nominations – FESA Consultative Committee – Bush Fire Service and Fire and Rescue Service; FESA Emergency Services Levy Capital Grants Committees – Bush Fire Brigade Capital Grants Committee and State Emergency Service Capital Grants Committee (Panel of 9 Names); Local Government Advisory Board and Road Safety Council (Panel of 3 Names)

| | | | |
|------------------------------|-----------------|------------------|------------------|
| Ward: | - | Date: | 17 February 2003 |
| Precinct: | - | File Ref: | ORG0045 |
| Reporting Officer(s): | Manuela McKahey | | |
| Checked/Endorsed by: | John Giorgi | | |
| Amended by: | - | | |

RECOMMENDATION:

That;

- (i) _____ *..be nominated as WALGA Member – FESA Consultative Committee – Bush Fire Service (BFS);*
- (ii) _____ *..be nominated as WALGA Member – FESA Consultative Committee – Fire and Rescue Service (FRS);*
- (iii) _____ *.. and* _____ *..and* _____ *..be nominated as WALGA Member – FESA Emergency Services Levy (ESL) Capital Grants Committee - Bush Fire Brigade Capital Grants Committee (Panel of 9 Names);*
- (iv) _____ *.. and* _____ *..and* _____ *..be nominated as WALGA Member – FESA Emergency Services Levy (ESL) Capital Grants Committee – State Emergency Service (SES) Capital Grants Committee (Panel of 9 Names);*
- (v) _____ *..be nominated as WALGA Metropolitan Member – Local Government Advisory Board;*
- (vi) _____ *..be nominated as WALGA Deputy Metropolitan Member – Local Government Advisory Board;*
- (vii) _____ *..be nominated as WALGA Member – Road Safety Council (Panel of 3 names); and*
- (viii) _____ *..be nominated as WALGA Deputy Member – Road Safety Council (Panel of 3 names).*

COUNCIL DECISION ITEM 12.1

Moved Cr Chester, Seconded Cr Ker

That Mayor Catania be nominated for (v) and Cr Ker be nominated for (vii) and/or (viii), and that no other nominations be made.

CARRIED (8-0)

(Cr Cohen on approved leave of absence.)

BACKGROUND:

Please see Appendix 12.1 for details.

NOMINATIONS CLOSE COB WEDNESDAY 12 MARCH 2003.

13. URGENT BUSINESS

13.1 Cr Drewett - Personal Explanation - Insurance Claim

Cr Drewett requested the Presiding Member's permission to make a personal explanation relating to his insurance claim.

Presiding Member, Mayor Nick Catania gave approval.

Cr Drewett stated that there was a statement in a newspaper article last week referring to Cr Drewett going directly to an insurance company, with regard to a personal claim. Cr Drewett advised that he had requested via the Chief Executive Officer's secretary for the Chief Executive Officer to clarify the matter. Stated he had a diary note that he consulted with the Mayor and Chief Executive Officer prior to the claim actually going to the insurance company, and he did not go direct to the insurance company. He also stated that at that time, in December 2001, the Council did not have a legal policy on legal representation and fees and he found some of the comments in the article bewildering.

Mayor Catania responded that in regard to the legal policy, he had advice that any legal matter referred to the Council at this time, will be dealt with by the current policy, regardless of the date of the matter.

The Chief Executive Officer, John Giorgi, read out the following sequence of events:

- 12/12/01 • Cr Drewett spoke to CEO (in presence of Mayor) – advised he intended to ask the Council and/or the insurers to pay his legal costs.
- 14/12/01 • Letter from John Giorgi to John Abercrombie (at Town's insurers) informing him of a potential claim.
- 17/12/01 • CEO wrote letter to Cr Drewett – advising him to lodge a claim to Town's insurers.
- 18/12/01 • Cr Drewett spoke to John Abercrombie by telephone. John Abercrombie advised Cr Drewett to submit a notification of claim through the Town, referring him to Manager Financial Services, Natasha Forsyth.
- 18/12/01 • Notice of Motion from Cr Drewett – Indemnity Insurance and Proposed Policy for Reimbursement or Payment of Legal expenses.
 - Council Decision – the Motion “Lie on the Table” and CEO to apply to the Minister for Local Government for approval for Council to consider the Motion.

- 19/12/01
- Cr Drewett completed a Professional Indemnity Claim Form and signed it, which was then sent to the Municipal Liability Scheme (MLS) (or Town's insurers).

Mayor Catania asked who sent the claim to the insurers.

- Chief Executive Officer, John Giorgi, stated that the claim was completed by Cr Drewett in the Administration Centre and it is unclear whether the claim form was sent by Cr Drewett or by the Town's Officers to the Insurer. The Chief Executive Officer has seen a copy of the claim form and this does not show that any of the Town's Officers signed the form which is normal practice. However, according to the insurers, this is not relevant as Cr Drewett or any Member or Officer, as a Member, covered by the Town's Policy, can submit a claim form for professional indemnity direct to the insurer.

14. CLOSURE

Presiding Member, Mayor Nick Catania JP, declared the Meeting closed at 8.10pm with Councillors Chester, Doran-Wu, Drewett JP, Franchina, Hall, Ker and Piper JP, Chief Executive Officer, John Giorgi JP, Executive Manager Environmental and Development Services, Rob Boardman, Executive Manager Corporate Services, Mike Rootsey, Executive Manager Technical Services, Rick Lotznicher, Minutes Secretary, Debbie Winfield, consultant for Independent Organisational Review, Gary Brennan, Voice News journalist, Ms Jenny D'Anger, Guardian Express journalist, Ryan Sturman and one member of the public present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 25 February 2003.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2003