



**TOWN OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**12 FEBRUARY 2008**

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 12 February 2008, commencing at 6.00pm.

**1. DECLARATION OF OPENING**

The Presiding Member, Mayor Nick Catania, JP, declared the meeting open at 6.05 pm.

**2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE**

**(a) Apologies:**

Cr Helen Doran-Wu North Ward (family reasons)

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell (Deputy Mayor)	North Ward
Cr Anka Burns	South Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Tory Woodhouse	Senior Heritage Officer (until 6.45pm) – <i>to assist with presenting the Town of Vincent Building Design and Conservation Awards</i>
Susannah Kendall	Planning Officer – Heritage (until 6.45pm) – <i>to assist with presenting the Town of Vincent Building Design and Conservation Awards</i>
Jacqui Bahr	Journalist - “ <i>The Perth Voice</i> ” (until approx 8.15pm)

Approximately 24 Members of the Public

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

Nil.

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

1. Mr Stephan Kopec, 16 Melrose Street, Leederville – Item 10.1.9. Stated that this is a residential street and is concerned that the proposed development will compound already existing parking problems in the street. Does not believe that a commercial building should be built in the middle of the street.
2. Mr John Kaye, 15 Melrose Street, Leederville – Item 10.1.9. Reiterated the comments made by the previous speaker. Stated that the parking is already an issue in this street and this development will only compound the matter. Does not believe there is a need for offices in Melrose Street and that Oxford Street is a better option for this kind of development.

Concerned that his property would be exposed and at risk of being burgled once the existing wall is removed and requested that once the wall is removed that it is replaced quickly.

3. Mr Jeff Robinson, Suite 8/300 Rokeby Road, Subiaco – Item 10.1.9. Supports the development. Advised that the property is zoned for commercial and actually abuts to commercial developments. Stated that there is a resultant surplus of 1.28 car bays provided. Advised that the reports states the street has a capacity for 1500 vehicles per day but there are only 519 vehicles using it at the moment. Believes that the proposed offices will add to the security of the surrounding properties during the day.
4. Mr Ray Conrad of Clarendon Realty, 216 Stirling Street, Perth – Item 10.1.1. Given the location of the site, believes it commands an outstanding building and have gone all out to achieve this. Stated they have used a touch of art deco to soften the aesthetics and have provide sufficient parking for all residential and commercial occupants and believes this will prevent adding to existing parking problems in the area. Advised that they have worked with Council officers and engineers to come up with the current proposal.
5. Mr Jason Darragh of 65 Mabel Street, North Perth – Item 10.1.6. Does not support the proposed development due to the height, bulk and scale immediately upon their boundary, in particular the large ground floor boundary wall for the entire length of their backyard. Requested Council insist that the wall is rendered and painted to their satisfaction. Also concerned with the location and height of the alfresco area which creates an overlooking issue. Requested that it be screened and that they have an opportunity to comment on the materials used. Believes the first floor east setback does not meet the R-Codes and will result in all access to the sun being blocked and airflow restricted.
6. Ms Sarah Ontong, 67 Mabel Street, North Perth – Item 10.1.6. Summarised her written objections. Stated that she objects to the proposed boundary wall on the north side of the development and the upper floor front setback as these will have an adverse impact on her amenity. Is concerned that the level of the block does not reflect the natural level of the land.
7. Ms Jill Merker of Broome Street, Highgate – Item 10.1.8. Stated that they are concerned with the proposed development. In particular, believes the reduction of the setback to the upper floor will result in a significant loss of natural light to their property. Requested that Council delay a decision on the proposal to allow them time to present an impact analysis if required.
8. Mr Nick Granger of 367 Stirling Street, Highgate 10.1.8. Believes that that the size and scale for the area is totally inappropriate and will impact severely on least four residential houses where the gardens back onto one side of the development and their natural light will be reduced significantly. Requested that the Council look at the proposed development in perspective to the area and its location.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP, closed Public Question Time at 6.25pm.

**(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

4.1 Cr Izzi Messina applied for approved leave of absence for 5 to 25 March 2008 inclusive for work related reasons.

**Moved Cr Ker, Seconded Cr Maier**

*That Cr Messina's request for Leave of Absence for the period 5 – 22 March 2008 (inclusive) for work related reasons be approved.*

**CARRIED (8-0)**

**(Cr Doran-Wu was an apology for the meeting.)**

**5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS**

The Chief Executive Officer advised the following:

5.1 A petition was received from Bob Kucera requesting the installation of an exercise circuit in the park bounded by Ellesmere, Seldon and Eton Streets, North Perth together with 26 signatories.

*The Chief Executive Officer recommended that the petition be received and referred to the Director Technical Services for investigation and report.*

5.2 A petition was received from Bertini Holdings Pty Ltd opposing the venue for the proposed Ellington Jazz Club, 191 – 193 Beaufort Street, Perth and night club licences together with 26 signatories.

*The Chief Executive Officer recommended that the petition be received and referred to the Director Development Services for investigation and report.*

5.3 A petition was received from A Quinn of Alma Road, North Perth together with 13 signatories referring to unsatisfactory conditions at 107 Alma Road, North Perth.

*The Chief Executive Officer recommended that the petition be received and referred to the Director Development Services for investigation and report.*

**Moved Cr Farrell, Seconded Cr Youngman**

*That the Petitions be received and referred to the relevant Director for investigation and report.*

**CARRIED (8-0)**

**(Cr Doran-Wu was an apology for the meeting.)**

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

Minutes of the Ordinary Meeting of Council held on 18 December 2007.

**Moved Cr Farrell, Seconded Cr Ker**

*That the Minutes of the Ordinary Meeting of Council held on 18 December 2007 be confirmed as a true and correct.*

**CARRIED (7-1)**

<b><u>For</u></b>	<b><u>Against</u></b>
<b>Mayor Catania</b>	<b>Cr Lake</b>
<b>Cr Burns</b>	
<b>Cr Farrell</b>	
<b>Cr Ker</b>	
<b>Cr Maier</b>	
<b>Cr Messina</b>	
<b>Cr Youngman</b>	

**(Cr Doran-Wu was an apology the meeting.)**

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

**7.1 Annual Employee Awards - 2007**

The Annual Employee Awards 2007 have been introduced as part of the Town's commitment to its Employees which are incorporated in the Town's Guiding Values:

These Guiding Values describe what values are important both individually and as an organisation and are as follows:

- Excellence and Service
- Honesty and Integrity
- Innovation and Diversity
- Caring and Empathy
- Teamwork and Commitment

The Awards contain a number of categories for both individuals and teams and also recognise that internal customer service is as important as external customer service.

The Awards were presented by the Chief Executive Officer at the Annual Employee Function in late December 2007.

In view of the importance of these Awards, I believe it is important to formally advise the Council.

**CATEGORY 1:**

*Excellence in Customer Service for an Individual to the Residents/Ratepayers/ Members of the Public*



All Employee of the Month recipients are also automatically eligible to be considered for this Award.

This Award was presented to MANUELA MCKAHEY, Personal Assistant to the Chief Executive Officer and Mayor.

Manuela demonstrated outstanding customer service on a daily basis. Manuela receives numerous enquiries daily in the first instance wishing to speak with the Mayor or CEO because they have a problem that needs resolving. These can be on the telephone or in person. Often these people are frustrated, very demanding or sometimes angry. Manuela maintains a calm manner and deals with all enquiries effectively and efficiently and in most cases diffuses a potentially volatile situation.

In her role, she has to deal with many different levels of people. Manuela always displays professionalism and is polite and helpful when dealing with them.

Congratulations Manuela!

#### CATEGORY 2:

*Excellence in Customer Service for an Individual Providing Services within the Organisation*

All Employee of the Month recipients who have received the Monthly Award for internal customer service, are also automatically eligible to be considered for this Award.

This Award was presented to KRISTIE LAWLER, Finance Officer – Payroll.

Kristie commenced in the role of Payroll Officer full-time in July 2007. Since taking on the role there have been many favourable comments received from fellow employees about the high standard of service that she provides. Kristie is always helpful, quick to assist and very approachable. She performs her duties effectively and efficiently. She is also very proactive in developing new ways to improve procedures to ensure a better service is provided to all.

Congratulations Kristie!

#### CATEGORY 3:

*Excellence in Customer Service for a Section or Group Providing Services to the Residents/Ratepayers/ Members of the Public*

This Award was presented to the Ranger & Community Safety Services Team.

This Team was nominated for their outstanding achievement in being recognised as the “*Ranger Team of the Year*” for 2007 by the WA Rangers Association. This Award was presented to the Town at the recent Ranger’s Annual Conference in recognition of the very high standard of service that is provided to the Vincent community by the whole of the Ranger & Community Safety Services Section.

Congratulations to the Ranger & Community Safety Services Team!

CATEGORY 4:

*Excellence in Customer Service for a Section or Group within the organisation*

This Award was presented to the Information & Technology Services Team of Hunrhu Kek, Chamin Arambage & Simon Cooper.

This Team provide customer service everyday to many employees. They have been most helpful and efficient when dealing with all enquiries and have gone above and beyond normal service to ensure timely responses to requests.

Well done to the IT Team!

CATEGORY 5:

*Best Innovation/Business Improvement by an Employee (non-managerial)*

This Award was presented to Tory Woodhouse and Susannah Kendall from the Heritage Services Section.

The primary tool in heritage management is the Municipal Heritage Inventory (MHI) (Heritage List). The MHI review was embarked in 2000 and after much 'blood, sweat and tears' the new MHI was adopted in April 2007. The MHI review did not result in any significant dissatisfaction by property owners.

The Town's champions in the MHI review were the Town's Heritage Officers Tory Woodhouse and Susannah Kendall and former Officer Hannah Eames, under the leadership and guidance of Rob Boardman and Des Abel. Tory and Susannah have worked tirelessly with a professional, enthusiastic, positive and practical attitude to complete not only the Town's Municipal Heritage Inventory, but also numerous other heritage projects and initiatives.

The tremendous efforts by Tory and Susannah was highlighted when the Town of Vincent was the Heritage Council of WA "Winner 2007 - for Outstanding Contribution to Heritage in Western Australia by an Organisation". It was also the Category Winner for this Award.

CATEGORY 6:

*Best Innovation/Business Improvement by an Employee (managerial)*

This Award was presented to Dale Morrissy Manager Beatty Park Leisure Centre.

Dale has been employed at Beatty Park Leisure Centre for approximately 15 years and was appointed to the role of Manager on 2 October 2006.

Since his appointment as Manager, Dale has introduced a number of changes and innovative ideas and has turned the Centre around and has exceeded expectations in a number of areas: These include:

1. Financial performance - improvement in the financial performance of the Centre to so that the Centre is no longer a liability on the Town.
2. Introduced a team approach for all sections of the Centre

3. Reviewed the performance of the Café to return a financial profit.
4. Supported the Swim School to attain enrolments of a high number well exceeding previous enrolments.
5. Achieved an Award for the Centre for the Water Awards for 2007 for Water efficiency.
6. Dale is also providing considerable input into the concept designs for the proposed redevelopment of the Centre.

As a result, these ideas have contributed to the Centre becoming a profitable business for the first time in a number of years and has raised the profile of the Centre.

Dale's management of the Centre is a significant and worthy Business Improvement

#### EMPLOYEE OF THE YEAR AWARD 2007:

This Award receives a Bank Account for \$500, proudly sponsored by the North Perth Community Bank.

The Employee of the Year Award is open to ALL employees and is awarded to the person who is deemed to provide outstanding customer service (both to the community and also within the organisation) and demonstrates the personal qualities in the Town's Guiding Values.

This inaugural Award was presented to Reihana Paki, Supervisor Waste Management & Street Cleaning.

Reihana demonstrates outstanding customer service at all times. Often he has to deal with unhappy residents/ratepayers on many different issues. He is always respectful, kind, professional and assists above and beyond what is normally required.

Reihana is a valuable member of the Engineering Operations team and of the Town. His commitment and dedication to his job is commendable and truly appreciated.

Well done Reihana!

#### 7.2 Town of Vincent Building Design and Conservation Awards

The Building Design and Conservation Awards are held every two years and are designed to recognise and celebrate the efforts of all those involved in the construction and conservation of Vincent's buildings.

The Town of Vincent endeavours to encourage and promote the faithful conservation of our older valued buildings in assimilation with new and innovative development. The Building Design and Conservation Awards seek to recognise excellence in the design of new buildings, as well as the diligent efforts that property owners have devoted to the conservation and adaptation of existing buildings.

The Town aims to take a leadership role in the conservation of valued heritage buildings in our municipality. We pride ourselves in the ongoing improvements to our heritage assets, and understand the value that these places have for the broader community in creating that 'sense of place' which is recognisably Vincent.

Before announcing the winners of the awards, I would like to give special thanks to my fellow judges. A special thank you to James Vincent. James is a Heritage Architect who resides in the Town and willingly gave up his time and architectural expertise to assist with the judging. Thank you also to Councillor Anka Burns.

This year, whilst there were a smaller number of nominations, the quality of the entries was very high. Although four categories were offered, this year all entrants were for the Conservation Award for places on the Town's Municipal Heritage Inventory.

#### ANNOUNCEMENT OF AWARDS:

- The Award Winner goes to the owners of 'Parkside', the flats at No. 104 Vincent Street, Mount Lawley – Gene Banducci, Neila Rowley and Wendy Finney.

The owners have done a terrific job in the conservation of this landmark building along Vincent Street demonstrating sound conservation principles through the replacement of guttering and down pipes, the restoration and repair of all the original timber windows and doors and the restoration and re-rendering and painting of external walls. As encouragement and recognition of the works undertaken by the owners to conserve the Town's heritage places it gives me great pleasure to present you all with a certificate, plaque and a \$2,000 cash prize. Well done!

- Commendation goes to Mark Gidvani – owner of the limestone cottages at Nos. 134 to 136 Summers Street, Perth. Mark is to be commended for his efforts in conserving the pair of limestone cottages, demonstrated especially through the tuck pointing of the external walls, the renovations to both the roofs and internal decorating and upgrading of both houses. As encouragement and recognition of the works undertaken to conserve the Town's heritage places I would like to present Mark with a certificate.

Thank you to all those involved in the Building Design and Conservation Awards for 2007. Congratulations again to those who entered the awards and were recipients of prizes this evening.

#### 7.3 Proposed New Local Laws

Pursuant to Section 3.12 - 3.16 of the Local Government Act, the Town of Vincent hereby gives notice that it has carried out a review of its Local Laws as follows;

- (a) The Town proposes to adopt a new Local Law Relating to Trading in Public Places, as shown in Item 10.4.2 on tonight's Agenda.

"The purpose of this Local Law is to provide for the regulation, control and management of trading activities, outdoor eating areas, stalls and traders and entertainers in any street or public place.

The effect of this Local Law is to control trading activities and street entertainers in any street or public place."

- (b) The Town proposes to adopt a new Local Law Relating to Fencing, as shown in Item 10.4.3 on tonight's Agenda.

"The purpose of this Local Law is to provide for the regulation, *management* and control of fences and prescribe the standard of a "sufficient fence", within the district."

- (c) The Town proposes to adopt a new Local Law Relating to Local Government Property, as shown in Item 10.4.4 on tonight's Agenda.

"The purpose of this Local Law is to provide for the regulation, control and management of activities and facilities on local government property, thoroughfares and public places within the district.

The effect of this local law is to establish the requirements with which any person using or being on local government property, thoroughfares and public places within the district must comply."

7.4 Proposed Name Change for part of Glendalough within Town of Vincent Boundary

I am pleased to confirm that the Geographic Names Committee has supported the proposed name change from Glendalough to "Mount Hawthorn" and it is now with the Minister for Land Information, the Hon Michelle Roberts, for approval. We anticipate that the Minister will make a decision in the forthcoming weeks.

7.5 Delegation from the City of Prilep, Republic of Macedonia

At the request of the Macedonian Honorary Consulate in Western Australia, the Town hosted a group of 10 delegates visiting Perth from the City of Prilep in the Republic of Macedonia on Monday 11 February 2008. The Delegation included the Mayor of Prilep, Marian Risteski and other government, university/education and business proprietors.

The Council recently approved of a Charter of Mutual Friendship between the Town of Vincent and the City of Prilep to promote cultural ties between the two local governments, and this was signed at the Reception held on 11 February 2008, which also included members of the Macedonian Community.

7.6 Stadium and Museum Announcement

As is public knowledge, I was informed by the Minister for Sport and Recreation, the Hon Jon Kobelke, last week that the State Government has made its decision to locate the Major Stadium at Kitchener Park, Subiaco. The Government's decision was made after extensive examination of both sites and also made a decision to construct a new Museum and Cultural Centre on the East Perth Power Station at an estimated cost of \$560 million.

The Government's decision is welcomed by the Town, as the redevelopment of the Power Station site will have long term benefits to the area and also to Vincent.

7.7 New Library and Local History Centre Opening

I am very pleased to announce that very good progress has been made with the transfer from our old Library to the new Library and Local History Centre which will be open to the public on Monday 18 February 2008.

The refurbished Loftus Community Centre is also well advanced and will be open on the same day.

Many thanks to Perkins Builders and the Town's Staff for their excellent work in bringing these two projects to this stage.

**Cr Messina departed the Chamber at 6.46pm**

**8. DECLARATIONS OF INTERESTS**

- 8.1 Mayor Catania declared a financial interest in Item 10.3.4 Investment Report as at 31 December 2007. The extent of his interest being that he is Chairman of the Board of Directors of the North Perth Community Bank.
- 8.2 Cr Burns declared a financial interest in Item 10.3.4 Investment Report as at 31 December 2007. The extent of her interest being that she is a shareholder and her father is on the Board of Directors of the North Perth Community Bank.
- 8.3 Cr Messina declared a financial interest in Item 10.3.4 Investment Report as at 31 December 2007. The extent of his interest being that he is a Director and Shareholder of the North Perth Community Bank.
- 8.4 Chief Executive Officer, John Giorgi, declared a financial interest in Item 14.1 – Approval of CEO's Additional KPI's. The extent of his interest being this it relates to his Contract of Employment.

**Cr Messina returned to the Chamber at 6.48pm.**

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

Nil.

**10. REPORTS**

The Presiding Member, Mayor Nick Catania JP, requested that the Chief Executive Officer 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 10.1.9, 10.1.10, 10.1.6 and 10.1.8

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

Items 10.1.3, 10.3.5, 10.4.2, 10.4.3, 10.4.4 and 10.4.5

10.3 **Items which members/officers have declared a financial or proximity interest and the following was advised:**

Items 10.3.4 and 14.1

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

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

Cr Farrell	Item 10.4.6
Cr Messina	Item 10.1.5
Cr Youngman	Nil
Cr Ker	Item 10.1.2
Cr Lake	Items 10.1.1 and 10.1.4
Cr Burns	Nil
Cr Maier	Item 10.1.7
Mayor Catania	Nil

The Presiding Member, Mayor Nick Catania JP, requested that the Chief Executive Officer advise the meeting of:

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

Items 10.2.1, 10.2.2, 10.2.3, 10.3.1, 10.3.2, 10.3.3 and 10.4.1

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

Items 14.1 and 14.2

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

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

Items 10.2.1, 10.2.2, 10.2.3, 10.3.1, 10.3.2, 10.3.3 and 10.4.1

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

Items 10.1.9, 10.1.10, 10.1.6 and 10.1.8

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

**Moved Cr Farrell, Seconded Cr Ker**

*That the following unopposed items be approved, as recommended, en bloc;*

*Items 10.2.1, 10.2.2, 10.2.3, 10.3.1, 10.3.2, 10.3.3 and 10.4.1*

**CARRIED (8-0)**

(Cr Doran-Wu was an apology for the meeting.)

**10.2.1 Progress Report - Dedication and Lighting of Nova Lane, North Perth**

<b>Ward:</b>	North	<b>Date:</b>	5 February 2008
<b>Precinct:</b>	North Perth (P8)	<b>File Ref:</b>	TES0462 & TES0175
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Munyard, C Wilson		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the progress report on the dedication and lighting of Nova Lane;
- (ii) **NOTES** Western Power have advised that they will no longer be installing Lighting in dedicated Rights of Way;
- (iii) **AUTHORISES** the Chief Executive Officer to;
  - (a) write to the Western Australian Planning Commission seeking comment on Western Power Corporation's internal draft "Placement of Streetlights in Laneways" discussion paper;
  - (b) investigate the installation of solar powered lights and/or private streetlights; including obtaining a quotation from Western Power for the installation of an un-metered supply (UMS) point; and
- (iv) **RECEIVES** a further report on the matter was once the actions in clause (iii) have been completed.

**COUNCIL DECISION ITEM 10.2.1**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (8-0)**

(Cr Doran-Wu was an apology for the meeting.)

**PURPOSE OF REPORT:**

The purpose of this report is to inform Council of Western Power Corporation declining the Town's request to install street lighting in Nova Lane, between Knutsford and Fitzgerald Streets, as a result of a change of policy and, in the event that Western Power will not reconsider their refusal, investigate alternative proposals.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 6 September 2005, the Council approved the following:

*"That the Council;*

- (i) **RECEIVES** the report on the proposed dedication and provision of lighting in Nova Lane;



- (ii) *LISTS for consideration in the 2006/07 draft budget funds for the provision of lighting in the eastern leg of Nova Lane, estimated to cost \$11,000;*
- (iii) *PROCEEDS with the dedication of Nova Lane as a Public Road in 2006/07 should funds for lighting be approved; and*
- (iv) *RECEIVES a further report on the development of a draft program for the dedication, naming and provision of lighting in all suitable rights of way in the Town."*

**DETAILS:**

Street lighting is a pre-requisite to the dedication of a laneway as a public road. Other requirements are that the laneway be of a minimum width of 6m, (Nova Lane is 7m wide), that it is sealed and drained, and named. In respect of *Nova Lane*, all of these requirements have been met, aside from the lighting of the eastern leg between Knutsford and Fitzgerald Streets.

Public Road status allows for the creation of green title lots (freehold subdivision) adjacent to the laneway, and permits utility/service providers to install the necessary infrastructure.

In accordance with the Council's decision, provision was made in the Town's budget in 2006/2007 for lighting to be installed in the eastern section of *Nova Lane*. Western Power had previously installed and is maintaining lighting in the western leg of *Nova Lane* between Norham and Knutsford Streets.

With the funding in place, the Town wrote to Western Power, requesting a quotation for the installation of the lighting as shown on attached drawing No. 2571-RP.

Western Power has since advised that it has developed a new internal draft "Placement of Streetlights in Laneways" policy, under which lighting in *Nova Lane* (or any other laneway within the Town for that matter) will no longer be supported.

Western Power's response to the Town's request for lighting of Nova Lane

- "1) *Even though the laneway is approx 7m wide the streetlights cannot be installed in the laneway itself, this will apply even when this becomes a gazetted road in the future, as the widths are the main issue.*
- 2) *There must be a minimum of 1.5m building setback before considering installation of streetlights, this setback is from the edge of the lane lot boundary and into the customers property. From the photos there doesn't seem to be a 1.5 m building setback. This building setback has been determined to limit light spill and glare as per the Australian Standard with a specific streetlight requirement.*
- 3) *The streetlight poles are only to be installed in a road reserve that is indented into the customers property adjoining the laneway. This indentation is to be 1.1m x 1m, where the streetlight pole is to be 0.7m setback from the laneway edge ie in straight sections of kerbed laneways (special streetlights are required).*
- 4) *If streetlights were to be installed, once all the requirements have been met, the poles would need to be 4.5m Bordeaux poles, 50 W MV Bourke Hill pathway luminaire with a suitable outreach.*

*This all stems from a policy WP created to address the streetlights in laneways issue. I have attached it for your reference. See section 6 in particular.*

*WP will not consider installing assets in a laneway with carriageway less than 6m."*

However the Western Australian Planning Commission (WAPC) has a contrary position:

*"WAPC's Bulletin No 33, Rights Of Way or Laneways in Established Areas - Guidelines*

*WAPC recognize the value of rights of way, or Laneways, for the facilitation of in-fill development. This document highlights the improved function of dedicated laneways in providing the normal services of a street, such as public utilities, access for emergency services, postal services, refuse collection, addressing etc. Public utilities can not be installed in rights of way which have not been dedicated."*

Western Power's new requirements are virtually unachievable for the retro-fitting of existing, inner city rights of way. The Town's Officers intend to seek the WAPC's comment on Western Power's discussion paper, which appears to be in conflict with their recommendations and guidelines.

#### **Officer's Comment**

Western Power's new Draft Policy is achievable in 'greenfield' subdivisions but is unworkable in existing inner city laneways. Should Western Power be unwilling to reconsider their position, the Town will have to consider installing (and maintaining) the lighting to enable the dedication process to be finalised. To this end there are two options:

- The installation of 'private' lighting, connected to the electricity grid via an un-metered supply (UMS) point in Nova Lane. The type and style of light purchased would match that installed (by Western Power) in the western leg of Nova Lane.
- The installation of solar powered lights.

#### **Solar Powered Streetlights**

In an unrelated report, at its Ordinary Meeting of 4 December 2007, Council approved the trial installation of solar powered streetlights in a right of way in Mt Lawley (bounded by Harold, Beaufort, Clarence and Curtis Streets) dependent upon a funding submission to the Sustainability Energy Development Office being successful.

Note: For the purposes of this report, Laneways and Rights of Way can be considered the same.

#### **Council Policy 2.2.21 - Installation of Western Power supported decorative streetlights.**

At its Ordinary Meeting of 2 November 2000, Council approved an amendment to Policy 2.2.21 requiring that in locations where underground power is to be installed, the streetlights are to be from Western Power's Decorative Range. This reasoning was two fold - a more aesthetically pleasing style of streetlight and Western Power being responsible for all maintenance. To this ends all streetlights installed in dedicated rights of way to date have been by Western Power.

However as a result of Western Power's new policy, this is no longer possible and while the same / similar light can be purchased and installed as private lighting, Western Power would not be responsible for any maintenance.

Therefore, if the Town installs 'private' street lighting, Council will have to consider amending the aforementioned policy.

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

There are no legal implications to the proposal.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "(d) *implement infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way and roads.*"

**FINANCIAL/BUDGET IMPLICATIONS:**

Funding for the lighting of laneways has been allocated in the 2007/2008 budget.

**COMMENTS:**

It would appear that Western Power is at odds with the WAPC in respect of the lighting of dedicated laneways in established inner city and urban areas. It is almost impossible to comply with clause 3 of Western Power's draft policy requiring that:

*The streetlight poles are only to be installed in a road reserve that is indented into the customers property adjoining the laneway. This indentation is to be 1.1m x 1m, where the streetlight pole is to be 0.7m setback from the laneway edge, i.e. in straight sections of kerbed laneways (special streetlights are required).*

Understandably, residents would be very reluctant to cede a portion of their property for the installation of a streetlight and in fact may not be physically able to if the existing structure is built to nil or minimum setbacks.

In respect of *Nova Lane*, the Town has demonstrated that the streetlights, if necessary, could be installed on a 1.5m alignment to achieve the necessary clearance. The light would be in a nib and protected by a bollard either side, as is the current practice. This would also assist with traffic calming and would be the logical spot for a speed hump if warranted in the future.

Western Power appears to have taken an arbitrary position on lighting in laneways, rather than consider each on its merits, and it will be with interest that Town seeks the WAPC response.

**10.2.2 Further Report - Proposed Improvements For Robinson Avenue, Perth, between William and Lake Streets**

<b>Ward:</b>	South	<b>Date:</b>	5 February 2008
<b>Precinct:</b>	Hyde Park P12	<b>File Ref:</b>	TES0484, TES0069 TES0006, TES0311
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Lotznicker		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the further report on the proposed improvements for Robinson Avenue, Perth;*
- (ii) *APPROVES;*
  - (a) *revised Plan No 2547-CP-1A for the reasons outlined in the report;*
  - (b) *the Robinson Avenue improvement works as shown on revised Plan No. 2547-CP-1A at an estimated cost of \$26,500; and*
- (iii) *INFORMS the residents of Robinson Avenue of its decision.*

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**COUNCIL DECISION ITEM 10.2.2**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (8-0)**

(Cr Doran-Wu was an apology for the meeting.)

---

**PURPOSE:**

The purpose of this report is to update the Council on the proposed improvements for Robinson Avenue, Perth.

**BACKGROUND:**

At its Ordinary Meeting held on 25 September 2007, the Council received a report on proposed improvements for Robinson Avenue, where the following decision was adopted:

*"That the Council;*

- (i) *RECEIVES the report on the proposed improvements Robinson Avenue, Perth;*
- (ii) *APPROVES the implementation of the Robinson Avenue improvement works as shown on attached Plan No. 2547-CP-1 as a 'stand alone' project at an estimated cost of \$26,500; and*

- (iii) *ADVISES the author of the petition and the residents of Robinson Avenue of its decision."*

**DETAILS:**

The report presented to the Council in September 2007 indicated that it was possible to undertake the tree planting works in Robinson Avenue prior to the undergrounding of power. The report also indicated that the future cabling works associated with the undergrounding of power, while predominantly 'micro tunnelled', would also comprise excavations for the installation of pits, changes of direction, setting up of the drilling machines, removal of existing poles, placing of new poles, possible transformer location/s.

The Council subsequently approved concept plan No. 2547-CP-1.

**Design Plans**

During the preparation of the detailed design, it was discovered that a stormwater line is located in the road carriageway about 600mm in from the northern kerb line most of the way to Brookman Street. Also, site observations revealed that delivery trucks servicing the Asian food/commercial premises in the William Street area, often turn from Brisbane Place into Wellman Street and vice versa. Therefore plan No 2547-CP-1 has been modified (refer plan No 2547-CP-1A) as all the trees can only be located on the south side.

Additional trees have been included on the south side.

**CONSULTATION/ADVERTISING:**

Residents and businesses in Robinson Avenue will be advised of the proposed change to the plan.

**LEGAL/POLICY:**

N/A

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"(d) implement infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way and roads."*

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost to carry out the works as shown on plan No 2547-CP-1A is \$26,500.

**COMMENTS:**

The plan has been modified as trees cannot be planted on the north side of Robinson Avenue due to the existence of underground services.

It is recommended that the Council adopt the revised plan, for the reasons outlined in the report, and that the residents be advised of the proposed changes and the reasons for the changes.

**10.2.3 Tender No. 375/07 - Supply and Delivery of One (1) 13m Refuse Compactor Truck with Single Wide Cone and Garbage Bin Lifter**

<b>Ward:</b>	Both	<b>Date:</b>	4 February 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0387
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J van den Bok, D Hoy; C Economo; R Lotznicker,		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	-

**RECOMMENDATION:**

*That the Council;*

- (i) *ACCEPTS the tender submitted by Major Motors for the Supply of One (1) 13m3 Refuse Compactor Truck with Single Wide Cone and Garbage Bin Lifter for the total cost of \$215,630 (GST exclusive) in accordance with the specifications as detailed in Tender No. 375/07;*
- (ii) *NOTES that \$185,000 has been allocated in the 2007/2008 budget for the supply of a Refuse Compactor Truck, funded from the Waste Management Reserve; and*
- (iii) *APPROVES the additional funds of \$30,630, required for the purchase of the Refuse Compactor Truck, to be sourced from the Waste Management Reserve.*

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**COUNCIL DECISION ITEM 10.2.3**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**(Cr Doran-Wu was an apology for the meeting.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to obtain the Council's approval to award a tender for the Supply of One (1) 13m3 Refuse Compactor Truck with Single Wide Cone and Garbage Bin Lifter to the preferred supplier.

**BACKGROUND:**

Tenders closed on 12 December 2007 for the Supply of one 13m3 Refuse Compactor Truck with Single Wide Cone and Garbage Bin Lifter and five (5) tenders were received. Present at the tender opening were the Purchasing/Contracts Officer and the Parks Services Technical Officer.

**DETAILS:**

Details of all submissions received are as follows:

	<b>Garwood</b>	<b>Diesel Motors</b>	<b>WA Hino</b>	<b>Major Motors</b>	<b>Waste Master</b>
<b>Total</b>	\$229,108	\$238,300	\$222,438	\$215,630	\$156,332.00*

Note: Prices exclude GST  
\*Compactor Unit only

**Evaluation Criteria**

The following evaluation criteria were applied in the assessment of the tenders:

<b>Evaluation Criteria</b>		<b>Weighting</b>
Mandatory Product Feature	Product features essential to undertake required function. Specification conformance. Response and Detail to Specification	25%
Special Facilities	Ease of vehicle servicing. Availability of spare parts. Number of technical support staff available.	20%
Price Tender	The total cost shown on the Tender Schedule will be assessed with or without the trade-in included at the Town's discretion	20%
Life Cycle Costs	Service/maintenance costs	15%
Operators Ergonomics	Ease of operation/controls. Operator comfort	10%
Warranty	Assessed on performance. Warranty period offered	5%
Delivery	Required in eight (8) weeks	5%
<b>TOTAL</b>		<b>100%</b>

An evaluation panel consisting of the Director Technical Services, Manager Parks Services, Director Corporate Services and Co-ordinator Parks Services, assessed the tenders using the selection criteria in accordance with the tender documentation as follows:

Tender Evaluation

<b>Evaluation Criteria</b>	<b>Weighting</b>	<b>Major Motors</b>	<b>WA Hino</b>	<b>Diesel Motors</b>	<b>Garwood</b>
Mandatory Product Features	25%	25	25	25	12.5
Special Facilities	20%	20	20	20	10
Price Tender	20%	20	19.26	18.7	17.93
Life Cycle Costs	15%	12	12	7.5	15
Operators Ergonomics	10%	10	8	8	8
Warranty	5%	5	5	3	4.5
Delivery	5%	3	4	4	4
<b>Total</b>	<b>100%</b>	<b>95</b>	<b>93.26</b>	<b>86.2</b>	<b>71.93</b>

The Town currently has a fleet of 6 rubbish trucks, comprising 2 x rear loaders, 3 x side loaders and a small rear loader for parks and street litter bin collection.

The existing Parks rubbish truck consists of an Isuzu truck (Major Motors) and a McDonald Johnston compactor body. This unit has performed well over the past six years and is being retained by Engineering Operations to augment the current Waste Collection service. This truck is currently used extensively by Engineering Operations in collection waste from rear laneways, narrow street and from within developments.

The submission from Major Motors provides the best value for money and rates the highest following evaluation of the tender. Several compactor bodies are now available, however, the Town's fleet mainly use the McDonald Johnston type compactor which rates slightly higher in terms of 'time cycle' of the operation and general use, particularly when loading items such as cardboard.

In addition, MacDonald Johnston have a comprehensive workshop facility. Major Motors have listed the Mac Donald Johnston body as the recommended body builder for their truck.

The submission received from Wastemaster has been deemed non-conforming, as it relates only to the supply of the compactor body and not the combination of truck/compactor body as requested within the tender documentation.

Based on the Weighting Evaluation Criteria, the combination of the Isuzu Truck with the MacDonald Johnston rear compactor unit as submitted by Major Motors for \$215,630 (GST exclusive) is recommended.

**CONSULTATION/ADVERTISING:**

Nil

**LEGAL/POLICY:**

Tender 375/07 for the Supply of One (1) 13m<sup>3</sup> Refuse Compactor Truck with Single Wide Cone and Garbage Bin Lifter was advertised in accordance with the Local Government Act Tender Regulations.

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$185,000 has been allocated in the 2007/2008 budget for replacement of this item of plant funded from the Waste Management Reserve. The recommended purchase price is \$215,630. This will leave a funding shortfall of \$30,630 which will need to be sourced from the Waste Management Reserve.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 *Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.*

**COMMENTS:**

The Town's Manager Engineering Operations has carried out extensive research, investigation and liaison with other Waste practitioners with regard to refuse trucks and compactors and has recommended that the tender submitted by Major Motors in this case represents the best value and most suitable vehicle for the required function. It is therefore requested that the officer recommendation be adopted.



**10.3.1 Annual Plan - Capital Works Programme 2007/2008 - Progress Report  
No 2 as at 31 December 2007**

<b>Ward:</b>	Both	<b>Date:</b>	5 January 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M Rootsey, R Lotznicker, R Boardman		
<b>Checked/Endorsed by:</b>	J Giorgi	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Capital Works Programme 2007/2008 Progress Report No 2 for the period 1 October - 31 December 2007, as detailed in Appendix 10.3.1.*

**COUNCIL DECISION ITEM 10.3.1**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (8-0)**

**(Cr Doran-Wu was an apology for the meeting.)**

**PURPOSE OF REPORT:**

The purpose of this report is to provide a quarterly progress report of the Council's Capital Works Programme 2007/2008 for the period 1 July 2007 to 31 December 2007.

**BACKGROUND:**

The Council adopted the Capital Works Programme at the Ordinary Meeting of Council held on 14 August 2007. Quarterly reports will be presented to Council to advise of the schedule and progress of the Capital Works Programme. This is the second Progress Report for this financial year covering the period ending 31 December 2007.

**DETAILS:**

The report focuses on the work that was due to be completed up to the end of the second quarter. Comments on the report relate only to works scheduled to be carried out in the period up to 31 December 2007.

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

Nil

**STRATEGIC IMPLICATIONS:**

Plan for the Future

Strategic Plan 2006-2011

Objective 1 - Natural and Built Environment

1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

**FINANCIAL/BUDGET IMPLICATIONS:**

The progress is currently proceeding according to funding in the Annual Budget 2007/2008.

**COMMENTS:**

The Capital Works Programme is currently progressing according to the Council approved schedule.

**10.3.2 Authorisation of Expenditure for the period 1 - 31 December 2007**

<b>Ward:</b>	Both	<b>Date:</b>	06 January 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0005
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	Melike Orchard		
<b>Checked/Endorsed by:</b>	Bee Choo Tan	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council CONFIRMS the;*

- (i) *Schedule of Accounts for the period 1 December – 31 December 2007 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans.*

*as shown in Appendix 10.3.2.*

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**COUNCIL DECISION ITEM 10.3.2**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**(Cr Doran-Wu was an apology for the meeting.)**

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**DECLARATION OF INTEREST**

<b>Members/Officers</b>	<b>Voucher</b>	<b>Extent of Interest</b>
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Nil.

**PURPOSE OF REPORT:**

To seek authorisation of expenditure for the period 1 - 31 December 2007.

**BACKGROUND:**

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

**DETAILS:**

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

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Town of Vincent Advance Account	EFT	\$485,481.74
<b>Total Municipal Account</b>		<b>\$0.00</b>
<b>Advance Account</b>		
Automatic Cheques	60902-61283, 61285-61332, 61501-61631	\$791,881.78
EFT Batch		\$0.00
<b>Municipal Account</b>		
Transfer of Creditors by EFT Batch	736-737, 739-740, 742-744	\$2,806,084.15
Transfer of PAYG Tax by EFT	December 2007	\$181,487.90
Transfer of GST by EFT	December 2007	\$0.0
Transfer of Child Support by EFT	December 2007	\$643.94
Transfer of Superannuation by EFT:		
• City of Perth	December 2007	\$34,556.90
• Local Government	December 2007	\$106,424.04
<b>Total</b>		<b>\$3,921,078.71</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$8,460.18
Lease Fees		\$1,872.36
Corporate Master Cards		\$10,697.52
Folding Machine Lease Equipment		\$0.00
Trace Fees		\$0.00
Loan Repayment		\$57,086.95
Rejection Fees		\$7.50
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$78,124.51</b>
<b>Less GST effect on Advance Account</b>		<b>-\$153,401.00</b>
<b>Total Payments</b>		<b>\$4,331,283.96</b>

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2006-2011 – Key Result Area 4.2 – Governance and Management

*“Deliver services, effective communication and public relations in ways that accord with the expectations of the community, whilst maintaining statutory compliance and introduce processes to ensure continuous improvement in the service delivery and management of the Town.”*

**ADVERTISING/CONSULTATION:**

Nil.

**COMMENT:**

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

**10.3.3 Financial Statements as at 31 December 2007**

<b>Ward:</b>	Both	<b>Date:</b>	15 January 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	Bee Choo Tan		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Financial Reports for the year ended 31 December 2007 as shown in Appendix 10.3.3.*

**COUNCIL DECISION ITEM 10.3.3**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**(Cr Doran-Wu was an apology for the meeting.)**

**PURPOSE OF REPORT:**

The purpose of this report is to present the financial statements for the month ended 31 December 2007.

**BACKGROUND:**

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports to be submitted to Council. The Financial Statements attached are for the month ended 31 December 2007.

**DETAILS:**

The Financial Statements comprise:

- Operating Statement
- Summary of Programmes/Activities
- Capital Works Schedule
- Balance Sheet and Statement of Changes in Equity
- Reserve Schedule
- Debtor Report
- Rate Report
- Beatty Park Report – Financial Position
- Statement of Financial Activity
- Net Current Asset Position
- Variance Comment 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 Operating Statement and the Summary of the Programmes Activities reports are in a new format providing a comparison between the year to date actual revenue and expenditure with the year to date 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 3% over the year to date budget for the month ending 31 December 2007.

### **General Purpose Funding (Page 1)**

General Purpose Funding is showing 1% over the budget.

### **Governance (Page 2)**

Governance is showing 2% under budget.

### **Law Order & Public Safety (Page 3)**

Revenue of Law Order & Public Safety is 75% of the budget.

### **Health (Page 4)**

Health is showing 109%, of the budget this is due to 354 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining.

### **Education & Welfare (Page 5)**

Education and Welfare is now showing 62% under budget, as of the re-phasing of the receipt of the Leederville Gardens surplus.

### **Community Amenities (Page 6)**

Community Amenities is 11% above the year to date budget. There were 367 planning applications being processed to date.

### **Recreation & Culture (Page 9)**

The total revenue for Recreation and Culture is currently 2% over the revenue budget. Beatty Park Leisure Centre revenue is 38 % of the total Recreation and Culture revenue budget and is performing on target with the centre year to date revenue at 105%

### **Transport (Page 11)**

The total revenue for Transport is 22 % over the budget.

### **Economic Services (Page 12)**

Economic Services is 113% over budget due to the increase number of building licences 327 issued compared to last year 293 licences.

### **Other Property & Services (Page 13)**

The total revenue for Other Property & Services is 46% over the budget due to the advertising rebate received and allocated, leases on Tamala Park and other revenue received for the depot.

**Operating Expenditure**

Operating expenditure for the month is 99% of the year to date budget for the month ending 31 December 2007.

**Capital Expenditure Summary (Pages 18 to 24)**

The Capital Expenditure summary details projects included in the 2007/08 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure including commitment for year amount of \$10,888,808 which is 45 % of the budget of \$24,362,667.

	<b>Budget</b>	<b>Actual to Date</b>	<b>%</b>
Furniture & Equipment	538,150	50,328	9%
Plant & Equipment	1,487,450	175,533	12%
Land & Building	12,303,039	7,311,456	59%
Infrastructure	10,034,028	3,351,491	33%
<b>Total</b>	<b>24,362,667</b>	<b>10,888,808</b>	<b>37%</b>

**Balance Sheet (Statement of Financial Position) and  
Statement of Changes in Equity (Pages 25 & 26)**

The statement shows the current assets of \$28,876,284 and non current assets of \$128,358,938 for total assets of \$157,235,222.

The current liabilities amount to \$5,266,201 and non current liabilities of \$15,748,861 for the total liabilities of \$21,015,062. The net asset of the Town or Equity is \$136,220,161.

**Restricted Cash Reserves (Page 27)**

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

**Debtors and Rates Financial Summary****General Debtors (Page 28)**

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

Sundry Debtors of \$1,865,417 is outstanding at the end of December 2007. Of the total debt \$18,647 (1%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue

Finance has been following up outstanding items with debt recovery by issuing reminder when it is overdue.

**Rate Debtors (Page 29)**

The notices for rates and charges levied for 2007/08 were issued on the 6 August 2007.



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

First Instalment	10 September 2007
Second Instalment	12 November 2007
Third Instalment	14 January 2008
Fourth Instalment	17 March 2008

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.

Rates outstanding are \$3,880,654 which represents 22% of the outstanding collectable income compared to last year 18%. The difference in the outstanding debt was partly due to the issue of additional boundary rates assessments in August 2007.

#### **Beatty Park – Financial Position Report (Page 30)**

As at 31 December 2007 the operating deficit for the Centre was \$223,974 in comparison to the annual deficit of \$478,265.

The cash position showed a current cash deficit of \$5,507 in comparison annual budget estimate of a cash surplus of \$26,320. The cash position is calculated by adding back depreciation to the operating position.

#### **Statement of Financial Activity (Page 31)**

The closing surplus carry forward for the year to date 31 December 2007 was \$13,897,858.

#### **Net Current Asset Position (Page 32)**

The net current asset position \$13,897,858.

#### **Variance comment Report (Pages 33 to 36)**

The comments will be for the favourable or unfavourable variance of greater than 10% of the year to date budgeted.

**10.4.1 Use of the Council's Common Seal**

<b>Ward:</b>	-	<b>Date:</b>	6 February 2008
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council ENDORSES the use of the Council's Common Seal on the documents listed in the report, for the month of January 2008.*

**COUNCIL DECISION ITEM 10.4.1**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (8-0)**

**(Cr Doran-Wu was an apology for the meeting.)**

**BACKGROUND:**

The Chief Executive Officer is responsible for the day-to-day management of the Town and other responsibilities and functions in accordance with Section 5.41 of the Local Government Act. This includes the signing of documents and use of the Council's Common Seal for legal documents. The Town of Vincent Local Law relating to Standing Orders Clause 5.8 prescribes the use of the Council's Common Seal. The CEO is to record in a register and report to Council the details of the use of the Common Seal.

At the Ordinary Meeting of Council held on 14 May 2002, the Council authorised the Chief Executive Officer to use the Common Seal, in accordance with Clause 5.8 of the Town of Vincent Local Law relating to Standing Orders, subject to a report being submitted to Council each month (or bi-monthly if necessary) detailing the documents which have been affixed with the Council's Common Seal.

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

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
14/12/07	Deed of Agreement	3	Town of Vincent and Almera Holdings Pty Ltd as Trustee for the Carroll Family Trust of 1, 5 Montgomery Way, Malaga and Mijude Nominees Pty Ltd as trustee for the Salem Property Trust of Bryant Church, Centrepoint Tower, Level 1, 123B Colin Street, West Perth re: 64A and 64B (Lots 1 and 2) Wasley Street, North Perth - proposed demolition of the western grouped dwelling and construction of a temporary car park and change of use of the eastern grouped dwelling to temporary storage and administration purposes associated with the institutional building (St Michael Nursing Home and Independent Living Units) at Nos. 53-65 Wasley Street, North Perth - <i>In order to satisfy condition (xiii) of Planning Approval issued 9 August 2006.</i>

Date	Document	No of copies	Details
18/12/07	Easement in Gross	1	Town of Vincent and Western Power, trading as "Electricity Networks Corporation", c/o 363 Wellington Street, Perth re: Provision of Easement to Western Power for Transfer on Shakespeare Reserve
27/12/07	Agreement	2	Town of Vincent and The Owners of Strata Plan 19810 (North Perth Plaza Shopping Centre) for the Town of Vincent to undertake the day-to-day Parking Management and Enforcement in North Perth Plaza Car Park
27/12/07	Deed of Covenant and Amendment of Application of 2006 Deed	4	Town of Vincent and Mark Raymond Taylor of PO Box 410, Leederville and Perpetual Limited of Level 13, Angel Place, 123 Pitt Street, Sydney NSW re: Nos 196 (Lot: 556 D/P: 2177) (Survey Strata Lots 1 and 2), Anzac Road, Corner Federation Street, Mount Hawthorn
9/01/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Flexirent Product Launch - 21 January 2008 (Gareth Naven Room)
11/01/08	Restrictive Covenant	1	Town of Vincent and A Cuccovia and N Mallac Koenig of 28A Windsor Street, Perth re: No. 28 (Lot 25) Windsor Street - <i>To satisfy Condition 4 of WAPC conditional approval dated 9 March 2007 - Restrictive Covenant to state - "No new development shall occur with 0.49 metres of the right-of-way abutting the northern boundary of the lot to accommodate widening of the rights-of-way should it be required in future."</i>
11/01/08	Restrictive Covenant	1	Town of Vincent and L M Silbert and S R Silbert of 109 Winthrop Avenue, Nedlands, Jaderise Holdings Pty Ltd of 137 Fitzgerald Street, Perth, Brunswick Holdings Pty Ltd of 34 Hasler Road, Osborne Park and the Commissioner of Main Roads of Don Aitken Centre, Waterloo Crescent, East Perth re: No. 11 (Lot 500) Douglas Street, West Perth - <i>To satisfy Condition No. 1 of WAPC approval dated 17/07/07 for the amalgamation of a number of lots, including the aforementioned, with frontages to Loftus Street, Drummond Place and Douglas Street, West Perth - which states: "Pursuant to section 129BA of the Transfer of land Act (as Amended), a restrictive covenant benefiting the local government to prohibit motor vehicle access onto Loftus Street being lodged on the Certificate of Title of proposed Lot 500, at the full expense of the applicant."</i>
11/01/08	Scheme Amendment Documents	4	Town of Vincent - Town Planning Scheme No. 1 - Amendment No. 24 - Relating to land coded R20 within the Eton Locality - Scheme Amendment Documents have been modified in accordance with the Council decision dated 18 December 2007 and the Minister for Planning and Infrastructure's requested modifications, as depicted in letter to the Town dated 6 December 2007
16/01/08	Restrictive Covenant	2	Town of Vincent and K A Findlay of 5 Chatsworth Road, Highgate, Linepoint Pty Ltd of PO Box 8259, Perth and C A Reedman and J C Reedman of 38 Egham Road, Lathlain re: No. 7 (Lot:2 D/P: 18667) Chatsworth Road, Highgate - <i>To satisfy Condition No. 10 of the WAPC conditional subdivisional approval dated 2/10/07 as follows: "No new development shall occur within 0.485 metres of the right-of-way abutting the rear boundary and proposed lots 605 and 606 to accommodate widening of the right-of-way should it be required in the future."</i>

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
23/01/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: BHP Billiton Community Event - 16 March 2008 (Gareth Naven Room and Stadium)
30/01/08	Lease	3	Town of Vincent and Earlybirds Playgroup (Inc) re: 87 The Boulevard, Mount Hawthorn WA 6016 - Re: Lease of Premises for Five (5) Years commencing 1 July 2007 and terminating 30 June 2012.

**10.1.9 No.13 (Lot: 15 D/P: 931) Melrose Street, Leederville - Proposed Demolition Of Existing Single House and Construction of Two-Storey Mixed Use Development Comprising Two (2) Offices and Four (4) Multiple Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	5 February 2008
<b>Precinct:</b>	Oxford Centre, P04	<b>File Ref:</b>	PRO3947 5.2007.140.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Narroo, S Kendall		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner Metropolitan Project Management Pty Ltd for proposed Demolition of Existing Single House and Construction of Two-Storey Mixed Use Development Comprising Two (2) Offices and Four (4) Multiple Dwellings, at No.13 (Lot: 15 D/P: 931) Melrose Street, Leederville , and as shown on plans stamp-dated 31 January 2008, subject to the following conditions:*

- (i) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (ii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) *within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development,’ the owner(s), or the applicant on behalf of the owner(s), shall comply with the following requirements:*
  - (a) *pay a cash in lieu public art contribution of \$ 8,000 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$800,000); OR*
  - (b) *lodge an appropriate public art assurance bond/ bank guarantee of a value of \$ 8,000 with the Town. The assurance bond / bank guarantee will only be released to the owner(s)/ applicant in the following circumstances:*

- (1) *Designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$800,000) have been submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or*
- (2) *A Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development,' have been submitted to and approved by the Town; or*
- (3) *The subject 'Approval to Commence Development' did not commence and subsequently expired.*

*In the circumstance where the owner(s)/ applicant has elected clause (b)(1) and there has been no submission or approval of the design for art work within six (6) months from the date of issue of the Building Licence, the Town may claim the monies assured to them in the above bond or bank guarantee without further notice to the owner(s)/ applicant for the provisions of art works in the Town.*

*The Town's Community Development Services have the discretion to extend the six (6) month deadline that applies to clause (b) (1) under this condition of approval if:*

- (aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*
- (bb) *the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s) /applicant to provide the art work.*
- (iv) *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;*
- (v) *first obtaining the consent of the owners of No. 15 Melrose Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary wall facing No. 15 Melrose Street in a good and clean condition;*
- (vi) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Melrose Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

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

- (a) *the windows to office 2 on the eastern elevation, the front balcony to office 2 on the eastern and western elevations, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 11 and No. 15 Melrose Street, stating no objection to the respective proposed privacy encroachments;*
- (b) *the maximum height of the building walls being 6 metres;*
- (c) *the boundary wall which is setback at 3.24 metres from Melrose Street along the western boundary being setback behind the main building street setback line;*
- (d) *the maximum average height of the boundary wall along the western boundary being 3 metres;*
- (e) *a visual truncation of 1.5 metres by 1.5 metres being provided at the intersection of the footpath and crossover; and*
- (f) *a bin compound being provided in accordance with the Town's Health Services Specifications, divided into commercial and residential areas and sized to contain:-*
  - *Residential*
    - 1 x mobile garbage bin per unit; and*
    - 1 x general recycle bin per 2 units.*
  - *Commercial*
    - 1 x mobile garbage bin per unit; and*
    - 1 x paper recycle bin per unit, or per 200 square metres of floor space.*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes;*

(viii) *prior to the first occupation of the development, one (1) class- one or two bicycle parking facility, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*

(ix) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*

- (x) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
  - (xi) *the maximum total gross floor area of the offices shall be limited to 197 square metres;*
  - (xii) *prior to the first occupation of the development, seven (7) car parking spaces, provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*
  - (xiii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
  - (xiv) *the on-site car parking area for the offices/non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
  - (xv) *the car parking area shown for the offices/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
  - (xvi) *archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
  - (xvii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
  - (xviii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
    - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
    - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the units. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xix) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Melrose Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
  - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*



- (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (xx) *any proposed vehicular entry gates adjacent to the car parking area shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the non-residential and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xxi) *doors, windows and adjacent floor areas of the office component fronting Melrose Street shall maintain an active and interactive relationship with these streets;*
- (xxii) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer; and*
- (xxiii) *the Town's Parks Services has given permission for the verge tree adjacent to the subject property to be removed. Payment of \$500 shall be made to the Town to cover the cost of removal of the verge tree, prior to the issue of the Building Licence.*

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**COUNCIL DECISION ITEM 10.1.9**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND LOST (1-7)**

<b><u>For</u></b>	<b><u>Against</u></b>
Cr Maier	Mayor Catania
	Cr Burns
	Cr Farrell
	Cr Ker
	Cr Lake
	Cr Messina
	Cr Youngman

(Cr Doran-Wu was an apology for the meeting.)

**Reasons:**

1. **The street is predominantly residential.**
2. **Adverse impact on residential amenity and increased traffic.**
3. **Consideration of objections received.**
4. **Insufficient justification for Council to exercise its discretion.**

<b>Landowner:</b>	Metropolitan Project Management Pty Ltd
<b>Applicant:</b>	Metropolitan Project Management
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Multiple Dwellings and Office Building
<b>Use Classification:</b>	"P" and "AA"
<b>Lot Area:</b>	693 square metres
<b>Access to Right of Way</b>	Not applicable

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

On 26 April 2007, the planning application submitted was for demolition of existing single house and construction of three-storey building comprising eight (8) single bedroom multiple dwellings. The application was advertised for comments.

Following concerns raised by the Town with respect to the density, number of storeys and height, the applicant submitted amended plans on 25 October 2007 for demolition of existing single house and construction of two-storey building comprising six(6) single bedroom multiple dwellings and one (1) office. The proposal was re-advertised for comments.

Following concerns raised by the Town with respect to the plot ratio, number of storeys and other issues, the applicant has further amended the plans for four (4) multiple dwellings and two (2) offices. The proposal was not re-advertised to the adjacent neighbours as it was considered that there were no major changes to the plans which warrant advertising.

The current proposal involves the demolition of the existing single house and construction of a two-storey mixed use development comprising two (2) offices and four (4) multiple dwellings. The ground floor will consist of parking spaces and stores for the multiple dwellings and an office. The dwellings and another office will be located on the first floor.

The applicant's submission is "*Laid on the Table*".

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	R 80 or 5.5 multiple dwellings	4 multiple dwellings	Noted – no variation. Applicant has amended proposal to comply with the permitted density.

Plot Ratio	1 or 693 square metres	0.4 or 279.25 square metres	Noted- no variation. Applicant has amended proposal to comply with the permitted plot ratio.
Building Height	Wall height= 6 metres	6.3 metres	Not supported-undue impact on the amenity of the area. It is recommended that the proposed development complies with the required building height of 6 metres.
Building Setbacks: Ground Floor Boundary Wall-West	Average height of boundary wall= 3 metres	3.185 metres	Not supported- undue impact on the adjoining property. It is recommended that the boundary wall complies with the required average height of 3 metres.
	Boundary wall behind the front setback	Boundary wall within the front setback	Not supported- undue impact on the streetscape. Condition of approval for boundary wall to be setback behind the boundary wall.
West	1.5 metres	1.1 metre to 1.5 metres	Supported- no undue impact on the adjoining property in terms of ventilation, sunlight and visual impact.
First Floor North/Melrose Street	6 metres	5 metres to balcony	Supported- the balcony does not detract from the character of the streetscape.
West	3 metres	1.232 metres to 1.519 metres	Supported-no undue impact on the adjoining property in terms of ventilation, sunlight and visual impact.

Privacy Setbacks	Office Balcony- 7.5 metres  Office window-It is treated as major opening as it is located within a residential area-6 metres	1.2 metres to western boundary  4 metres to eastern boundary  4 metres to eastern boundary	Not supported- undue visual impact on the adjoining property. The balcony and windows of office should be screened as per condition of Planning Approval.
Crossover	Not to occupy more than 40 per cent of the frontage	Previous plans:45.4 per cent  Revised Plans: 37.3 per cent	Not supported-undue impact on the streetscape. Amended plans demonstrate a crossover with maximum width of 5 metres which complies with the 40 per cent requirements.
Car Parking	Richmond Locality Plan states that front setback areas are to be landscaped and preferably, devoid of parking spaces.	Parking within the front setback.	Supported-there are existing car parking bays within the front setback areas on the adjoining properties and, therefore, there will be no undue impact on the streetscape.
<b>Consultation Submissions</b>			
Support	Nil		Noted.
Objection (6)	Density-too many units on a small lot  Height-visually unpleasant with a height of 8.7 metres  Crossover  Out of character-Leederville is an old style area and no need for modern constructions being built in the neighbourhood.		Not supported-applicant has amended the plans to comply with the permitted residential density.  Supported-amended plans demonstrate the height change from 8.7 metres to 6.3 metres. Refer to comments above.  Supported-refer to comments above.  Not supported- Policy 3.3.11 states new contemporary developments are

	<p>Privacy</p> <p>Building on boundary will cause the existing fence to come down which will impact on the adjoining property in terms of security.</p> <p>Concerns that office will change into café, restaurant in the future.</p> <p>Parking and Traffic-there will be a large increase in the number of people and vehicles associated with the development. An additional volume of cars coming in and out from the proposed development would make the area more dangerous.</p>	<p>encouraged provided that the design responds to the established character. The proposed development incorporates a pitched roof and setbacks, and this will result in development that will not unduly affect the character amenity and streetscape of the area.</p> <p>Supported-refer to comments above.</p> <p>Not supported- this is a dividing fence and civil matter to be addressed between neighbours.</p> <p>Not supported-the approval is for office only. If the applicant decides to change the use, a new planning application will be required to be submitted to and approved by the Town.</p> <p>Not supported-the proposed development complies with the parking requirements.</p> <p>Melrose Street is classified as a "Local Road" under the Town's Functional Road Hierarchy, which has a capacity of 1500 vehicles per day. The last traffic count was in 2001 which recorded 519 vehicles per day (excluding weekends). Therefore, Melrose Street is within its road classification and the traffic that will be</p>
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	<p>The proximity of the southern wall will create significant overshadowing to two bedrooms on the adjoining property. One of the bedroom is occupied by a stroke sufferer who requires sunlight and a warm environment.</p>	<p>generated will not unduly increase road traffic.</p> <p>Not supported- applicant has submitted amended plans which comply with the required setback. The wall will have to comply with the required maximum height of 6 metres at the south-west portion . It is recognised that there will be overshadowing of the adjoining southern property, however, the development complies with the requirements of the Residential Design Codes.</p>
<b>Other Implications</b>		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	

\* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

\* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

### Residential Car Parking

Car parking requirements for the residential component of the development have been calculated using the requirement for mixed use development in the Residential Design Codes (R Codes). The residential component requires 4 car bays, based on the standard of one (1) car bay for each of the 4 proposed multiple dwellings. Seven (7) car bays are proposed for the residential development and 4 car bays for the commercial component.

### Commercial Car Parking

<i>Requirements as per Parking and Access Policy</i>	<i>Required</i>
Total car parking required before adjustment factor (nearest whole number) Office-1 car bay per 50 square metres gross floor area (proposed 197 square metres) = 3.94 car bays.	4 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> <li>▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential)</li> <li>▪ 0.85 (within 400 metres of a bus stop)</li> </ul>	(0.68) 2.72 car bays
Car parking provided on-site for office component	4 car bays

<i>Requirements as per Parking and Access Policy</i>	<i>Required</i>
Minus the most recently approved on-site parking shortfall on-site	Nil
Resultant surplus	1.28 car bays

**Bicycle Parking**

Requirements	Required	Provided
Office 1 per 200 (proposed 197) square metres gross floor area for employees (class 1 or 2).	1 space	Bicycle parking not provided. Condition of Planning Approval addresses this requirement.
1 space per 750 square metres over 1000 square metres for visitors (class 3).	N/A	N/A

**COMMENTS:**

**Demolition**

The subject existing place is a brick and tile dwelling that was constructed circa 1972. The low lying dwelling has a hipped roof with a single room street frontage, which features an aluminium bay window. The dwelling is considered to have minimal aesthetic value and/or architectural merit.

The place is not currently listed on the Town of Vincent's Municipal Heritage Inventory (MHI) and is considered to have little cultural heritage significance. It is considered that a full heritage assessment is not warranted in this instance and approval should be granted for its demolition subject to standard conditions.

**Office Use**

Office is an "AA" use in Residential/Commercial Zone. "AA" use means that the use is not permitted unless Council has exercised its discretion by granting planning approval.

It is recognised that the subject site is surrounded by residential development; however, it is located approximately 60 metres from commercial development along Oxford Street. It is considered that office use is of low intensity as compared to a shop or restaurant. Moreover, the development will comply with height and setbacks from the street which provides a consistent built form for the area. The proposal complies also with the parking requirements.

In the Town's Oxford Centre Precinct Policy, there is no requirement for the residential component to be 66 per cent of the floor area within a mixed use development. However, as an indication the proposed residential component will be 63 per cent of the floor area, which shows that the development will maintain the residential character of the area.

In light of the above, the office use is recommended for approval.

**Conclusion**

The application is considered acceptable and would not result in any undue impact on the amenity of the surrounding area. The application is therefore supported, subject to standard and appropriate conditions to address the above matters.

**10.1.10 Nos. 178-182 (Lot: 28 D/P: 96829) Stirling Street, corner Parry Street, Perth - Proposed Four (4) Storey Mixed Use Development Comprising Eight (8) Offices, Eleven (11) Multiple Dwellings and Basement Carpark**

<b>Ward:</b>	South	<b>Date:</b>	6 February 2008
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PRO0956; 5.2007.131.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Narroo		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Clarendon Reality on behalf of the owner Golden Eagle (WA) Pty Ltd for proposed Four (4) Storey Mixed Use Development Comprising Eight (8) Offices, Eleven (11) Multiple Dwellings and Basement Carpark, at Nos. 178-182 ( Lot: 28 D/P: 96829) Stirling Street, corner Parry Street, Perth, and as shown amended plans stamp-dated 11 December 2007 , subject to the following conditions:*

- (i) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (ii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$9,000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (iii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iv) *within twenty – eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s), shall comply with the following requirements:*
  - (a) *pay a cash in lieu public art contribution of \$ 40,000 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$ 4,000,000); OR*
  - (b) *lodge an appropriate public art assurance bond/ bank guarantee of a value of \$ 40,000 with the Town. The assurance bond / bank guarantee will only be released to the owner(s)/ applicant in the following circumstances:*



- (1) *Designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$ 4,000,000 ) have been submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or*
- (2) *A Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development,' have been submitted to and approved by the Town; or*
- (3) *The subject 'Approval to Commence Development' did not commence and subsequently expired.*

*In the circumstance where the owner(s)/ applicant has elected clause (b)(1) and there has been no submission or approval of the design for art work within six (6) months from the date of issue of the Building Licence, the Town may claim the monies assured to them in the above bond or bank guarantee without further notice to the owner(s)/ applicant for the provisions of art works in the Town.*

*The Town's Community Development Services have the discretion to extend the six (6) month deadline that applies to clause (b) (1) under this condition of approval if:*

- (aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*
  - (bb) *the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s) /applicant to provide the art work.*
- (v) *prior to the issue of the Building Licence, revised plan shall be submitted to and be approved demonstrating the following:*
- (a) *a visual truncation of 1 metre by 1 metre being provided at the intersection of the right of carriageway and vehicle access point; and*
  - (b) *a bin compound being provided in accordance with the Town's Health Services Section's Specifications, divided into commercial and residential areas and sized to contain:-*
    - *Residential*  
*1 x mobile garbage bin per unit; and*  
*1 x general recycle bin per 2 Units.*
    - *Commercial*  
*1 x mobile garbage bin per unit; and*  
*1 x paper recycle bin per unit, or per 200 square metres of floor space.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes;*
- (vi) *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;*

- (vii) *first obtaining the consent of the owners of Nos. 188-194 Stirling Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 188-194 in a good and clean condition;*
- (viii) *prior to the first occupation of the development, four (4) class one or two bicycle parking facility, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (ix) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (x) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (xi) *doors, windows and adjacent floor areas on the ground floor fronting Stirling and Parry Streets shall maintain an active and interactive relationship with these streets;*
- (xii) *the maximum total gross floor area of the offices shall be limited to 803 square metres;*
- (xiii) *the proposed commercial units shall be used as offices only;*
- (xiv) *prior to the first occupation of the development, ~~eleven~~ twenty-two (22) car parking spaces, provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (xv) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xvi) *the on-site car parking area for the offices/non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (xvii) *the car parking area shown for the offices/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xviii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
  - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
  - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the units. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

*This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*

- (xix) *any proposed vehicular entry gates adjacent to the commercial car parking area shall a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xx) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (xxi) *if applicable, prior to the issue of a Building Licence, the written approval of the Minister for Lands and/or Western Australian Planning Commission, whichever is applicable, for the encroachment of the balconies structure(s) over the adjacent Crown land, including roads, shall be obtained and submitted to and approved by the Town. If this written consent cannot be obtained, revised plans shall be submitted and approved demonstrating the proposed balconies being contained entirely within the lot boundaries and adjacent to the street and shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (xxii) *the car park shall be used only by employees, tenants, residents and visitors directly associated with the development; and*
- (xxiii) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer.*

**Note:** *The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline.*

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**Moved** Cr Farrell, **Seconded** Cr Messina

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED (8-0)**

(Cr Doran-Wu was an apology for the meeting.)

**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 Clarendon Reality on behalf of the owner Golden Eagle (WA) Pty Ltd for proposed Four (4) Storey Mixed Use Development Comprising Eight (8) Offices, Eleven (11) Multiple Dwellings and Basement Carpark, at Nos. 178-182 ( Lot: 28 D/P: 96829) Stirling Street, corner Parry Street, Perth, and as shown amended plans stamp-dated 11 December 2007 , subject to the following conditions:*

- (i) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
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    - Residential*
      - 1 x mobile garbage bin per unit; and*
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    - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the units. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*
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- (xxii) *the car park shall be used only by employees, tenants, residents and visitors directly associated with the development; and*
- (xxiii) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer.*

<b>Landowner:</b>	Golden Eagle (WA) Pty Ltd
<b>Applicant:</b>	Clarendon Reality
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial (R 80)
<b>Existing Land Use:</b>	Vacant Land
<b>Use Class:</b>	Office Building and Multiple Dwellings
<b>Use Classification:</b>	"AA" and "P"
<b>Lot Area:</b>	1506 square metres
<b>Access to Right of Way</b>	East Side, 6 metres wide, sealed, right of carriageway easement

**BACKGROUND:**

- 23 October 2001      The Council at its Ordinary Meeting resolved to conditionally approve the construction of a warehouse, two showrooms, one shop and two offices on the subject site.
- 14 May 2002        The Council at its Ordinary Meeting granted conditional approval for proposed mezzanine level to approved warehouse, two showrooms, one shop and two offices.
- 8 October 2002     The Council at its Ordinary Meeting granted conditional approval for proposed warehouse.
- 7 July 2004         The Council at its Ordinary Meeting refused an application for proposed car park.

**DETAILS:**

The proposal involves four (4) storey mixed use development comprising eight (8) offices and eleven (11) multiple dwellings and basement car park at the subject property.

The applicant's submission is "*Laid on the Table*".

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	R 80 or 12 multiple dwellings	11 multiple dwellings	Noted – no variation. Applicant has amended proposal to comply with the permitted density.
Plot Ratio	1 or 1506 square metres	1.04 or 1569 square metres	Supported-applicant has amended the original plans to change the plot ratio from 1.34 to 1.04. It is considered that the variation to the plot ratio (1.04) is minimal and will not have an undue impact on adjacent properties and streetscape in terms of scale and bulk.
No. of Storeys	Two storeys	4 storeys plus basement	Supported- refer to 'Comments'.
Building Height	Two storeys- 7 metres  Three storeys- 10 metres	4 storeys- 13.6 metres	Supported- refer to 'Comments'.
Building Setbacks:  Ground Floor-  Front-West-Stirling Street (Primary Street)	4 metres or maintaining existing front setback.	Nil	Supported-no undue impact on streetscape, and other properties along Stirling Street have nil setback.
North	Walls on boundary for 2/3 of the boundary behind street setback up to 6 metres in height.	Wall within the street setback.  Height of boundary wall= 10.6 metres.	Supported-no undue impact on streetscape, other properties along Stirling Street have nil street setback and, therefore, there is no visual impact on the streetscape. The proposed boundary wall height will face the existing boundary wall on the adjoining property. Though it



<p>East</p>	<p>6 metres</p>	<p>Nil</p>	<p>will be slightly higher by 1.2 metres than the existing boundary wall on the adjoining property, it will not have undue impact on the adjoining property in terms of visual impact, ventilation and overshadowing.</p> <p>Supported-the subject property abuts the right of carriageway easement and, therefore, no undue impact in terms of visual impact, ventilation and overshadowing.</p>
<p>South –Parry Street- Secondary Street</p>	<p>1.5 metres</p>	<p>Nil</p>	<p>Supported- no undue impact on the streetscape as other properties along Parry Street have nil setbacks.</p>
<p>First, Second and Third Floors- Front-West-Stirling Street- Primary Street</p>	<p>6 metres</p>	<p>Nil</p>	<p>Supported- no undue impact on the streetscape as other properties along Stirling Street have nil setbacks up to the third floor.</p>
<p>North</p>	<p>Walls on boundary for 2/3 of the boundary behind street setback up to 6 metres in height</p>	<p>Wall within the street setback</p> <p>Height of boundary wall= 10.6 metres</p>	<p>Supported- no undue impact on the streetscape as other properties along Stirling Street have nil street setback. The proposed boundary height will face the existing boundary wall on the adjoining property. Though it will be higher by 1.2 metres than the existing boundary wall on the adjoining property, it will not have undue impact on the adjoining property</p>

East	6 metres	Nil	in terms of visual impact, ventilation and overshadowing.  Supported-the subject property abuts the right of carriageway easement and, therefore, no undue impact in terms of visual impact, ventilation and overshadowing.
South-Parry Street- Secondary Street	1.5 metres	Nil	Supported-no undue impact on the streetscape as other properties along Parry Street have nil setbacks.
Balcony	To be located within the property boundaries	Located along the footpath	Supported- there are existing balconies over the footpath at No.216 Stirling Street and the balconies will act as awnings to the offices.
Awning	To be located along the footpath with a minimum depth of 2 metres	Not provided	Supported- the proposed balconies over the footpath will act as the awnings.
Privacy Setbacks	Balcony- 7.5 metres	Unit 1- Nil to northern boundary	Supported- cone of vision will impact on the boundary wall of the adjoining commercial building at Stirling Street.
		Unit 6 -5 metres to eastern boundary	Supported- cone of vision will impact on the right of carriageway only.
<b>Consultation Submissions</b>			
Support (2)	No specific comments provided.		Noted
Objection (2)	There can be traffic congestion and potentially dangerous situation along the right of carriageway		Not supported-the certificate of title indicates that there is a 6 metres wide easement benefit in the form of a right of carriageway to both the Town of Vincent and to Lot 28. Applicant has submitted a Traffic

	<p>Gate opening for vehicular access is shown as 4.5 metres which is insufficient for two-way traffic</p> <p>There is car parking along the entire Right of Way. There is concern that the potential volume of traffic entering our property related to Nos. 178-182 Stirling Street. This is made worse by the fact that vehicles will potentially need to wait to enter or leave the property, creating congestion and a dangerous situation.</p> <p>It is suggested that the egress from the subject property should be directly onto Stirling Street or Parry Street which may provide a solution to the congestion issue.</p> <p>As the subject property will be gated, it raises the question as to where visitors will park and concerned that vehicles will be parked illegally on the adjoining property.</p> <p>A formal traffic study is to be conducted in order to fully ascertain the impact of the proposal.</p> <p>Balconies on the footpath will put the public at risk (object falling) and a public nuisance (wash down water). There is no other local government authority that permits private balconies to protrude beyond its boundary above public pedestrian footpaths.</p>	<p>and Parking Impact Assessment Report which is considered acceptable to the Town.</p> <p>Supported- the vehicular entrance width has been amended to 5.5 metres which is sufficient for two-way traffic.</p> <p>Not supported- applicant has submitted a Traffic and Parking Impact Assessment Report which is considered acceptable by the Town.</p> <p>Not supported- applicant has submitted a Traffic and Parking Impact Assessment Report which is considered acceptable by the Town.</p> <p>Not supported-the proposed development complies with the parking requirements and matter addressed as a condition of approval.</p> <p>Not supported- applicant has submitted a Traffic and Parking Impact Assessment Report which is considered acceptable by the Town.</p> <p>Not supported-there are existing balconies on footpaths at No.216 Stirling Street. Therefore, this proposal is not creating an additional</p>
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	Density- excessive  Height-excessive	impact along the footpath of Stirling Street. The subject balconies require the approval of Minister for Lands and/or Western Australian Planning Commission, whichever is applicable, which is addressed as a condition of approval.  Not supported- applicant has amended plans to comply with the permitted density.  Not supported-refer to comments below.
Department for Planning and Infrastructure (DPI)	The application was referred to Department for Planning and Infrastructure as the proposed development has balconies over footpaths along Stirling and Parry Streets.	DPI responded by stating that Stirling Street and Parry Street are local roads and are not reserved as Other Regional Roads in the Metropolitan Region Scheme. Therefore, the Department has no comments to provide in relation to the proposed development.
<b>Other Implications</b>		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

\* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

\* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

### **Residential Car Parking**

Car parking requirements for the residential component of the development have been calculated using the requirement for mixed use development in the Residential Design Codes (R Codes). The residential component requires 11 car bays, based on the standard of one (1) car bay for each of the 11 proposed multiple dwellings. However, the applicant has advised that two parking bays will be provided for each residential unit and the remaining bays will be commercial and visitors parking. Therefore, the number of car bays provided for the residential component will be 22 bays. A total of 56 car bays have been provided for the entire development; therefore, resulting in forty-five (34) car bays available for the commercial component.

**Commercial Car Parking**

Requirements as per Parking and Access Policy	Required
Total car parking required before adjustment factor (nearest whole number) Office-1 car bay per 50 square metres gross floor area (proposed 803 square metres) = 16.06 car bays.	16 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> <li>▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential)</li> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.85 (within 400 metres of an existing public car park)</li> </ul>	(0.578) 9.248 car bays
Car parking provided on-site for commercial component	34 car bays
Minus the most recently approved on-site parking shortfall on-site	Nil
Resultant surplus	24.752 car bays

**Bicycle Parking**

Requirements	Required	Provided
Office 1 per 200 (proposed 803) square metres gross floor area for employees (class 1 or 2).	4 spaces	Bicycle parking shown on plans, within the car park at the ground level
1 space per 750 square metres over 1000 square metres for visitors (class 3).	N/A	N/A

**COMMENTS:**

**Number of Storeys and Height**

The proposal has only one dwelling on the fourth level at the corner between Parry Street and Stirling Street. The subject site is a corner lot and it is crucial that development on this site exhibits a strong presence and encourages maximum interaction at street level.

The height and overall design of the proposal is considered not to create an unacceptable bulk and scale issue. Furthermore, there is an existing development of four storeys opposite the subject site along Parry Street. The proposed development matches the existing development located on opposite side of Parry Street in terms of height and number of storeys and also the adjoining right of carriageway provides a buffer zone. Therefore, it is considered that the variations do not unduly impact on the amenity of the adjacent neighbours or streetscape.

**Conclusion**

The application is considered acceptable and would not result in any undue impact on the amenity of the surrounding area. The application is therefore supported, subject to standard and appropriate conditions to address the above matters.

**10.1.6 No. 4 (Lot: 499 D/P: 25511) Hunter Street, North Perth - Proposed Two Storey Single House with Basement Car Parking**

<b>Ward:</b>	North	<b>Date:</b>	1 February 2008
<b>Precinct:</b>	North Perth; P08	<b>File Ref:</b>	PRO0491; 5.2007.349.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	D Pirone		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by G Musca on behalf of the owner B & Z Spaseski for proposed Two Storey Single House with Basement Car Parking, at No. 4 (Lot: 499 D/P: 25511) Hunter Street, North Perth, and as shown on plans stamp-dated 17 September 2007 and 22 October 2007, subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Hunter Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
  - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
  - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) first obtaining the consent of the owners of Nos. 65 and 67 Mabel Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 65 and 67 Mabel Street in a good and clean condition; and*

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

*(a) the alfresco on the northern and eastern elevations and the dining room windows on the northern elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 65 and 67 Mabel Street stating no objection to the respective proposed privacy encroachments; and, The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

*(b) the 25 degrees colourbond roof pitch, adjacent to the dining room and alfresco area, on the northern elevation being deleted from the proposal.*

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

**\*Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline.**

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**Moved** Cr Farrell, **Seconded** Cr Maier

*That the recommendation be adopted.*

Debate ensued.

Cr Messina departed the Chamber at 7.12pm.

Debate ensued.

Cr Messina returned to the Chamber at 7.15pm.

#### **AMENDMENT**

**Moved** Cr Youngman, **Seconded** Cr Ker

*That;*

1. *clause (i) be amended to read as follows:*

*“(i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, ~~air conditioners~~, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;” and*

2. *a new clause (v) be added as follows:*

*“(v) any proposed air conditioning unit shall be located on the Hunter Street elevation or within the roof space to reduce the noise impact for the neighbouring properties.”*

Debate ensued.

**AMENDMENT PUT AND CARRIED (6-2)**

<b><u>For</u></b>	<b><u>Against</u></b>
Mayor Catania	Cr Lake
Cr Burns	Cr Maier
Cr Farrell	
Cr Ker	
Cr Messina	
Cr Youngman	

(Cr Doran-Wu was an apology for the meeting.)

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED (5-3)**

<b><u>For</u></b>	<b><u>Against</u></b>
Mayor Catania	Cr Lake
Cr Burns	Cr Messina
Cr Farrell	Cr Youngman
Cr Ker	
Cr Maier	

(Cr Doran-Wu was an apology for the meeting.)

**COUNCIL DECISION ITEM 10.1.6**

*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 G Musca on behalf of the owner B & Z Spaseski for proposed Two Storey Single House with Basement Car Parking, at No. 4 (Lot: 499 D/P: 25511) Hunter Street, North Perth, and as shown on plans stamp-dated 17 September 2007 and 22 October 2007, subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (ii) any new street/front wall, fence and gate between the Hunter Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
  - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*



- (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
  - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
  - (iii) *first obtaining the consent of the owners of Nos. 65 and 67 Mabel Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 65 and 67 Mabel Street in a good and clean condition; and*
  - (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*

    - (a) *the alfresco on the northern and eastern elevations and the dining room windows on the northern elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 65 and 67 Mabel Street stating no objection to the respective proposed privacy encroachments;*
    - (b) *the 25 degrees colourbond roof pitch, adjacent to the dining room and alfresco area, on the northern elevation being deleted from the proposal.*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
  - (v) *any proposed air conditioning unit shall be located on the Hunter Street elevation or within the roof space to reduce the noise impact for the neighbouring properties.*
-

<b>Landowner:</b>	B & Z Spaseski
<b>Applicant:</b>	G Musca
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
<b>Existing Land Use:</b>	Vacant Land
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	209 square metres
<b>Access to Right of Way</b>	Not Applicable

**BACKGROUND:**

- 17 January 2006                      The Council at its Ordinary Meeting conditionally approved an application for a two-storey with loft single house subject to standard and appropriate conditions, including compliance with the height requirements of the Residential Design Codes and the deletion of the loft structure.
- 25 July 2006                         The Council at its Ordinary Meeting conditionally approved an application for a two-storey single house with an undercroft garage subject to standard and appropriate conditions.
- 19 December 2006                 The Council at its Ordinary Meeting refused an application to increase the finished floor level of the approved development, therefore, resulting in a building height variation.
- 16 January 2007                    The applicant submitted an application to the State Administrative Tribunal to reverse the decision made by Council at its Ordinary Meeting held on 19 December 2006.
- 28 May 2007                         The State Administrative Tribunal resolved to dismiss the review application.

**DETAILS:**

The proposal involves the construction of a two-storey single house with an undercroft garage. The proposal varies from that previously approved by the Council at its Ordinary Meeting held on 19 December 2006 as the applicant is now proposing a concealed roof to meet the height requirements of the R Codes.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Setbacks: Ground Floor -North Theatre	1 metre	Nil	Supported – not considered to have an undue impact on the neighbouring property.

-East Dining/Kitchen/Laundry	1.5 metres	Nil	Supported – not considered to have an undue impact on the neighbouring property.
Upper Floor -West (Hunter Street) Balcony	6 metres	2.59 metres	Supported – not considered to have an undue impact on the amenity of the streetscape. The dwelling at No. 5 Hunter Street was approved by Council at its Ordinary Meeting held on 23 July 2002 with a street setback of 2 metres to the balcony. The same street setbacks were approved for the subject property by the Council at its Ordinary Meeting held on 25 July 2006.
Main Building	6 metres	3 metres – 3.5 metres	Supported – not considered to have an undue impact on the amenity of the streetscape. No. 5 Hunter Street was approved by the Council at its Ordinary Meeting held on 23 July 2002 with a street setback of 3 metres to the upper floor building wall. The same street setbacks for the subject property were approved by the Council at its Ordinary Meeting held on 25 July 2006.
-East	2 metres	1.2 metres – 4.25 metres	Supported – not considered to have an undue impact on the neighbouring property.
Buildings on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Two boundary walls proposed.  The height and length of the two boundary walls is compliant with requirements of the R Codes.	Supported – not considered to have an undue impact on the neighbouring properties.

Privacy Setbacks:			
Ground Floor			
-East (Alfresco)	7.5 metres	2.4 metres to the eastern boundary	Not supported – considered to have an undue impact on neighbouring properties. Condition applied for the alfresco to be screened or to obtain neighbour’s consent.
-North (Alfresco)	7.5 metres	1.2 metres to the northern boundary	Not supported – considered to have an undue impact on neighbouring properties. Condition applied for the alfresco to be screened or to obtain neighbour’s consent.
Dining room window			
-North	6 metres	5.65 metres to the northern boundary	Not supported – considered to have an undue impact on neighbouring properties. Condition applied for the windows to be screened or to obtain neighbour’s consent.

**Consultation Submissions**

Support	Nil.	Noted.
Objection (5)	<ul style="list-style-type: none"> <li>Objection to the two boundary walls.</li> </ul>	<ul style="list-style-type: none"> <li>Not supported – the proposed boundary walls are compliant with the height and length requirements of the R Codes.</li> </ul>
	<ul style="list-style-type: none"> <li>Objection to the east upper floor setback.</li> </ul>	<ul style="list-style-type: none"> <li>Not supported – not considered to have an undue impact on the neighbouring property as the setback of 1.2 metres is only for 9 metres of the length and the remaining length is setback more than required (2 metres) by the R Codes.</li> </ul>
	<ul style="list-style-type: none"> <li>Objection to overlooking from the alfresco.</li> </ul>	<ul style="list-style-type: none"> <li>Supported – considered to have an undue impact on neighbouring properties. Condition applied to screen the alfresco area or obtain neighbour’s consent.</li> </ul>
	<ul style="list-style-type: none"> <li>Objection to overlooking from the dining room and theatre windows/doors.</li> </ul>	<ul style="list-style-type: none"> <li>Supported – considered to have an undue impact on neighbouring properties. Condition applied to screen the dining room windows or obtain neighbour’s consent.</li> </ul>
	<ul style="list-style-type: none"> <li>The development is too large for the site.</li> </ul>	<ul style="list-style-type: none"> <li>Not supported – the proposal is compliant with the open space requirements of the R Codes and plot ratio is non-applicable in this instance as the subject property is zoned Residential R30/40.</li> </ul>

	<ul style="list-style-type: none"> <li>• Overshadowing.</li> </ul>	<ul style="list-style-type: none"> <li>• Not supported – the proposal is compliant with the overshadowing requirements of the R Codes.</li> </ul>
	<ul style="list-style-type: none"> <li>• The proposal is not environmentally sustainable and efficient.</li> </ul>	<ul style="list-style-type: none"> <li>• Supported in part – the subject lot is a west-east facing lot and, therefore, has less of an opportunity for sustainable design practices. It is encouraged in the Town’s Environmental Design Policy for windows on the west to be kept to a minimum; however, in the case of the proposal, the west elevation is facing Hunter Street and an interactive streetscape with casual surveillance to the street is also <u>strongly encouraged</u>.</li> </ul>

\* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

**COMMENTS:**

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

**10.1.8 No. 110 (Lot: 31 D/P: 18903) Broome Street, Highgate - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses**

<b>Ward:</b>	South	<b>Date:</b>	4 February 2008
<b>Precinct:</b>	Forrest; P14	<b>File Ref:</b>	PRO4049; 5.2007.350.1
<b>Attachments:</b>	<a href="#">001 002</a>		
<b>Reporting Officer(s):</b>	D Pirone, K Jackson		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by RCI Building Consultants and Brokers on behalf of the owner M J & M C Grealish for proposed Demolition of Existing Single House and Construction of Two (2) Two- Storey Single Houses, at No. 110 (Lot: 31 D/P: 18903) Broome Street, Highgate, and as shown on plans stamp-dated 18 September 2007 (existing dwelling site plan and floor plans) and 18 December 2007, subject to the following conditions:*

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Broome Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
  - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*

- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the balcony to bedroom 1 on the eastern elevation for unit 1 and the balcony to bedroom 1 on the western elevation for unit 2, being 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. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 106 and No. 112 Broome Street stating no objection to the respective proposed privacy encroachments; ~~and~~*
- (b) *the carport being hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the main dwelling and*
- (c) *the owner/applicant is to pay a fee of \$150.00 to the Town's Parks Services for the relocation of the Jacaranda tree on the street verge of the subject property.*

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

- (vi) *a detailed landscaping plan, including a list of plants and the landscaping of the Broome Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

**\*Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline.**

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#### **COUNCIL DECISION ITEM 10.1.8**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

**Debate ensued.**





<p>Building Setbacks: Unit 1 Ground Floor -South (Broome Street) Carport (Garage)</p> <p>-East Carport (Garage)</p> <p>Main Building</p>	<p>The proposed carport is essentially a garage, therefore, it is required to be setback 6 metres from Broome Street or behind the main building line.</p> <p>1 metre</p> <p>1.5 metres</p>	<p>Proposed to be setback 4.5 metres from Broome Street and in front of the main building line.</p> <p>Previous Plans: Nil – 1.54 metres</p> <p>1.185 metres – 2.625 metres</p>	<p>Not supported – considered to have an undue impact on the amenity on the area. Condition applied to ensure that the proposed carport be 100 per cent open on all sides except where it abuts the main dwelling.</p> <p>Noted – revised plans have since been submitted to the Town reflecting the a single carport to be placed in the centre of the property with a side setback of 4.083 metres.</p> <p>Supported – not considered to have an undue impact on the neighbouring property.</p>
<p>Upper Floor -East</p> <p>Unit 2 Ground Floor</p>	<p>5.7 metres</p>	<p>1.545 metres – 3.2 metres</p>	<p>Supported – not considered to have an undue impact on the neighbouring property.</p>
<p>-South (Broome Street)</p> <p>-West Carport (Garage)</p> <p>Main Building</p> <p>Upper Floor -West</p>	<p>1 metre</p> <p>1.5 metres</p> <p>5.7 metres</p>	<p>Previous Plans: Nil – 1.54 metres</p> <p>1.185 metres – 2.625 metres</p> <p>1.54 metres – 3.2 metres</p>	<p>Noted – revised plans have since been submitted to the Town reflecting the single carport to be placed in the centre of the property with a side setback of 4.085 metres.</p> <p>Supported – not considered to have an undue impact on the neighbouring property.</p> <p>Supported – not considered to have an undue impact on the neighbouring property.</p>

Buildings on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Previous Plans: 2 boundary walls proposed.  The height and length of each boundary wall is compliant with the requirements of the R Codes.	Noted – revised plans have since been submitted to the Town reflecting no proposed boundary walls.
Carports and Garages:	The width of a carport is not to exceed 50% of the frontage and the building line and construction should allow unobstructed views between the dwelling and the street.	Previous Plans: The width of the carports (garages) is 78 percent of the frontage.  The carports (garages) obstructed the view from the dwelling to the street.	Noted – revised plans have since been submitted to the Town reflecting a single carport (garage) for each dwelling, with a total width of 7.2 metres or 47 per cent of the entire width of the frontage.  The proposed carports (garages) are now setback 4.5 metres from the Broome Street boundary and do not unduly obstruct views from the dwelling to the street.
Vehicular Access:	Driveways are not to occupy more than 40 per cent of the frontage of a property.	Previous Plans: The proposed driveways occupy 70 percent of the street frontage.	Noted – revised plans have since been submitted to the Town reflecting a single crossover for each dwelling, with a total width of 6 metres or 39 per cent of the entire width of the frontage.
Privacy Setbacks: Unit 1 East Balcony	7.5 metres	2.625 metres to the eastern boundary.	Not supported – considered to have an undue impact on neighbouring properties. Condition applied for the balcony to be screened on the eastern elevation.
Unit 2 West Balcony	7.5 metres	2.625 metres to the western boundary.	Not supported – considered to have an undue impact on neighbouring properties. Condition applied for the balcony to be screened on the western elevation.

<b>Consultation Submissions</b>		
Support (2)	No Comments.	Noted.
<p>Objection (6)</p>	<ul style="list-style-type: none"> <li>• The required setbacks should be applied for the side boundaries.</li> <li>• The windows to bedroom 2 and 3 will overlook the neighbouring properties.</li> <li>• Effective screening should be provided as the ground level is retained to more than 0.5 metre above the natural ground level.</li> <li>• The building is bulky and non-consistent with the surrounding dwellings.</li> <li>• The building is too high.</li> <li>• The roof of the alfresco is too high.</li> <li>• Overshadowing onto the neighbouring properties.</li> </ul>	<ul style="list-style-type: none"> <li>• Not supported – the proposed setbacks, as amended, are not considered to have an undue impact on the neighbouring properties.</li> <li>• Not supported – these windows are proposed to have a sill height of 1.64 metres from the finished floor level, therefore, complying with the privacy requirements of the R Codes.</li> <li>• Not supported – the retaining wall does not exceed 0.5 metres above the natural ground level; therefore, no undue privacy implications occur.</li> <li>• Not supported – the proposal is compliant with plot ratio requirements of the R Codes.</li> <li>• Not supported – the proposed building height is compliant with the height requirements of the R Codes.</li> <li>• Not supported – the proposed building height is compliant with the height requirements of the R Codes.</li> <li>• Not supported – the proposed overshadowing is compliant with the requirements of the R Codes.</li> </ul>
	<ul style="list-style-type: none"> <li>• The proposed development is not consistent with the Heritage and Character.</li> <li>• Front setbacks shall not be relaxed.</li> <li>• Shortfall of parking for residents and their visitors.</li> <li>• Balconies will overlook neighbouring properties.</li> <li>• The proposed double carport will have a detrimental effect on the streetscape.</li> </ul>	<ul style="list-style-type: none"> <li>• Not supported – Policy 3.3.1 states new contemporary developments are encouraged provided that the design responds to the established character. The proposed development incorporates a pitched roof and setbacks; this will result in a dwelling that will not unduly affect the amenity and streetscape of the area.</li> <li>• Supported – the Town in this instance will not support variations to front setbacks. The applicant has since submitted amended plans reflecting the carport being setback 4.5 metres from Broome Street.</li> <li>• Not supported – two car bays in tandem have been provided on-site, therefore, compliant with the requirements of the R Codes.</li> <li>• Supported – considered to have an undue impact on neighbouring property. Condition applied for balconies to be screened on the eastern and western elevations.</li> <li>• Supported – revised plans have since been submitted to the Town reflecting a single carport with a uncovered car bay in front in a tandem arrangement.</li> </ul>

<b>Other Implications</b>	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Financial/Budget Implications	Nil

\* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

\* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

**COMMENTS:**

**Demolition**

The property at No. 110 Broome Street, Highgate, is an example of the Federation Georgian style. It was built around 1900 at a time when the development of the Highgate area was occurring as a result of the Gold Rush of the 1890s.

A full heritage assessment was undertaken for No. 110 Broome Street which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

**Summary**

In light of the above, it is recommended Council support the application, subject to standard and appropriate conditions to address the above matters.

**10.1.1 Further Report - Amendment No. 46 to Planning and Building Policies – Draft Policy Relating to Single Bedroom Dwellings**

<b>Ward:</b>	Both Wards	<b>Date:</b>	5 February 2008
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0185
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Fox		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	

**FURTHER OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Draft Policy relating to Single Bedroom Dwellings, as shown in Attachment 10.1.1;*
- (ii) *ADVERTISES the Draft Policy relating to Single Bedroom Dwellings for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
  - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
  - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iii) *after the expiry of the period for submissions:*
  - (a) *REVIEWS the draft Policy relating to Single Bedroom Dwellings, having regard to any written submissions; and*
  - (b) *DETERMINES the draft Policy relating to Single Bedroom Dwellings, with or without amendment, to or not to proceed with them.*

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Messina**

*That clause (i) be amended to read as follows:*

- “(i) *RECEIVES the Draft Policy relating to Single Bedroom Dwellings, as shown in Attachment 10.1.1; subject to the Policy being further amended as follows:*
  - (a) *clause 3) Floor Area be amended to read as follows:*  
*'...  
Where it can be demonstrated that a high quality design outcome can be achieved, the Town may consider a density bonus for single bedroom dwellings with a maximum plot ratio floor area of up to 70 square metres.*  
*...”*

Debate ensued.

**AMENDMENT PUT AND CARRIED (8-0)**

(Cr Doran-Wu was an apology for the meeting.)

Mayor Catania advised that typographical errors were not needed to be the subject of an amendment. Requested that the word “*compliments*” in clause (4) of the Objectives in the proposed policy be amended to read “*complements*”.

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

(Cr Doran-Wu was an apology for the meeting.)

**COUNCIL DECISION ITEM 10.1.1**

*That the Council;*

- (i) *RECEIVES the Draft Policy relating to Single Bedroom Dwellings, as shown in Attachment 10.1.1; subject to the Policy being further amended as follows:*
- (a) *clause 3) Floor Area be amended to read as follows:*  
'...  
Where it can be demonstrated that a high quality design outcome can be achieved, the Town may consider a density bonus for single bedroom dwellings with a maximum plot ratio floor area of up to 70 square metres.  
...'
- (ii) *ADVERTISES the Draft Policy relating to Single Bedroom Dwellings for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
- (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
- (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
- (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iii) *after the expiry of the period for submissions:*
- (a) *REVIEWS the draft Policy relating to Single Bedroom Dwellings, having regard to any written submissions; and*
- (b) *DETERMINES the draft Policy relating to Single Bedroom Dwellings, with or without amendment, to or not to proceed with them.*
- 

**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 18 December 2007 considered the above matter relating to the Draft Single Bedroom Policy and resolved the following:

*“That the matter be DEFERRED for further clarification, including to distinguish between applications who;*

- (i) wish to have single bedroom dwellings as part of an application; and*
- (ii) wish to apply for a density bonus based on single bedroom dwellings.”*

It is understood that the basis for the deferral of this item is to seek further clarification, including distinguishing between the following:

- (i) that single bedroom units that are part of an application that is not seeking density bonuses should have the capacity to go up to 70 square metres or respond to those people who wish to purchase a unit at the higher end of the market; and
- (ii) an application that is seeking a density bonus based on the provision of single bedroom units must stay with the intent of the Residential Design Codes (R Codes), that is, 60 square metres to cater for a diverse housing stock and to cater for the lower end of the market where affordability is an issue.

The Town’s Officers have considered the above and have provided the following comments in response to the concerns raised by Council Members.

#### **Intention of Density Bonus**

It is understood by the Town’s Officers that special provisions within the R Codes allow for single bedroom dwellings to be designed to accommodate one or two-person households that now make up over half of all households in Western Australia. Dwellings of this nature result in a low population density per dwelling unit, do not generate the same demands for car parking as two or three bedroom dwellings, and result in less building bulk; therefore, the R Codes have allowed the reduction of the site area by one third of that provided for by the density code applying to the site. This understanding is derived from the explanatory text under Section 4.1 - *Special Purpose Dwellings – Single Bedroom Dwellings*, of the R Codes.

Simply put, the less people occupying each dwelling (one or two persons), the smaller the size and requirements of the dwelling, thus the smaller the land area required for each single bedroom dwelling. The R Codes allow for the reduction in site area in order to make provisions for smaller dwellings (single bedroom), that might otherwise not be provided for should a larger site area be required.

In order that this density bonus is not ‘abused’, a single bedroom dwelling with a maximum plot ratio floor area of 60 square metres meets the Acceptable Development Criteria requirement of the R Codes.

#### **Why allow 70 square metres?**

While 60 square metres meets the Acceptable Development Criteria, the Town’s Officers consider that a single bedroom dwelling of up to 70 square metres would still satisfy the Performance Criteria requirement of the R Codes if a dwelling provides limited accommodation, suitable for one or two persons. It is also considered that there may be more innovative ways of achieving an acceptable design outcome.

It is considered by the Town’s Officers that allowing an increase in the floor area of up to 70 square metres will facilitate single bedroom dwelling developments of a range in size while not impacting on the existing character and amenity of the area. It should also be noted that 70 square metres is not considered ‘as of right’, and will only be considered by the Town where it can be demonstrated that a high quality design outcome can be achieved.

### **Housing Affordability**

Some concern has been raised that, by allowing an increase in the floor area of up to 70 square metres, the demand for affordable housing will not be satisfied. The R Codes do not require that single bedroom dwellings provide a level of affordability; rather, they allow special provisions for single bedroom dwellings in order to provide housing diversity for the community. It is also considered, that allowing an increase in a dwelling from 60 to 70 square metres, does not necessarily have any significant bearing on housing affordability.

Notwithstanding the above, the incidental effect of facilitating the development of single bedroom dwellings may be that smaller households have the option of single bedroom accommodation as an alternative to larger two or three bedroom accommodation that may be less affordable.

### **Conclusion**

Given the above response to the concerns raised at the Ordinary Meeting of Council held on 18 December 2007 and the Draft Policy being further amended to reflect the amendment put and carried at that Ordinary Meeting, it is recommended that the Council receives and advertises the further amended version of the Draft Policy in accordance with the Officer Recommendation.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 18 December 2007.

#### *“FURTHER OFFICER RECOMMENDATION:*

*That the Council;*

- (i) RECEIVES the further amended version of the Draft Policy relating to Single Bedroom Dwellings, as shown in Attachment 001;*
- (ii) ADOPTS the further amended version of the Draft Policy relating to Single Bedroom Dwellings in the interim until the formal adoption of the Draft Policy;*
- (iii) ADVERTISES the further amended version of the Draft Policy relating to Single Bedroom Dwellings for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
  - (a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
  - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
  - (c) forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) after the expiry of the period for submissions:*
  - (a) REVIEWS the further amended version of the Draft Policy relating to Single Bedroom Dwellings, having regard to any written submissions; and*
  - (b) DETERMINES the further amended version of the Draft Policy relating to Single Bedroom Dwellings, with or without amendment, to or not to proceed with them.*



Moved Cr Doran-Wu, Seconded Cr Ker

*That the recommendation be adopted.*

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

*That clause (ii) be amended to read as follows:*

(ii) *ADOPTS the further amended version of the Draft Policy relating to Single Bedroom Dwellings in the interim until the formal adoption of the Draft Policy, subject to the Policy being further amended as follows:*

(a) *clause 3) Floor Area to be amended to read as follows:*

*'Clause 4.1.3 of the Residential Design Codes specifies that ~~plot ratio floor area for a single bedroom dwelling is limited to 60 square metres~~ a single bedroom dwelling with a maximum plot ratio floor area of 60 square metres meets the acceptable development criteria. A performance based approach can be pursued if the dwelling provides limited accommodation suitable for one or two persons...'*

AMENDMENT PUT AND CARRIED (8-0)

(Cr Farrell had departed the Meeting).

Debate ensued.

PROCEDURAL MOTION

Moved Cr Doran-Wu, Seconded Cr Lake

*That the matter be DEFERRED for further clarification, including to distinguish between applications who;*

(i) *wish to have single bedroom dwellings as part of an application; and*

(ii) *wish to apply for a density bonus based on single bedroom dwellings.*

PROCEDURAL MOTION PUT AND CARRIED (6-2)

For

Mayor Catania

Cr Burns

Cr Doran-Wu

Cr Ker

Cr Lake

Cr Youngman

Against

Cr Maier

Cr Messina

(Cr Farrell had departed the Meeting).

COUNCIL DECISION ITEM 10.1.14

*That the matter be DEFERRED for further clarification, including to distinguish between applications who;*

- (i) wish to have single bedroom dwellings as part of an application; and*
- (ii) wish to apply for a density bonus based on single bedroom dwellings.*

PROCEDURAL MOTION

At 10.00pm Moved Cr Ker, Seconded Cr Lake

*That the meeting be extended for a further 15 minutes.*

CARRIED (7-1)

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Messina
Cr Burns	
Cr Doran-Wu	
Cr Ker	
Cr Lake	
Cr Maier	
Cr Youngman	

(Cr Farrell had departed the Meeting).

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**FURTHER REPORT:**

The Council at its Ordinary Meeting held on 9 October 2007 considered the subject matter and resolved the following:

*“That the Item be DEFERRED for consideration at a Forum.”*

In light of the decision of the Council at its Ordinary Meeting held on 9 October 2007, the Draft Policy was considered at the Council Members Forum held on 13 November 2007. A number of issues pertaining to the Draft Policy relating to Single Bedroom Dwellings were discussed, in particular, the assumed automatic density bonus, floor area, car parking and voids. It was determined that some matters within the Draft Policy needed to be further addressed prior to the Draft Policy being again considered at an Ordinary Meeting of Council. The following are the key issues that were raised at the Council Members Forum:

**Site Area**

In accordance with clause 3.1.3 A3 (i) of the Residential Design Codes, a variation to the minimum and average site area requirements as set out in Column 3 of Table 1 of the Codes may be permitted. This variation equates to up to a 50 percent density bonus.

Concern was raised that where the Draft Policy allowed the Town of Vincent to consider a reduction of the minimum site area for single bedroom dwellings by up to one third (50 per cent density bonus), it may be common practice to allow a 50 per cent density bonus to be automatically applied to all single bedroom dwelling developments, rather than requiring developers to maintain high standards of development and meet acceptable development criteria in order to gain a density bonus of up to 50 per cent.

The Council Members concerns regarding density were considered by the Towns Officers, in terms of the number of, and relative ratio of applications which represent a departure from the intent of a single bedroom dwelling. As a result of these considerations, it is noted that there have been few applications for single bedroom dwellings where doubt has been raised as to the appropriateness and/or merit of granting a density bonus of up to 50 percent.

Further, it is noted that single bedroom dwellings by nature are no different to other dwelling types', albeit the restriction to the size and number of bedrooms. The purpose of single bedroom dwellings is to provide housing to a growing proportion of the community consisting of one or two person households, where an additional bedroom (or parking space) is not required and often not affordable. They therefore provide both a choice and a necessity of housing types. It is considered that the intention of the Residential Design Codes in allowing a reduction of the minimum site area by up to one third, is to provide for diversity in dwelling types including the provision of dwellings for one or two-person households that might otherwise not be accommodated for. In order to prevent this concession being abused, performance criteria has limited the plot ratio floor area and restricted the dwelling to provide limited accommodation, suitable to one or two persons.

The appropriateness of requiring single bedroom dwellings to meet additional criteria to justify the granting of a density bonus was duly considered. It was determined that single bedroom dwellings are not necessarily location specific, nor are their sole purpose to provide affordable housing options. It is not considered the intention of the Policy is to restrict the provision of single bedroom dwellings within certain residential areas, nor is it to require them to meet stringent additional design standards over and above requirements to achieve a high level of quality and design. Given the above, requiring additional performance criteria to achieve a density bonus is considered to be unnecessary.

#### **Plot Ratio Floor Space**

It is considered that the existing 60 square metre 'ceiling' could prove a constraint to some developers seeking to build single bedroom dwellings that provide a superior level of amenity for occupants within the Town. The increase to 70 square metres will facilitate single bedroom dwelling developments of a range in size and standard acceptable to the market, without creating opportunities for the exploitation of the density bonus applicable to single bedroom dwellings under the Residential Design Codes. In accessing the proposal, it is a requirement for developments to demonstrate a better quality outcome can be achieved through an increase in floor space of up to 70 square metres.

The additional ancillary room clauses have been deleted from the Draft Policy in order to remove any ambiguity in relation to the maximum plot ratio floor area allowed. The Draft Policy allows the Town to consider a single bedroom dwelling up to a total of 70 square metres, regardless of the inclusion of an additional ancillary room.

#### **Carparking**

Clause 3.5.1 of the Residential Design Codes includes a requirement for visitors parking spaces for Grouped and Multiple Dwellings that were not included in the Draft Single Bedroom Dwellings Policy considered by the Council at its Meeting of 9 October 2007. The Draft Policy has now been amended to include provisions for the visitor parking requirements.

In addition, clause 2) v) has been amended to allow the issue of visitors car parking permits to the owner or occupier of single bedroom dwellings.

### **Voids**

In relation to the section pertaining to voids within the Draft Policy, the wording has been amended to prohibit the inclusion of void areas within the development of a single bedroom dwelling. Some previous concern has been raised that by incorporating a void, the bulk and scale of the development could intensify, thus having the appearance of a dwelling that comprises more than one bedroom. It was noted that this has been the case in a development proposal at No. 196 Anzac Road, Mount Hawthorn in which an extensive void area increased the bulk and scale, in particular to the presentation of the upper floor.

It is considered that to disallow any single bedroom dwelling to incorporate a void area, will limit the opportunity for developments to present with excessive bulk or the appearance of a dwelling that comprises two or more bedrooms.

### **Conclusion**

In light of discussions at the Council Members Forum held on 13 November 2007, the Draft Policy relating to Single Bedroom Dwellings has been amended to address the concerns and that were raised. It is intended that the amended Policy will better address the requirements for Single Bedroom Dwellings under the Residential Design Codes (R Codes) and outline the instances the Council will consider a variation to the R Codes.

It is therefore recommended that the Council receives, adopts in the interim and advertises the further amended version of the Draft Policy in accordance with the Officer Recommendation.

The Council at its Ordinary Meeting held on 9 October 2007 also considered the matter.

**10.1.2 Progress Report No. 3 – Amendment No. 43 to Planning and Building Policies – Draft Policy Relating to Residential Streetscapes**

<b>Ward:</b>	Both Wards	<b>Date:</b>	5 February 2008
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0179
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	E Saraceni, H Smith		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council,*

- (i) *RECEIVES Progress Report No. 3 – Amendment No. 43 to Planning and Building Policies – Draft Policy relating to Residential Streetscapes; and*
- (ii) *ENDORSES the proposed format of the Draft Policy Relating to Residential Streetscapes as detailed in this report.*

**COUNCIL DECISION ITEM 10.1.2**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED (8-0)**

**(Cr Doran-Wu was an apology for the meeting.)**

**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with a detailed update on the progress of the draft Residential Streetscapes Policy and to obtain the Council’s endorsement of the format of this Policy.

**BACKGROUND:**

23 January 2007            The Council at its Ordinary Meeting resolved the following:

“...

- (ii) *ADOPTS the following actions in relation to the future development and progression of the draft Residential Design Elements Policy;*
- (c) *a new Policy relating to Streetscapes, independent but inherently linked to the draft Residential Design Elements Policy and future Town Planning Scheme, be prepared, and that a report and draft Policy be referred to the Council no later than February 2007;*

...”

- 29 March 2007      Town Planning Scheme Review Committee Meeting considered and discussed residential streetscapes.
- 19 May 2007      Town Planning Scheme Review Elected Members Meeting considered and discussed residential streetscapes.
- 12 June 2007      The Council at its Ordinary Meeting resolved the following in relation to the proposed Residential Streetscapes Policy, Residential Subdivisions Policy and Single Bedroom Dwellings Policy:
- “That the Council RECEIVES Progress Report No. 1 - Proposed Residential Streetscapes Policy, Residential Subdivisions Policy, and Single Bedroom Dwellings Policy.”*
- 9 October 2007      The Council at its Ordinary Meeting resolved the following in relation to the proposed Draft Residential Streetscapes Policy:
- “That the Council RECEIVES Progress Report No. 2 – Amendment No. 43 to Planning and Building Policies – Draft Policy Relating to Residential Streetscapes.”*

**DETAILS:**

A Draft Policy relating to Residential Streetscapes was prepared, distributed to Council Members and discussed at the Town Planning Scheme Review Committee Meeting held on 29 March 2007 and the Town Planning Scheme Review Elected Members Meeting held on 19 May 2007.

As a result of these discussions, it was considered that the Draft Policy required substantial further work prior to it being in a form more appropriate for the Council's further consideration.

In addition to the above, a progress report was prepared and presented to Council on 9 October 2007. As a result of this report, Council Members raised concerns and queries in regards to the inclusion in the Policy of the Townscapes identified by Hocking Planning and Architectural Collaboration as part of the Municipal Heritage Inventory Review.

The Town's Officers also raised concerns in regards to the progress of the development and implications of the Policy.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Town Planning Scheme No.1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2006-2011 states:

*“Objective 1 : Natural and Built Environment*

*1.1      Improve and maintain environment and infrastructure*

*1.1.2    Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.*

- 1.1.3 Enhance and maintain the character and heritage of the Town.
- 1.1.4 Minimise negative impacts on the community and environment.”

#### **FINANCIAL/BUDGET IMPLICATIONS:**

The current 2007/2008 Budget allocates \$60,000 for Town Planning Scheme Amendments and Policies.

#### **COMMENTS:**

##### **Revised Format and Formulation of the Residential Streetscape Policy**

The Town's Officers have further discussed the format and progress of the development of the Policy and resolved to change the way in which the Policy is written to ensure its consistency with the intent of Town Planning Scheme No.2. In this respect, the Residential Streetscapes Policy has been aligned to that of the Lacey Street Design Guidelines and draws on the data collected from the street surveys of the Town. The revised formulation and format of the Policy are outlined below.

##### 1. Work Previously Completed in regards to Residential Streetscapes

The streetscapes identified (recognised streetscapes) as a result of the previous street surveys were considered in terms of the following aspects:

- Locality topography;
- Consistency of road and verge widths;
- Species and consistency of verge trees;
- Consistency of front setback distances;
- Front fencing styles;
- Consistency of the bulk and scale of built form; and
- Consistency of the age and style of housing.

The listed streetscapes were then considered in terms of their respective five Town Centre areas and determined as either Category 1 or Category 2. In respect of determining character, a definition is outlined as follows:

*“...refers to the aesthetic relationship that exists between built form, vegetation and topographic characteristics in both the private and public domains that distinguish one place from another. Streetscape character generally refers to the consistency of architectural style, building height, front/side setbacks, scale and bulk”.*

A list of the recognised Streetscape Areas has been included as an attachment to this report.

The categories were subsequently defined as follows:

- Category 1 refers to those streetscapes which have an entirely intact character and strict design guidelines are required in order to ensure that the intact streetscapes are preserved; and
- Category 2 refers to those streetscapes which have a predominantly intact character and the design guidelines are required in order to ensure that the predominant streetscape character is maintained. The design guidelines for Category 2 streetscapes are not intended to be as strict as the design guidelines for Category 1 streetscapes and will allow slightly more flexibility in design.

Also, it is noted that there are several streetscapes within the Town, such as Brisbane Street, Oxford Street and Vincent Street that require their own design guidelines. These streets incorporate a mix of residential and commercial and therefore are not included in the Residential Streetscapes Policy. However, design guidelines for the aforementioned streets and streets of a similar nature will be developed as part of the Town Planning Scheme Review.

## 2. Work Currently Undertaken by the Town's Officers

The Town's Officers have continued to assess streetscapes using the film footage of the Town captured on DVD in terms of the following elements:

1. Lot Pattern;
2. Lot Width;
3. Building Stock;
4. Street Setback;
5. Side Setbacks (including Boundary Walls);
6. Building Style and Form;
7. Building Height;
8. Building Articulation;
9. Roof Form – Pitch, Design Form;
10. Vehicles Parking (Garages, Carports and Car Bays) and Vehicular Access to Lots (Crossovers/Driveways);
11. Street Fence; and
12. Building Materials.

Consequently, this has resulted in a revised, comprehensive assessment that will aid in developing design guidelines for each of the recognised streetscapes.

Once the detailed streetscape assessments for the listed streets have been completed, the Town's Officers will develop guidelines for each of the recognised streetscapes in the format outlined below.

## 3. Revised Policy Format

The streetscapes have previously been separated into their respective Town Centre areas and the design guidelines will be prepared using the Town Centre areas as a basis for the recognised streetscapes.

Design guidelines will be developed for the recognised streetscapes within each of the Town Centre Areas. Each area has both Category 1 and Category 2 streetscapes. The guidelines are proposed to be similar in format to those in existence for Lacey Street and will include an introduction for the particular category of street within the area along with specific design guidelines. An example of the proposed design guideline format for Mount Hawthorn has been included as an attachment to this report.

Several of the Townscape Areas identified in the Hocking Report are recognised streetscapes, however, not all of them have been identified as recognised streetscapes. Therefore, a separate set of design guidelines will be formulated to deal with the streetscapes in the Townscape areas that are not included in the Category 1 or Category 2 design guidelines for each of the Town Centre Areas.

The proposed format for the Policy document as a whole is outlined below:

- 1.0 Introduction
- 2.0 Aims of the Residential Streetscapes Policy



- 3.0 Status of the Residential Streetscapes Policy
- 4.0 Relationship with other Documents
  - 4.1 Relationships
  - 4.2 Residential Design Codes
  - 4.3 Residential Design Elements Policy
  - 4.4 Other Local Planning Policies
- 5.0 How the Residential Streetscapes Policy Functions
  - 5.1 Development Assessment
  - 5.2 Advertising
  - 5.3 Approval Process
- 6.0 Recognised Streetscapes
  - 6.1 Overview
  - 6.2 Category 1 Streetscapes
  - 6.3 Category 2 Streetscapes
  - 6.4 Townscape Areas not included within the Recognised Streetscapes

#### 4. Municipal Heritage Inventory Review

The recent review of the Municipal Heritage Inventory, which was concluded at the Special Meeting of Council held on 3 April 2007, commenced with the commissioning of consultants Hocking Planning and Architecture Collaboration to undertake a district survey of the Town and a review of the Town's Municipal Heritage Inventory. A draft Municipal Heritage Inventory and District Survey was presented to the Town in March 2004. The remainder of the Municipal Heritage Inventory review process was undertaken by the Town.

The draft documentation that was presented to the Town by the consultants in 2004 was divided into 4 main parts, namely Part A - Overview and Introduction; Part B - Municipal Heritage Inventory; Part C - Townscape Entries; and Part D - Place Data Forms. The review process that was completed by the Town of Vincent in 2007 essentially addressed the information contained in Parts A, B and D with the intention of Part C - Townscape Entries to form part of a broader strategic planning initiative to be developed by the Town.

Within Part A of the draft documentation, the consultants outlined the following distinction between 'heritage places' and 'townscape places'.

- Heritage Places - places that of themselves have cultural heritage significance because they represent an aspect of the Town's History. Essentially this applies to places that meet the threshold for the entry onto the Town's Municipal Heritage Inventory and are protected and managed through the Town's policies and provisions relating to Heritage Management.
- Townscape Places - places that are important mainly due to their contribution to defining the physical character of an area of particular townscape quality. Individually these places do not meet the threshold for entry onto the Town's Municipal Heritage Inventory and are often referred to as contributing to the 'character of the area'. Townscape areas are defined by collections of places that share, or have predominant common characteristics. These shared characteristics are not only stylistic but are also often of a pattern making kind including such things as, lot frontage widths, building setbacks, vehicle access as well as the scale and character (style) of buildings.

### Townscape Places

Documentation provided to the Town in 2004 by Hocking Consultants identified a total of 85 Townscape Areas. These were primarily identified from nominations received from the community during the Municipal Heritage Inventory review process. The study brief provided to the consultants was to focus predominately on heritage. A full Townscape analysis was not completed by the consultants, however, a number of case studies were

prepared demonstrating how Townscapes could be characterised and effectively managed. The case studies set out the location of the Townscape, the important characteristics including: width of lots; lot size; front and side building setbacks; predominant building style(s); predominant house types; patterns of site usage; building height; building bulk and vehicle access, together with which places should be kept and how future development in the area should be controlled.

The consultants advised that the case studies were to be a guide only and that more detailed policies and provisions would need to be prepared to effectively manage the Townscape Areas within the planning context. The consultants also noted that the Townscape Areas identified do not constitute all possible Townscape Areas recommending that a further study be undertaken to ensure all Townscape Areas are considered.

The townscape information provided by the consultants has been used to determine how streetscapes are considered within the Town; however, the resulting lists differ markedly. Essentially, there have been different identification methods employed by the Town's Officers and Hocking Consultants to assess streetscapes and townscapes respectively. Further, given the lapsed time since 'Townscapes' were identified in Hocking's report, only approximately forty per cent of the Hocking Townscape Areas have been included as streetscapes. It is important to note that the larger percentage of townscape areas, upon review by the Town's Officers, did not meet the criteria for a streetscape, some for reasons related to significant change in the street. It is also noted that to include Hocking's total 85 townscapes may threaten the acceptability of the streetscape concept to the wider community given the reaction of many in the community towards 'heritage' and its perceived restrictions on property development.

In light of the above, it is considered that due regard has been given to the advice provided to the Town by Hocking Planning and Architecture Collaboration in the formulation of the Residential Streetscape Policy.

### **Summary**

In light of the above, it is considered that the Draft Residential Streetscapes Policy is progressing relatively well and it is recommended that the Council receives Progress Report No. 3 – Amendment No. 43 to Planning and Building Policies – Draft Policy relating to Residential Streetscapes, and endorses the proposed format of the Policy.

**10.1.3 Nos. 179-183 (Lot: 102 D/P: 20762) Charles Street, Dual Frontage to Oak Lane, West Perth - Proposed Eight (8) Three-Storey Grouped Dwellings (Reconsideration of Condition)**

<b>Ward:</b>	South	<b>Date:</b>	5 February 2008
<b>Precinct:</b>	Cleaver; P5	<b>File Ref:</b>	PRO1118; 5.2008.21.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	D Pirone		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by the owner Choice Constructions Pty Ltd for Proposed Eight (8) Three-Storey Grouped Dwellings (Reconsideration of Condition), at Nos. 179-183 (Lot: 102 D/P: 20762) Charles Street, Dual Frontage to Oak Lane, West Perth, and as shown on plans stamp-dated 18 January 2008, subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Charles Street and Oak Lane boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
  - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
  - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*

- (f) *the solid portion adjacent to the Charles Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (iii) *first obtaining the consent of the owners of No. 2A Janet Street and No. 1 Hammond Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 2A Janet Street and No. 1 Hammond Street in a good and clean condition;*
- (iv) *a detailed landscaping plan, including a list of plants and the landscaping of the Charles Street and Oak Lane verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the balcony of unit 1 on the western elevation being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level within the 7.5 metres cone of vision. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No.1 Hammond Street stating no objections to the proposed privacy encroachment. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *a minimum of two (2) significant and appropriate design features being incorporated along the garage wall/door of units 1, 2 and 8 adjacent to Oak Lane to reduce its visual impact; and*
- (b) *all storerooms having a minimum dimension of 1.5 metres and area of 4 square metres.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (vii) *prior to the issue of a Building Licence, the owners shall agree in writing to a notification being lodged under Section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following;*

*"The Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development. "*

**COUNCIL DECISION ITEM 10.1.3**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND LOST (2-6)**

(Cr Doran-Wu was an apology for the meeting.)

<b><u>For</u></b>	<b><u>Against</u></b>
Mayor Catania	Cr Burns
Cr Farrell	Cr Ker
	Cr Lake
	Cr Maier
	Cr Messina
	Cr Youngman

**Reasons:**

1. **Extensive concessions have already been granted to the applicant.**

<b>Landowner:</b>	Choice Constructions Pty Ltd
<b>Applicant:</b>	Choice Constructions Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	1000 square metres
<b>Access to Right of Way</b>	Not Applicable

**BACKGROUND:**

- 9 October 1995      The Council at its Ordinary Meeting approved the development of seven 2-storey grouped dwellings on Lot 102. This Planning Approval incorporated variations to the density, plot ratio, setbacks, total open space, private open space, car parking and storeroom requirements of the Residential Planning Codes (R-Codes) under the R80 standard. The majority of variations were approved under clause 48 of the previous Town of Vincent Town Planning Scheme (1985).
- 12 October 1995      Approval to Commence Development issued by the Town for seven 2-storey grouped dwellings, valid for two years from the date of issue.

- 18 January 2000 The Council at its Ordinary Meeting refused a proposal for eight 2-storey grouped dwellings for the following reasons:
1. *Plot ratio in excess of requirement.*
  2. *Number of dwellings and density in excess of requirement.*
  3. *Lack of visitor car parking bays on site.*
  4. *Lack of street car parking in area.*
  5. *Loft area is considered habitable space.*
  6. *Objections received.*
- 14 March 2000 Appeal to the Minister for Planning against the refusal for eight 2-storey grouped dwellings at the Ordinary Meeting of Council held on 18 January 2000 referred to the Town for response.
- 28 March 2000 The Council at its Ordinary Meeting refused a proposal for eight 2-storey grouped dwellings. This proposal was submitted by the same applicant/owner as the previous refusal and was predominantly the same, other than the following modifications:
1. Addition of two visitor car parking spaces;
  2. Deletion of the loft floor levels; and
  3. Deletion of the southern boundary wall.
- 27 April 2000 The applicant's further submission of revised plans to the Minister, received by the Town. Revisions included:
1. Addition of two visitor car parking spaces;
  2. Deletion of the loft floor levels; and
  3. Deletion of the southern boundary wall.
- 24 May 2000 Letter outlining the Minister's decision to uphold the appeal.
- 25 June 2002 The Council, at its Ordinary Meeting, recommended refusal to the Western Australian Planning Commission for the construction of eight (8), three storey grouped dwellings.
- 4 November 2002 Advice returned from the Western Australian Planning Commission advising that the Commission's determination of the application is not required as the affected property is located outside of, but adjacent to, the Planning Control Area (PCA) No. 54 for Charles Street.
- 17 December 2002 The Council at its Ordinary Meeting refused a proposal for eight 3-storey grouped dwellings.
- 14 February 2003 The Town received a copy of Notice of Appeal to the former Town Planning Appeal Tribunal against the Council's refusal.
- 14 March 2003 The Town received an amended copy of Notice of Appeal.
- 17 March 2003 The First Sitting of Appeal.
- 21 March 2003 The Town lodged its Respondent Statement to the former Town Planning Appeal Tribunal.
- 27 March 2003 Appeal Mediation held between the Town Officer's and the applicant.
- 8 May 2003 The Town received amended plans for proposed eight 3-storey grouped dwellings.

27 May 2003            The Council at its Ordinary Meeting refused a proposal for proposed eight (8) three-storey grouped dwellings.

26 June 2007            The Council at its Ordinary Meeting approved a proposal for proposed eight (8) three-storey grouped dwellings as follows:

*"That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by J Nardizzi on behalf of the owner Choice Constructions Pty Ltd for proposed Eight (8) Three-Storey Grouped Dwellings, at Nos. 179-183 (Lot 102 D/P: 20762) Charles Street, Dual Frontage to Oak Lane, West Perth, and as shown on plans stamp-dated 18 January 2007 and 19 June 2007 (overshadowing diagram), subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Charles Street and Oak Lane boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
  - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
  - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*

- (f) *the solid portion adjacent to the Charles Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (iii) *first obtaining the consent of the owners of No. 2A Janet Street and No. 1 Hammond Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 2A Janet Street and No. 1 Hammond Street in a good and clean condition;*
- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Charles Street and Oak Lane verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the balcony of unit 1 on the western elevation being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level within the 7.5 metres cone of vision. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No.1 Hammond Street stating no objections to the proposed privacy encroachment. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
  - (a) *a minimum of two (2) significant and appropriate design features being incorporated along the garage wall/door of units 1, 2 and 8 adjacent to Oak Lane to reduce its visual impact;*
  - (b) *all courtyards being a minimum dimension of 4.0 metres; and*
  - (c) *all storerooms having a minimum dimension of 1.5 metres and area of 4 square metres.*



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

- (vii) *prior to the issue of a Building Licence, the owners shall agree in writing to a notification being lodged under Section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following;*

*"The Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development."*

**DETAILS:**

This application involves the reconsideration and proposed deletion of condition (vi)(b) that was placed on the approval granted on 26 June 2007 for proposed eight (8) three-storey grouped dwellings at the subject property.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Outdoor Living Area (Courtyard)	Each dwelling to be provided with a courtyard with a minimum area of 16 square metres and minimum dimensions of 4 metres.	Unit 1 – Dimensions = 3.76 metres by 4.5 metres. Total Area = 18.12 square metres  Unit 2 – Dimensions = 2.25 metres by 6.19 metres. Total Area = 13.93 square metres  Revised plans were submitted demonstrating Units 3, 4, 5, 6, 7 and 8 complying with the Outdoor Living Area requirements of the R Codes.	Supported – see 'Comment's' below.
Note: All other variations have been addressed in Item 10.1.10 to the Ordinary Meeting of Council held on 26 June 2007.			

<b>Consultation Submissions</b>	
This application was not advertised as a variation in the Outdoor Living Area requirements was advertised as part of the previous application, and is being referred to Council for its consideration and determination.	
<b>Other Implications</b>	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Financial/Budget Implications	Nil

**COMMENTS:**

The proposal involves the proposed reconsideration and deletion of the following condition that was placed on the approval granted on 26 June 2007.

*“(vi)(b) all courtyards being a minimum dimension of 4.0 metres;”*

This condition states that all courtyards are to have a minimum dimension of 4 metres. Part of the reasons why the Officer’s Recommendation for the previous planning application was for refusal was because proposed courtyards for Units 1, 2, 5, 6, 7, and 8 had a dimension of less than 4 metres, therefore, non-compliant with the outdoor living area requirements; hence, non-compliant with the Town’s Policy relating to Non-Variation of Specific Development Standards and Requirements. Units 1 and 2 did not propose any outdoor living area, instead a sizeable balcony which overlooks Oak Lane.

It is essentially not possible for Units 1 and 2 to be able to comply with this condition at the Building Licence stage, without a total redesign of the units, hence most likely resulting in a further planning application being submitted to the Town.

Subsequent to the proposal being granted conditional Planning Approval by the Council, the applicant has lodged a Building Licence application and complied with all other conditions placed on the approval. The subject plans differ from the approved plans in that the courtyards for Units 5, 6, 7 and 8 now have a dimension of 4 metres, hence compliant with the outdoor living area requirements of the R Codes. The balcony of Unit 1 is accessible from the dining room and lounge room and although the width of the balcony is 3.76 metres (required 4 metres) the total area of the balcony is 18.12 square metres, which is more than the required 16 square metres. The balcony of Unit 2 is slightly smaller than Unit 1 with a dimension of 6.19 metres by 2.25 metres, calculating to an area of 13.93 square metres. Therefore, the applicant is requesting that the Council reconsider and delete condition (vi)(b) for Units 1 and 2 only as the current proposal demonstrates the courtyards for Units 5, 6, 7 and 8 having a minimum length and width dimension of 4.0 metres with a minimum area of 16 square metres. Although Units 1 and 2 are non-compliant with the Outdoor Living Area Acceptable Development requirements of the R Codes, the Town’s Officers have determined that the proposed courtyards for these units meets the Performance Criteria of the R Codes.

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

**10.1.4 Nos. 248-250 (Lot 801 D/P: 56574) Lord Street, corner Coolgardie Terrace, Perth - Proposed Demolition of Existing Semi-Detached Dwellings**

<b>Ward:</b>	South	<b>Date:</b>	4 February 2008
<b>Precinct:</b>	-	<b>File Ref:</b>	PRO4235; 5.2007.484.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Kendall		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions and powers of both the Local Government (Change of Districts Boundaries) Order 2007 and the Local Government (Constitution) Regulations 1998, allowing the Town of Vincent to, in effect, administer the City of Perth City Planning Scheme No. 2, as appropriate, as if it were its own Scheme, and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner Cygnet Properties Pty Ltd ~~on behalf of the owner WA Planning Commission~~ for proposed Demolition of Existing Semi-Detached Dwellings, at Nos. 248-250 (Lot 801 D/P: 56574) Lord Street, corner Coolgardie Terrace, Perth and as shown on plans stamp-dated 21 November 2007, subject to the following condition(s):*

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (iv) demolition of the existing dwelling will make the property ineligible for any development bonuses under the provisions of the applicable Town Planning Scheme and associated Policies for the retention of existing dwellings valued by the community;*
- (v) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the applicable Town Planning Scheme and associated Policies; and*

- (vi) *a detailed landscaping plan and lighting plan, prepared in consultation with the Town's Parks, Engineering and Planning Services for the site at Nos. 248-250 (Lot 801 D/P: 56574) Lord Street, corner Coolgardie Terrace, Perth shall be submitted and approved prior to the issue of a Demolition Licence. The landscaping plan shall comprise both grassed areas and low height visually permeable water tolerant garden bed components. The landscaping plan shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. The works required to implement the landscaping plan and lighting plan, shall be completed within three (3) months from the issue of the Demolition Licence and maintained thereafter in accordance with the landscaping plan and lighting plan, until redevelopment works are carried out on site.*

**\*Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline.**

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**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Lake**

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

*"(vi) the owner shall, prior to the issue of a Demolition Licence:*

- (a) provide a detailed landscaping and lighting plan, prepared in consultation with the Town's Parks Services and Technical Services for the site at Nos. 248-250 (Lot 801 D/P: 56574) Lord Street, corner Coolgardie Terrace, Perth. The plan shall be submitted and approved prior to the issue of a Demolition Licence. The approved landscaping and lighting plan works shall be undertaken and completed within 3 months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s);*
- (b) provide a bond of an amount up to \$10,000 by way of bank guarantee, prior to a Demolition Licence being issued, to ensure the landscaping and lighting plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer;*
- (c) agree in writing to enable the to carry out the landscaping and lighting plan works and thereafter maintain it to an appropriate appearance and standard, and draw on the bond as required in the absolute discretion of the Town's Chief Executive Officer, in the event of non-compliance by the owners;*
- (d) the owner undertakes to lodge an application for redevelopment at the property within six months; and*

(e) *indemnify the Town of Vincent against any claims:*

- (1) *which are in any way connected with the carrying out of the demolition of the building at the property at Nos. 248-250 (Lot 801 D/P: 56574) Lord Street, corner Coolgardie Terrace, Perth pursuant to the Demolition Licence granted by the Town of Vincent to the owners in respect of the property; and*
- (2) *which arise during the period from the date of issue of the said Demolition Licence until the date that approved redevelopment works are commenced at the property."*

Debate ensued.

**AMENDMENT PUT AND CARRIED (5-3)**

<u>For</u>	<u>Against</u>
Cr Burns	Mayor Catania
Cr Ker	Cr Farrell
Cr Lake	Cr Messina
Cr Maier	
Cr Youngman	

(Cr Doran-Wu was an apology for the meeting.)

Debate ensued

**MOTION AS AMENDED PUT AND CARRIED (5-3)**

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Lake
Cr Burns	Cr Messina
Cr Farrell	Cr Youngman
Cr Ker	
Cr Maier	

(Cr Doran-Wu was an apology for the meeting.)

**Reasons for the significant change to the Officer Recommendation:**

1. The original Clause (vi) was deleted and a new clause (vi) added to protect the amenity of the area.

**COUNCIL DECISION ITEM 10.1.4**

*That;*

*in accordance with the provisions and powers of both the Local Government (Change of Districts Boundaries) Order 2007 and the Local Government (Constitution) Regulations 1998, allowing the Town of Vincent to, in effect, administer the City of Perth City Planning Scheme No. 2, as appropriate, as if it were its own Scheme, and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner Cygnet Properties Pty Ltd for proposed Demolition of Existing Semi-Detached Dwellings, at Nos. 248-250 (Lot 801 D/P: 56574) Lord Street, corner Coolgardie Terrace, Perth and as shown on plans stamp-dated 21 November 2007, subject to the following condition(s):*

- (i) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (iv) *demolition of the existing dwelling will make the property ineligible for any development bonuses under the provisions of the applicable Town Planning Scheme and associated Policies for the retention of existing dwellings valued by the community;*
- (v) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the applicable Town Planning Scheme and associated Policies; and*
- (vi) *the owner shall, prior to the issue of a Demolition Licence:*
  - (a) *provide a detailed landscaping and lighting plan, prepared in consultation with the Town's Parks Services and Technical Services for the site at Nos. 248-250 (Lot 801 D/P: 56574) Lord Street, corner Coolgardie Terrace, Perth. The plan shall be submitted and approved prior to the issue of a Demolition Licence. The approved landscaping and lighting plan works shall be undertaken and completed within 3 months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s);*
  - (b) *provide a bond of an amount up to \$10,000 by way of bank guarantee, prior to a Demolition Licence being issued, to ensure the landscaping and lighting plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer;*
  - (c) *agree in writing to enable the Town to carry out the landscaping and lighting plan works and thereafter maintain it to an appropriate appearance and standard, and draw on the bond as required in the absolute discretion of the Town's Chief Executive Officer, in the event of non-compliance by the owners;*
  - (d) *the owner undertakes to lodge an application for redevelopment at the property within six months; and*
  - (e) *indemnify the Town of Vincent against any claims:*
    - (1) *which are in any way connected with the carrying out of the demolition of the building at the property at Nos. 248-250 (Lot 801 D/P: 56574) Lord Street, corner Coolgardie Terrace, Perth pursuant to the Demolition Licence granted by the Town of Vincent to the owners in respect of the property; and*

- (2) *which arise during the period from the date of issue of the said Demolition Licence until the date that approved redevelopment works are commenced at the property.*

**ADDITIONAL INFORMATION:**

The condition to require the owner of the place to enter into a legal agreement and pay a bond for the landscape and lighting works has been applied to one previous application for the demolition of the place at No. 441 William Street, Perth, which was required to be demolished due to concerns of frequent vagrant activity and anti-social behaviour. As per the Officer Recommendation, a condition requiring a landscaping and lighting plan to be submitted prior to the issue of a Demolition Licence and implemented within 3 months of the demolition has been imposed to ensure the amenity of the site is kept to a satisfactory level.

The Town's Officers consider this condition will enable swift demolition of the place to ensure the concerns regarding the safety of the southern facing wall are addressed. The applicant has indicated should a requirement for a legal agreement be imposed, then they may not proceed with the demolition of the place and will leave it until such a time as redevelopment plans are approved by the Council.

<b>Landowner:</b>	Cygnnet Properties Pty Ltd
<b>Applicant:</b>	Cygnnet Properties Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Industrial and Other Regional Road Reservation City of Perth Local Planning Scheme No. 26: Residential R80 and Other Regional Road Reservation
<b>Existing Land Use:</b>	Semi-Detached Dwellings
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	266 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

No specific background directly relates to the proposal. However, it is to be noted that the subject site has recently come under the jurisdiction of the Town of Vincent as a result of the recent local government boundary changes, which were effective from 1 July 2007.

**DETAILS:**

The proposal involves the demolition of the existing semi-detached dwellings at Nos. 248-250 (Lot 801 D/P: 56574) Lord Street, corner Coolgardie Terrace, Perth.

The applicant has requested, due to the condition of the place, that in the event that the Council approve the proposed demolition of the subject place that it omits the standard condition that requires a redevelopment proposal for the subject property to be submitted and approved by the Town, prior to the issue of a Demolition Licence.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.
<b>Consultation Submissions</b>			
Support	Nil		Noted.
Objection	Nil		Noted.
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

\* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

**COMMENTS:**

*\*Note: The following comments were corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline.*

**Heritage Services Comments**

A detailed Heritage Assessment is contained in the attachment to this report.

The subject rendered brick and iron semi-detached dwellings at Nos. 248-250 (Lot 801 D/P: 56574) Lord Street, corner Coolgardie Terrace, Perth were constructed circa 1900 during the Gold Rush period of development in Perth. An example of the Late Colonial Georgian style the dwellings have a simple, symmetrical front façade, which overlooks Perth Oval (also known as Members Equity Stadium). The façade, layout and internal detail have been modified since the dwellings original construction, which has reduced their overall authenticity.

As an example of the Late Colonial Georgian style of architecture the place has some rarity value as it represents a building style of which there are only a limited number remaining in the locality. However, the semi-detached pair have little specific historic, scientific, aesthetic or social value and are not considered to meet the threshold for inclusion onto the Town's Municipal Heritage Inventory. As such, it is considered reasonable that the application for the demolition of the subject dwelling be approved.

**Conclusion**

The applicant has requested that the condition, relating to the requirement for a redevelopment proposal, be removed by the Town prior to the issue of a Demolition Licence. This condition is a standard condition, as per Clause 41 48 of the ~~Town Planning Scheme No.1~~ which is applied to the approval of all demolition within the Town and is intended to minimise parcels of land being left vacant over a lengthy period, and enables opportunity for the dwellings to be retained. City of Perth City Planning Scheme No. 2. Further to discussions with the City of Perth Planning Officers it is understood that the condition is



imposed and rarely removed to minimise parcels of land being left vacant over a lengthy period. Whilst the request to remove the condition is not generally granted, the Town's Health, Building and Heritage Services have some serious concerns regarding the structural integrity of the southern facing wall of No. 248 Lord Street, which directly abuts Coolgardie Terrace, due to a number of horizontal and vertical cracks along this elevation. There are concerns that the extent of the cracking may result in the collapse of the building's southern elevation onto the adjacent footpath without warning.

To address amenity concerns regarding the imminent vacant site, it is recommended that the applicant submit and implement a landscaping and lighting plan for the subject site, until such a time that redevelopment works commence onsite.

In light of the above, it is considered that the semi-detached pair be approved for demolition, without the standard redevelopment requirement as per the Officer Recommendation.

**10.1.5 No. 282 (Lots 100 - 103 D/P: 30363) Lord Street, corner Windsor Street, Perth - Proposed Demolition to Existing Hotel and associated Outbuildings**

<b>Ward:</b>	South	<b>Date:</b>	1 February 2008
<b>Precinct:</b>	Banks; P15	<b>File Ref:</b>	PRO1388 5.2007.485.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Kendall		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner Norwindsor Pty Ltd for proposed Demolition to Existing Hotel and Associated Outbuildings, at No. 282 (Lots 100 - 103 D/P: 30363) Lord Street, corner Windsor Street, Perth, and as shown on plans stamp-dated 21 November 2007, subject to the following conditions:*

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (iv) demolition of the existing building may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;*
- (v) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies;*
- (vi) details of an interpretation proposal, which incorporates explicit recognition of the historic values of the place at No. 282 (Lots 100 - 103 D/P: 30363) Lord Street, corner Windsor Street, Perth (Norwood Hotel) shall be submitted to and approved by the Town before the issue of a Building Licence for the redevelopment of the site. The approved interpretation proposal shall be installed prior to the first occupation of the new development; and*
- (vii) a detailed landscaping plan and lighting plan, prepared in consultation with the Town's Parks, Engineering and Planning Services for the site at No. 282 (Lots 100 - 103 D/P: 30363) Lord Street, corner Windsor Street, Perth shall be submitted and approved prior to the issue of a Demolition Licence. The landscaping plan shall*

*comprise both grassed areas and low height visually permeable water tolerant garden bed components. The landscaping plan shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. The works required to implement the landscaping plan and lighting plan, shall be completed within three (3) months from the issue of the Demolition Licence and maintained thereafter in accordance with the landscaping plan and lighting plan, until redevelopment works are carried out on site.*

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Ker**

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

*"(vii) the owner shall, prior to the issue of a Demolition Licence:*

- (a) provide a detailed landscaping and lighting plan, prepared in consultation with the Town's Parks Services and Technical Services for the site at No. 282 (Lots 100 - 103 D/P: 30363) Lord Street, corner Windsor Street, Perth . The plan shall be submitted and approved prior to the issue of a Demolition Licence. The approved landscaping and lighting plan works shall be undertaken and completed within 3 months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s);*
- (b) provide a bond of an amount up to \$10,000 by way of bank guarantee, prior to a Demolition Licence being issued, to ensure the landscaping and lighting plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer;*
- (c) agree in writing to enable the Town to carry out the landscaping and lighting plan works and thereafter maintain it to an appropriate appearance and standard, and draw on the bond as required in the absolute discretion of the Town's Chief Executive Officer, in the event of non-compliance by the owners;*
- (d) indemnify the Town of Vincent against any claims:*
  - (1) which are in any way connected with the carrying out of the demolition of the building at the property at No. 282 (Lots 100 - 103 D/P: 30363) Lord Street, corner Windsor Street, Perth pursuant to the Demolition Licence granted by the Town of Vincent to the owners in respect of the property; and*
  - (2) which arise during the period from the date of issue of the said Demolition Licence until the date that approved redevelopment works are commenced at the property."*

Debate ensued.

**AMENDMENT PUT AND CARRIED (5-3)**

<u>For</u>	<u>Against</u>
Cr Burns	Mayor Catania
Cr Ker	Cr Farrell
Cr Lake	Cr Messina
Cr Maier	
Cr Youngman	

(Cr Doran-Wu was an apology for the meeting.)

Debate ensued

**MOTION AS AMENDED PUT AND CARRIED (5-3)**

<u>For</u>	<u>Against</u>
Mayor Catania	Cr Ker
Cr Burns	Cr Lake
Cr Farrell	Cr Maier
Cr Messina	
Cr Youngman	

(Cr Doran-Wu was an apology for the meeting.)

**Reasons for the significant change to the Officer Recommendation:**

1. The original Clause (vii) was deleted and a new clause (vii) added to protect the amenity of the surrounding area.

**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 owner Norwindsor Pty Ltd for proposed Demolition to Existing Hotel and Associated Outbuildings, at No. 282 (Lots 100 - 103 D/P: 30363) Lord Street, corner Windsor Street, Perth, and as shown on plans stamp-dated 21 November 2007, subject to the following conditions:*

- a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- 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;*
- support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- demolition of the existing building may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;*

- (v) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies;*
- (vi) *details of an interpretation proposal, which incorporates explicit recognition of the historic values of the place at No. 282 (Lots 100 - 103 D/P: 30363) Lord Street, corner Windsor Street, Perth (Norwood Hotel) shall be submitted to and approved by the Town before the issue of a Building Licence for the redevelopment of the site. The approved interpretation proposal shall be installed prior to the first occupation of the new development; and*
- (vii) *the owner shall, prior to the issue of a Demolition Licence:*
- (a) *provide a detailed landscaping and lighting plan, prepared in consultation with the Town's Parks Services and Technical Services for the site at No. 282 (Lots 100 - 103 D/P: 30363) Lord Street, corner Windsor Street, Perth . The plan shall be submitted and approved prior to the issue of a Demolition Licence. The approved landscaping and lighting plan works shall be undertaken and completed within 3 months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s);*
- (b) *provide a bond of an amount up to \$10,000 by way of bank guarantee, prior to a Demolition Licence being issued, to ensure the landscaping and lighting plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer;*
- (c) *agree in writing to enable the Town to carry out the landscaping and lighting plan works and thereafter maintain it to an appropriate appearance and standard, and draw on the bond as required in the absolute discretion of the Town's Chief Executive Officer, in the event of non-compliance by the owners;*
- (d) *indemnify the Town of Vincent against any claims:*
- (1) *which are in any way connected with the carrying out of the demolition of the building at the property at No. 282 (Lots 100 - 103 D/P: 30363) Lord Street, corner Windsor Street, Perth pursuant to the Demolition Licence granted by the Town of Vincent to the owners in respect of the property; and*
- (2) *which arise during the period from the date of issue of the said Demolition Licence until the date that approved redevelopment works are commenced at the property.*

<b>Landowner:</b>	Norwindsor Pty Ltd
<b>Applicant:</b>	Norwindsor Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban and Other Regional Road Town Planning Scheme No.1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Hotel
<b>Use Class:</b>	Hotel
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	1480 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

The subject place was listed on the Town's Municipal Heritage Inventory (MHI) on 13 November 2005. Under the *Heritage of Western Australia Act 1990*, there is a legal requirement for the Town to review and update its MHI. The Town released a draft list of places considered to have cultural heritage value on 21 June 2006 for community consultation, which included those places previously adopted onto the MHI. The subject place at No. 282 Lord Street, Perth (Norwood Hotel) was recognised on the revised/draft list by heritage consultants, the Hocking Planning and Architecture Collaboration as a "Category A" place.

During the period of community consultation, the subject place was listed for sale and thus inquiries were received from potential purchasers and real estate agents. Initiated by potential purchasers and real estate agents, a site visit was undertaken on 1 August 2006 and an updated heritage assessment was prepared by the Town's Officers. The heritage assessment indicated that whilst the place did have some historic value, much of the original and significant fabric of the building had been irreversibly damaged through neglect and vandalism to the point that it no longer met the threshold for entry onto the Town's MHI.

The proposed re-listing of the place onto the MHI was considered by the Council at its Ordinary Meeting held on 7 November 2006. The Council resolved to exclude the place at No. 282 Lord Street, Perth (Norwood Hotel) from the Town's MHI in accordance with the Officer Recommendation.

**DETAILS:**

The proposal involves the demolition of the hotel building and associated outbuildings at No. 282 Lord Street, Perth (Norwood Hotel).

The applicants have requested that in the event that the Council approve the proposed demolition of the subject place that they omit the standard condition that requires a redevelopment proposal for the subject property to be submitted and approved by the Town, prior to the issue of a Demolition Licence. In a letter dated 21 November 2007, the applicant states the condition should be omitted *"due to the recent deterioration of the condition of the building in an internal fire prior to the acquisition of this property, and the constant requirement of surveillance to prevent squatting activity..."*

In light of the above request, the applicant was advised that the Council has previously applied a condition which requires a legal agreement to be entered into between the Town and owner, when omitting the redevelopment requirement condition. The legal agreement and an associated bond has been required to ensure that a landscaping and lighting plan is prepared and implemented to the satisfaction of the Town and to indemnify the Town against any claims in relation to the demolition of the place and up until redevelopment works commence on site. The applicant has expressed concern about the requirement for the legal agreement and in an email dated 15 January 2008 wrote the following:

*'As we are due to lodge a planning application for the redevelopment of the site shortly, our concern is the unnecessary cost of having to landscape a 1500sqm property, plus spend money of legal fees to enter into an agreement.*

*The old hotel is continually the cause of anti-social behaviour. While we continue to board up & monitor the premises, we have no been able to prevent squatters from entering the building. This is of concern to us both due to the safety issues & the affect it has on the neighbourhood.*

*While we aim to begin redevelopment of the property in mid 2008, when we lodged a demolition application in October (at the recommendation of Council), the intention was to demolish the premises asap for the benefit of the council & for the benefit of the community. We believe that a demolished/vacant block is a better outcome than the existing derelict building that has been targeted by arsonists in the recent past.*

*We hope that council agrees with us & will grant us a demolition license without the requirement for the unnecessary cost associated with having to landscape the property. Once approval is grant we intend to demolish the building & make the property a safer place for all stake holders."*

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted
<b>Consultation Submissions</b>			
Support (1)	No reason provided.		Noted
Objection	Nil		Noted
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

\* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

**COMMENTS:**

**Health Services Comments**

The premises has presented significant problems for the Town, the Western Australian Police, Fire Emergency Services Association (FESA), surrounding residents and business owners since 2004, due to its unauthorised use by squatters, drug dealers and street walkers. Since 2004 the Town's Environmental Health Officers have witnessed the ongoing degradation of the building due to the unauthorised use by undesirable persons. Nearly all glass windows of the building have been broken, all electric cabling has been removed (the copper wiring is used for sale to scrap merchants), floorboards have been lifted and burned for heating, walls have been vandalised extensively with graffiti, toilets and wet area tiling have been severely vandalised, and considerable fire damage is apparent on parts of the first floor.

In addition, Police Services have advised that arrests have taken place at the property on 9 occasions during the period 1 January 2007 to 31 December 2007. Anecdotal information suggests that many other arrests have occurred at the property prior to 1 January 2007, with a Police Officer previously speculating to one of the Town's Environmental Health Officers that a number of deceased bodies have been removed from the building, as a result of drug overdoses.

Despite having been secured against entry on numerous occasions by both the Town's contractors and the property owner, the premises continues to be re-entered and used by squatters, drug dealers and street walkers, on a regular basis, resulting in nearby residents and business owners contacting the Town and Police Services with complaints relating to unauthorised access. The Town's Health Services subsequently encourages the demolition or refurbishment of the building at No. 282 Lord Street, Perth, as soon as practical to minimise the undue impact of vagrant activity associated with the building on surrounding residents and businesses.

### **Heritage Services Comments**

In light of the previous consideration of the place onto the Town's MHI at the Ordinary Meeting of Council held on 7 November 2007, it is recommended that the Council conditionally approve the demolition of the subject building in accordance with the Officer Recommendation. Whilst the place has been recently removed from the MHI, it is considered appropriate to recognise the place's historic value and that a plaque or an alternative form of interpretation be created and displayed and/or incorporated in the future redevelopment of the site.

### **Conclusion**

The condition, which requires a redevelopment approval to be submitted and approved prior to the issue of a Demolition Licence, is a standard condition and is applied to the approval of almost all demolitions within the Town. The application of this standard condition is intended to minimise parcels of land being left vacant over a lengthy period and enables opportunity for buildings to be retained in the event that the ownership changes. Whilst the request not to apply the condition is not generally granted, it is considered that the expeditious demolition of the subject place will provide an effective means of mitigating the safety, security and amenity concerns created by the buildings and the pressure placed on the Town's resources, as outlined in the Health Services comments.

Further to this, it is not considered prudent in this instance to require the owner to enter into a legal agreement for the beautification of this site after the demolition works. The condition to require the owner of the place to enter into a legal agreement and pay a bond for the landscape and lighting works has been applied to one previous application for the demolition of the place at No. 441 William Street, Perth, which was required to be demolished due to concerns of frequent vagrant activity and anti-social behaviour. Since the issue of Planning Approval for the demolition of that place in July 2007, the matter of the legal agreement has been subject to a review at the State Administrative Tribunal. Whilst the review was later vacated through consent of both parties, the property has yet to be demolished due to preparation and review of the required legal documentation. As per the Officer Recommendation, a condition requiring a landscaping and lighting plan to be submitted prior to the issue of a Demolition Licence and implemented within 3 months of the demolition has been imposed to ensure the amenity of the site is kept to a satisfactory level.

The Norwood Hotel is frequently subject to anti-social behaviour. The derelict appearance of the building is a blight on the area and is the subject of frequent negative public opinion. Therefore in light of the above, it is recommended that the demolition of the subject property be approved as per the Officer Recommendation.



**10.1.7 No. 36 (Lot: 211 D/P: 2355) Wasley Street Mount Lawley - Proposed Demolition of Existing Three (3) Grouped Dwellings and Construction of Four (4) Two-Storey Grouped Dwellings**

<b>Ward:</b>	North	<b>Date:</b>	5 February 2008
<b>Precinct:</b>	Norfolk, P10	<b>File Ref:</b>	PRO4012; 5.2007.425.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Narroo		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Grandwood Homes Pty Ltd on behalf of the owner L M Zorzi, P J D'Ercole, S & M Venafro and A & M Magistro for proposed Demolition of Existing Three (3) Grouped Dwellings and Construction of Four (4) Two-Storey Grouped Dwellings, at No.36 (Lot 211 D/P: 2355) Wasley Street, Mount Lawley, and as shown on amended plans stamp-dated 19 December 2007 and site plan stamp- dated 24 January 2008 , subject to:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Wasley Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) *prior to the issue of the Building Licence, revised plan shall be submitted to and be approved demonstrating the following:*
  - (a) *the windows to bedroom 2 of Unit A on the western elevation, the windows to retreat room of Unit A on the eastern elevation, the windows to bedroom 3 of Unit D on the western elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively, prior to the issue of a Building Licence,*

*these revised plans are not required if the Town receives written consent from the owners of No. 34 and No. 38 Wasley Street, stating no objection to the respective proposed privacy encroachments; and*

- (b) the front/southern garage door of Unit A having significant appropriate design feature(s) to reduce the visual impact on the Wasley Street streetscape.*

*The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes;*

- (iv) first obtaining the consent of the owners of No.38 Wasley Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of boundary (Parapet) wall facing No. 38 Wasley Street in a good and clean condition;*
- (v) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (vi) 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;*
- (vii) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (viii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Wasley Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
  - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
  - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

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**COUNCIL DECISION ITEM 10.1.7**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED (6-2)**

<b><u>For</u></b>	<b><u>Against</u></b>
Mayor Catania	Cr Lake
Cr Burns	Cr Maier
Cr Farrell	
Cr Ker	
Cr Messina	
Cr Youngman	

(Cr Doran-Wu was an apology for the meeting.)

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<b>Landowner:</b>	L M Zorzi, P J D'Ercole, S & M Venafro and A & M Magistro
<b>Applicant:</b>	Grandwood Homes Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
<b>Existing Land Use:</b>	Grouped Dwellings
<b>Use Class:</b>	Grouped Dwellings
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	1012 square metres
<b>Access to Right of Way</b>	Not applicable

**BACKGROUND:**

5 February 2007      Western Australian Planning Commission (WAPC) conditionally approved the subdivision of the subject property into four (4) survey strata lots.

11 September 2007      The Council at its Ordinary Meeting refused an application for proposed demolition of existing three (3) grouped dwellings and construction of four (4) two-storey grouped dwellings.

**DETAILS:**

The proposal involves the demolition of the existing three (3) grouped dwellings and construction of four two- storey grouped dwellings.

The main changes between the current proposal and previous proposal are as follows:

- The first floor of Unit A is now setback at 6 metres from Wasley Street.
- The average height of boundary wall for Unit A on the western boundary is reduced to 3 metres.
- The crossover width for Unit A is reduced to 3 metres.

**ASSESSMENT:**

*\*Note: The following Assessment Table was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline.*

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	4.6 dwellings at R40; however, a maximum of two dwellings are permitted per lot in Norfolk Precinct	4 grouped dwellings	Supported – refer to ‘Comments’ below
Plot Ratio	N/A	N/A	Noted
Building Setbacks:			
Unit A- Ground Floor- South-Front Setback (Wasley Street)	4 metres	2.767 metres and 3.662 metres	Supported – refer to ‘Comments’ below.
West First Floor- Units A and B- West	Boundary Wall to one side of boundary  4.7 metres	Two boundary walls on two side boundaries  1.7 metres to 4.51 metres	Supported – no undue impact on the neighbouring property in terms of visual impact, ventilation and sunlight.  Supported – the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.
East	4.7 metres	4 metres to 6.5 metres	Supported – the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.
Unit B- Ground Floor-			

West  Unit C- Ground Floor-  West  Unit D-  Ground Floor- North  First Floor- North	1.5 metres  1.5 metres  1.5 metres  1.6 metres	1.03 metres to 1.5 metres  1.03 metres to 1.5 metres  1.048 metres to 1.5 metres  1.15metres to 1.5 metres	Supported – the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.  Supported – the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.  Supported – the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.  Supported – the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.
Crossovers	Not more than one crossover to any one property with a frontage less than <u>2.5 25</u> metres.	Two crossovers	Supported – the combined width of the crossovers is 6 metres (which is equivalent to one double crossover) will not have an undue impact on the streetscape.
Retaining Walls	Height= 0.5 metre  Setback= 1 metre	Previous Plans:0.7 metre  Nil	Supported – amended plans submitted and retaining walls comply with the requirements of the Residential Design Codes.
Privacy Setbacks	Bedroom -4.5 metres  Habitable Room other than bedroom-6 metres	Unit A- Bedroom 2- 4.4 metres to western boundary.  Unit D-Bedroom 3-4.43 metres to western boundary.  Unit A- Retreat Room-4.65 metres to eastern boundary.	Not supported – undue impact on neighbouring property and window required to be screened.  Not supported – undue impact on neighbouring property and window required to be screened.  Not supported – undue impact on neighbouring property and window required to be screened.

<b>Consultation Submissions</b>		
<b>Support</b>	<b>Nil</b>	<b>Noted</b>
Objections (2)	<p>Density-the proposal will cause a significant increase density for the locality.</p> <p>Streetscape, Character and Scale-the proposal will be in marked contrast to the large intact existing streetscape.</p> <p>Traffic and Parking-increase in on-street parking and traffic safety hazards</p>	<p>Not supported – WAPC has conditionally approved the subdivision of the subject lot into four survey strata lots.</p> <p>Not supported – the ground floor setback is addressed in the ‘Comments’ section below. The first floor complies with the required setback of 6 metres. The crossovers have been addressed above.</p> <p>Not supported – the proposal complies with the car parking requirements of Residential Design Codes. The future owners of No. 36 Wasley Street are required to park their cars within the property and not along Wasley Street. As per the Residential Design Codes, there is no requirement for visitors parking. Therefore, it is considered that the proposal will not result in an undue increase in on street- parking and will not contribute to traffic hazards.</p>
<b>Other Implications</b>		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

\* The representative R Coding and density bonus calculations are provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

\* The plot ratio calculation is provided in accordance with the Notice of Motion (Item 11.1) resolved at the Ordinary Meeting of Council held on 23 March 2004.

### **Demolition**

The proposed subject dwellings to be demolished comprise a Federation style bungalow addressing Wasley Street constructed circa 1902 and two grouped dwellings to the rear of the lot constructed in 1986.

The single storey brick and iron Federation bungalow has a complex roof form with front and east facing gables that are rendered with timber battens and a gablet facing east - west above the hipped section of the roof. The dwelling has a two room frontage with a front protruding room to the western portion. The dwelling has been rendered and painted yellow with much of the original Federation exterior detailing of the dwelling no longer extant. The dwelling features a cement roof verandah that extends above the three paned casement windows along the front protruding room supported by cast iron detailing and along the front porch supported by simple iron posts.

The subject Federation bungalow was one of the earlier dwellings to be constructed in this section of Wasley Street, originally named Shenton Street until it changed its name in 1917. A Mr William Dean is listed as a long time resident and owner of the subject dwelling from first occupancy in 1903 until 1927.

With regard to the preliminary research undertaken it is considered that the single storey brick and iron bungalow has *little* social, historic, aesthetic or scientific value and has insufficient cultural heritage significance to meet the threshold for entry onto the Town's Municipal Heritage Inventory, in accordance with the Town's Policy relating to Heritage Management - Assessment.

The two dwellings to the rear of the lot are constructed in a brick veneer with a low pitched tile roof and feature aluminium framed windows and doors. The dwellings are considered to have *little* cultural heritage significance and do not meet the threshold for entry onto the Town's Municipal Heritage Inventory in accordance with the Town's Policy relating to Heritage Management - Assessment.

It is however, to be noted that the subject dwelling that addresses Wasley Street forms part of a relatively intact streetscape of dwellings constructed in the early part of the 20th century. In accordance with the Locality Statement for the Alma Locality in which the dwelling is located, in an attempt to retain the historic character of the locality, the retention and restoration of established houses is to be encouraged and that applications for demolitions are generally not supported in areas that have intact streetscapes. Furthermore, in areas coded R40, as is the case of the subject dwellings, single and 'infill' dwellings are the favoured forms of development with a maximum of two dwellings permitted per lot.

In light of the above, the proposed demolition of the three grouped dwellings at No. 36 (Lot 211) Wasley Street, Mount Lawley whilst is supported in terms of not meeting the threshold for entry onto the Town's Municipal Heritage Inventory, consideration of the Town's Locality Statement for the Alma Locality should be applied in the assessment of this application.

In light of the above, it is considered that approval should be granted for demolition subject to standard conditions.

### **Redevelopment**

The variation to the front setback (ground floor) is supported as the existing building is already setback at 2.7 metres. Therefore, the new front setback (2.767 metres to 3.622 metres) will not unduly impact the streetscape. However, due to its closeness to Wasley Street, the garage door will have a visual impact on the streetscape. In this instance, it is recommended that design feature(s) be provided to the garage door which will contribute to minimise the visual impact.

The previous proposal considered at the Ordinary Meeting of Council held on 11 September 2007, showed the first floor of Unit A being setback from Wasley Street at only 3.41 metres in lieu of 6 metres. This variation was not supported as it would unduly impact on the streetscape. The new plans submitted for this application show the first floor being setback 6 metres from Wasley Street, which is in compliance with the Town's Policy relating to the Alma Locality.

The subject site is located within the Norfolk Precinct. Clause 20(4) (d) (ii) of TPS 1 specifies that for the Norfolk Precinct, within the areas coded R40, a maximum of two dwellings will be permitted per lot. The Town received previous legal advice that notwithstanding the two (2) dwellings per lot limitation in the Norfolk Precinct, properties within this Precinct can still be subdivided into more than two (2) lots provided they comply with the minimum lot area requirements. There are three (3) existing dwellings on the subject site and the Western Australian Planning Commission (WAPC) conditionally approved the subdivision of the subject property into four survey strata lots. The proposed lots comply with the minimum lot area requirement under R40. Given the above, the Town can consider the development application for four dwellings.

### **Conclusion**

*\*Note: The following Conclusion was corrected and distributed prior to the meeting. Changes are indicated by strikethrough, italic font and underline.*

In light of the above, the demolition of the existing ~~single house~~ *three grouped dwellings* and the construction of ~~three~~ *four* two-storey grouped dwellings are supported, subject to standard and appropriate conditions to address the above matters.



The Chief Executive Officer advised that Mayor Catania and Crs Burns and Messina had declared a financial interest in this Item. They departed the Chamber at 8.00pm and did not speak or vote on the matter.

Deputy Mayor, Cr Farrell, assumed the Chair.

#### **10.3.4 Investment Report as at 31 December 2007**

<b>Ward:</b>	Both	<b>Date:</b>	8 January 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0033
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	N Makwana		
<b>Checked/Endorsed by:</b>	Bee Choo Tan	<b>Amended by:</b>	

#### **OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Investment Report for the month ended 31 December 2007 as detailed in Appendix 10.3.4.*

#### **COUNCIL DECISION ITEM 10.3.4**

**Moved Cr Ker, Seconded Cr Youngman**

*That the recommendation be adopted.*

Debate ensued.

#### **MOTION PUT AND CARRIED (5-0)**

**(Cr Doran-Wu was an apology for the meeting. Mayor Catania and Crs Burns and Messina were absent from the Chamber and did not vote.)**

#### **PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the level of funds available, the distribution of surplus funds in the short term money market and the interest earned to date.

#### **BACKGROUND:**

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 10.3.1.

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

#### **DETAILS:**

Total Investments for the period ended 31 December 2007 were \$19,235,726 compared with \$20,735,726 at 30 November 2007. At 31 December 2006, \$20,869,949 was invested.

Total accrued interest earned on Investments as at 31 December 2007:

	Budget	Actual	%
	\$	\$	
Municipal	535,000	379,680	70.97
Reserve	547,600	290,996	53.14

**COMMENT:**

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

The decrease in investments for the month of December is as a result of payments for capital projects.

At 8.02pm Mayor Catania and Crs Burns and Messina returned to the Chamber.

Mayor Catania assumed the Chair.

**10.3.5 Review of the 2007/2008 Annual Budget**

<b>Ward:</b>	Both	<b>Date:</b>	8 February 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0025
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	Bee Choo Tan / M Rootsey		
<b>Checked/Endorsed by:</b>	M Rootsey, J Giorgi	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council APPROVES BY ABSOLUTE MAJORITY the adjustments of the 2007/08 Annual Budget as follows;*

**COUNCIL DECISION ITEM 10.3.5**

**Moved** Cr Farrell, **Seconded** Cr Ker

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED**  
**BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Doran-Wu was an apology for the meeting.)

**CAPITAL EXPENDITURE**

***LAND AND BUILDINGS - Additional Expenditure***

<b><i>Budget Item</i></b>	<b><i>Description</i></b>	<b><i>Amount</i></b>	<b><i>Funded by</i></b>
<b><i>Loftus Recreation Centre Redevelopment</i></b>	<b><i>Additional Work</i></b>	<b><i>\$566,070</i></b>	<b><i>Reserve Funds</i></b>
<b><i>Loftus Recreation Centre Redevelopment</i></b>	<b><i>Luxalon external cladding</i></b>	<b><i>\$163,732</i></b>	<b><i>Increased Revenue</i></b>
<b><i>Loftus Recreation Centre Redevelopment</i></b>	<b><i>Car Park Landscaping</i></b>	<b><i>\$85,000</i></b>	<b><i>Capital Expenditure Saving</i></b>
<b><i>Members Equity Stadium Redevelopment</i></b>	<b><i>Essential items</i></b>	<b><i>\$48,750</i></b>	<b><i>Reserve Funds</i></b>
<b><i>Administration and Civic Centre Redevelopment</i></b>	<b><i>Internal Office Alterations</i></b>	<b><i>\$237,300</i></b>	<b><i>Reserve Funds</i></b>
<b><i>Leederville Child Care Centre and Margaret Kindergarten</i></b>	<b><i>Architectural Services</i></b>	<b><i>\$73,920</i></b>	<b><i>Increased Revenue</i></b>

***INFRASTRUCTURE ASSETS - Additional Expenditure***

<b><i>Budget Item</i></b>	<b><i>Description</i></b>	<b><i>Amount</i></b>	<b><i>Funded by</i></b>
<b><i>Edinboro Street</i></b>	<b><i>Reserve Fencing</i></b>	<b><i>\$22,000</i></b>	<b><i>Capital Expenditure Savings</i></b>

***INFRASTRUCTURE ASSETS - Expenditure Savings***

<b><i>Budget Item</i></b>	<b><i>Description</i></b>	<b><i>Amount</i></b>
<b><i>Banks Reserve Foreshore restoration</i></b>	<b><i>Restoration Works</i></b>	<b><i>-\$123,000</i></b>

**OPERATING BUDGET**

***OPERATING EXPENDITURE - Additional Expenditure***

<b><i>Budget Item</i></b>	<b><i>Description</i></b>	<b><i>Amount</i></b>	<b><i>Funded by</i></b>
<b><i>Recycling Service</i></b>	<b><i>Recycling Operation</i></b>	<b><i>\$180,000</i></b>	<b><i>Increased Revenue</i></b>
<b><i>Affordable Housing Strategy</i></b>	<b><i>Strategy Development</i></b>	<b><i>\$42,634</i></b>	<b><i>Increased Development Application Fees</i></b>
<b><i>Senior Officers Salary Package</i></b>	<b><i>Salaries</i></b>	<b><i>\$60,000</i></b>	<b><i>Increased Revenue</i></b>

***OPERATING REVENUE - Increased Revenue***

<b><i>Budget Item</i></b>	<b><i>Amount</i></b>	
<b><i>Leederville Gardens Retirement Village Surplus</i></b>	<b><i>\$253,000</i></b>	<b><i>Transfer to Reserve</i></b>
<b><i>Development Application Fees</i></b>	<b><i>\$60,000</i></b>	<b><i>Increased Revenue</i></b>
<b><i>Modified Penalties</i></b>	<b><i>\$235,000</i></b>	<b><i>Increased Revenue</i></b>
<b><i>Parking Revenue</i></b>	<b><i>\$195,000</i></b>	<b><i>Increased Revenue</i></b>
<b><i>Kerbside Parking</i></b>	<b><i>\$105,000</i></b>	<b><i>Increased Revenue</i></b>
<b><i>Building Licences</i></b>	<b><i>\$220,000</i></b>	<b><i>Increased Revenue</i></b>
<b><i>Tamala Park Leases</i></b>	<b><i>\$17,900</i></b>	<b><i>Increased Revenue</i></b>

**PURPOSE OF REPORT:**

The purpose of this report is review the progress of the annual budget and to recommend adjustments to account for any major variances, funding reallocations, additional requirements or reflect Council decisions.

**BACKGROUND:**

The Local Government Act (Amended 2005) now requires a Local Government to undertake a review of its budget at least once a year. In the period between January and March of a financial year.

The budget review must then be submitted to the Department of Local Government and Resource Development within the thirty (30) days of the end of the period.

No prescribed format has been requested by the Local Government Department as to the format of the budget review.

**DETAILS:**

A review has been undertaken as at 31 December 2007 to adjust for any major variances, funding reallocation, additional items required and the inclusion of previous decisions of the Council.

**CAPITAL BUDGET - Land and Buildings: - Additional expenditure required**

**Loftus Recreation Centre Redevelopment - Additional works**

ITEM	AMOUNT	FUNDING IMPLICATION
<b>Anticipated Costs Over Provisional Sums</b>		
Rhythmic Gymnastics Performance Hall Lighting	\$22,500	
Lesser Hall -replacement of light fittings	\$5,000	
Synthetic Turf outdoor Soccer Pitch	\$8,800	
Rhythmic Gymnastics Seating	\$7,700	
Sports Hall Equipment	\$88,000	
Built in Furniture	\$62,000	
<b>Community Centre</b>		
Replace Carpet	\$16,000	
New Playground equipment	\$20,000	
New Playground Shade sail/protection	\$5,000	
Paint internal/external	\$10,000	
Replace vinyl and repair concrete cancer	\$28,500	
Sound System	\$15,000	
Public Address System – Hard Wired	\$20,000	
Shelving for Children’s Rooms	\$2,000	
Storage and Relocation Costs	\$2,000	
Miscellaneous	\$5,000	
<b>Recreation Centre</b>		
Replace carpet	\$25,000	
Repaint internal where required	\$8,000	
Repair to end walls of Lesser Hall - plywood cladding	\$10,000	
Electrical upgrade/replace lights in Foyer	\$3,000	
New rubber matting in weights room	\$10,000	
Netting to outdoor Soccer Court	\$5,000	
Spinning Room Vinyl	\$8,500	
Crèche Room Vinyl	\$15,500	
Public Address System – Upgrade of existing service	\$15,000	
Miscellaneous	\$5,000	
<b>Gymnastics Centre</b>		
Security from Recreation Centre/Gymnastics Hall	\$5,000	
Miscellaneous	\$5,000	
<b>Loftus Centre</b>		
Repaint external blue steel structures	\$22,000	
Refuse Bins enclosure	\$20,000	

ITEM	AMOUNT	FUNDING IMPLICATION
Hire of temporary air-conditioning	\$20,000	
Building signage- west and north elevation	\$25,000	
New street signage – Loftus Street	\$20,000	
Air Conditioning of Crèche Room	\$41,270	
Air Conditioning - Additional Costs, plus Builder's Works	\$60,800	
Basement Archive Storage / Metal "Cages"	\$5,000	
<b>TOTAL ADDITIONAL FUNDS REQUIRED</b>	<b><u>\$566,070</u></b>	No impact on the overall financial position of the Town's budget as the additional expenditure is to be funded from the Capital Reserve Fund.

Comment

At the Ordinary Meeting of Council of 4 December 2007 (Item 10.4.2) the Council approved the reallocation of funds for additional works, costs above the provisional sums and unfunded refurbishment works brought forward.

**Loftus Recreation Centre Redevelopment - Luxalon external cladding**

ITEM	AMOUNT	FUNDING IMPLICATION
<b>Luxalon external cladding</b>	<b>\$163,732</b>	No impact on financial position, funded from increased parking revenue.

Comment

At the Ordinary Meeting of Council of 24 July 2007 (Item 10.4.1) the Council approved the Luxalon external cladding for the building and the source of funds were to be determined at the mid year budget review.

**Members Equity Stadium- Essential items**

ITEM	AMOUNT	FUNDING IMPLICATION
One 100kva generator	\$30,750	
Associated electrical works to finish generator to grandstand electricity supply	(approx) \$7,000	
Two seatainer storage units and shelving	\$8,500	
Modifications to Cash Counting Room	\$2,500	
<b>Total</b>	<b>\$48,750</b>	No impact on the overall financial position of the Town's budget as the additional expenditure is to be funded form the Perth Oval Reserve Fund.

Comment

At the OMC of Council on the 11 September 2007 (Item 10.4.6) the Council approved the purchase of number essential items required for Members Equity Stadium to address health and safety liability issues.

**Loftus Recreation Centre Redevelopment - Car park and landscaping**

ITEM	AMOUNT	FUNDING IMPLICATION
<b>Car park and Landscaping</b>	<b>\$85,000</b>	No impact on the overall financial position as the additional expenditure will be provided from savings from Capital projects
<p><u>Comment</u> At the Ordinary Meeting of Council on the 6th November 2007, (Item 10.4.7) the Council approved an additional \$85,000 for the Car parking and Landscaping requirements.</p>		

**Administration and Civic Centre - Internal office alterations**

ITEM	AMOUNT	FUNDING IMPLICATION
<b>Internal Office Alterations</b>	<b>\$237,300</b>	No impact on the overall financial position as the additional expenditure will be provided from the Administration and Civic Centre Reserve Fund.
<p><u>Comment</u> At the Ordinary Meeting of Council on the 18th December 2007 (Item 10.4.11) the Council approved the reallocation of funds from the Administration and Civic Centre Reserve Fund for the proposed internal alterations and minor refurbishment works for the Town's Administration and Civic Centre.</p>		

**Architectural Services - Leederville Child Care Centre and Margaret Kindergarten**

ITEM	AMOUNT	FUNDING IMPLICATION
<b>Leederville Child Care Centre and Margaret Kindergarten</b>	<b>\$73,920.</b>	Funded from additional parking revenue
<p><u>Comment</u> At the Ordinary Meeting of Council on the 18th December 2007 (Item 10.4.4) the Council approved the above amount for the Design Brief and Schematic Design and Design Development stages of the proposed Leederville Child Care Centre and Margaret Kindergarten.</p>		

**CAPITAL BUDGET - Infrastructure Assets - Additional Expenditure**

**Edinboro Street Reserve - Fencing**

ITEM	AMOUNT	FUNDING IMPLICATION
<b>Proposed Fencing</b>	<b>\$22,000</b>	Funded from expenditure savings from other Capital Expenditure projects.
<p><u>Comment</u> At the Ordinary Meeting of Council on the 18th December 2007 (Item 10.2.2) the Council approved the installation of a "pool type" fence across the frontage and rear boundaries of Edinboro Street Reserve at an estimated cost of \$22,000.</p>		

**CAPITAL BUDGET - Infrastructure Assets - Expenditure Savings**

**Banks Reserve - Foreshore Restoration**

ITEM	AMOUNT	FUNDING IMPLICATION
<b>Foreshore Restoration</b>	<b>\$123,000</b>	Funds available to be utilised for additional expenditure.
<p><u>Comment</u> An amount of \$150,000 was carried forward in the 2007/08 Budget, with an additional \$20,000 allocated in the 2007/08 budget, however the majority of the work was completed in the 2007 year. This year to date an amount of approximately \$22,000 has been spent with an estimated \$25,000 required to complete the work.</p>		

**OPERATING BUDGET**

**Operating Expenditure - Additional Expenditure**

**Community Amenities:**

ITEM	AMOUNT	FUNDING IMPLICATION
<b>Recycling Operations</b>	<b>\$180,000</b>	Funded from additional parking revenue.
<p><u>Comment</u> The Town took over the operations of the Recycling Service from the contractor for these services in mid December. The above amount is estimated funding that is required for the Town to continue with the provision of this service to the end of the financial year.</p>		

ITEM	AMOUNT	FUNDING IMPLICATION
<b>Affordable Housing Strategy</b>	<b>\$42,634</b>	There is no impact on the overall financial as the increase in costs is able to be funded from an increase in revenue received from Development Applications.
<p><u>Comment</u> At the Ordinary Council Meeting of the 4th December 2007 (Item 10.1.6) the Council approved the allocation of funds to the above project.</p>		

**Administration General:-**

ITEM	AMOUNT	FUNDING IMPLICATION
<b>Senior Officers Salary Package</b>	<b>\$60,000</b>	Funded from the additional parking revenue.
<p><u>Comment</u> At the Special Council meeting of 5 June 2007 Items 7.3 and 7.4 were adopted. The Council agreed to an increase in the Senior Officers Salary packages, part of the funding was to be sourced in the mid year budget review.</p>		



**OPERATING REVENUE - Additional Revenue**

**Education and Welfare:-**

ITEM	AMOUNT	FUNDING IMPLICATION
<b>Leederville Gardens Retirement Village Surplus</b>	<b>\$253,000</b>	There is no impact on the overall financial as the increased revenue is transferred to the Aged Person Reserve fund.
<p><u>Comment</u> As part of the Leederville Gardens Retirement village Constitution in accordance with a specified formula part of the surplus of the village for a financial year is transferred to the Town and then further transferred to the Aged Persons Reserve Fund. The figure of \$313,000 for the 2007/08 was significantly higher than budgeted amount of \$60,000. The reason for the increase is the higher than anticipated number of units that were sold in the financial year</p>		

**Community Amenities:-**

ITEM	AMOUNT	FUNDING IMPLICATION
<b>Development Application Fees</b>	<b>\$60,000</b>	The increase in estimated revenue will improve the overall financial position of the Town.
<p><u>Comment</u> The Development Applications are currently significantly over the budget estimated figure this is due to the current property market and is believed that this will be maintained to the end of this financial year and therefore it is anticipated that the revenue budget should be increased by a minimum of \$60,000.</p>		

**Transport:-**

ITEM	AMOUNT	FUNDING IMPLICATION
<b>Modified Penalties</b>	<b>\$136,900</b>	The increase in estimated revenue will improve the overall financial position of the Town.
<p><u>Comment</u> The modified penalties are producing significantly increased revenue than originally estimated, it is therefore anticipated that the original budget should be amended by the amount recommended.</p>		

ITEM	AMOUNT	FUNDING IMPLICATION
<b>Parking Revenue</b> Frame Court - \$102,000 Brisbane Street - \$42,000 Avenue Car Park - \$51,000	<b>\$195,000</b>	The increase in estimated revenue will improve the overall financial position of the Town.
<p><u>Comment</u> The revenue from the following Car Parks is estimated to produce revenue significantly over the estimated budget.</p>		

ITEM	AMOUNT	FUNDING IMPLICATION
<b>Kerbside Parking</b>	<b>\$105,000</b>	The increase in estimated revenue will improve the overall financial position of the Town.
<p><u>Comment</u> The income from the existing and additional kerbside ticket machines is estimated to generate greater revenue than initially budgeted.</p>		

**Economic Services:-**

ITEM	AMOUNT	FUNDING IMPLICATION
<b>Building Licence Fees</b>	<b>\$195,000</b>	The increase in estimated revenue will improve the overall financial position of the Town.
<p><u>Comment</u> The building licences fees are currently running 120% over budgeted estimates. This is due to the current building market conditions. It is estimated that this trend will continue to the end of the financial year. It is conservatively estimated that the budget should be increased by the amount recommended.</p>		

**Other Property Services:-**

ITEM	AMOUNT	FUNDING IMPLICATION
<b>Tamala Park Lease Fees</b>	<b>\$17,900</b>	The increase in estimated revenue will improve the overall financial position of the Town.
<p><u>Comment</u> The lease fees received from Tamala Park were higher than budgeted, and reimbursement of start-up advance for Regional Council received.</p>		

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

The Local Government Act 1995 (Amended 2005) requires that a budget review be undertaken each financial year, in the period between January and March of a financial year.

**STRATEGIC IMPLICATIONS:**

Plan for the Future Strategic Plan 2006-2011 - Key Result Area 4 – Governance and Management

4.2 (a) *Develop a range of services that are proactive, innovative and of best practice to meet organisational requirements and community needs and expectations.*

**FINANCIAL/BUDGET IMPLICATIONS:**

The inclusion of the budget amendments will result in a net increase of \$371,248 in the financial position of the Town.

**COMMENTS:**

The Town reviews the budget at the end of each quarter, if required. It would therefore be anticipated that the next review will be conducted at the end of March 2008. A report will be presented to Council in April 2008.

**10.4.2 Statutory Review of Local Laws - Proposed New Trading in Public Places Local Law 2008**

Ward:	-	Date:	1 Feb 2008
Precinct:	-	File Ref:	LEG0026
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	J MacLean, A Giles, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *NOTES that pursuant to Section 3.16 of the Local Government Act 1995 the Town has advertised its local law and that no submissions were received at the close of the statutory (6) week public consultation period; and*
- (ii) *pursuant to Section 3.12 of the Local Government Act 1995 APPROVES BY AN ABSOLUTE MAJORITY to ADOPT a new Local Government Trading in Public Places Local Law 2008 as shown in Appendix 10.4.2 to provide for the regulation, control and management of outdoor eating facilities, stalls, traders and entertainers in any street or public place within the district by establishing the requirements with which persons must comply in order to undertake those activities.*

**COUNCIL DECISION ITEM 10.4.2**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

Cr Maier tabled proposed amendments.

Presiding Member, Mayor Catania, advised the meeting that it was inappropriate to consider numerous amendments which were tabled at the meeting without prior notice. He suggested that the matter be deferred to allow sufficient time to consider the proposed amendment.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr .....**

*That clause (ii) be amended to read as follows:*

- “(ii) *pursuant to Section 3.12 of the Local Government Act 1995 APPROVES BY AN ABSOLUTE MAJORITY to ADOPT a new Local Government Trading in Public Places Local Law 2008 as shown in Appendix 10.4.2 to provide for the regulation, control and management of outdoor eating facilities, stalls, traders and entertainers in any street or public place within the district by establishing the requirements with which persons must comply in order to undertake those activities subject to the following amendments:*

(a) *page 11 – 2.10(3)*

“(3) *A person under the age of 14 years is not perform unless authorised by the local government.”*

(b) *page 12 – 2.14(2)(i) and (h)*

“(i) *allow any person under the age of 14 years to perform during school hours on school days or between 7pm one day and 6am the following day unless authorised by the local government.”*

“(h) *solicit money from members of the public unless authorised by the local government.”*

(c) *page 16 – 2.26(d) and new (e)*

“(d) *not display any advertising sign on a footpath within ~~30ems~~ 500 millimetres of the kerb or more than 120ems from the kerb, so as to;*

*(e) ensure the free passage of persons using a footpath.”*

(d) *page 31 – Schedule 1 – 2.26(d) and new (e)*

“(d) *Failing to display the advertising sign more than 500 millimetres between 30em and 120em from the kerb ... \$100”*

*(e) Failing to ensure free passage of persons using a footpath ... \$100”*

**AMENDMENT LAPSED FOR WANT OF A SECONDER**

**PROCEDURAL MOTION**

**Moved Cr Ker, Seconded Cr Messina**

*That the Item be DEFERRED until the next meeting and that the Chief Executive Officer consider the amendments suggested by Cr Maier.*

**PROCEDURAL MOTION PUT AND CARRIED (7-1)**

**For**

Mayor Catania

Cr Burns

Cr Farrell

Cr Ker

Cr Lake

Cr Messina

Cr Youngman

**Against**

Cr Maier

(Cr Doran-Wu was an apology for the meeting.)

**PURPOSE OF REPORT:**

The purpose of the report is to advise Council that no submissions were received at the conclusion of the six (6) week statutory public consultation period of the proposed review of the Town's Local Law and for the Council to adopt the revised Local Government Property Local Law.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 8 May 2007, the Council considered the matter and resolved to approve of a new Local Law and advertise this for public consultation.

The revised Local Laws was re-advertised in November 2007 and submissions closed in January 2008.

As part of the consultation process comments were received from the Department of Local Government as follows:

**1 Cover Page and Preamble**

The Town should amend the year at the end of the title and preamble of the local law so that it reflects the year in which the local law is made e.g. in this case so that it reads '*Trading in Public Places Local Law 2008*'.

The date clause needs to be changed to reflect the year in which the resolution to make the local law is made. i.e. "Town of Vincent resolved on..... 2008".

**CEO's Comment:**

This amendment is accepted. This amendment is to reflect the year of adoption. It does not affect the local law in any way.

**2 Interpretation (Clause 1.6)**

In the definition of "*vehicle*", you refer to 'a vehicle described in the First Schedule to the *Road Traffic Act 1974*'. This Schedule does not appear to exist (anymore) in the Road Traffic Act.

**CEO's Comment:**

This amendment is accepted and the reference to the First Schedule has been deleted.

**3 Clause 2.8(1)(d)**

It would appear that while the repeal of the *Weights and Measures Act 1915* is via the *Trade Measurement Administration Act 2006*, the provisions in relation to certification of measuring instruments are in the *Trade Measurement Act 2006*. Kindly check this reference.

**CEO's Comment:**

This amendment is accepted. The correct title of the specified Legislation has been used.

**4 General**

Proposed clause 6.1(2) repeats a Local Government Act provision (section 9.12) but makes it into an offence for which a ranger could give out an infringement notice penalty of \$250. This is not appropriate as the offence is already in the Act and, under the Act, the offender

needs to be taken to court for prosecution. This proposed penalty and clause should be removed from your local law as it is inconsistent with the current Act provision.

**CEO's Comment:**

This amendment is accepted. The offending clause has been deleted. Any actions will be taken under Section 9.12 of the Act.

Comment 15 related to ouster clauses. The Parliament's JSCDL notes that section 9.56 of the Act does provide protection from personal liability in tort to councillors, council employees and agents who perform acts or omissions in good faith. However, this protection cannot be extended to **'the local government'** i.e. you cannot include provisions preventing a local government itself from being sued by someone for a cause of action recognised by common law or statute. Please review, for example, the wording of clause 6.3 and 5.2(4) to ensure they are not beyond the power of the Act.

**CEO's Comment:**

This amendment is accepted. All reference to "the local government" in these clauses has been deleted.

Comments 13(dot point 2) and 16 related to reversal of the onus of proof. For example, the JSCDL previously asked a local government to delete wording similar to your proposed clause 6.4(2). A copy of the JSCDL's 9<sup>th</sup> Report is attached for your reference. Please see item 5 page 9-10 for an explanation of the JSCDL's concerns. It is recommended that you review clauses 2.30(3) and 6.4(2) and consider their deletion.

**CEO's Comment:**

This amendment is accepted. The offending clauses have been deleted.

Minor formatting and several typographical errors have also been corrected throughout the draft local law. These do not affect the legality of the local law.

**DETAILS:**

A review of all the local laws has been carried out by the Town's officers. The Town has used the Western Australian Local Government Association's (WALGA's) Model Local Laws and modified them to suit the Town's requirements. The Model Local Laws have been approved by the Parliamentary Joint Standing Committee on Delegated Legislation and therefore have been previously checked for legal compliance. The Town has also reviewed a number of other local government's local laws.

The process has taken longer than anticipated due to the review being carried out "*in-house*" by the Town's officers.

Trading in Public Places Local Law

This Local Law replaces the following existing local laws and amalgamates them into one new local law:

- *Alfresco Dining*, published in the Government Gazette of 30 April 1998;
- *Display of Items on a Footpath*, published in the Government Gazette of 14 June 2000 and amendments; and
- *Street Trading*, published in the Government Gazette of 22 December 1998.

### **Part 1 - Preliminary**

This part includes all the statutory requirements of citation, objective, commencement, repeal and application of the local law. The Interpretation clause is expanded to include a more comprehensive list of definitions.

The fees and charges prescribes the current process.

### **Part 2 - Trading in Thoroughfares and Public Places**

- 2.1 Definitions
- 2.2 *Stallholder's permit* - this is similar to the Town's current local law.
- 2.3 *Trader's permit* - this is new and allows for traders to apply for a licence.
- 2.4 *No permit required to sell newspapers* - this is the same as the Town's current local law.
- 2.5 *Matters to be considered in determining application* - this is similar to the Town's current local law.
- 2.6 *Conditions of permit* - this is similar to the current local law.
- 2.7 *Exemptions from requirement to pay fee* - this is a new clause and gives discretion to the Town to exempt charitable organisations from fees.
- 2.8 *Conduct of stallholders and traders* - this is similar to the Town's current local law.
- 2.9 Definitions
- 2.10 *Entertainer's permit required to perform* - this is a new provision (based on the City of Perth local law) and allows for an Entertainers Permit to allow people to perform in a public place.
- 2.11 *Variation of permitted area and permitted time* - this is a new clause, (based on the City of Perth local law) and allows a local government to vary a permit.
- 2.12 *Duration of permit* - this is a new clause (based on the City of Perth local law) – specifies times.
- 2.13 *Cancellation of permit* - this is a new clause (based on the City of Perth local law) allows for the cancellation of a permit.
- 2.14 *Obligations of permit holder* - this is a new clause, (based on the City of Perth local law) and prescribes conditions of obligation.
- 2.15 Definitions
- 2.16 *Permit required to conduct an outdoor eating area* - this is a new clause (based on the City of Perth local law) and prescribes the need for a permit.

- 2.17 *Matters to be considered in determining application* - this is a new clause (based on the City of Perth local law) – prescribes matters for a local government to consider.
- 2.18 *Obligations of permit holder* - this is a new clause (based on the City of Perth local law) – prescribes conditions for permit holders.
- 2.19 *Removal of an outdoor eating area unlawfully conducted* - this is a new clause (based on the City of Perth local law) – allows for removal of an outdoor eating area.
- 2.20 *Use of an outdoor eating area by public* - this is a new clause (based on the City of Perth local law) – prohibits persons using an outdoor eating area unless they are bonafide customers.
- 2.21 *Temporary removal of an outdoor eating area may be requested* - this is a new clause (based on the City of Perth local law) – allows for removal of an outdoor eating area in the event of public works.
- 2.22 Definitions
- 2.23 –
- 2.34 *Display of Advertising Signs on a Footpath* - these clauses are for the control of signs.

### **Part 3 - Permits**

- 3.1 -
- 3.15 These are all new clauses relating to the handling of permits. (Permits are now used instead of licences.)

### **Part 4 - Bond or Security**

- 4.1 *Security for restoration and reinstatement* - this is a new clause which may require payment of a bond or security if required.
- 4.2 *Use by the local government of bond or security* - this is a new clause to allow the town to carry out the works using a bond in the event of a default of a notice.

### **Part 5 - Miscellaneous**

This Part deals with serving of notices, insurance and action to be taken in cases of non-compliance.

### **PART 6 - GENERAL**

This Part deals with authorised persons, impounding of goods and disposal of impounded goods.

### **PART 7 - OFFENCES AND PENALTIES**

This part introduces the power to issue modified penalties for non-compliance. This is new and the Local Government Act 1995 allows it for all local laws.

### **PART 8 - OBJECTIONS AND APPEALS**

This Part prescribes the procedure for persons lodging an appeal.



### **CONSULTATION/ADVERTISING:**

The Town's intention to review its local laws was advertised in The West Australian Newspaper and on the Town's website. Notification was also sent to Precinct Groups and a local public notice was displayed on the official Notice Board.

The revised local law was re-advertised in November 2007.

At the close of the six (6) week re-advertised public consultation period, no submissions were received.

### **LEGAL/POLICY:**

Section 3.16 of the Local Government Act 1995 requires that all of the local laws of local governments must be reviewed within an eight (8) year period after their commencement to determine if they should remain unchanged, be repealed or amended.

The eight year period is taken to be from either when the local law commenced or when the last review of the local law was completed.

### Procedure for Reviewing and Adopting a Local Law

- (1) The local government is to –
  - (a) give Statewide public notice that –
    - (i) the local government proposes to make a local law the purpose and effect.
    - (ii) a copy of the proposed local law may be inspected or obtained;
    - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice (not less than 6 weeks).
  - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister; and
  - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (2) A notice is also to be published and exhibited as if it were a local public notice.
- (3) After the last day for submissions, the local government is to consider any submissions made and may make the local law \* as proposed or make a local law \* that is not significantly different from what was proposed.

*\* Absolute majority required.*

- (4) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister.
- (5) After the local law has been published in the Gazette the local government is to give local public notice –

- (a) stating the title of the local law;
- (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
- (c) advising that copies of the local law may be inspected or obtained from the local government's office.

National Competition Policy (NCP) Public Benefit Test

The provisions relating to the administration of this local law are contained in the model local law produced by WALGA and endorsed by the Department of Local Government. Also, the City of Perth Local Laws relating to Trading in Public Places and Outdoor Eating Areas (gazetted in 2005) have been reviewed. In some instances, the Town's local law clauses have been based on similar clauses in those local laws. This has been assessed for any public benefit test ramifications.

**STRATEGIC IMPLICATIONS:**

The matter is in keeping with the Town's Strategic Plan 2006-2011 - Objective 4.12 "*Manage the organisation in a responsible, efficient and accountable manner*".

**FINANCIAL/BUDGET IMPLICATIONS:**

The purchase of the WALGA Model Local Laws cost \$1,500.

The cost of advertisements to date was approximately \$1,000. Final advertising will be approximately \$500. The Solicitors costs for reviewing the Local Law is approximately \$2,000. An amount of \$5,000 has been included in the Budget for this project. The new local laws are required to be printed in the Government Gazette by the State Law Publisher which will cost approximately \$1,500. All other copying will be carried out in-house and will cost approximately \$500. (Employee costs have not been included.)

**COMMENTS:**

The statutory review has been completed, and no submissions have been received. It is recommended that the reviewed and revised Trading in Public Places Local Law be adopted.

**10.4.3 Statutory Review of Local Laws – Adoption of Proposed New Fencing Local Law 2008**

<b>Ward:</b>	-	<b>Date:</b>	5 February 2008
<b>Precinct:</b>	-	<b>File Ref:</b>	LEG0027
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	D Abel, John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *NOTES that pursuant to Section 3.16 of the Local Government Act 1995 the Town has advertised its local law and that no submissions were received at the close of the statutory (6) week public consultation period; and*
- (ii) *pursuant to Section 3.12 of the Local Government Act 1995 APPROVES BY AN ABSOLUTE MAJORITY to ADOPT a new Local Government Fencing Local Law as shown in Appendix 10.4.3 to provide for the regulation, management and control of fences and prescribe the standard of a “sufficient fence”, within the district.*

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**COUNCIL DECISION ITEM 10.4.3**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**MOTION PUT AND CARRIED**  
**BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Doran-Wu was an apology for the meeting.)

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**PURPOSE OF REPORT:**

The purpose of the report is to advise the Council that no submissions were received at the conclusion of the six (6) week statutory public consultation period of the proposed review of the Town’s Local Law and for the Council to adopt the revised Fencing Local Law.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 8 May 2007, the Council considered the matter and resolved to approve of a new Local Law and advertise this for public consultation.

The revised Local Law was re-advertised for public comment in October 2007 and submissions closed in December 2007.

As part of the consultation process comments were received from the Department of Local Government as follows:

## 1 Year Change, Citation and Preamble

The year at the end of the title of the local law should be changed from 2007 to 2008. i.e. 'Fencing Local Law 2008'.

### CEO's Comment:

This amendment is self explanatory and is accepted. The year has been changed, where required.

## 2 Interpretation

- For the definition of 'dividing fences', please delete the full text of the 'Note' from the local law prior to gazettal. Notes should not form part of a gazetted local law. (However, the Town should consider including this information as part of an unofficial information/administration version of the local law for use by the public).
- For subclause (c) of the definition of 'local government property', the phrase 'otherwise unvested facilities' should be in inverted commas since it is a term defined in section 3.53 of the *Local Government Act 1995*.

### CEO's Comment:

These amendments are accepted. This is a formatting requirement. It does not affect the validity of the local law.

## 3 Clause 2.6

With respect to clauses 2.6(1) and (2), where the matter relates to graffiti it is the Department's understanding that there are no provisions under Schedule 3.1 of the Act to deal with graffiti removal. To overcome this, an amendment is proposed in the Local Government Amendment Bill to the Schedules of the Act to provide a specific power for the issuing of a notice and the entry onto land. It is recommended that these references to graffiti not proceed at this stage until the Act has been amended to provide the head of power.

In addition, clause 2.6(3) and (4) is likely to raise the concerns of the Parliament's Joint Standing Committee on Delegated Legislation (JSCDL). In its 6<sup>th</sup> Report (copy attached), the JSCDL indicated that it considered provisions for people to paint fences with non-sacrificial graffiti protection paint and fix a plate to the wall indicating the name of the paint to be unreasonable. The JSCDL believes that such clauses indirectly punish home owners for the criminal activities of others (graffiti) and it has indicated that it will continue to require the repeal of such clauses in local laws. Please refer to the JSCDL's views in the report, and consider the removal of your proposed clauses from your law.

### CEO's Comment:

The Department's view is accepted. Accordingly, the offending clauses have been deleted.

#### 4 Clause 5.1

In relation to Clause 5.1, the JSCDL has indicated two concerns:

- the Committee has requested that local governments be advised that where the local law making power relates to entry onto private land, the local law making power under section 3.5 is restricted by sections 3.25 and 3.27 of the Act. Thus such local law making powers are to be restricted to matters specified in Schedules 3.1 and 3.2 of the Act and the procedures for entry on to land as set out in Part 3 Division 3 Subdivision 3 of the Act are to be complied with.

In short, the JSCDL is of the view that the Act does not authorise entry onto private property to remedy a breach of a local law relating to a fence unless the property abuts a public thoroughfare, public place or local government property.

Local governments are advised to ensure that their respective local laws reflect this position, for example, the addition of a subclause to 5.1 to indicate that the provisions of clause 5.1 are subject to section 3.25 and item 12 of Division 1 of Schedule 3.1 of the Act, and entry onto land will be in accordance with Part 3, Division 3, Subdivision 3 of the Act.

**CEO's Comment:**

This amendment is accepted. The relevant clauses have been amended to change "A person" to "An owner". Sub-clauses (3) and (4) have been deleted. This matter can be dealt with under the Local Government Act (Sections 3.25 and 3.27).

- that clause 16(1) of the WALGA Fencing Model Local Law (which is similar in content to your proposed clause 5.1(1)) is inconsistent with item 4(2) of Division 1 of Schedule 3.1 of the Act which states that a *notice cannot be given to an occupier who is not an owner*. Model clause 16(1) states that the local government may give a notice to the owner or the occupier.

It is recommended that the Town modify clause 5.1 e.g. add a subclause to indicate that where the local government issues a notice under item 4(1) of Division 1 of Schedule 3.1 of the Act, the notice of breach shall be issued to a person who is the owner of the land, not the occupier.

**CEO's Comment:**

This amendment is accepted. Reference to "occupier" has been deleted in this clause. The matter can be dealt with under the Local Government Act.

#### 5 Schedule 1

- It is recommended that the Town make changes to the headings of Schedule 1 as follows:

**Schedule 1**

**Prescribed Offences**

Clause	Description	Modified Penalty \$'.
--------	-------------	-----------------------

- For the prescribed offence for clause 2.2, it would appear that there is no reference to 'written consent' in the said clause. Please check.

**CEO's Comment:**

This clause has been amended to reflect the above headings, and insert; "which does not comply with the Town Planning Scheme".

- For the prescribed offence for clause 2.13, it would appear that there is no longer any reference to 'wall' in clause 2.13. Please check.

**CEO's Comment:**

The words "or wall" have been deleted.

- Is there a need for the modified penalty for 2.14(2), given the modified penalties for 2.14(1)(a), (b) and (c) and that approval appears to be not required if the fence is constructed within the prescribed specifications? For example, would your penalties result in someone who builds a fence higher than 3600mm being given two infringement notices for the same offence i.e. building something too high without approval? Please consider.

**CEO's Comment:**

The amendments are accepted. The necessary changes have been made and the penalty for sub-clause 2.14(2) has been deleted.

Minor formatting changes have been made to the document. These do not affect the legality of the local law.

**DETAILS:**

A review of all the local laws has been carried out by the Town's officers. The Town has used the Western Australian Local Government Association's (WALGA's) Model Local Laws and modified them to suit the Town's requirements. The Model Local Laws have been approved by the Parliamentary Joint Standing Committee on Delegated Legislation and therefore have been previously checked for legal compliance. The Town has also reviewed a number of other local government's local laws.

The process has taken longer than anticipated due to the review being carried out "in-house" by the Town's officers.

FENCING LOCAL LAW

The main changes in the reviewed local law are:

1. The clauses relating to flood lights and other external lights have been deleted. The control of floodlights and light "spill" is now included in the Local Government Act 1995, Sections 3.24 to 3.30 and Schedule 3.1.

## **PART 1 - Preliminary**

This part includes all the statutory requirements of citation, objective, commencement, repeal and application of the local law. The interpretation clause is expanded to include a more comprehensive list of definitions. The fees and charges clause prescribes the current process.

## **PART 2 - Fences**

- 2.1 *Sufficient fence* – this clause is similar to the current local law and requires compliance with a “*sufficient fence*”. It has been expanded to refer to fences on residential, commercial or industrial lots.
- 2.2 *Fences within setback areas* – this new clause refers to front setbacks and formalises the Town’s current practice.
- 2.3 *Gates in Fences* – specifies requirements for gates.
- 2.4 *Depositing fencing material on public place* – requires approval of the Town.
- 2.5 *Alteration of ground levels* – this new clause refers to the level of fill against free standing fences.
- 2.6 *Maintenance of fences* – this clause reflects the Town’s current local law, but has been expanded to be more prescriptive. The requirements of a “*dangerous fence*” are included.
- 2.7 *Fences and sight lines* – this clause requires compliance with sightlines, truncations and formalises the Town’s current practice. It is similar to the current local law.
- 2.8 *Fences across right of way, public accessways or, thoroughfares* – this clause reflects a clause in the current local law.
- 2.9 *General discretion of the local government* – this new clause gives the Town the authority to approve a non-complying fence where both adjoining land owners agree.
- 2.10 *Pre-used fencing materials* – this clause reflects a clause in the current local law.
- 2.11 *Barbed wire fences and spiked or jagged materials* – this clause reflects a clause in the current local law but has been expanded to be more prescriptive.
- 2.12 *Electrified and razor wire fences* – this new clause specifies the requirements where electrified fences may be used. The requirements of razor wire fences are similar to the current local law.
- 2.13 *Prohibited fencing materials* – this clause is similar to the current local law.
- 2.14 *Tennis court fencing* – this new clause prescribes the requirements for tennis court fences.

## **PART 3 – Approvals**

These clauses specify the approval process.

#### **PART 4 - Miscellaneous**

This Part specifies that a person shall not make a false statement in any application.

#### **PART 5 - Notices of Breaches**

This Part is similar to the current local law. A new clause limits the ability of a person to take action against the Town or its employees/agents, where the Town carries out works.

#### **PART 6 - Offences and Penalties**

This Part introduces the power to issue modified penalties for non-compliance. This is new and the Local Government Act 1995 allows it for all local laws.

#### **PART 7 - Objections and Review**

This Part prescribes the procedure for persons lodging an appeal.

#### **FENCE COMPARISONS**

The new Fencing Local Law takes cognisance and complements the Towns' Planning Policy No. 3.2.5 - Street Walls and Fences, mainly under clause 2.2 *Fences within front setback area*, and *Schedule 2 Specifications for a Sufficient Fence on a Residential Lot*, sub-clause A., B.(d) and C.(d) and D. where it states '*height ... except with respect to the front street setback area for which there is no minimum height but which is subject to clause 2.2*'.

The specifications for a "sufficient fence" are detailed in *Schedule 2 Specifications for a Sufficient Fence on a Residential Lot* and *Schedule 3 Specifications for a Sufficient Fence on a Commercial or Industrial Lot*.

The specifications in the new Fencing Local Law differ from the previous local law in the following key provisions:

##### *Schedule 2 Specifications for a Sufficient Fence on a Residential Lot*

- The maximum fence height reduced from 2400 millimetres to 1800 millimetres.
- More comprehensive construction specifications for the different type of fence materials.
- Deletion of reference to comply with the Town's Town Planning Scheme and Policies as this matter is now addressed in clause 2.2.
- It is considered that 1800 millimetres is a more acceptable height. It is also a more common height prescribed in other local governments (eg Cities of Joondalup, Perth, and Stirling, Town of Cambridge and City of Wanneroo (1750-1850mm)).

##### *Schedule 3 Specifications for a Sufficient Fence on a Commercial or Industrial Lot*

- The maximum fence height increased from 2100 millimetres to 2400 millimetres. This increased height is considered to be more appropriate in the contextual scale of commercial development in the Town.
- More comprehensive construction specifications for the different type of fence materials.

#### **CONSULTATION/ADVERTISING:**

The Town's intention to review its local laws was advertised on 10 August 2005 in The West Australian Newspaper in June 2007, in a local newspaper and on the Town's website. Notification was also sent to Precinct Groups and a local public notice was displayed on the official Notice Board.



Re-advertising was carried out between October – December 2007.

At the close of the six (6) week re-advertised public consultation period, no submissions were received.

### **LEGAL/POLICY:**

Section 3.16 of the Local Government Act 1995 requires that all of the local laws of local governments must be reviewed within an eight (8) year period after their commencement to determine if they should remain unchanged, be repealed or amended.

The eight year period is taken to be from either when the local law commenced or when the last review of the local law was completed.

#### Procedure for Reviewing and Adopting a Local Law

- (1) The local government is to –
  - (a) give Statewide public notice that –
    - (i) the local government proposes to make a local law the purpose and effect.
    - (ii) a copy of the proposed local law may be inspected or obtained;
    - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice (not less than 6 weeks).
  - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister; and
  - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (2) A notice is also to be published and exhibited as if it were a local public notice.
- (3) After the last day for submissions, the local government is to consider any submissions made and may make the local law \* as proposed or make a local law \* that is not significantly different from what was proposed.

*\* Absolute majority required.*
- (4) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister.
- (5) After the local law has been published in the Gazette the local government is to give local public notice –
  - (a) stating the title of the local law;
  - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
  - (c) advising that copies of the local law may be inspected or obtained from the local government's office.

### Policies

The Local Government Act does not allow local laws to make reference to local government policies. Policies have no validity for the purposes of the local law. Any policies can only be used as a guide or assistance to applicants and the local government.

### NCP Public Benefit Test

The provisions relating to the administration of fences are contained in the model "*Fencing*" local law produced by WALGA. This has been assessed for any public benefit test ramifications.

### **STRATEGIC IMPLICATIONS:**

The matter is in keeping with the Town's Strategic Plan 2006-2011 - Objective 4.12 "*Manage the organisation in a responsible, efficient and accountable manner*".

### **FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$5,000 has been included in the Budget for this project.

The purchase of the WALGA Model Local Laws cost \$1,500.

The cost of advertisements to date was approximately \$1,000. Advertising will be approximately \$500. The new local laws are required to be printed in the Government Gazette by the State Law Publisher which will cost approximately \$1,500. All other copying will be carried out in-house and will cost approximately \$500. (Employee costs have not been included.)

### **COMMENTS:**

The statutory review has been completed and no submissions have been received. It is recommended that the reviewed and revised Fencing Local Law be adopted.

**10.4.4 Statutory Review of Local Laws – Adoption of New Local Government Property Local Law 2008**

Ward:	-	Date:	4 February 2008
Precinct:	-	File Ref:	LEG0036
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	J MacLean, J van den Bok, D Morrissey, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *NOTES that pursuant to Section 3.16 of the Local Government Act 1995 the Town has advertised its local law and that no submissions were received at the close of the statutory six (6) week public consultation period; and*
- (ii) *pursuant to Section 3.12 of the Local Government Act 1995 APPROVES BY AN ABSOLUTE MAJORITY to ADOPT a new Local Government Property Local Law 2008 as shown in Appendix 10.4.4 to provide for the regulation, control and management of activities on local government property and public property within the district.*

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**COUNCIL DECISION ITEM 10.4.4**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

Cr Maier tabled amendments.

Presiding Member, Mayor Catania, advised again that it was inappropriate to consider the amendments and that this matter should be deferred and the Chief Executive Officer consider the proposed amendments.

**PROCEDURAL MOTION**

**Moved Cr Ker, Seconded Cr Messina**

*That the Item be DEFERRED until the next meeting and that the Chief Executive Officer consider the amendments suggested by Cr Maier.*

**PROCEDURAL MOTION PUT AND CARRIED (7-1)**

<b><u>For</u></b>	<b><u>Against</u></b>
Mayor Catania	Cr Maier
Cr Burns	
Cr Farrell	
Cr Ker	
Cr Lake	
Cr Messina	
Cr Youngman	

(Cr Doran-Wu was an apology for the meeting.)

**PURPOSE OF REPORT:**

The purpose of the report is to advise Council that no submissions were received at the conclusion of the six (6) week statutory public consultation period of the proposed review of the Town's Local Law and for the Council to adopt the revised Local Government Property Local Law.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 22 May 2007, the Council considered the matter and resolved to approve of a new Local Law and advertise this for public consultation.

The revised Local Law was re-advertised in November 2007 and submissions closed in January 2008.

As part of the consultation process comments were received from the Department of Local Government as follows:

**1 Year Change**

The year at the end of the title of the local law should be changed from 2007 to 2008. i.e. '*Local Government Property Local Law 2008*'. Two examples are the heading of the local law and the sealing clause at the end of the local law.

**CEO's Comment:**

This amendment is self explanatory and is agreed.

**2 Definitions (clause 1.6)**

- In the definition of "*vehicle*", reference to 'a vehicle described in the First Schedule to the *Road Traffic Act 1974*'. This Schedule does not appear to exist (anymore) in the Road Traffic Act. Please check this reference.

**CEO's Comment:**

This amendment is agreed.

**3 Clause 3.12**

Clause 3.12(1)(t) appears to be very broad in its intent. For example, it would appear to cover the situation of clubs using recreational facilities to take photos of sporting or club events and selling them to members. The Parliament's Joint Standing Committee on Delegated Legislation (JSCDL) may have concerns about the reasonableness of this provision. Please review the wording of this clause.

**CEO's Comment:**

This amendment is agreed. The Clause has been reworded by the Town's solicitors to reflect the intent to apply for activities of a commercial nature.

**4 Clause 5.4**

As there are no definitions for this clause 5.4, do you wish to delete it? (If so, please ensure that any necessary renumbering of other clauses is made and cross referencing is checked).

**CEO's Comment:**

The definition of "river" has been inserted. Therefore, this clause should remain.

**5 Clause 9.3(2)**

This clause 9.3(2) relates to the reversal of the onus of proof. The JSCDL has previously indicated concerns with this issue. Please see item 5 page 9-10 for an explanation of the JSCDL's concerns. It is recommended that you therefore delete this clause or the JSCDL is likely to request that you remove it.

**CEO's Comment:**

This amendment is accepted. Clause 9.3(2) has therefore been deleted.

**6 Clause 10.1(a)**

Should the reference to 'verge' read as 'thoroughfare'? The Town may wish to refer to clause 2.1(a) of the Model Local Law at Section 2, page 314 of the Local Laws Manual for this purpose.

**CEO's Comment:**

This amendment is accepted. The word "verge" has been deleted and the word "thoroughfare" has been inserted. This will not specifically affect the local law. (A thoroughfare includes a verge).

**7 Schedule 1**

Please check this Schedule as there appear to be some inconsistencies, including the following:

- For clauses 4.1(a) and (b), it is recommended that these not be included as prescribed offences as they do not appear to fall under the requirements for prescribed offences in s.9.16(2) of the Act (i.e. stating that prescribed offences are to be relatively minor matters and only straightforward issues of law and fact are involved in determining if the offence was readily committed, and the facts are readily ascertainable). Please review the Schedule for other similar examples e.g. clause 5.3(2), 'Failure to leave a community facility quietly and peaceably when requested to do so' and clauses 13.1 and 13.2(2).

**CEO's Comment:**

The prescribed offences have been deleted. Any alleged offences for these matters will be pursued in the Magistrates Court.

- For the prescribed offence under clause 5.5(1), it is suggested that you modify the description so that it is more consistent with the wording for the clause.
- For prescribed offences under clauses 5.9(1) and 5.11 respectively, should ‘without a permit’ read as ‘without approval’?
- For the prescribed offence under clause 7.2(2)(a), it is suggested that you modify the description so that it is more consistent with the wording for the clause.
- For the prescribed offence in relation to clause 9.1, it would appear that there are 2 such prescribed offences – please check these references.
- For the prescribed offence under clause 9.9(d), it may be more appropriate to reword ‘Failing to water...’ to read as ‘Not to water...’.
- For the prescribed offence for clause 10.2(1)(k), it would appear that ‘on a thoroughfare’ should read as ‘on a public place’.

**CEO’s Comment:**

The above recommended amendments have been included. These do not materially affect the local law or its validity.

Minor formatting and some typographical errors have been corrected. These do not affect the legality of the local law.

**DETAILS:**

A review of all the local laws has been carried out by the Town’s Officers. The Town has used the Western Australian Local Government Association’s (WALGA’s) Model Local Laws and modified them to suit the Town’s requirements. The Model Local Laws have been approved by the Parliamentary Joint Standing Committee on Delegated Legislation and therefore have been previously checked for legal compliance. The Town has also reviewed a number of other local government’s local laws.

The process has taken longer than anticipated due to the review being carried out “*in-house*” by the Town’s Officers.

Local Government Property

This local law replaces the following existing local laws and amalgamates them into one new local law:

- Air-conditioning Units, published in the Government Gazette on 4 November 1997;
- Beatty Park Leisure Centre, published in the Government Gazette on 30 November 1998;
- Halls and Centres, published in the Government Gazette on 30 April 1998;
- Parks and Public Reserves, published in the Government Gazette on 22 December 1998 and amended on 23 March 2004;
- Property Numbers, published in the Government Gazette on 25 September 1998;
- Removal and Disposal of Obstructing Animals or Shopping Trolleys, published in the Government Gazette on 22 December 1998;
- Removal of Refuse, Rubbish and Disused Materials, published in the Government Gazette on 1 May 1998;
- Local Law Relating to Street Laws and Gardens, published in the Government Gazette on 22 December 1998;
- Streets and Footpaths, published in the Government Gazette on 14 June 2000; and
- Verandahs and Awnings over Streets, published in the Government Gazette on 22 December 1998

### **New Local Government Act Powers**

The Local Government Act was amended in 2004 and now contains a number of powers (and procedures) which were previously contained in several local laws.

Section 3.25 gives power to local governments to deal with matters listed in Schedule 3.1.

These include:

Things a notice may require to be done:

1. Prevent water from dripping or running from a building on the land onto any other land.
2. Place in a prominent position on the land a number to indicate the address.
3. Modify or repair, in the interests of the convenience or safety of the public, anything constructed as mentioned in Schedule 9.1, clause 8, or repair any damage caused to the public thoroughfare or other public place mentioned in that clause.
4. Ensure that land is suitably enclosed.
5. Ensure that unsightly land is enclosed.
6. Ensure that overgrown vegetation, rubbish, or disused material is removed from land that the local government considers to be untidy.
7. Minimising sand drifts.
8. Ensure that land is not overgrown.
9. Remove all or part of a tree that is obstructing prejudicially affecting a thoroughfare.
10. Ensure that a tree on the land that endangers any person or thing on adjoining land is made safe.
11. Remove bees that are likely to endanger the safety of any person or create a serious public nuisance.
12. Ensure that any unsightly, dilapidated or dangerous fence or gate is modified or repaired.
13. Take specific measures to prevent:
  - (a) artificial light being omitted from the land; and
  - (b) natural or artificial light being reflected from something on the land, creating a nuisance.
14. Remove or make safe anything that is obstructing or otherwise prejudicially affecting a private thoroughfare.

## **New Local Government Property Local Law**

### **Part 1 – Preliminary**

This part includes all statutory requirements of citation, objective, commencement, repeal and application of the local law. The interpretation clause is expanded to include a more comprehensive list of definitions. The fees and charges clause prescribes the current process.

### **Part 2 – Determinations in respect of local government property and buildings**

- 2.1 *Determinations as to use of local government property and buildings* – Determinations are a new concept for this local law and in essence allows the Council to make decisions/rules which are now known as “*determinations*”. Determinations whilst not having the same rigorous process as a new local law, nevertheless have legal status if adopted as part of the local law. At this stage, no determinations are recommended for approval.
- 2.2 *Procedure for making a determination* – This prescribes the procedure for making a determination.
- 2.3 *Activities which may be pursued on specified local government property and buildings* – This clause is self explanatory and prescribes an extensive list of what Council can make a determination.
- 2.4 *Activities which may be prohibited on specified local government property and buildings* – This clause is self explanatory and prescribes an extensive list of what Council can prohibit in a determination.
- 2.5 *Register of Determinations* – A register is to be kept.

### **Part 3 - Permits**

This Part prescribes the requirements for making application for a permit and decisions and conditions that may be imposed. It also prescribes the duration, renewal, transfer and cancellation of a permit and any activities which are subject to a permit.

### **Part 4 - Behaviour on local government property and in buildings**

This Part includes:

- Community facilities - this a new clause which controls behaviour at a community facility and primarily replaces the same provisions in the former Beatty Park Leisure Centre and Halls and Reserves local laws.
- Fishing and boat launching - this a new clause.
- Fenced or closed property - this is a new clause.
- Air conditioning units - this is almost identical to our previous local law, other than new clause numbers.
- Awnings, balconies and verandahs - this is almost identical to our previous local law, other than new clause numbers.

### **Part 5 – Matters Relating to Particular Local Government Property**

This part covers many clauses in previous local laws.



### **Part 6 - Advertising signs on thoroughfares**

This Part includes new clauses to control portable (movable or free standing) signs and also conditions relating to the placement of election signs.

### **Part 7 - Obstructing animals or shopping trolleys**

This Part includes:

- Animals;
- Shopping trolleys;

and is similar to our existing locals laws.

### **Part 8 - Bond or security**

This part allows for the payment of a bond or security if required and also use by the local government of the bond or security in case of a default of a notice.

### **Part 9 - Works on or affecting a thoroughfare**

- 9.1 No damage to thoroughfare.
- 9.2 *Footpath, verge and street tree protection* – this prescribes conditions for protection of footpaths, trees etc.
- 9.3 *Liability for damage.*
- 9.4 *Transitional Provision.*
- 9.5 *Interpretation.*
- 9.6 *Verge treatment* - this prescribes conditions to protect verges.
- 9.7 *Permissible verge treatments* - this in essence replaces the current Street Lawns and Gardens local law.
- 9.8 *Only permissible verge treatments to be installed.*
- 9.9 *Owner's or occupier's responsibility for verge treatments* - this prescribes the responsibilities of a person who installs a street verge.
- 9.10 *Enforcement.*

### **Part 10 - Activities on thoroughfares and on local government property**

This Part prescribes a number of conditions for the control of activities on local government property and in public places.

### **Part 11 - Notices of breach**

This Part allows for the serving of notices in the event of a breach.

### **Part 12 - Objections and appeals**

This Part prescribes the procedure for persons lodging an appeal.

### **Part 13 - Miscellaneous**

This Part relates to authorised persons, disposal of lost property, impounding of goods, liability for damage to local government property, insurances and the payment of entry fees.

### **Part 14 - Offences**

This Part introduces the power to issue modified penalties for non-compliance. This is new and the Local Government Act allows it for all new local laws.

### **CONSULTATION/ADVERTISING:**

The Town's intention to review its local laws was advertised in The West Australian Newspaper and on the Town's website. Copies were also sent to Precinct Groups and a local public notice was displayed on the official Notice Board.

At the close of the six (6) week re-advertised public consultation period, no submissions were received.

### **LEGAL/POLICY:**

Section 3.16 of the Local Government Act 1995 requires that all of the local laws of local governments must be reviewed within an eight (8) year period after their commencement to determine if they should remain unchanged, be repealed or amended.

The eight year period is taken to be from either when the local law commenced or when the last review of the local law was completed.

### Procedure for Reviewing and Adopting a Local Law

- (1) The local government is to –
  - (a) give Statewide public notice that –
    - (i) the local government proposes to make a local law the purpose and effect.
    - (ii) a copy of the proposed local law may be inspected or obtained;
    - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice (not less than 6 weeks).
  - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister; and
  - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (2) A notice is also to be published and exhibited as if it were a local public notice.

- (3) After the last day for submissions, the local government is to consider any submissions made and may make the local law \* as proposed or make a local law \* that is not significantly different from what was proposed.

*\* Absolute majority required.*

- (4) After making the local law, the local government is to publish it in the Gazette and give a copy of it to the Minister.
- (5) After the local law has been published in the Gazette the local government is to give local public notice –
- (a) stating the title of the local law;
  - (b) summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
  - (c) advising that copies of the local law may be inspected or obtained from the local government's office.

#### NCP Public Benefit Test

The provisions relating to the administration of local government property are contained in the model local law produced by WALGA. This has been assessed for any public benefit test ramifications.

#### **STRATEGIC IMPLICATIONS:**

The matter is in keeping with the Town's Strategic Plan 2006-2011 - Objective 4.12 "*Manage the organisation in a responsible, efficient and accountable manner*".

#### **FINANCIAL/BUDGET IMPLICATIONS:**

The purchase of the WALGA Model Local Laws cost \$1,500.

The cost of advertisements to date was approximately \$1,000. Final advertising will be approximately \$500. The Solicitors costs for reviewing this local law is approximately \$1,800. An amount of \$5,000 has been included in the Budget for this project. The new local laws are required to be printed in the Government Gazette by the State Law Publisher which will cost approximately \$1,500. All other copying will be carried out in-house and will cost approximately \$500. (Employee costs have not been included.)

#### **COMMENTS:**

The statutory review has been completed and no submissions were received. It is recommended that the reviewed and revised Local Government Property Local Law be adopted.

**10.4.5 Delegations for the Period 1 October 2007 to 31 December 2007**

<b>Ward:</b>	Both	<b>Date:</b>	30 January 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0018
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J MacLean, S Beanland		
<b>Checked/Endorsed by:</b>	R Boardman, John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *ENDORSES the delegations for the period 1 October 2007 to 31 December 2007 as shown in Appendix 10.4.5; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices/costs to the value of \$39,542.00 for the reasons as detailed below:*

<u>Description</u>	<u>Amount</u>
<i>Breakdown/Stolen (Proof Produced)</i>	<i>\$825.00</i>
<i>Details Unknown/Vehicle Mismatched</i>	<i>\$2,865.00</i>
<i>Equipment Faulty (Confirmed by Technicians)</i>	<i>\$650.00</i>
<i>Failure to Display Resident or Visitor Permit</i>	<i>\$12,020.00</i>
<i>Interstate or Overseas Driver</i>	<i>\$7,545.00</i>
<i>Other (Financial Hardship, Disability, Police On-duty, Etc)</i>	<i>\$5,035.00</i>
<i>Penalties Modified</i>	<i>\$618.00</i>
<i>Pound Fees Modified</i>	<i>\$24.00</i>
<i>Ranger/Clerical Error</i>	<i>\$6,015.00</i>
<i>Signage Incorrect or Insufficient</i>	<i>\$1,985.00</i>
<i>Ticket Purchased but not Displayed (Valid Ticket Produced)</i>	<i><u>\$1,960.00</u></i>
<b>TOTAL</b>	<b><u>\$39,542.00</u></b>

**COUNCIL DECISION ITEM 10.4.5**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

**MOTION PUT AND CARRIED**  
**BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Doran-Wu was an apology for the meeting.)

**PURPOSE OF REPORT:**

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the Ranger and Community Safety Services for the period 1 October 2007 to 31 December 2007 and to obtain the Council's approval to write-off infringement notices.

**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, Directors and specific Managers exercise the delegated authority in accordance with the Council's policies. All delegations are to be recorded and reported to the Council on a quarterly basis, as follows;

<b>Period</b>	<b>Report to Council</b>
1 January – 31 March	April
1 April – 30 June	July
1 July – 30 September	October
1 October – 31 December	February

**DETAILS:**

By far, the single area which results in most infringement notices being withdrawn, is that of a resident/ visitor who was not displaying the necessary permits. While the offence is "Failure to Display a Valid Permit", it is not considered appropriate to penalise residents and their visitors, since the primary purpose of introducing Residential Parking Zones is to provide respite to them. The other area of withdrawal which shows a high balance of written-off penalties is that of "Interstate or Overseas Driver". This is where the Town is unable to proceed with an infringement notice through the enforcement procedures, due to the driver not holding, nor possibly intending to hold a Western Australian Drivers Licence. The Town is also limited on the information available of vehicles being driven with interstate registration plates.

Other than the above categories, the next most prevalent withdrawal class is that of "Other" and this category incorporates everything not specifically identified in one of the other categories. "Other" incorporates withdrawals for "Financial hardship", "Disabilities", "On-duty Emergency Personnel", such as Police detectives, Doctors, Silver Chain Nurses, Counsellors, etc, where they provide evidence that they were on-duty.

On 23 January 2007, the Council approved a new Policy, dealing with how the assessment of complaints and the withdrawal of infringement notices is to be handled, so for future reports of this nature, the above trends may change.

**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 the 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 10.4.5.

**STRATEGIC IMPLICATIONS:**

The above is in accordance with Strategic Objective 4.1.4(a) *"Achieve best Practice corporate governance standards and statutory compliance including effective delegations and independent review of processes."*

**FINANCIAL/BUDGET IMPLICATIONS:**

The Council's Auditors recommend that infringement notices be reported to the Council for a decision to write-off the value of the infringement notice. In these cases, it is the opinion of the Co-ordinator/Prosecutions Officer 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:

<b><u>Description</u></b>	<b><u>Amount</u></b>
Breakdown/Stolen (Proof Produced)	\$825.00
Details Unknown/Vehicle Mismatched	\$2,865.00
Equipment Faulty (Confirmed by Technicians)	\$650.00
Failure to Display Resident or Visitor Permit	\$12,020.00
Interstate or Overseas Driver	\$7,545.00
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$5,035.00
Penalties Modified	\$618.00
Pound Fees Modified	\$24.00
Ranger/Clerical Error	\$6,015.00
Signage Incorrect or Insufficient	\$1,985.00
Ticket Purchased but not Displayed (Valid Ticket Produced)	<u>\$1,960.00</u>
<b>TOTAL</b>	<b>\$39,542.00</b>

**COMMENTS:**

It is recommended that the report on the delegations for the period 1 October 2007 to 31 December 2007 be endorsed by the Council.

**10.4.6 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	6 February 2008
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	G van den Bok		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Information Bulletin dated 12 February 2008, as distributed with the Agenda, be received.*

**COUNCIL DECISION ITEM 10.4.6**

**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED (8-0)**

**(Cr Doran-Wu was an apology for the meeting.)**

**DETAILS:**

The items included in the Information Bulletin dated 12 February 2008 are as follows:

ITEM	DESCRIPTION
IB01	Progress Report on Local Studies and History Collection – January to December 2007 (CMS0002)
IB02	Rangers' Statistics for October, November and December 2007 (PER0018)
IB03	Letter from Office of The Minister for Planning and Infrastructure thanking Mr John Giorgi, Chief Executive Officer, for a letter regarding an interpretational issue of Residential Codes (R-Codes).
IB04	Letter from Carers WA Australia thanking Mayor, Nick Catania and the Council for granting the provision of twelve parking bays at concessional rates in the Town of Vincent
IB05	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/209 of 2007 – Nicotra v Town of Vincent (6 London Street, North Perth).
IB06	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/202 of 2007 – Baker v Town of Vincent (35 Harold Street, Mount Lawley).
IB07	Email from Mr Tommaso Di Chiera acknowledging the Town for their prompt removal of graffiti within the Town.
IB08	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/308 of 2006 – Waters & Ors v Town of Vincent (37-39 Money St, Perth) attaching Orders made on 18 December 2007.

<b>ITEM</b>	<b>DESCRIPTION</b>
IB09	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/308 of 2006 – Waters & Ors v Town of Vincent (37-39 Money St, Perth) attaching replacement Orders made on 27 December 2007.
IB10	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/449 of 2007 – Bottecchia v Town of Vincent (5 Leake St, North Perth) advising Presidential Review has been delayed until after summer.
IB11	Minutes of Hyde Park Lakes Restoration Working Group held on 17 December 2007
IB12	Minutes of Hyde Park Lakes Restoration Working Group held on 31 January 2008
IB13	Letter from Landgate (Geographic Names Committee) regarding Locality boundary change – Glendalough/Mount Hawthorn
IB14	Letter from Central Metropolitan Police District regarding the Crime Prevention Audit held in September 2007.
IB15	Letter from Highgate Primary School thanking the Town for their continued support in the Year 7 Student Citizenship Awards.
IB16	Register of Petitions - Progress Report - February 2008
IB17	Register of Notices of Motion - Progress Report - February 2008
IB18	Register of Reports to be Actioned - Progress Report - February 2008
IB19	Register of Legal Action
IB20	Register of State Administrative Tribunal Appeals
IB21	Forum Notes - 11 December 2007
IB22	Notice of Forum - 19 February 2008



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

Nil.

**12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

**PROCEDURAL MOTION**

At 8.25pm **Moved** Cr Ker, **Seconded** Cr Youngman

*That the Council proceed "behind closed doors" to consider confidential items 14.1 and 14.2.*

**PROCEDURAL MOTION PUT AND CARRIED (8-0)**

(Cr Doran-Wu was an apology for the meeting.)

**14. CONFIDENTIAL REPORTS (Behind Closed Doors)**

The Presiding Member advised that the Chief Executive Officer had declared a financial interest in this Item. The Chief Executive Officer, John Giorgi, departed the Chamber at 8.25pm.

Cr Messina departed the Chamber at 8.25pm.

**14.1 Approval of Additional Key Performance Indicators for Chief Executive Officer's Deed of Contract of Employment**

<b>Ward:</b>	-	<b>Date:</b>	30 January 2008
<b>Precinct:</b>	-	<b>File Ref:</b>	Personal
<b>Attachments:</b>			
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) pursuant to section 5.23 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law Relating to Standing Orders, proceeds "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Council Members, relating to the Chief Executive Officer's – Approval of Additional Key Performance Indicators, as the matter contains information concerning an employee; and*
- (ii) AUTHORIZES the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.*

Cr Messina returned to the Chamber at 8.27pm

**COUNCIL DECISION ITEM 14.1**

**Moved Cr Ker, Seconded Cr Farrell**

*That the Item be DEFERRED to allow for further consideration of the proposed KPI's.*

**PROCEDURAL MOTION PUT AND CARRIED (8-0)**

(Cr Doran-Wu was an apology for the meeting.)

Chief Executive Officer, John Giorgi, returned to the Chamber at 8.40pm.

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**DETAILS:**

The above report is of a confidential nature as it relate to information about an employee.

**LEGAL/POLICY:**

The Town of Vincent Local Law Relating to Standing Orders states the following:

“2.15 *Confidential business*

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
  - (i) *to be treated as strictly confidential; and*
  - (ii) *not, without the authority of Council, to be disclosed to any person other than–*
    - (a) *the Members; and*
    - (b) *Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*

*prior to the discussion of that matter at a meeting of the council held with open doors.*
- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
  - (i) *then to be treated as strictly confidential; and*
  - (ii) *is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

**COMMENTS:**

The confidential reports are provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of this matter, the Council may wish to make some details available to the public.

**14.2 CONFIDENTIAL REPORT – No. 19 (Lot: 3 D/P: 9992) Glendower Street, Perth - Proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Single Houses – State Administrative Tribunal (SAT) Review Matter No. DR 349 of 2007**

<b>Ward:</b>	South	<b>Date:</b>	5 February 2008
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO4089; 5.2007.307.1
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	D Pirone		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to No. 19 (Lot: 3 D/P: 9992) Glendower Street, Perth – Proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Single Houses – State Administrative Tribunal (SAT) Review Matter No. DR 349 of 2007;*
- (ii) *FILES and SERVES the following draft “without prejudice” conditions to the SAT in response to the SAT Orders dated 21 December 2007:*
  - (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
  - (b) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town’s Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
  - (c) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
  - (d) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Glendower Street boundary and the main building (except the bin enclosures indicated on the plans), including along the side boundaries within this front setback area, complying with the following:*
    - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
    - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
    - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
    - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*

- (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (e) *first obtaining the consent of the owners of Nos. 1/15, 2/15, 3/15 and 21 Glendower Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 1/15, 2/15, 3/15 and 21 Glendower Street in a good and clean condition;*
- (f) *prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the height of the boundary walls and common walls between each dwelling being reduced so that they are no higher than the top of eaves. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (g) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (1) *the roof decks on the south-western, south-eastern and north-western elevations for units 1, 2 and 3;*
  - (2) *the dining room windows on the south-eastern and north-western elevations for units 1 and 3; and*
  - (3) *the balcony on the north-eastern (Glendower Street) elevation for unit 1 within the 7.5 metre cone of vision to the south-eastern boundary;*

*being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Or prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 1/15, 2/15, 3/15 and 21 Glendower Street and Nos. 200, 202 and 204 Bulwer Street stating no objection to the respective proposed privacy encroachments. Alternatively, screening is not required on the south-western elevation if revised plans are submitted and approved, prior to the issue of a Building Licence, demonstrating the roof deck being setback a minimum of 2.5 metres from the south-western boundary. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*

- (h) *a detailed landscaping plan, including a list of plants and the landscaping of the Glendower Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) *AUTHORISES the Chief Executive Officer to make the information available to the public, after it has been determined and finalised by the State Administrative Tribunal;*
- (iv) *at its Ordinary Meeting held on 4 December 2007, resolved:*
- “That the Council;*
- (i) *RECEIVES the report relating to No. 19 (Lot: 3 D/P: 9992) Glendower Street, Perth - Proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Single Houses - State Administrative Tribunal Review Matter No. DR 349 of 2007; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, SUPPORTS as part of the State Administrative Tribunal Review Matter No. DR 349 of 2007, the application submitted by Oldfield Knott Architects on behalf of the owners M S Kimber, D P Coyne and N Grewal for Proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Single Houses at No. 19 (Lot 3) Glendower Street, Perth, and as shown on plans stamp-dated 19 November 2007 (plans circulated separately), subject to the following conditions:*
- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (b) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town’s Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (c) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (d) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Glendower Street boundary and the main building (except the bin enclosures indicated on the plans), including along the side boundaries within this front setback area, complying with the following:*
- (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*

- (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (e) *first obtaining the consent of the owners of Nos. 1/15, 2/15, 3/15 and 21 Glendower Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No.s 1/15, 2/15, 3/15 and 21 Glendower Street in a good and clean condition;*
- (f) *prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the height of the boundary walls and common walls between each dwelling being reduced by a minimum of 300 millimetres and constructed in accordance with the Building Codes of Australia Part 3.7.1 The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (g) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (1) *the roof decks on the south-western, south-eastern and north-western elevations for units 1, 2 and 3;*
  - (2) *the dining room windows on the south-eastern and north-western elevations for units 1 and 3;*
  - (3) *the balcony on the north-eastern (Glendower Street) elevation for unit 1 within the 7.5 metre cone of vision to the south-eastern boundary; and*
  - (4) *the upper floor eastern boundary wall being setback a minimum of 1 metre from the boundary for a portion of the length not less than 1/3 of the full length;*

*being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Or prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 1/15, 2/15, 3/15 and 21 Glendower Street and Nos. 200, 202 and 204 Bulwer Street stating no objection to the respective proposed privacy encroachments. Alternatively, screening is not required on the south-western elevation if revised plans are submitted and approved, prior to the issue of a Building Licence, demonstrating the roof deck being setback a minimum of 2.5 metres from the south-western boundary. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*

*(h) a detailed landscaping plan, including a list of plants and the landscaping of the Glendower Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).”*

*(v) Councillor .....MOVES a motion to REVOKE the decision as specified in Clause (iv) above;*

*(vi) in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Council Members, namely Councillor ....., Councillor ..... and Councillor ....., being one third of the number of offices of members of the Council, SUPPORT this motion to revoke or change a Council decision; and*

*(vii) in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to REVOKE the resolution adopted by the Council at its Ordinary Meeting held on held on 4 December 2007, as shown below;*

*“That the Council;*

- (i) *RECEIVES the report relating to No. 19 (Lot: 3 D/P: 9992) Glendower Street, Perth - Proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Single Houses - State Administrative Tribunal Review Matter No. DR 349 of 2007; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, SUPPORTS as part of the State Administrative Tribunal Review Matter No. DR 349 of 2007, the application submitted by Oldfield Knott Architects on behalf of the owners M S Kimber, D P Coyne and N Grewal for Proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Single Houses at No. 19 (Lot 3) Glendower Street, Perth, and as shown on plans stamp-dated 19 November 2007 (plans circulated separately), subject to the following conditions:*
  - (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
  - (b) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town’s Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
  - (c) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
  - (d) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Glendower Street boundary and the main building (except the bin enclosures indicated on the plans), including along the side boundaries within this front setback area, complying with the following:*
    - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
    - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
    - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
    - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*



- (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (e) *first obtaining the consent of the owners of Nos. 1/15, 2/15, 3/15 and 21 Glendower Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No.s 1/15, 2/15, 3/15 and 21 Glendower Street in a good and clean condition;*
- (f) *prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the height of the boundary walls and common walls between each dwelling being reduced by a minimum of 300 millimetres and constructed in accordance with the Building Codes of Australia Part 3.7.1 The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (g) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (1) *the roof decks on the south-western, south-eastern and north-western elevations for units 1, 2 and 3;*
  - (2) *the dining room windows on the south-eastern and north-western elevations for units 1 and 3;*
  - (3) *the balcony on the north-eastern (Glendower Street) elevation for unit 1 within the 7.5 metre cone of vision to the south-eastern boundary; and*
  - (4) *the upper floor eastern boundary wall being setback a minimum of 1 metre from the boundary for a portion of the length not less than 1/3 of the full length;*

*being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Or prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 1/15, 2/15, 3/15 and 21 Glendower Street and Nos. 200, 202 and 204 Bulwer Street stating no objection to the respective proposed privacy encroachments.*

*Alternatively, screening is not required on the south-western elevation if revised plans are submitted and approved, prior to the issue of a Building Licence, demonstrating the roof deck being setback a minimum of 2.5 metres from the south-western boundary. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*

- (h) *a detailed landscaping plan, including a list of plants and the landscaping of the Glendower Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s)."*

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**Moved Cr Farrell, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

Clause (v) Cr Farrell moves a motion to revoke the decision as specified in clause (v).

Clause (vi) Mayor Catania, Crs Farrell and Messina support the motion to revoke as specified in clause (v).

**MOTION PUT AND CARRIED**  
**BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Doran-Wu was an apology for the meeting.)

**PROCEDURAL MOTION**

At 8.45pm **Moved Cr Ker, Seconded Cr Farrell**

*That the Council resume an "open" meeting.*

**PROCEDURAL MOTION PUT AND CARRIED (8-0)**

(Cr Doran-Wu was an apology for the meeting.)

**COUNCIL DECISION ITEM 14.2**

*That the Council;*

- (i) *RECEIVES the report relating to No. 19 (Lot: 3 D/P: 9992) Glendower Street, Perth – Proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Single Houses – State Administrative Tribunal (SAT) Review Matter No. DR 349 of 2007;*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions to the SAT in response to the SAT Orders dated 21 December 2007:*
- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*

- (b) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (c) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (d) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Glendower Street boundary and the main building (except the bin enclosures indicated on the plans), including along the side boundaries within this front setback area, complying with the following:*
  - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
  - (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (e) *first obtaining the consent of the owners of Nos. 1/15, 2/15, 3/15 and 21 Glendower Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 1/15, 2/15, 3/15 and 21 Glendower Street in a good and clean condition;*
- (f) *prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the height of the boundary walls and common walls between each dwelling being reduced so that they are no higher than the top of eaves. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (g) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (1) *the roof decks on the south-western, south-eastern and north-western elevations for units 1, 2 and 3;*

- (2) *the dining room windows on the south-eastern and north-western elevations for units 1 and 3; and*
- (3) *the balcony on the north-eastern (Glendower Street) elevation for unit 1 within the 7.5 metre cone of vision to the south-eastern boundary;*

*being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Or prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 1/15, 2/15, 3/15 and 21 Glendower Street and Nos. 200, 202 and 204 Bulwer Street stating no objection to the respective proposed privacy encroachments. Alternatively, screening is not required on the south-western elevation if revised plans are submitted and approved, prior to the issue of a Building Licence, demonstrating the roof deck being setback a minimum of 2.5 metres from the south-western boundary. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*

- (h) *a detailed landscaping plan, including a list of plants and the landscaping of the Glendower Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) *AUTHORISES the Chief Executive Officer to make the information available to the public, after it has been determined and finalised by the State Administrative Tribunal;*
- (iv) *at its Ordinary Meeting held on 4 December 2007, resolved:*
  - “That the Council;*
  - (i) *RECEIVES the report relating to No. 19 (Lot: 3 D/P: 9992) Glendower Street, Perth - Proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Single Houses - State Administrative Tribunal Review Matter No. DR 349 of 2007; and*
  - (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, SUPPORTS as part of the State Administrative Tribunal Review Matter No. DR 349 of 2007, the application submitted by Oldfield Knott Architects on behalf of the owners M S Kimber, D P Coyne and N Grewal for Proposed Demolition of Existing*

*Single House and Construction of Three (3) Two-Storey Single Houses at No. 19 (Lot 3) Glendower Street, Perth, and as shown on plans stamp-dated 19 November 2007 (plans circulated separately), subject to the following conditions:*

- (a) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (b) an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (c) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (d) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Glendower Street boundary and the main building (except the bin enclosures indicated on the plans), including along the side boundaries within this front setback area, complying with the following:*
  - (1) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (2) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (3) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (4) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
  - (5) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (e) first obtaining the consent of the owners of Nos. 1/15, 2/15, 3/15 and 21 Glendower Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No.s 1/15, 2/15, 3/15 and 21 Glendower Street in a good and clean condition;*

- (f) *prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the height of the boundary walls and common walls between each dwelling being reduced by a minimum of 300 millimetres and constructed in accordance with the Building Codes of Australia Part 3.7.1 The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (g) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (1) *the roof decks on the south-western, south-eastern and north-western elevations for units 1, 2 and 3;*
  - (2) *the dining room windows on the south-eastern and north-western elevations for units 1 and 3;*
  - (3) *the balcony on the north-eastern (Glendower Street) elevation for unit 1 within the 7.5 metre cone of vision to the south-eastern boundary; and*
  - (4) *the upper floor eastern boundary wall being setback a minimum of 1 metre from the boundary for a portion of the length not less than 1/3 of the full length;*

*being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Or prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 1/15, 2/15, 3/15 and 21 Glendower Street and Nos. 200, 202 and 204 Bulwer Street stating no objection to the respective proposed privacy encroachments. Alternatively, screening is not required on the south-western elevation if revised plans are submitted and approved, prior to the issue of a Building Licence, demonstrating the roof deck being setback a minimum of 2.5 metres from the south-western boundary. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*

- (h) *a detailed landscaping plan, including a list of plants and the landscaping of the Glendower Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).”*

- (v) *Councillor Farrell MOVES a motion to REVOKE the decision as specified in Clause (iv) above;*
- (vi) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Council Members, namely Mayor Catania, Councillor Farrell and Councillor Messina, being one third of the number of offices of members of the Council, SUPPORT this motion to revoke or change a Council decision; and*
- (vii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to REVOKE the resolution adopted by the Council at its Ordinary Meeting held on held on 4 December 2007, as shown below;*

*“That the Council;*

- (i) *RECEIVES the report relating to No. 19 (Lot: 3 D/P: 9992) Glendower Street, Perth - Proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Single Houses - State Administrative Tribunal Review Matter No. DR 349 of 2007; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, SUPPORTS as part of the State Administrative Tribunal Review Matter No. DR 349 of 2007, the application submitted by Oldfield Knott Architects on behalf of the owners M S Kimber, D P Coyne and N Grewal for Proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Single Houses at No. 19 (Lot 3) Glendower Street, Perth, and as shown on plans stamp-dated 19 November 2007 (plans circulated separately), subject to the following conditions:*
- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (b) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town’s Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (c) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (d) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Glendower Street boundary and the main building (except the bin enclosures indicated on the plans), including along the side boundaries within this front setback area, complying with the following:*
- (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*

- (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (e) *first obtaining the consent of the owners of Nos. 1/15, 2/15, 3/15 and 21 Glendower Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No.s 1/15, 2/15, 3/15 and 21 Glendower Street in a good and clean condition;*
- (f) *prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the height of the boundary walls and common walls between each dwelling being reduced by a minimum of 300 millimetres and constructed in accordance with the Building Codes of Australia Part 3.7.1 The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (g) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (1) *the roof decks on the south-western, south-eastern and north-western elevations for units 1, 2 and 3;*
  - (2) *the dining room windows on the south-eastern and north-western elevations for units 1 and 3;*
  - (3) *the balcony on the north-eastern (Glendower Street) elevation for unit 1 within the 7.5 metre cone of vision to the south-eastern boundary; and*
  - (4) *the upper floor eastern boundary wall being setback a minimum of 1 metre from the boundary for a portion of the length not less than 1/3 of the full length;*



*being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Or prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 1/15, 2/15, 3/15 and 21 Glendower Street and Nos. 200, 202 and 204 Bulwer Street stating no objection to the respective proposed privacy encroachments. Alternatively, screening is not required on the south-western elevation if revised plans are submitted and approved, prior to the issue of a Building Licence, demonstrating the roof deck being setback a minimum of 2.5 metres from the south-western boundary. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*

- (h) *a detailed landscaping plan, including a list of plants and the landscaping of the Glendower Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s)."*

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**Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.**

#### **PURPOSE OF REPORT:**

- To update the Council of the above review matter.
- To comply with the requirements of the Town's Policy/Procedure for SAT.
- To advise the Council of the draft "without prejudice" conditions of approval in advance of the determination of the above review matter.

#### **BACKGROUND:**

- |                 |  |
|-----------------|--|
| 17 August 2007  | The applicant submitted a planning application for the demolition of an existing single house and the construction of three, two-storey single houses. |
| 18 October 2007 | The applicant lodged a review application with SAT in relation to the deemed refused planning application.   |
| 2 November 2007 | Direction Hearing at SAT.  |

- 8 November 2007                      Mediation at SAT.
- 19 November 2007                    Applicant submitted revised plans as per the request at the mediation held on 8 November 2007.
- 4 December 2007                    Council at its Ordinary Meeting considered the above matter as a "Confidential Report", and resolved the following:

*“That the Council;*

- (i) RECEIVES the report relating to No. 19 (Lot: 3 D/P: 9992) Glendower Street, Perth - Proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Single Houses - State Administrative Tribunal Review Matter No. DR 349 of 2007; and*
- (ii) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, SUPPORTS as part of the State Administrative Tribunal Review Matter No. DR 349 of 2007, the application submitted by Oldfield Knott Architects on behalf of the owners M S Kimber, D P Coyne and N Grewal for Proposed Demolition of Existing Single House and Construction of Three (3) Two-Storey Single Houses at No. 19 (Lot 3) Glendower Street, Perth, and as shown on plans stamp-dated 19 November 2007 (plans circulated separately), subject to the following conditions:*
  - (a) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
  - (b) an archival documented record of the place (including photographs, floor plans and elevations) for the Town’s Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
  - (c) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
  - (d) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Glendower Street boundary and the main building (except the bin enclosures indicated on the plans), including along the side boundaries within this front setback area, complying with the following:*
    - (1) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*

- (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (e) *first obtaining the consent of the owners of Nos. 1/15, 2/15, 3/15 and 21 Glendower Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No.s 1/15, 2/15, 3/15 and 21 Glendower Street in a good and clean condition;*
- (f) *prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the height of the boundary walls and common walls between each dwelling being reduced by a minimum of 300 millimetres and constructed in accordance with the Building Codes of Australia Part 3.7.1 The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (g) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (1) *the roof decks on the south-western, south-eastern and north-western elevations for units 1, 2 and 3;*

- (2) *the dining room windows on the south-eastern and north-western elevations for units 1 and 3;*
- (3) *the balcony on the north-eastern (Glendower Street) elevation for unit 1 within the 7.5 metre cone of vision to the south-eastern boundary; and*
- (4) *the upper floor eastern boundary wall being setback a minimum of 1 metre from the boundary for a portion of the length not less than 1/3 of the full length;*

*being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Or prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 1/15, 2/15, 3/15 and 21 Glendower Street and Nos. 200, 202 and 204 Bulwer Street stating no objection to the respective proposed privacy encroachments. Alternatively, screening is not required on the south-western elevation if revised plans are submitted and approved, prior to the issue of a Building Licence, demonstrating the roof deck being setback a minimum of 2.5 metres from the south-western boundary. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*

- (h) *a detailed landscaping plan, including a list of plants and the landscaping of the Glendower Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of*

*the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s)."*

12 December 2007

Further Mediation held at SAT.

18 December 2007

The Council at its Ordinary Meeting refused the subject application for demolition of existing single house and construction of three two-storey single houses, for the following reasons:

- “1. *Extensive building boundary walls adjacent to the eastern and western boundaries, especially given their height, length, and nil setbacks.*
2. *Excessive plot ratio variation.*
3. *Significant building wall height variation.*
4. *Significant building setbacks variations.*
5. *Significant undue overlooking from habitable spaces onto adjacent properties.*
6. *Consideration of the objections received.*
7. *The development, as a result of the number and extent of variations to the relevant requirements, will have an undue impact on the amenity on the area.”*

4 March 2008

Final Hearing to be held at SAT.

#### **DETAILS:**

The review application for the development proposal involving the demolition of an existing single house and the construction of three, two-storey single houses was deemed refused as the 60-day Council determination date had expired; and subsequently refused by the Council at its Ordinary Meeting held on 18 December 2007, pursuant to Section 31 of the State Administrative Tribunal Act 2004.

The applicant is being represented by Jackson McDonald Lawyers. The Town has appointed SJB Town Planning and Urban Design to prepare the various submissions in relation to the subject review matter. Councillor Sally Lake and an objector will be attending the Hearing and acting as witnesses for the Town.

The applicant's submissions and plans are circulated separately to Council Members, the Chief Executive Officer and Directors.

#### **CONSULTATION/ADVERTISING:**

Not Applicable.

#### **LEGAL/POLICY:**

Planning and Development Act 2005 (WA), State Administrative Appeal Tribunal Act 2004 (WA) and Town's Policy No. 4.1.23 - Policy/Procedure for State Administrative Tribunal.

**STRATEGIC IMPLICATIONS:**

Not Applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The current 2007/2008 Budget allocates \$50,000 for SAT Review Consultants. Cost associated with the services of Mr. Simon Bain of SJB Town Planning and Urban Design.

**COMMENTS:**

Subsequent to a Mediation held at SAT on 8 November 2007, the Council at its Ordinary Meeting held on 4 December 2007, resolved to recommend conditional support to the State Administrative Tribunal for the subject planning application at No. 19 Glendower Street. However, under Section 31 of the SAT Act 2004, the Town was invited to determine the subject application; (that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision.). Due to the above, it is recommended that the Council revoke the Council Resolution from its Ordinary Meeting held on 4 December 2007, as it was an oversight of the Officers that an actual determination was not made on this date, only a recommendation for support to the Tribunal.

In light of the above, it is also recommended that the Council receive the report relating to the SAT review matter and endorse the “*without prejudice*” conditions, as per the Officer Recommendation, should the SAT grant approval of the proposed development.

**PROCEDURAL MOTION**

**At 8.45pm**      **Moved Cr Ker, Seconded Cr Farrell**

*That the Council resume an “open” meeting.*

**PROCEDURAL MOTION PUT AND CARRIED (8-0)**

**(Cr Doran-Wu was an apology for the meeting.)**

**15. CLOSURE**

**The Presiding Member, Mayor Catania, declared the meeting closed at 8.45pm with the following persons present:**

- |                                 |                               |
|---------------------------------|-------------------------------|
| Mayor Catania, JP               |                               |
| Cr Steed Farrell (Deputy Mayor) | North Ward                    |
| Cr Anka Burns                   | South Ward                    |
| Cr Ian Ker                      | South Ward                    |
| Cr Sally Lake                   | South Ward                    |
| Cr Dudley Maier                 | North Ward                    |
| Cr Izzi Messina                 | South Ward                    |
| Cr Noel Youngman                | North Ward                    |
| John Giorgi, JP                 | Chief Executive Officer       |
| Rob Boardman                    | Director Development Services |
| Rick Lotznicker                 | Director, Technical Services  |

No media representatives or members of the public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 12 February 2008.

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

Dated this ..... day of ..... 2008