



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

9 SEPTEMBER 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 9 September 2008, commencing at 6.00pm.

At 6.00pm the Chief Executive Officer advised that apologies had been received from Crs Doran-Wu and Messina who were both running late due to work commitments. Therefore, as there is no quorum the meeting cannot commence until five Council Members are present.

1. DECLARATION OF OPENING

The Presiding Member, Deputy Mayor Steed Farrell, declared the meeting open at 6.04pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Mayor Catania – apologies – due to work commitments.
Cr Doran-Wu – apologies – arriving late due to work commitments.
Cr Messina – apologies – arriving late due to work commitments.

(b) Present:

Cr Steed Farrell (Acting Mayor)	Presiding Member, North Ward
Cr Doran-Wu	North Ward (from 6.04pm)
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward (from 6.13pm)
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Phynea Papal	Journalist – “ <i>The Guardian Express</i> ”

Approximately 17 Members of the Public

(c) Members on Approved Leave of Absence:

Cr Burns – for personal reasons.
Cr Youngman – due to work commitments.

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

The following submissions were made by persons in the Public Gallery:

1. Alex McCaughan of 119 Coogee Street, Mt Hawthorn – Item 10.1.8. Representing Chiraz Holdings who have a house at 93 Coogee Street. Stated that he had a call from Planning Officer Danielle Pirone advising that the matter had been approved and was going up to Council this evening and it does comply. Stated that unfortunately this has been going on for quite sometime with objections by neighbours and therefore has been under the microscope and expects at this stage that it has complied and will be approved.

2. Rachael Whitworth of 91 Coogee Street, Mt Hawthorn – Item 10.1.8. Stated that their objections have been submitted to Council supported by specific references to relevant parts of the State Planning Policy and accompanied by calculations substantiating issues. Main objections are overshadowing and setbacks as they believe the developer is in contravention to R Codes 2008 and Town's Residential Design Elements Policy 2007. Stated the problem is trying to "*shoehorn*" a 2-storey house onto a small suburban block; the house is 32m long and has 1m clearance down each side of the house. Believes the designer must have been aware that this would have significant impact on the neighbours and hoping neighbours would not object. Advised that the back flip in the final submission to Council is to claim that earlier regulations should apply to reduce impact of building bulk however, it would be at a cost of increasing overshadowing by 9m². In their opinion, in the papers before Council they still believe that the overshadowing on their block is excessive. Stated that the R Codes state that with regard to solar access the site area is measured without regard to building on it but taking into account its natural ground level and the interpretation of natural ground level applied by the Senior Planner who takes it to be the floor level of their house which sits 1m above the ground and is of great advantage to the developer. Also stated that this calculation was adopted after the Planner clearly found that 93 Coogee Street was overshadowing their block by up to 195m² rather than the required 171m² therefore this assessment reduces the overshadowing figure but "*flies in the face*" of page 6.22 of the Guidelines. Advised that in the Guidelines a narrow east-west oriented lot on the south side of a development site, especially where the terrain slopes toward the south, it is highly vulnerable to being overshadowed even by relatively low building setback from the common boundary. They contend with the R Codes applied correctly overshadowing is in excess of 15m². Stated that in relation to setbacks, these are determined by Table 2A and 2B, the 2-storey section of the proposed house is 15 m long, the wall is 5.4 to 6.1m above natural ground level. A wall of that length should be offset to 1.8-2m but the closest section of the building is setback 1m from the boundary and their house sits 70cm from the fence line which means there will be a mere 1.7m between the walls of the houses. Stated horizontal and vertical articulation of such a wall does not make it vanish and for 10m of the length the guttering is only 1m from the boundary and it is the guttering that blocks the skyline. Advised this building does impacts significantly on the indoor and outdoor of their living space. Suggested that Council instruct the developer to adhere to Guidelines and move the building back to a minimum of 1.8m reducing overshadowing to within acceptable limits.
3. Andrew Wilkinson of 91 Coogee Street, Mt Hawthorn – Item 10.1.8. Stated that they are all long term ratepayers from the Town and would like to speak on process issues. Stated that the development exceeds overshadowing allowed in R Codes and believes they have had a serious number of process flaws. Advised that the first Officer looking after the case, when looking at overshadowing did not take into account the slope of the land. They then asked to speak to a more Senior Planner who was more willing to listen and was going to take away the plans and look at them until they pointed out that the plans were not-to-scale. He thanked them for pointing that out and agreed that if they were to go legal at this stage, in his words "*the Council would be in an invidious position*" – two process flaws for which is a serious measurement (especially overshadowing) going forward for an environmental impact on any building or development. Stated the Planner agreed they would make sure both parties are agreeable to the measurements and would come to a standardised approach. Believed things were then heading along the right course. They engaged external surveyors etc to make sure they got the natural ground level but later found out that they made consultation with external parties – being 3 other Councils and re-determined the natural ground level for them was the floor of the house. Stated that if this is such a serious measurement for any Council or ratepayers, to have a standardised measure in place, he would think, would be one

of the most crucial things and he takes this as a very serious lack process. Believes that setbacks at No. 93 need to be 1.8m as per R Codes as No. 91 has been approved to be 1.03m from the fence line which puts the houses 1.3m apart which is ridiculously close and impacts on overshadowing. He asked Council to refuse the application.

Cr Messina entered the Chamber at 6.13pm.

4. Tony Reed of 95 Coogee Street, Mt Hawthorn – Item 10.1.8. Stated that this house does not comply with the setbacks on the northern boundary. Believes it is one thing to say that there would a single storey house breaking the setbacks and being close to the fence, but this is a significant 2-storey, it goes for a long stretch down the block length. Does not agree with the Councils recommendation that this does not affect the neighbour, as a 2-storey wall so close to the fence is much more severe than a single storey wall. Asked that the Town comply with its own Guidelines in relation to setbacks especially as this house will be demolished rather than an addition to an existing dwelling.
5. Lindsay Turner of 49 Mary Street, Highgate – Item 10.1.5. Stated that he submitted objections to Councillors on Sunday night via email, main objection being the height of the boundary wall and building. Stated that after meeting with the architect and owners they have come to an agreement that if Council allows them raise their proposed development up by a certain height, it would reduce the boundary setback and impact over the overall height on their building. As he was hopefully getting a letter of consent, he would like to withdraw his objection.
6. Silvestro Guerriero of 48 Chatsworth Road, Highgate – Item 10.1.5. Stated that he objections to this development, due to privacy issues.
7. Dan O'Donovan of 39 Chatsworth Road, Highgate – Item 10.1.5. In relation to privacy, overshadowing, loss of amenity etc, he stated that they have done everything they can over the last five months working with the Planning Department and he would like Council to support the recommendation and move forward. Advised that they have increased setbacks on all sides. Believes they have done everything they can to mitigate factors affecting neighbours, would therefore like Council to approve the matter and looks for to Council's support.
8. Greg Johnson of 159 Scarborough Beach Road, Mt Hawthorn – Item 10.1.10. Advised he is proprietor of Treadways Shoe Store. Believes the recommendation is very sound and would like Councillors to support its refusal. Also believes the grounds for refusing it are very sound. Pointed out that Council has spent considerable money and time developing a retail precinct and strategy for the area which is now being implemented, it looks fabulous and it has take a long time to get it to this point and it has been done through great consultation with retailers, residents and all people involved in the area. Believes this change of use would not meet the objective of that strategy. Stated that whilst the Council has a strategy of being able to provide diversity, employment etc in their overall Town strategy, believes it is stretching it to say that this is a retail activity. Stated that in the view of the retailers, provisions of pole dancing, belly dancing etc do not constitute retail activity. He is pleased that Officers have not recommended the change of use and hopes Councillors will support it. Stated that should this be approved and fail, the owners of the property, not the applicants, he understands have a history of operating other entertainment venues therefore his real concern is, down the track if the change was approved, should this fail it may end up something that was not intended.

9. Peter Webb (Town Planning Consultant acting for Mr Rata) of 19 York Street, Subiaco – Item 10.1.3. Stated that upon reviewing the report he forwarded an email to Councillors expressing concern about the Officer Recommendation and reasons for concern. Notes the recommendation follows an action by SAT where they invited Council to reconsider its previous decision to refuse the application. Stated the applicant acknowledged the professional assistance given during the process, which he appreciates, notwithstanding the negative recommendation. Stated he has reviewed the documents referred to in clause (b) of the recommendation and absolutely disagrees that it is non compliant with:
- the Town's Town Planning Scheme No. 1. Believes Council does have discretion to approve the application – therefore it is not non compliant;
 - the Town's Economic Development Strategy as economic activity is to be encouraged in local centres, however, it is not prohibited from operating in residential areas in certain circumstances – this is a very benign application;
 - Council's Policy relating to Non-Residential/Residential Development Interface, in fact the proposed use is more consistent with this Policy than are other residential developments in the area as unlike its immediate residential neighbours the property does retain the classical North Perth architectural vernacular. Believes this is most important and should be taken into consideration. Stated photographs presented as part of the submission demonstrate that clearly. Believes the proposal will not compromise the residential amenity of the locality and is not in conflict with the principles of orderly and proper planning that have been suggested. However, they suggest that this proposal would arguably enhance the residential amenity as it will add a little to the attractive cosmopolitan area and being a reasonably benign daytime activity will contribute to the security of the area. Believes in the application the applicant has no desire to compromise the residential integrity of the area and, accordingly has chosen to remove the proposed signage from the front of the building so his client's/associates will only attend the building knowing the street address, which is a significant concession.

Seeks to have Council accept the Tribunal's invitation to review the early decision which at the time was, in their view, based on an incomplete application. Stated that if Council is prepared to do that, the applicant will remove the application before the Tribunal.

There being no further speakers, public question time finished at approx. 6.24pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Refer to IB02 – Letter to Mr A Buters, Charles Street, North Perth.

Refer to IB03 – Letter to Mr J Davies, Clarence Street, Mount Lawley.

Refer to IB04 – Letter to North Perth Precinct Group Inc, Auckland Street North Perth.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Doran-Wu requested leave of absence for the Ordinary Meeting of Council to be held on 18 November 2008, for personal reasons.

Moved Cr Ker, Seconded Cr Messina

That Cr Doran-Wu's request for leave of absence for the Ordinary Meeting of Council to be held on 18 November 2008, for personal reasons, be approved.

CARRIED (6-0)

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 Petition received from Mr C Robinson of Brisbane Street, Perth along with 28 signatures requesting for a perimeter fence at Robinson Park – dog exercise area.

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

Moved Cr Ker, Seconded Cr Messina

That the Petition be received as recommended.

CARRIED (6-0)

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 26 August 2008.

Moved Cr Ker, Seconded Cr Messina

That the Minutes of the Ordinary Meeting of Council held 26 August 2008 be confirmed as a true and correct record.

CARRIED (6-0)

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

- 7.1 Employee of the Month Award for the Town of Vincent for September 2008

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the Town. The recipients receive a \$100 voucher, kindly donated by the North Perth Community Bank, and a Certificate. Also their photograph is displayed in the Town's Administration Centre Foyer, in the Library and at Beatty Park Leisure Centre.

For SEPTEMBER 2008, the award is presented to ARTHUR TYSON, Rubbish Truck Driver with the Town's Park Services Section. Arthur was nominated by a fellow colleague, Ben Ceber, Area Gardener in Park Services, for the dedicated and reliable service that he provides to both the Parks Services Team and the Engineering Team. Ben further stated as follows;

"As an Area Gardener, I have always found Arthur to go beyond what is reasonably expected and is happy to help assist his fellow workers at all times. Arthur has a very busy position within the Parks Services Team. At times, I have called Arthur on the "two-way" when he is doing the rubbish run on Beaufort Street and he is more than happy to stop what he is doing to assist me in collecting a full bin that I need emptying or branch that needs picking up - which in my mind is going beyond the call of duty.

Over the years, I have also found Arthur to be a friendly, knowledgeable person, who is a pleasure to deal with."

Arthur's nomination has also been wholeheartedly endorsed by the Manager Parks Services, Jeremy van den Bok and Co-ordinator Park Services, David Hoy, who stated that Arthur is well respected by his peers and goes about his work without any fuss.

Congratulations Arthur – well done!

Received with Acclamation!

8. DECLARATIONS OF INTERESTS

- 8.1 Cr Messina declared a Financial interest in Item 10.3.1 – Investment Report. The extent of his interest being that he is a director and shareholder of the North Perth Community Bendigo Bank, in which the Town has investment shares.

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

Nil.

10. REPORTS

The Presiding Member, Deputy Mayor Steed Farrell, 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 10.1.8, 10.1.5, 10.1.10 and 10.1.3.

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:

Item 10.1.2.

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

Item 10.3.1.

Presiding Member, Deputy Mayor Steed Farrell, 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 Messina	Item 10.2.1.
Cr Ker	Nil.
Cr Doran-Wu	Item 10.4.3.
Cr Lake	Nil.
Cr Maier	Items 10.2.2 and 10.4.2.
Presiding Member Farrell	Nil.

The Presiding Member, Deputy Mayor Steed Farrell, 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 10.1.1, 10.1.4, 10.1.6, 10.1.7, 10.1.9, 10.1.11, 10.2.3, 10.2.4, 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:**

Nil.

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 10.1.1, 10.1.4, 10.1.6, 10.1.7, 10.1.9, 10.1.11, 10.2.3, 10.2.4, 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 10.1.8, 10.1.5, 10.1.10 and 10.1.3.

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

Moved Cr Ker, Seconded Cr Maier

That the following unopposed items be approved, as recommended, "En Bloc";

Items 10.1.1, 10.1.4, 10.1.6, 10.1.7, 10.1.9, 10.1.11, 10.2.3, 10.2.4, 10.3.2, 10.3.3 and 10.4.1.

CARRIED (6-0)

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

10.1.1 Further Report - Australian Research Council (ARC) Linkage Grant for Historical GIS

Ward:	Both Wards	Date:	28 August 2008
Precinct:	All Precincts	File Ref:	CVC 0037
Attachments:	001		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report relating to the proposed involvement of the Town of Vincent in the Australian Research Council (ARC) Linkage Grant to develop a GIS system to map historical cultural information within the area bounded by Bulwer Street to the north, Pier Street to the east, Swan River to the south and Kings Park to the west;*
- (ii) *ACCEPTS the invitation from the Northbridge History Project to become an Industry Partner in the Australian Research Council (ARC) Linkage Grant Project to develop a GIS system to map the historical cultural information of the designated study area detailed in clause (i) above;*
- (iii) *SUPPORTS IN PRINCIPLE the allocation of a \$40,000 cash contribution towards the project, per annum over a three year period, commencing in the 2009 - 2010 financial year if the application for the Linkage Grant is successful; and*
- (iv) *SUPPORTS IN PRINCIPLE on going in-kind support from the Town's Heritage Services and Local History Centre for the length of the project as required.*

COUNCIL DECISION ITEM 10.1.1

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

FURTHER REPORT:

The Council considered the matter at its Ordinary Meeting held on 22 July 2008 and resolved as follows:

"That the item be DEFERRED for further consideration and the Director of the Northbridge History Project, Dr Felicity Moral – Ednie Brown be requested to provide further information to a Forum."

Accordingly, at the Council Members Forum held on 19 August 2008, the Director of the Northbridge History Project provided a detailed overview on the scope of the Australian Research Council (ARC) Linkage Grant Project and its implications for the Town of Vincent. Key points outlined by Dr Felicity Moral Ednie-Brown to assist the Town in confirming its cash and/or in-kind contribution to the project are summarised below:

- The ARC Grant for Virtual Perth has developed from the Northbridge History Project that was initiated in 2005 to revitalise Northbridge authentically by using its history and to use this information as a catalyst to revitalise the City.
- The study area for the grant will focus on the Perth central area north to Bulwer Street, south to the Swan River, east to Pier Street and west to Kings Park. Once completed, the grant will deliver a model that can be expanded upon to Perth's wider metropolitan area and beyond.
- The Grant proposes to develop a geographic information system (GIS) model that will allow information relating to Perth to be accessed via a user friendly online interface. This has a key advantage in collocating information based on its geo-spatial location within GIS, effectively 'geo-clipping' information together. This information could include (though not limited to) images, documents, records, reports, oral histories, heritage assessments and other media.
- The Department for Planning and Infrastructure (DPI) have nominated to be the lead agency for the project with the responsibility to ensure data validity and to resolve any cross-loading problems for the period of the grant and extended to 10 years.
- All industry partners have been requested to provide support in-kind and a cash contribution of between \$40,000 to \$80,000 per annum for three years. If a proposal is seeking \$500,000 or more in any given year from the Federal Government, the industry partners' combined cash contributions must be at least 50 per cent of the total amount sought. If requesting less than this amount, the combined industry partners' contributions for the proposal (that is, the total cash contributions and/or in-kind contributions of all industry partners) must at least match the total amount sought from the Federal Government. The maximum amount available from the Federal Government is currently \$2,000,000 over the life of the project with a maximum of \$500,000 in each year. Generally, Linkage Grant Projects extend over three (3) years.
- A detailed overview of how the money is to be spent is difficult to ascertain at this stage; however, it can be confirmed that in part the funding will be spent on two (2) research fellows, an administrator and two (2) PhD students over the three year period.
- It is considered that the project will provide key benefits to the Town of Vincent, including, but not limited to: Masters Students to geo-code the Town's data sets, collaboration of historical information archived within the City of Perth and the Town of Vincent and a user-friendly and innovative public interface to search historical information within a GIS mapping framework.
- Applications for this round of the Linkage Grant project close on 1 November 2008. If the application is not successful, the Town will not be required to release the funds allocated to the project.

Accordingly, the previous Officer Recommendation has changed to reflect the information that was raised at the Council Members Forum held on 19 August 2008.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 22 July 2008.

"OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES the report relating to the proposed involvement of the Town of Vincent in the Australian Research Council (ARC) Linkage Grant to develop a GIS system to map the historical cultural information of Northbridge;*
- (ii) ACCEPTS the invitation from the Northbridge History Project to become an Industry Partner in the Australian Research Council (ARC) Linkage Grant Project to develop a GIS system to map the historical cultural information of Northbridge;*
- (iii) SUPPORTS in principle the allocation of a \$40,000 cash contribution towards the project, per annum over a three year period commencing in the 2009 - 2010 financial year; and*
- (iv) SUPPORTS in principle on going in-kind support from the Town's Heritage Services and Local History Centre for the length of the project.*

COUNCIL DECISION ITEM 10.1.9

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Messina

That the item be DEFERRED for further consideration and the Director of the Northbridge History Project, Dr Felicity Moral – Ednie Brown be requested to provide further information to a Forum.

PROCEDURAL MOTION PUT AND CARRIED (7-2)

For: Mayor Catania, Cr Burns, Cr Ker, Cr Lake, Cr Maier, Cr Messina, Cr Youngman

Against: Cr Doran-Wu, Cr Farrell

PURPOSE OF REPORT:

The purpose of this report is to present to the Council an overview of the proposed Australian Research Council (ARC) Linkage Grant Application to develop a GIS system to map the historical cultural information of Northbridge and to seek Council support for direct financial and in-kind contribution to the project.

BACKGROUND:

Northbridge History Project

The Australian Research Council (ARC) Linkage Grant proposal has developed from the Northbridge History Project, interested universities and relevant industry bodies. The Northbridge History Project was created in 2005 through the Department of Premier and Cabinet, with a vision to create an inspiring historical context for the future development of Northbridge as a uniquely attractive place to visit, work and live.

The key objectives of the Northbridge History Project are as follows:

- *To identify the different histories of Northbridge;*
- *As a resource for the authentic interpretation of Northbridge;*
- *To create community awareness, engagement and ownership of Northbridge through understanding its history;*
- *To develop an accessible history for the public so they appreciate the uniqueness of Northbridge; and*
- *To deliver useable history for educational and tourism purposes.*

The Town has been formally involved in the Northbridge History Project since 2006, in which time a Steering Committee was created comprising; 2 x Council Members, 3 x Town of Vincent Officers and 1 x Community Member under the inaugural Chairmanship of the Mayor. To-date, the collaboration has resulted in numerous outcomes which have directly benefited the Town including; oral histories, photographic collections, map collections, community networking, Northbridge History Studies Day, library displays, bookmarks, posters, an educational CD and the promotion of history in Northbridge and the Town of Vincent more generally.

For the purposes of the project, the area of Northbridge is bounded by Wellington Street to the south, Bulwer Street to the north, Pier Street to the east and Charles Street to the west.

Australian Research Grant (ARC) Linkage Grant

Building on the success of the Northbridge History Project, a meeting was held on 14 December 2007 with interested universities and relevant industry bodies to discuss the potential of developing a historical GIS for Northbridge that would allow historical analysis of the Northbridge area including change over time. With keen interest demonstrated from both academics and industry, it was considered that applying for an Australian Research Council (ARC) Linkage Grant would be suitable to assist in delivering the project. At this meeting, it was established that whilst GIS systems already existed for the City of Perth and the Town of Vincent, the information was limited in its capacity to display historical layers of information.

Since this time, the Town of Vincent has attended two (2) meetings involving both academics and interested industry bodies and three (3) meetings dedicated to relevant industry bodies. These meetings have generated discussion on identifying the roles and expectations of the academic organisations and the relevant industry partners in the preparation of the Australian Research Council (ARC) Linkage Grant Application.

During a meeting held on 3 July 2008, the Director of the Northbridge History Project, Dr Felicity Moral-Ednie Brown provided a provided a comprehensive overview of the Australian Research Council (ARC) proposal and its direct benefits to the Town of Vincent to the Director Development Services and the Town's Senior Heritage Officer. A diagram detailing the role of the industry partners and a framework of how the GIS system is proposed to operate was provided during this meeting and as shown as attached at Appendix 10.1.9 to this report.

DETAILS:

Overview of the ARC Linkage Grant Program

The Australian Research Council (ARC) is a statutory authority with the Australian Government's Innovation, Industry, Science and Research portfolio. The ARC manages the National Competitive Grants Program, one of which being the Linkage Project Scheme. The Linkage Project Scheme supports collaborative research and development projects between higher education organisations and other organisations to enable the application of advanced

knowledge to problems. Proposals for funding under Linkage Projects must involve a collaborating organisation from outside the higher education sector. The collaborating organisation must make a significant contribution (equal to or greater than the ARC funding), in cash and/or in-kind to the project. Applications for the funding under the Linkage Grant Projects Scheme are produced twice yearly; the next round is scheduled to close in November 2008. The maximum amount available is currently \$2,000,000 over the life of the project with a maximum of \$500,000 in each year. Generally, Linkage Grant Projects extend over three (3) years.

Key Industry and Academic Partners

Since the ARC Linkage Grant Application for a Historical GIS of Northbridge was first mooted in 2007, a group of interested parties both industry and academics has developed comprising, the Northbridge History Project, the Department for Planning and Infrastructure, Landgate, the Heritage Council of Western Australia, Heritage Perth, Committee for Perth, the City of Perth, the Town of Vincent, Curtin University of Technology, the University of Western Australia, Berkeley University of California and Tourism WA.

At the meeting held with the Director Development Services held on 3 July 2008, the Director of the Northbridge History Project advised that to assist in the successful application of the ARC Linkage Grant, it was anticipated that a total of \$250,000 in cash be committed per annum collectively from industry partners. Measured on the basis of expected outcomes to the Town, it was considered that \$40,000 be a reasonable contribution.

Key Benefits to the Town of Vincent

- *Masters Students to assist in geo - coding the Town's data sets including; photographs, maps and plans, transcripts, aerial photographs, reports, research papers, and brochures, pamphlets and flyers.*
- *Promotional materials developed to assist in interpretation; images and text; pod cast scripts; produced materials.*
- *Historical interpretation of the Town's data sets in the form of short papers (2,500 words).*
- *User friendly and innovative public interface to search historical information within a GIS mapping framework.*
- *Collaboration of historical information throughout the Northbridge area to be readily accessed by general public and researchers.*
- *Landgate's SLIP (Shared Land Information Platform) to provide the on-going architecture to maintain the data through a community portal.*
- *Long term potential for the designated GIS area to extend to the remainder of the Town of Vincent.*

Key Role Town of Vincent will perform:

It is anticipated that the Town will act as a custodian of information to assist in the collection, dissemination and facilitation of relevant resources to be uploaded into the research portal. This will essentially be undertaken through in-kind support from the Town's Heritage Services and Local History Centre.

CONSULTATION/ADVERTISING:

Nil required.

LEGAL/POLICY:

Nil applicable.

STRATEGIC IMPLICATIONS:

*Strategic Plan 2006-2011: Enhance Community Development and Wellbeing
"3.1.1 Celebrate and acknowledge the Town's cultural and social diversity."*

*Heritage Strategic Plan 2007 - 2012 - Key Result Area No. 1 - Community and Heritage:
Education, Promotion and Celebration
"Scope: Create collaborative projects, broad participation and celebration events;
Objective: "Maximise community interest and awareness through events and programs that
promote the positive value of heritage."*

Local History Centre Mission

*'To ensure that the history, development, culture society of the Town be preserved and
recorded for the community'.*

FINANCIAL/BUDGET IMPLICATIONS:

*A total of \$40,000 per annum over a three year period, commencing in the 2009 - 2010
financial year and concluding in the 2011 - 2012 financial year*

COMMENTS:

*In light of the above, it is recommended that the Council receives this report, accepts the
invitation to become an industry partner in the project and supports a cash contribution and
in-kind support to the project over a three year period, in line with the Officer
Recommendation."*

10.1.4 No. 18 (Lot: 239 D/P: 29875) Sydney Street, North Perth - Proposed Survey Strata Subdivision

Ward:	North	Date:	2 September 2008
Precinct:	North Perth; P08	File Ref:	1143-08; 7.2008.44.1
Attachments:	001		
Reporting Officer(s):	C Roszak, E Storm		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission of the application submitted by Scanlan Surveys Pty Ltd, on behalf of the owner S T Nguyen, for proposed Survey Strata Subdivision of No. 18 (Lot: 239 D/P: 29875) Sydney Street, North Perth and as shown on plans stamp-dated 30 June 2008, subject to the following conditions:

- (i) the street verge tree(s) on Sydney Street adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (ii) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost. The maximum permitted amount of fill and height of associated retaining walls is 500 millimetres above the existing pre-subdivision ground level, and any greater amount of fill or higher retaining wall requires a separate Planning Approval to be applied to and obtained from the Town of Vincent;*
- (iii) all buildings and effluent disposal systems that are required to be retained, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (iv) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (v) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town; and*
- (vi) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works.*

COUNCIL DECISION ITEM 10.1.4

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

Landowner:	S T Nguyen
Applicant:	Scanlan Surveys Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R 20
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	“P”
Lot Area:	1017 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the subdivision of the subject lot creating two (2) survey strata lots.

The proposed subdivision requires consideration by the Council as the property is located within a Residential R20 area (former Eton Locality).

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R 20 = 2.034 dwellings/ lot	2 dwellings/lot	Noted – no variation.
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions			
Support	Nil		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		

Strategic Implications	Nil
Financial/Budget Implications	Nil
Sustainability 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:

The proposed lot configuration and subdivision pattern is considered to generally reflect the existing predominant subdivision pattern of the immediate street block, in terms of layout and orientation.

The existing dwelling on-site is not listed on the Town's Heritage List / Municipal Heritage Inventory.

Any redevelopment of the proposed lots would need to comply with the Residential Design Codes, Town Planning Scheme No. 1 and the Town's Policies, including the Residential Design Elements Policy.

In light of the above, approval is recommended, subject to standard and appropriate conditions.

10.1.6 Nos.134-136 (Lot 200 D/P: 35254) Summers Street and Nos. 39-41 (Lot 24 D/P: 583) Windsor Street, Perth - Proposed Demolition of Existing Single House and Construction of Additional Seven (7) Single Storey Grouped Dwellings to Existing Two (2) Grouped Dwellings

Ward:	South	Date:	29 August 2008
Precinct:	Banks; P15	File Ref:	PRO4239; 5.2007.489.1
Attachments:	001 002		
Reporting Officer(s):	R Narroo, K Jackson, T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Sice (Architect) on behalf of the owner M Gidvani, J Samykannu and R Selvadurai for proposed Demolition of Existing Single House and Construction of Additional Seven (7) Single Storey Grouped Dwellings to Existing Two (2) Grouped Dwellings, at Nos. 134-136 (Lot 200 D/P: 35254) Summers Street and Nos. 39-41 (Lot 24 D/P: 583) Windsor Street, Perth, and as shown on site plans, elevations, floor plan and elevations of Unit 1 stamp-dated 25 August 2008 , floor plan and elevations of Units 2-7 stamp-dated 28 November 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, 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 Windsor Street and Summers Street verges adjacent to the subject properties, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verges 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. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) *first obtaining the consent of the owners of No. 37 and No. 37A Windsor Street and No. 132 Summers Street, for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet)/retaining walls facing No. 37 and No. 37 A Windsor Street and No. 132 Summers Street Perth, in a good and clean condition;*
- (iv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (v) *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;*

- (vi) *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);*
 - (vii) *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;*
 - (viii) *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;*
- (ix) *approval from the Water Corporation shall be obtained prior to the commencement of construction works;*
 - (x) *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 Summer Street and Windsor Street boundary and the main building, including along the side boundaries within these front setback areas, shall comply with the following:*
 - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) *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;

- (xi) *prior to the first occupation of the development, the applicant/landowner shall provide two signs, one at each end of the 2.42 metres wide driveway, clearly visible to users of the driveway and stating the following in red letters 100 millimetres high on a white background:*

“Caution- Narrow driveway (2.42 metres wide) - Proceed with Care”;

- (xii) *the applicant/owner(s) advise (prospective) purchasers of the proposed dwelling properties, that if this development does not proceed any subsequent proposed development shall comply with the relevant development requirements of the Town's Town Planning Scheme No. 1 and the associated Policies and the Residential Design Codes, and it is not to be assumed that the Town will support variations to the requirements; and*

- (xiii) *prior to the issue of a Building Licence, the subject lots shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s).*

COUNCIL DECISION ITEM 10.1.6

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

Landowner:	M Gidvani, J Samykannu and R Selvadurai
Applicant:	A Sice
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Single House and Grouped Dwellings
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	Existing Lot 200= 1,115 square metres Existing Lot 24= 1,113 square metres Total= 2,228 square metres
Access to Right of Way	N/A

BACKGROUND:

- 24 November 1997 The Council at its Ordinary Meeting conditionally approved the retention of the two existing dwellings and the construction of four two-storey dwellings to the rear of Lot 200.
- 13 June 2000 The Council at its Ordinary Meeting resolved to refuse an application to demolish the two existing dwellings and the construction of six, two-storey grouped dwellings at Lot 200.
- 26 September 2000 The Council at its Ordinary Meeting conditionally approved an identical development application to that approved by the Council at its Ordinary Meeting held on 24 November 1997 for an additional four, two-storey with loft above grouped dwellings to two existing dwellings at Lot 200.
- 8 October 2002 The Council at its Ordinary Meeting conditionally approved an application for a proposed additional four, two-storey with loft grouped dwellings and alterations and additions to two existing dwellings at Lot 200.
- 14 June 2005 The Council at its Ordinary Meeting conditionally approved an application for partial demolition of and alterations and additions to existing two (2) grouped dwellings and construction of additional four (4) two-storey grouped dwellings at Lot 200.
- 19 December 2006 The Council at its Ordinary Meeting conditionally approved an application for carport additions to existing two (2) grouped dwellings and construction of additional three (3) two-storey grouped dwellings at Lot 200.
- 28 March 2008 The Western Australian Planning Commission conditionally approved a survey strata subdivision for Nos.134-136 Summers Street.
- 28 March 2008 The Western Australian Planning Commission conditionally approved a subdivision for Nos.134-136 Summers Street and Nos 39-41 Windsor Street.

DETAILS:

The proposal involves the proposed demolition of existing single house on Nos. 39-41 Windsor Street and construction of additional seven single storey grouped dwellings to existing two grouped dwellings.

In this instance, the subject application is being referred to the Council for its consideration and determination as the Residential Design Elements (RDE's) Policy adopted by the Council at its Ordinary Meeting held on 18 December 2007 introduced significant changes to the previous policy requirements for residential development. The applicant has demonstrated that the subject proposal has been designed over a lengthy period prior to the adoption of the RDE's Policy and based on the previous policy requirements.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	Lot 200=6 grouped dwellings Lot 24= 6 grouped dwellings Total= 12 grouped dwellings R60	9 grouped dwellings	Noted- no variation.
Building Setbacks:	Unit 1= 1.5 metres to east boundary	Nil	Supported- the variation will not unduly impact on the adjoining property in terms of visual impact, overshadowing and ventilation.
	Unit 2-5 and 7= 1 metre to east boundary	Nil	Supported- the variation will not unduly impact on the adjoining property in terms of visual impact, overshadowing and ventilation.
	Unit 6= 1.5 metres to east boundary	Nil	Supported- as the variation will not unduly impact on the adjoining property in terms of visual impact, overshadowing and ventilation.
	Boundary Walls: One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6 per cent length of boundary	Unit 4: Average height - east boundary= 3.16 metres Unit 5: Average height- east boundary= 3.45 metres Unit 6: Average height - east boundary = 3.65 metres Maximum height - east boundary= 3.8 metres 53.99 per cent of length of boundary	Supported- these walls will face the car park and open areas of the adjoining properties and, therefore, these walls are not considered to have an undue impact on the amenity of the adjoining properties. The Council at its Ordinary Meeting on 19 December 2006 conditionally approved boundary walls to a height of 7.1 metres.

Outdoor Living Area	Outdoor living area behind the street setback area	Outdoor living area within the front setback area of Unit 1	Supported- it will not unduly impact on the streetscape.
Open Space	45 per cent of the site area	Unit 9= 44 per cent of the site area Overall= 46.5 per cent	Supported- minor variation in this instance, site constraints due to the retention of the two heritage listed dwellings, all dwellings are provided with functional areas of private open space, and overall site's open space is compliant thus, reducing the site's confinement.
Site works	Retaining walls not more than 0.5 metre above the natural ground level. Setback= 1.5 metres	Height to east boundary= 0.5 metre to 1.2 metres Setback to east boundary= Nil	Supported- there will be no undue impact on the adjoining neighbour.
Driveway Width	3 metres	2.42 metres	Supported- width previously approved by Council and compliance with this matter would require demolition of dwellings. Therefore, this variation is supported on the basis of the site constraints and the conditioned 'caution' signs would partially alleviate concerns over safety.

Consultation Submissions

Support (2)	Nil	Noted.
Objection	Nil	Noted.

Other Implications

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

Nos. 39-41 Windsor Street

The property at Nos. 39-41 Windsor Street, Perth, is an example of a Federation style detached dwelling. The Metropolitan Sewerage Scheme plan dated 1897 shows several properties in the vicinity, including the Norwood Hotel which was located on the corner of Windsor and Lord Streets. The subject place is first recorded in the Wise Post Office Directory in 1920, although the original Building Licence was not located to confirm the year of construction. The place is a brick and iron detached residence with original red brick face, and a hipped and gable ox-blood red painted roof. Although the authenticity of the place appears high, it is in poor condition because of vandalism as a result of being left vacant.

A full heritage assessment was undertaken for Nos. 39-41 Windsor Street which indicates that the place has little aesthetic, historic, scientific or social heritage significance. The full heritage assessment is included as an attachment to the report. 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.

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

Nos. 134-136 Summers Street

The subject place at Nos. 134-136 Summers Street, Perth comprises a pair of intact limestone Federation Georgian bungalows. The subject dwellings were first entered onto the Town's Municipal Heritage Inventory (MHI) on 22 December 1997. Following the review of the Town's Municipal Heritage Inventory, at the Ordinary Meeting of Council held on 12 September 2006, the subject dwellings were re-entered onto the Town's MHI as a Management Category B - Conservation Recommended. It is considered that the proposal does not have an adverse impact on the identified cultural heritage values of the dwellings.

Redevelopment

Summers and Windsor Streets are characterised by commercial premises and a range of dwellings types including single storey dwellings, grouped dwellings and multiple dwellings.

The proposal is considered to be reasonable, fits the character for the area and will not unduly impact on the amenity of the area. In addition, no objections were received from the adjoining neighbours for the proposed development.

On the above basis, the subject planning application is recommended for approval, subject to standard and appropriate conditions to address the matters discussed above.

10.1.7 No. 52 (Lot: 331 D/P: 2355) Monmouth Street, Mount Lawley - Proposed Demolition of Existing Single House and Construction of Two (2), Two-Storey Grouped Dwellings

Ward:	South	Date:	1 September 2008
Precinct:	Norfolk; P10	File Ref:	PRO3516; 5.2008.247.1
Attachments:	001_002		
Reporting Officer(s):	D Pirone, K Jackson		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Sandra Bransby Planning and Construction Consultant on behalf of the owner N Muscara for proposed Demolition of Existing Single House and Construction of Two (2), Two-Storey Grouped Dwellings, at No. 52 (Lot: 331 D/P: 2355) Monmouth Street, Mount Lawley, and as shown on plans stamp-dated 22 May 2008, 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(s) 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, 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) *any new street/front wall, fence and gate within the Monmouth Street setback area, including along the side boundaries within these street setback areas, shall comply with the following:*
 - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*

- (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
- (f) *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;*
- (v) *a detailed landscaping plan, including a list of plants and the landscaping of the Monmouth 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);*
- (vi) *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);*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the ground floor being setback a minimum of 5 metres from the Monmouth Street boundary;*
 - (b) *the balcony being setback a minimum of 1 metre behind all portions of the ground floor main building line;*
 - (c) *the upper floor main building line being setback a minimum of 2 metres behind all portions of the ground floor main building line;*
 - (d) *the common driveway being a minimum width of 5 metres for the first 6 metres from the street boundary;*
 - (e) *a one (1) metre by one (1) metre visual truncation being provided on the south-western side for each proposed garage;*
 - (f) *the incorporation of vertical and horizontal articulation into the south-eastern living and stair case wall of the ground floor for unit 2; and*
 - (g) *the incorporation of vertical and horizontal articulation into the north-western living and stair case wall of the ground floor for unit 1.*

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

(viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the balcony to bedroom 1 for unit 1 on the northern-western elevation and the balcony to bedroom 1 for unit 2 on the south-eastern 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. 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. 1/50 and 54 Monmouth Street stating no objection to the respective proposed privacy encroachments.*

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

COUNCIL DECISION ITEM 10.1.7

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

Landowner:	N Muscara
Applicant:	Sandra Bransby Planning and Construction Consultant
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	999 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

7 November 2006 The Western Australian Planning Commission conditionally approved and application for the subdivision of subject property into two green title lots.

DETAILS:

The proposal involves the demolition of the existing single house and the construction of two, two-storey grouped dwellings.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	4.54 dwellings permitted at R40 However, the Town of Vincent Town Planning Scheme No. 1 and the Norfolk Precinct Policy states that a maximum of 2 dwellings are permitted per lot.	2 dwellings	Supported – no variation.
Plot Ratio:	N/A	N/A	Noted.
Building Setbacks: Ground Floor -South-West (Monmouth Street)	To be consistent with the existing streetscape.	Non-consistent with the existing streetscape.	Not supported – considered to have an undue impact on the amenity of the streetscape. Condition applied for the ground floor main building line to be setback 5 metres from the Monmouth Street boundary.
-North-West	1.5 metres	1.24 metres – 1.6 metres	Supported – not considered to have an undue impact on the neighbouring property.
-South-East	1.5 metres	1.24 metres – 1.6 metres	Supported – not considered to have an undue impact on the neighbouring property.
Upper Floor -South-West (Monmouth Street) Balcony	1 metre behind the ground floor line.	0.65 metre behind the ground floor main building line.	Not supported – considered to have an undue impact on the amenity of the streetscape. Condition applied for the balcony to be setback 1 metre behind all portions of the ground floor main building line.

Main Building	2 metres behind the ground floor line.	In line with the ground floor main building line to 2 metres behind the ground floor main building line.	Not supported – considered to have an undue impact on the amenity of the streetscape. Condition applied for the balcony to be setback 2 metres behind all portions of the ground floor main building line.
-North-West	2.1 metres	1.24 metres – 2.5 metres	Supported – not considered to have an undue impact on the neighbouring property.
-South-East	2.1 metres	1.24 metres – 2.5 metres	Supported – not considered to have an undue impact on the neighbouring property.
Articulation:	Walls longer than 9 metres in length are required to incorporate horizontal and/or vertical articulation.	-Unit 1 Living and dining wall on the ground floor is 10.87 metres with no articulation. -Unit 2 Living and dining wall on the ground floor is 10.87 metres with no articulation.	Not supported – considered to have an undue impact on the neighbouring properties. Condition applied for vertical and horizontal articulation to be incorporated into the subject wall.
Privacy Setbacks: Unit 1 Balcony (North-West)	7.5 metres	1.9 metres to the north-western property boundary.	Not supported – considered to have an undue impact on the neighbouring property. Condition applied for the balcony to be screened to 1.6 metres or obtain neighbour’s consent.
Unit 2 Balcony (South-East)	7.5 metres	1.9 metres to south-eastern property boundary.	Not supported – considered to have an undue impact on the neighbouring property. Condition applied for the balcony to be screened to 1.6 metres or obtain neighbour’s consent.

Consultation Submissions		
Support	Nil	Noted.
Objection (6)	<ul style="list-style-type: none"> • Building setbacks. 	<ul style="list-style-type: none"> • Supported in part – the proposed street setbacks are considered to have an undue impact on the amenity of the streetscape. A condition has been applied for the street setbacks to comply with the Residential Design Elements Policy. The proposed side setbacks are not considered to have an undue impact on the amenity of the neighbouring properties.
	<ul style="list-style-type: none"> • Overshadowing. • Privacy. 	<ul style="list-style-type: none"> • Not supported – the overshadowing is compliant with the requirements of the R Codes. • Supported – considered to have an undue impact on the neighbouring property. Condition applied for the non-compliant sides of the balconies to be screened to 1.6 metres or obtain neighbour’s consent.
	<ul style="list-style-type: none"> • Further subdivision of the lots. • Insufficient parking. 	<ul style="list-style-type: none"> • Not supported – the R40 density requirements of the R Codes allow for further subdivision of the lots. • Not supported – the proposed car parking is compliant with the requirements of the R Codes.
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	
Sustainability 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. 52 Monmouth Street, Mt Lawley, is a brick and iron Inter-war Bungalow. It has a hipped roof with a concrete canopy verandah extending around the southeast corner. The exterior of the dwelling has been rendered and is painted blue. A two storey extension at the rear of the dwelling is built in the Late Twentieth Century Perth Regional style. The dwelling was originally built circa 1919, but has undergone considerable changes to its original presentation. The current owner has been the sole proprietor for almost 50 years.

A full Heritage Assessment was undertaken for No. 52 Monmouth Street which indicates that the place has little aesthetic, historic, scientific or social heritage significance. The full Heritage Assessment is included as an attachment to this report. 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 that the Council approve the application, subject to standard and appropriate conditions to address the above matters.

10.1.9 No. 658 (Lot; 3 D/P: 541) Newcastle Street, Dual Frontage to Carr Place, Leederville - Loft Addition to Existing Multiple Dwelling of Mixed Use Development

Ward:	South	Date:	29 August 2008
Precinct:	Oxford Centre, P04	File Ref:	PRO3243; 5.2008.270.1
Attachments:	001		
Reporting Officer(s):	D Bothwell		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Zurzolo on behalf of the owner Lavenda Pty Ltd & A & E M Percudani for proposed Loft Addition to Existing Multiple Dwelling of Mixed Use Development, at No. 658 (Lot: 3 D/P: 541) Newcastle Street, dual frontage to Carr Place, Leederville, and as shown on plans stamp-dated 4 June 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, 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.*

COUNCIL DECISION ITEM 10.1.9

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

Landowner:	Lavenda Pty Ltd & A & E M Percudani
Applicant:	M Zurzolo
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Office Building, Multiple Dwelling
Use Class:	Office Building, Multiple Dwelling
Use Classification:	"P" AA"
Lot Area:	470 square metres
Access to Right of Way	N/A

BACKGROUND:

17 January 2006

The Council at its Ordinary Meeting resolved to conditionally approve an application for demolition of existing single storey office/warehouse and construction of a three (3) storey building comprising offices and undercroft car parking.

11 July 2006

The Council at its Ordinary Meeting resolved to conditionally approve an application for demolition of existing single storey office/warehouse and construction of three-four storeys plus basement car park mixed use development comprising offices and two (2) multiple dwellings.

DETAILS:

The proposal involves loft addition to existing multiple dwelling of mixed use Development.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	1.0 – 470 square metres	0.36 – 168 square metres	Supported – no variation
Maximum No. of Storeys	Three storeys preferably at street corners and a fourth storey can be considered.	Loft addition to existing three - four storey mixed use development.	Supported – no undue impact on neighbouring properties or surrounding amenity, and the proposed loft is generally contained within the roof space, constitutes only an area of 15 square metres and an increase of 2.7 metres in the height and is generally located in the centre of the site. The proposal is considered acceptable in the context of the height, scale and nature of surrounding commercial buildings which are three and four storeys in height and no objections received.
Consultation Submissions			
Support (1)			Noted.
Objection		Nil	Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil
Sustainability 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:

In light of the above, the proposal is recommended for approval subject to standard and appropriate conditions to address the above matters.

10.1.11 Town of Vincent Library and Local History Centre – hours of opening and extended hours on Saturdays and Sundays

Ward:	Both	Date:	2 September 2008
Precinct:	All	File Ref:	CMS0002
Attachments:	-		
Reporting Officer(s):	E Scott		
Checked/Endorsed by:	R Boardman, J Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) *RECEIVES the report on the Town of Vincent Library and Local History Centre hours of opening and extended hours on Saturdays and Sundays;*

(ii) *NOTES that:*

(a) *the extended hours on Saturday and Sundays have proved to be popular and well utilised by the community; and*

(b) *the increased opening hours will cost approximately \$45,000 per annum and funds are contained in the Library Operating Budget 2008-09;*

(iii) *APPROVES the hours of opening of the Town of Vincent Library and Local History Centre as follows:*

- Monday 9:00AM to 6:00PM (9 hours);*
- Tuesday 9:00AM to 8:00PM (11 hours);*
- Wednesday 9:00AM to 6:00PM (9 hours);*
- Thursday 9:00AM to 8:00PM (11 hours);*
- Friday 9:00AM to 5:00PM (8 hours);*
- Saturday 9:00AM to 1:00PM (4 hours); and*
- Sunday 1:00PM to 5:00PM (4 hours).*

TOTAL: 56 hours per week; and

(iv) *AUTHORISES the Chief Executive Officer to vary the times (if required) in the future, for operational reasons.*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council on the results of the trial of the extension of hours of opening and to seek approval to adopt the proposed hours of opening.

BACKGROUND:

At the Ordinary Meeting of Council held on 4 December, 2007 the Council resolved at Item 10.1.5 as follows:

“That the Council;

- (i) *RECEIVES this report relating to the proposed name change and the extension of hours of opening for the new Town of Vincent Library and Local History Centre;*
- (ii) *APPROVES;*
 - (a) *the change in title from “Town of Vincent Library” to “Town of Vincent Library and Local History Centre” for the Town’s new library facility;*
 - (b) *the proposed hours of opening for the new Town of Vincent Library and Local History Centre as follows:*

<i>Monday</i>	<i>9:00AM to 6:00PM (9 hours);</i>
<i>Tuesday</i>	<i>9:00AM to 8:00PM (11 hours);</i>
<i>Wednesday</i>	<i>9:00AM to 6:00PM (9 hours);</i>
<i>Thursday</i>	<i>9:00AM to 8:00PM (11 hours);</i>
<i>Friday</i>	<i>9:00AM to 6:00PM (9 hours);</i>
<i>Saturday</i>	<i>9:00AM to 1:00PM (4 hours); and</i>
<i>Sunday</i>	<i>1:00PM to 5:00PM (4hours);</i>
- (iii) *NOTES the Chief Executive Officer will review the extended hours of opening prior to 30 June 2008; and*
- (iv) *AUTHORISES the Chief Executive Officer to vary the times (if required) during or at the conclusion of the review period.*

CARRIED “EN BLOC” (8-0)

It was previously reported to Council as follows;

“Operating Hours

As the move into the new Library facility approaches, there is a need to address the hours of opening, to ensure that the best use of this resource is achieved in servicing the community. Currently, the Library is open for 52 hours per week, as follows:

Current Hours (52 hours)

*Monday 9:00AM to 6:00PM (9 hours);
Tuesday 9:00AM to 8:00PM (11 hours);
Wednesday 9:00AM to 6:00PM (9 hours);
Thursday 9:00AM to 8:00PM (11 hours);
Friday 9:00AM to 6:00PM (9 hours);
Saturday 9:00AM to 12 midday (3 hours).*

Proposed Trial Hours (57 hours)

*Monday 9:00AM to 6:00PM (9 hours)
Tuesday 9:00AM to 8:00PM (11 hours)
Wednesday 9:00AM to 6:00PM (9 hours)
Thursday 9:00AM to 8:00PM (11 hours)
Friday 9:00AM to 6:00PM (9 hours)
Saturday 9:00AM to 1.00PM (4 hours)
Sunday 1.00PM to 5.00PM (4 hours)”*

DETAILS:

On the move into the new Library and Local History Centre on 18 February 2008, the hours of opening were extended to include one hour on Saturday from 12 midday to 1.00pm, and the introduction of new hours of opening on Sundays from 1.00pm to 5.00pm. Library staff have monitored the numbers of new members, loans and internet users during the trial period.

Saturday Hours

Statistics have shown that the extra one hour of access on Saturdays has been well accepted by members, with the number of items issued in that hour maintaining a steady average of 74 items. There has also been a gradual increase in the number of people booked to use the internet in this period. A review of the number of staff working in that hour is planned.

Visitors to the Library

In April 2008, a traffic counter was installed in the entrance to the Library; this machine counts the number of times a person breaks the beam across the entry into the Library as they enter or leave. The attendances on Sundays has increased from 112 on Sunday 27 April, to 244 on Sunday 17 August 2008. The average over the July and August period is 388.

New Members

The new hours of opening on Sundays is attracting new members, with a steady average of 7 new members being enrolled on Sundays, during July and August.

Loans

The number of items borrowed on Sundays is showing a positive increase, from 63 on Sunday 1 June to 375 on Sunday 17 August, with an average of 197 items during July and August. The highest level of activity occurs in the period 2:00pm to 3:00pm.

Internet users

The number of internet terminals available to the public has increased from 4 to 9 in the new Library, which has resulted in a significant increase in internet bookings. On Sundays, there is a steady average of 21 bookings. (Note: members are allowed to use the internet for up to 1 hour each).

Local History Centre

Prior to moving into the new Library, Local History staff benchmarked the hours of other centres that are run in conjunction with public libraries and found that there is very little, if any, public demand for the local history information over the weekends. The new Local History Centre service desk is therefore staffed on weekday mornings to 1:00PM, thereafter by appointment. If the Local History Centre staff have no commitments in the afternoons, the Centre remains open to the public. To date, the Library staff working on Sundays have recorded only one enquiry about Local History, which they were able to satisfy without referring to the specialist local history staff.

Friday Evenings

Friday evenings between 5:00pm and 6:00pm are still especially quiet, with an average of 37 items issued in July and August 2008, compared to an average of 69 items on Wednesday evenings between 5:00pm and 6:00pm in the same period. There is always a minimum of 3 staff, one of whom is a Librarian in attendance at any time. Librarians are required to take responsibility for running the library service, which now includes supervising the fire panel for the Loftus Centre, and for providing a qualified reference service to the public. Because of the size of the area involved, the value of internal components of the Library and public and staff safety, it is preferable to open the Library with 3 members of staff in attendance. With these factors in mind, it is difficult to justify the cost of remaining open between 5:00pm and 6:00pm on Fridays.

It is therefore recommended that the new hours of opening should be as follows:

Monday	9:00AM to 6:00PM (9 hours)
Tuesday	9:00AM to 8:00PM (11 hours)
Wednesday	9:00AM to 6:00PM (9 hours)
Thursday	9:00AM to 8:00PM (11 hours)
Friday	9:00AM to 5:00PM (8 hours)
Saturday	9:00AM to 1:00PM (4 hours)
Sunday	1:00PM to 5:00PM (4 hours)
	TOTAL: 56 hours per week.

Customer Satisfaction Survey

A Customer Satisfaction Survey was offered to the users of the Library from mid-March and completed surveys were collected until 31 May 2008. There were 116 completed surveys returned.

Among other questions, members were asked if they would use the Library on Sundays; 68 responded that they would, and 54 that they would not. There is now evidence that many members appreciate the opportunity to attend the Library on Sundays. Anecdotal evidence from members of staff who work on Sundays indicates that many families attend as a group and there is a growing number of "thirty-something" couples attending.

Of the 116 completed surveys, 109 said that they would recommend this library service to other people, 7 did not respond.

ADVERTISING/CONSULTATION:

The staffing standards and levels have been benchmarked at similar library services.

Subject to the approval of any or all of these recommendations, new hours would be actively advertised and promoted.

LEGAL/POLICY:

There was some initial staff resistance to working on a Sunday roster (e.g. one weekend every four weeks).

Involvement of the Australian Services Union occurred when the new hours were introduced. Various issues raised by the library staff were all satisfactorily addressed. (The main issue involved three staff members who objected to work on the Sunday roster – for health, personal and family reasons). The Town has complied with the relevant Award provisions.

STRATEGIC IMPLICATIONS:

Town Of Vincent Strategic Plan 2006-2011:

Key Result Area Three – Community Development

3.1.1 Celebrate and acknowledge the Town's cultural and social diversity

(c) Promote an appropriate range of resources and programs, in various formats for members of the community.

Opening on weekends provides increased opportunities for members of the community to access the Library's services, programs and facilities.

(i) Continue to offer and expand the range of recreational programs and community and cultural activities at Beatty Park Leisure Centre and Loftus Recreation Centre to meet the changing needs of the community.

Increasing the hours of opening is meeting the changing needs of the community and providing opportunities for an increase in the programs offered.

Key Result Area four – Leadership, Governance and Management

4.1.2 Maximise community benefit and value for money from the Town's expenditure and use of its assets.

By extending the hours of opening of the Library, the community is offered increased benefits and value for money of the Town's investment in the new building.

4.2.1 Provide quality services with the best use of resources

a) Provide efficient and effective service delivery and provide quality customer service.

Quality customer service requires a minimum of three staff in attendance at any time the Library is open, one of whom should be a professional Librarian.

(f) Provide competencies and resources to meet current and future service requirements ensuring people development opportunities, including career path planning and prospects for personal growth.

Library staff are supported with ongoing training opportunities.

SUSTAINABILITY IMPLICATIONS:

The proposed hours of opening will have a positive effect on the sustainability of the Library service, improve and maintain environment and infrastructure, and provide a vibrant meeting place for the community.

FINANCIAL/BUDGET IMPLICATIONS:

The following estimate of an increase in costs in employing staff is based on 1 hour of overtime on Saturdays and 4.5 hours of overtime on Sundays, both at double time penalty rate. For convenience, the mid range of all salaries has been used.

- Saturdays, 1 hour from 12:00pm to 1:00pm, at double time; 1 Librarian and 3 library assistants: \$188.00 per week;

- Sundays, 4.5 hours from 12:30pm to 5:00pm, at double time; 1 Librarian and two library assistants: \$652.50 per week; and
- Savings in closing from 5:00pm to 6:00pm on Fridays; 1 Librarian and 2 library assistants: \$58.90 per week.

This equates to \$781.90 per week, and an estimated cost per annum of \$40,688.80, plus approximately 10% to cover times when permanent staff are taking leave and casual or temporary staff are required to work on the weekends, bringing the estimated total to \$44,724.70.

The 2008/2009 Library Salaries Budget includes funds for the additional hours. No additional funds are required.

COMMENTS:

The increased hours of opening and Sunday opening make a significant contribution to the social benefits offered by the Town to the community and are well received by the community. Accordingly, approval of the Officer Recommendation is requested.

10.2.3 Woodville Reserve – Namur Street Parking

Ward:	North	Date:	2 September 2008
Precinct:	North Perth; P8	File Ref:	RES0010
Attachments:	001		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report in relation to parking in Namur Street, North Perth, adjacent to Woodville Reserve;
- (ii) **APPROVES** the installation of two (2) additional car bays on the South side of Namur Street near Fitzgerald Street, at an estimated cost of \$3,500, and the installation of bollards to reduce vehicle damage/compaction to the adjacent Port Jackson Fig verge tree, estimated to cost \$2,250, as shown on the attached plans; and
- (iii) **ADVISES** the adjacent residents/businesses of the Council's decision.

COUNCIL DECISION ITEM 10.2.3

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the parking issues near the corner of Fitzgerald and Namur Streets North Perth and to seek approval for works to resolve the current issues.

BACKGROUND:

In December 1996, the Council considered a proposal for the construction of right angle parking in Namur Street and approved listing the project in the 1997/98 draft budget. At the time the basis of the request was that there was a shortage of parking in the vicinity of Woodville Reserve, resulting in street congestion when community based activities were in progress on the Reserve.

The parking was subsequently implemented in 1997, however, due to the existence of the large Port Jackson Fig verge tree, an area of verge was retained to ensure the tree's root system was not damaged.

More recently, a Council Member expressed concerns over the damage occurring to this verge area on the corner of Fitzgerald and Namur Streets.

It was requested that a more permanent solution be investigated such as the installation of bollards, signage and formalising of additional parking bays if practicable.

The number of persons parking on the verge is excessive with the area now becoming dug out and a potential safety issue. In addition, parking is occurring over an adjacent Port Jackson Fig tree's surface roots, which is likely to cause compaction and possible serious decline of the tree over the longer-term.

DETAILS:

Car Parking

Parking is normally permitted along the Namur Street verge adjacent to Woodville Reserve during weekend sports activities, however, due to the frequency of vehicles frequenting the existing delicatessen/butcher shop opposite the reserve on the corner of Fitzgerald Street and Namur Street, the verge area at the Fitzgerald Street end is deteriorating.

Engineering and Parks officers have investigated the issues and consider that there is available space to safely install an additional two (2) car bays near the corner of Fitzgerald and Namur Streets.

Port Jackson Fig / Verge

As mentioned above, the verge (nib) area directly adjacent the Port Jackson Fig (as shown on the attached photographs) was previously maintained due to the presence of numerous surface roots which, if removed at the time of constructing the angle parking, would have caused the tree's decline.

Patrons frequenting the existing delicatessen/butcher shop and the park continually park over this nib which has resulted in the tree roots being exposed and damaged. In addition, the owner of the adjacent shop has claimed that to gain access/egress to a service area at the rear of the delicatessen/butcher shop, delivery vehicles require this nib area for manoeuvring.

Officer Comments:

Following an inspection of the site, officers consider that there is ample room to cater for delivery vehicles using the service entry to the shop without having to drive over this part of the verge/nib. It is therefore considered that heavy duty cement filled steel bollards be installed across the nib as shown on attached plan to prevent further vehicular movement over the tree roots.

CONSULTATION/ADVERTISING:

Adjacent residents and business owners will be advised of the Council's decision prior to the commencement of works.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2006-2011 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"b) Continue to develop, enhance and implement annual footpath, rights of way, road rehabilitation and upgrade programs."*

SUSTAINABILITY IMPLICATIONS:

The long-term sustainability of the Port Jackson Fig tree located within Woodville Reserve will be compromised if the informal parking arrangement continues on the verge area adjacent to the tree.

While there is currently no evidence of decline in the tree's health and vigour, numerous surface tree roots are exposed and being damaged from vehicular traffic.

FINANCIAL/BUDGET IMPLICATIONS:

The cost to install two (2) additional car bays (closer to the corner of Fitzgerald/Namur Street) adjacent to the existing formal car parking area is \$3,500.00 and this amount may be sourced from the road maintenance budget.

The cost to install six (6) heavy duty steel/cement filled bollards across the frontage of the verge area adjacent to the Port Jackson Fig tree is \$2,250.00 and this amount can be sourced from the Amenity Tree Budget.

COMMENTS:

It is therefore recommended that the Council approve the installation of two (2) additional car bays on the South side of Namur Street near Fitzgerald Street and the installation of bollards across the existing nib, to prevent vehicular movements, for the reasons outlined in the report and advise adjacent residents / businesses of the Council's decision.

10.2.4 Further Report - Mindarie Regional Council Earth Carers Program

Ward:	Both	Date:	3 September 2008
Precinct:	All	File Ref:	ORG0054
Attachments:	-		
Reporting Officer(s):	J Lockley;		
Checked/Endorsed by:	R Lotznicker;	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report in relation to the Earth Carers trial run by the Mindarie Regional Council in conjunction with the Town of Vincent, City of Perth, Town of Cambridge and Town of Victoria Park; and*
- (ii) *NOTES that;*
 - (a) *the Earth Carers program was determined a success and a group of Earth Carers trained volunteers are now informed on waste matters in Mindarie Regional Council and are keen to be involved to reduce waste through education and interaction in the community;*
 - (b) *the Earth Carers volunteers will be invited to attend various events and workshops held by the Town and other local governments to assist with education of the community and of waste diversion; and*
 - (c) *a new Mindarie Regional Council "Recycling Education Trailer" (as mentioned in the report), when available, would be able to be located at outdoor events held in the Town to raise community awareness of recycling and waste reduction.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the success of the Earth Carers trial by Mindarie Regional Council (MRC) for the Town of Vincent residents, together with residents from the Town of Victoria Park, City of Perth, and the Town of Cambridge.

BACKGROUND:

Initially developed by the NSW Environmental Protection Authority, EC (known as Earthworks in NSW) is a proven community-based education program which aims to change people's behaviour to minimise waste generation and disposal.

Since its launch in NSW in 1996, it has been adopted by 70 local government areas in NSW, involving over 7,000 volunteers, and has successfully expanded into South Australia and the Australian Capital Territory.

In WA the EC program has been implemented by the Western Metropolitan Regional Council (WMRC) and the WMRC is pleased for the MRC to run with the program and use the same name. The program is supported by the Department of Environment and Conservation.

At its Ordinary Meeting held on 11 March 2008 the Council received a report on the Earth Carers trial where the following was decided:

"That the Council;

- (i) RECEIVES the report in relation to a new Earth Carers program that is being set up by the Mindarie Regional Council through the Waste Education Strategy Steering Group initiative;*
- (ii) NOTES the majority of the Earth Carers program will be run by Mindarie Regional Council as an initiative to reduce waste through education and training of volunteers as outlined in the report;*
- (iii) APPROVES the*
 - (a) Town of Vincent, jointly with the Town of Cambridge, to take part in a launch of Earth Carers trial and, if successful, the ongoing program;*
 - (b) use of the Town's media and its events to advertise the launch and the trial of Earth Carers;*
- (iv) CONSIDERS allocating appropriate funds (to be determined) in future budgets if the Earth Carers trial is a success and the establishment of a Community Garden is warranted; and*
- (v) RECEIVES a further report on this matter in July 2008."*

DETAILS:

Mindarie Regional Council's Initiative:

The MRC objectives with waste education are to enhance the community's awareness of sustainable waste management, and to increase the community's active involvement in diverting waste from landfill.

The Earth Carers (EC) program fits with the strategic components of targeting individual behavioural change and a focus on the next generation.

A trial with four (4) member Councils (Town of Victoria Park, City of Perth, Town of Cambridge and Town of Vincent) was conducted in May and June 2008. MRC's part time educational officer and officers from four (4) member Councils were involved in the training program for the EC project. A large number of residents from the City of Stirling also attended the training program together with their waste education officer.

Waste Education Strategy Steering Group (WESSG):

Established in late 2006, this group comprises representatives from the MRC's seven Member Councils, MRC and various invitees and meets on a monthly basis to discuss ways to work together across the region to build strong community awareness and participation in better waste management.

The Town's Environmental Officer is part of WESSG and has been attending meetings whereby the concept of the EC was originally investigated.

Earth Carers:

The objective of EC is to achieve awareness, attitudinal and behavioural change in domestic waste minimisation practices among EC volunteers and, through the EC volunteers, to achieve awareness, attitudinal and behavioural changes in domestic waste minimisation practices among the broader community.

MRC held two information sessions to launch the EC program and engage residents from the member councils who may have been interested in becoming Earth Carers. Advertising consisted of flyers, posters and information at "Garden Week" which attracted much attention from interested residents from all of Perth.

The result from the advertising and two information sessions was overwhelming, with over sixty (60) people signing up for the training course. The EC program offered a training course in waste reduction, reusing, recycling and suggestions on how to encourage others to recycle.

Following the launch session, a series of six (6) training sessions were held for those who had expressed interest at the information sessions. Of the sixty (60) people who had expressed an interest approximately forty (40) people attended the training sessions.

Attendees learnt about waste management practices, including composting and worm farming with excursions to Tamala Park landfill and Balcatta recycling centre. The EC volunteers completed their training in June 2008.

Not all who signed up were able to attend the training due to timing and other commitments requiring the MRC to run a second training program in October 2008.

Earth Carers Graduation:

At the end of the six (6) sessions the volunteers became official ECs for MRC at the graduation ceremony held at the Town of Vincent on Monday 7 July 2008.

The new EC volunteers activities will vary, and will include (but not be limited to) attending events held within the MRC, where they will assist with recycling programs, demonstrate composting, have information on waste management and may even attend schools to offer assistance with school projects.

An event some of the ECs have attended was an Arbour Day display in Karrinyup shopping centre with the City of Stirling. Some ECs volunteered for the recent City to Surf event where they assessed waste management practices.

Where are they now?

Of the current EC group that graduated in July 2008, there are four (4) residents from the Town of Vincent. The EC volunteers are contacted regularly by the Waste Education Officer from the MRC regarding events that are happening and what they can do to help out. They also attend regular meetings to discuss what they may be able to do as a group to reach into the community and make a difference to the waste going to landfill.

Success and the next stages

As mentioned above, a second training session will be organised by the MRC for October 2008. In addition, a review of the trial will be carried out by MRC to ensure improvements for the continuation of the program.

A survey form was completed by each of the ECs at the start and end of the training program to assess the knowledge of waste management issues that the attending EC were aware of before and after the training and to note any changes that might need to be made for future programs. Results of the surveys showed that there was a considerable improvement in knowledge and awareness of waste minimisation and the reasons why it was important.

The time required of the Town's Officers (CSOs, Waste Management and Environmental Officer) to help out and liaise with the EC volunteers will depend on what the ECs choose to do as volunteers. Not all of the work of the EC volunteers will be carried out within the Town as the group of volunteers come from many locations and do not see waste having boundaries.

Funding

The MRC combined funding with a Strategic Waste Initiatives Scheme (SWIS) grant to launch the trial. As the trial was a success and there are plans to have more training for new volunteers, MRC will fund the future training programs. From time to time MRC may require some assistance from member councils with the training and/or with supporting the volunteers with officers' time.

The next EC session will be set up for the City of Stirling, City of Joondalup and City of Wanneroo to take part in and to engage the Northern suburbs communities. This means that for the time being the Town's funding commitment would lie with providing a venue for meetings, liaison with officers, etc.

MRC "Recycling Education Trailer"

Recycling Education Trailer

As part of the MRC education program and to help get the message out about reducing waste, the MRC has built a trailer from recycled materials with a display and games for interaction with the community.

- The panels of the display have headings such as:
- Reduce Reuse Recycle
- What happens with our waste?
- Getting the most out of recycling
- Recycling contacts
- What your region is doing to reduce waste
- Our New Resource Recovery Facility

Note: The MRC are currently proposing to employ someone to transport and set the trailer up at events etc.

CONSULTATION/ADVERTISING:

Advertising for the Launch of the second EC training sessions will be carried out by the Mindarie Regional Council with information on the training and where residents would be able to attend. If residents from the Town wish to join, they are most welcome and can attend the second training session in October 2008.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.4 Minimise negative impacts on the community and environment. *“(g) Minimise the impact of environmental pollution by encouraging householders to reduce hazardous waste in the community.”*

SUSTAINABILITY IMPLICATIONS:

Sustainable waste management is something to strive for. With the EC program in place the residents of the Town will be encouraged to reduce waste produced and divert waste from landfill.

Economic

Sustainable waste management will reduce the cost to the Town by reducing the amount of waste being collected from households with fewer tonnes going to landfill. This will reduce disposal costs and fuel to transport the waste.

Environment

The impact on the environment will be minimised as less waste will be dumped in land fill with fewer greenhouse emissions due to the reduced collections required, resulting in less fuel consumption and less waste producing methane in the landfill.

Community

Will benefit due to the cleaner air environment and better gardens from the composting and worm farming and interaction with others as volunteers.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The EC trial was held to assess the interest of the community in this project. It has been well accepted and well attended and therefore the program will continue and support from the Council will be required for its continued success.

EC volunteers will work with the Town’s officers to provide community input and support for waste management initiatives and to try and achieve waste free events.

10.3.2 Authorisation of Expenditure for the Period 1 – 31 August 2008

Ward:	Both	Date:	2 September 2008
Precinct:	All	File Ref:	FIN0009
Attachments:	001		
Reporting Officer(s):	Kara Ball		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 August – 31 August 2008 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

COUNCIL DECISION ITEM 10.3.2

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

DECLARATION OF INTEREST

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

Nil.

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1 – 31 August 2008.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$ 427,405.14
Total Municipal Account		\$ 427,405.14
Advance Account		
Automatic Cheques	63453-63737	\$ 479,237.97
EFT Batch		\$0.00
Municipal Account		
Transfer of Creditors by EFT Batch	822,823,825-827,829,830	\$2,153,334.65
Transfer of PAYG Tax by EFT	August 2008	\$179,738.40
Transfer of GST by EFT	August 2008	\$0.00
Transfer of Child Support by EFT	August 2008	\$364.75
Transfer of Superannuation by EFT:		
• City of Perth	August 2008	\$31,848.19
• Local Government	August 2008	\$106,638.85
Total		\$2,951,162.81
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$6,066.92
Lease Fees		\$3,419.33
Corporate Master Cards		\$10,334.85
Folding Machine Lease Equipment		\$0.00
Trace Fees – Audit Certificate		
Loan Repayment		\$58,131.94
Rejection Fees		\$17.50
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$77,970.54
Less GST effect on Advance Account		-\$175,641.00
Total Payments		\$3,280,897.49

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.”

SUSTAINABILITY IMPLIATION:

Nil.

ADVERTISING/CONSULTATION:

Nil.

10.3.3 Financial Statements As At 31 July 2008

Ward:	Both	Date:	28 August 2008
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	B Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council:

- (i) *RECEIVES the Financial Statements for the month ended 31 July 2008 as shown in Appendix 10.3.2; and*
- (ii) *ADOPTS a value of ten (10) percent for the reporting of material variances for the 2008/09 financial year on amounts greater than \$10,000 in accordance with Regulation 34 (5) of the Local Government (Financial Management) Regulations 1996.*

COUNCIL DECISION ITEM 10.3.3

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 31 July 2008 and adopt a percentage value for reporting of material variances during the 2008-09 financial year.

BACKGROUND:

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 requires a local government to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the budget.

A financial activity statements report is to be in a form that sets out:

- the annual budget estimates
- budget estimates to the end of the month to which the statement relates
- actual amounts of expenditure, revenue and income to the end of the month to which the statement relates
- material variances between the year-to-date income and expenditure and totals and the relevant annual budget provisions for those totals from 1 July to the end of the period
- includes such other supporting notes and other information as the local government considers will assist in the interpretation of the report.

A statement of financial activity and any accompanying documents are to be presented to the council at the next ordinary meeting of the council following the end of the month to which the statement relates, or to the next ordinary meeting of council after that meeting.

In addition to the above, under Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, each financial year a local government is to adopt a percentage of value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 31 July 2008.

- Income Statement
- Summary of Programmes/Activities (pages 1-17)
- Capital Works Schedule (pages 18-24)
- Balance Sheet and Statement of Changes in Equity (pages 25-26)
- Reserve Schedule (page 27)
- Debtor Report (page 28)
- Rate Report (page 29)
- Statement of Financial Activity (page 30)
- Net Current Asset Position (page 31)
- Beatty Park Report – Financial Position (page 32)
- Variance Comment Report (page 33-36)

Comments on the financial performance are set out below.

Operating Statement and Detailed Summary of Programmes/Activities

Operating Result

The operating result is Operating Revenue – Operating Expenses

YTD Actual	-	-\$17.6 million
YTD Budget	-	-\$16.8 million
Variance	-	\$0.8 million
Full Year Budget	-	-\$4.9 million

Summary Comments:

The current favourable variance is due to increase revenue received as outlined below.

Operating Revenue

YTD Actual	-	\$19.8 million
YTD Budget	-	\$19.6 million
YTD Variance	-	\$0.2 million
Full Year Budget	-	\$32.8 million

Summary Comments:

The total operating revenue is on target with the year to date budget.

Health Services – Variance due to the timing of the receipt of License fees for Eating Houses and Alfresco Dining to be raised.

Community Amenities – Planning applications is 24% below year to date estimates due to timing of the budget phasing.

Recreation Services – Increased revenue at Beatty Park accounts for variance in revenue for this program. Swim School revenue is 17 % above budget due to early registration and booking for the year. In addition there are significant increases in revenue for Crèche, Health & Fitness and Aerobics.

Economic services – Increased revenue from Building Licences which are 78% above budget estimates as a result of a flow on from development applications received during the buoyant property market condition, accounts for the major variance in this program.

More details variance comments are included on the page 33.-36 of this report.

Operating Expenditure

YTD Actual	-	\$2.2 million
YTD Budget	-	\$2.8 million
YTD Variance	-	-\$0.5 million
Full Year Budget	-	\$33.7 million

Summary Comments:

The operating expenditure is currently 20% under the year to date budget. This being the first month of the financial year the majority of the favourable expenditure variances are due to the timing differences between expenditure and the budget phasing.

Detailed variance comments are included on the page 33-36 of this report.

Capital Expenditure Summary

The Capital Expenditure summary details projects included in the 2008/09 budget and reports the original budget and compares actual expenditure to date against these.

Capital Works shows total expenditure including commitment for year to date at the 31 July 2008 of \$326,838 which represents 2 % of the budget of \$14,139,996.

	Budget	Actual to Date	%
Furniture & Equipment	163,850	2,457	1%
Plant & Equipment	1,520,700	0	0%
Land & Building	3,952,834	22,653	1%
Infrastructure	8,502,612	301,728	4%
Total	14,139,996	326,838	2%

Summary Comments:

There has been minimal activity in the first month of the financial year. The budget is phased for the Capital Works programme to increase with the receipt of the Rates income which should commence in late August.

Balance Sheet and Statement of Changes in Equity

The statement shows the current assets of \$31,373,863 and non current assets of \$140,641,257 for total assets of \$172,015,120.

The current liabilities amount to \$7,083,273 and non current liabilities of \$14,001,665 for the total liabilities of \$21,084,939. The net asset of the Town or Equity is \$150,930,182.

Restricted Cash Reserves

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

The balance as at 31 July 2008 is \$7.0m. The balance as at 30 June 2008 was \$6.8m.

General Debtors

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 \$436,415 is outstanding at the end of July 2008.

Of the total debt \$104,079 (23%) relates to debts outstanding for over 60 days, of which \$91,752 is related to Cash in lieu Parking.

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 and formal debt collection if reminders are ignored.

Rate Debtors

The notices for rates and charges levied for 2008/09 were issued on the 6 August 2008.

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

First Instalment	25 August 2008
Second Instalment	27 October 2008
Third Instalment	5 January 2009
Fourth Instalment	3 March 2009

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

Instalment Administration Charge	\$5.00
(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 as at 31 July was \$16,470,267 which represents 88.6% of the outstanding collectable income compared to 94.7% at the same time last year.

Summary Comments:

The reduced percentage amount outstanding in comparison to last year is due to the fact that the Rates Notices were distributed approximately one (1) month earlier than last year.

Statement of Financial Activity

The closing surplus carry forward for the year to date 31 July 2008 was \$18,115,377.

Net Current Asset Position

The net current asset position \$18,115,377.

Beatty Park – Financial Position Report

As at 31 July 2008 the operating surplus for the Centre was \$92,752 in comparison to the annual deficit of \$532,109.

The cash position showed a current cash surplus of \$128,767 in comparison annual budget estimate of a cash deficit of \$73,080. The cash position is calculated by adding back depreciation to the operating position.

Variance comment Report

The comments will be for the favourable or unfavourable variance of greater than 10% of the year to date budgeted. The ten (10) percent value is the same amount as 2007-08 and is recommended for approval.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	2 September 2008
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

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 July/August 2008.

COUNCIL DECISION ITEM 10.4.1

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

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:

Date	Document	No of copies	Details
19/08/08	Transfer of Land	1	Town of Vincent and the State of Western Australia acting through the Minister for Lands, a body corporate under the Land Administration Act 1997, c/o Department for Planning and Infrastructure, 1 Midland Square, Midland 6056 re: Lot 500 on Deposited Plan 53912 - 354 Charles Street, North Perth
19/08/08	Transfer of Land	1	Town of Vincent and Temov Holdings Pty Ltd of PO Box 230, North Perth re: Lot 500 on Deposited Plan 53912 - 354 Charles Street, North Perth

Date	Document	No of copies	Details
20/08/08	Deed of Covenant	4	Town of Vincent and V C Evangel and H Evangel of 11 Byron Street, Leederville WA 6007 and Bank of Western Australia, GPO Box E237, East Perth WA 6004 re: Lot 36, being the whole of the land comprised in Certificate of Title Volume 868 Folio, 37, Byron Street, Leederville (Lot 1) and Lot 37, being the whole of the land comprised in Certificate of Title Volume 1304 Folio, 971, Byron Street, Leederville (Lot 2) as per conditional approval dated 17 August 2007
19/08/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Western Power Meetings - 29 August 2008, 26 September 2008 and 7 November 2008 (Gareth Naven Room)
19/08/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Western Power Meetings - 3 and 4 September 2008 (Gareth Naven Room)
22/08/08	Consent Document	1	Town of Vincent and Scope Property Group Pty Ltd of PO Box 210, Floreat Forum relating to the Application the Right of Carriageway Easement to create a height restriction in accordance with Deposited Plan 59129 re: Nos. 188-194 (Lot 27) Stirling Street, cnr Edward Street, Perth as per conditional approval dated 22 April 2008
22/08/08	Application Document	2	Town of Vincent and Water Corporation of PO Box 100, Leederville relating to the Application to modify the Sewerage Easement to create a height restriction in accordance with Deposited Plan 59129 (the areas to be extinguished are the supporting pillars re: Nos. 188-194 (Lot 27) Stirling Street, cnr Edward Street, Perth as per conditional approval dated 22 April 2008
25/08/08	Lease	3	Town of Vincent and Azzurri Bocce Club Inc, Lawley Street, West Perth WA 6005 - <i>Five (5) years commencing 1 September 2006 and terminating 31 August 2011</i>
25/08/08	Lease	3	Town of Vincent and North Perth Bowling Club, Farmer Street, North Perth WA 6006 - <i>Five (5) years commencing 1 September 2007 and terminating 31 August 2012</i>
27/08/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Western Power Meetings - 17 and 18 September 2008 (Gareth Naven Room)

10.1.8 No. 93 (Lot: 263 D/P: 2503) Coogee Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Two-Storey Single House

Ward:	North	Date:	29 August 2008
Precinct:	Mount Hawthorn; P01	File Ref:	PRO4349; 5.2008.91.1
Attachments:	001_002		
Reporting Officer(s):	D Pirone, K Jackson		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner Chiraz Holdings Pty Ltd for proposed Demolition of Existing Single House and Construction of Two-Storey Single House, at No. 93 (Lot: 263 D/P: 2503) Coogee Street, Mount Hawthorn, and as shown on plans stamp-dated 14 August 2008, 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(s) 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, 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) any new street/front wall, fence and gate between the Coogee 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;*
- (v) *first obtaining the consent of the owners of No. 91 Coogee Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 91 Coogee Street in a good and clean condition;*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the balcony to bedroom 2 and bedroom 3 on the northern and southern elevations, 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 Nos. 91 and 95 Coogee Street stating no objection to the respective proposed privacy encroachments. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. 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, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title or Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Lake, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Messina, Seconded Cr Doran-Wu

That the matter be DEFERRED for further consideration and clarification of comments made during public speaking/question time.

PROCEDURAL MOTION PUT AND CARRIED (6-0)

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

Landowner:	Chiraz Holdings Pty Ltd
Applicant:	Chiraz Holdings Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	488 square metres
Access to Right of Way	West side, 4.6 metres wide, unsealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single house and the construction of a two-storey single house.

In this instance, the subject application is being referred to the Council for its consideration and determination as the Residential Design Elements (RDE's) Policy adopted by the Council at its Ordinary Meeting held on 18 December 2007 introduced significant changes to the previous policy requirements for residential development. The applicant has demonstrated that the subject proposal has been designed over a lengthy period prior to the adoption of the RDE's Policy and based on the previous Policy requirements.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio:	N/A	N/A	Noted.
Building Setbacks: Ground Floor -North Bedroom 1, WIR, Ensuite	1.5 metres	1.05 metres	Supported – not considered to have an undue impact as the northern elevation of the proposal illustrates horizontal wall articulation to reduce the impact on the neighbouring property.
-South	1.5 metres	Nil – 2.33 metres	Supported – not considered to have an undue impact as the southern elevation of the proposal illustrates horizontal wall articulation to reduce the impact on the neighbouring property.

Upper Floor -North Balcony, Bed 2, Staircase	2.6 metres	1.15 metres	Supported – not considered to have an undue impact on the neighbouring property. It should be noted that if the balcony was to be enclosed on the northern elevation, the setback requirement will be reduced to 1.9 metres.
-South	2 metres	1.5 metres – 2 metres	Supported – not considered to have an undue impact on the neighbouring property. It should be noted that if the balcony was to be enclosed on the southern elevation, the setback requirement will be reduced to 1.7 metres.
Privacy Setbacks: Balcony to Bedroom 2 and Bedroom 3			
-North -South	7.5 metres 7.5 metres	2.4 metres to the northern boundary. 2.2 metres to the southern boundary.	Not supported – considered to have an undue impact on the neighbouring properties. Condition applied for the balcony to be screened on the northern and southern sides or obtain neighbour's consent.
Consultation Submissions			
Support	Nil	Noted.	
Objection (3)	<ul style="list-style-type: none"> • Setbacks. • Provision for drainage. • A two-storey dwelling will give the feeling of a high density development. 	<ul style="list-style-type: none"> • Not supported – the proposed setbacks are not considered to have an undue impact on the neighbouring properties. • Noted – this will be addressed at the Building Licence stage. • Not supported – the proposal is compliant with the building height requirements of the R Codes. Other two-storey dwellings along this section of Coogee Street include those at Nos. 74, 76, 92 and 115 Coogee Street. The balcony is setback 6.75 metres and the upper floor is setback 9.05 metres from Coogee Street; therefore, reducing the visual impact of the two-storey development. 	

	<ul style="list-style-type: none"> • Environmental and social impacts. 	<ul style="list-style-type: none"> • Not supported – the proposal indicates indoor and outdoor living areas to be provided to the north of the lot. There are no windows proposed on the western elevation, which will prevent the afternoon sun entering the house in summer and minimal amounts of windows are on the southern elevation which will prevent heat escaping in winter.
	<ul style="list-style-type: none"> • Overshadowing should be at R20 requirements due to the size of the lot. • Privacy. • Building Bulk. • Noise during the building process. 	<ul style="list-style-type: none"> • Not supported – the zoning of the subject and adjacent property is R30, therefore, the R Codes state that up to 35 per cent of the southern neighbouring property can be overshadowed. Amended plans have been submitted indicating that the proposal is compliant with these requirements of the R Codes. The Town’s Officer’s also confirmed with Planning Consultant, Simon Bain as well as Planning Managers from the Town of Victoria Park and the Town of Cambridge, who all use the neighbouring properties finished floor levels where the shadowing is over the house to calculate the extent of overshadowing. • Supported – all major openings that are not compliant with the privacy requirements of the R Codes will be required to be screened to a minimum of 1.6 metres above the finished floor level. This includes the balcony on the northern and southern elevations. • Not supported – the applicant has provided proof that the design process began prior to 18 December 2007, therefore, the Building Bulk requirements of the Residential Design Elements Policy are not applicable in this instance. • Noted – this will be addressed at the Building Licence stage.

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

Demolition

The subject place at No. 93 Coogee Street, Mount Hawthorn, is a modest brick and tile Post-war Conventional Suburban Style Bungalow built circa 1955. It has a two-room frontage with a porch located on the south-east corner. The internal layout is simple, with the main entry into the lounge from the porch, and a passage located in the centre of the house with doors diagonally across the corners of the adjacent rooms. The dwellings at Nos. 95 and 97 Coogee Street were also constructed on the same Building Licence: the dwelling at No. 97 Coogee Street was identical to the subject place, while the dwelling at No. 95 Coogee Street was slightly larger dwelling with a similar general layout. Alterations to the three dwellings since their initial construction has reduced their overall level of authenticity.

A full heritage assessment was undertaken for No. 93 Coogee Street, Mount Hawthorn, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. This Heritage Assessment is included as an attachment to the report. 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 that the Council approves the subject application, subject to standard and appropriate conditions to address the above matters.

10.1.5 No. 47 (Lot: 56 D/P: 672) Mary Street, Highgate - Proposed Three-Storey Single House

Ward:	South	Date:	1 September 2008
Precinct:	Hyde Park; P12	File Ref:	PRO2767; 5.2008.208.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D O'Donovan on behalf of the owners P Le, T & V Nguyen and T Dinh for proposed Three-Storey Single House, at No. 47 (Lot: 56 D/P: 672) Mary Street, Highgate, and as shown on plans stamp-dated 28 August 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, 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 within the Mary Street setback area including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) 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. 45 and 49 Mary 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. 45 and 49 Mary Street in a good and clean condition;*

- (iv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the windows to the kitchen on the eastern elevation, the windows to bedrooms 1, 2 and 3 on the eastern elevation, the windows to the master bedroom on the southern elevation within the 4.5 metre cone of vision to the western boundary and the landscaped garden on the southern elevation being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. 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 2008. 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. 45 and 49 Mary Street and No. 40 Chatsworth Road stating no objection to the respective proposed privacy encroachments.*

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) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the incorporation of significant horizontal and vertical articulation, such as staggering setbacks on the eastern and western elevations of the ground floor, first floor and second floor;*
- (b) *the maximum height of the building not exceeding 10 metres above the natural ground level, from 22.5 metres from the southern/rear boundary of the subject property; and*
- (c) *the wall directly to the west of the garage door being removed to allow for adequate vehicular manoeuvring.*

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

COUNCIL DECISION ITEM 10.1.5

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (4-2)

For
Presiding Member, D/Mayor Cr Farrell
Cr Doran-Wu
Cr Maier
Cr Messina

Against
Cr Ker
Cr Lake

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

ADDITIONAL INFORMATION:

An amended overshadowing plan reflecting the correct north orientation is attached for the Council's consideration. The plan demonstrates that the proposed development still complies with the overshadowing requirements of the Residential Design Codes.

Landowner:	P H Le & T O & V T Nguyen & T V Dinh
Applicant:	D O'Donovan
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Vacant Land
Use Class:	Single House
Use Classification:	"P"
Lot Area:	427 square metres
Access to Right of Way	South side, 5 metres wide, sealed, Town owned

BACKGROUND:

- 14 September 2004 The Council at its Ordinary Meeting refused an application for proposed four-storey development comprising three multiple dwellings.
- 18 January 2005 The Council at its Ordinary Meeting refused an application for proposed four-storey development comprising three multiple dwellings.
- 20 April 2005 The Town of Vincent received a SAT review application for the refusal of the previous planning application.
- 8 June 2005 SAT resolved to dismiss the subject review application.
- 23 November 2005 Planning application received for the construction of two, two-storey single houses.
- 10 November 2006 Planning application for the construction of two, two-storey single houses was deemed cancelled.
- 14 November 2006 Planning application received for the construction of two-storey single house.
- 11 July 2007 Planning application for the construction of two-storey single house was deemed cancelled.

DETAILS:

The proposal involves the construction of the three-storey single house at the subject property.

The applicant's submission is "*Laid on the Table*" and summarised as follows:

Mary Street Setbacks

The proposed building is setback 7.015 metres from Mary Street. The proposed ground floor setback is 3 metres greater than required. The first floor setback is 1 metre greater than required.

In response to the Performance Criteria, the applicants' submit that:

- (a) Mary Street has a dynamic and varied streetscape. The proposed design of the building is a reserved response to the sloping site, streetscape and particularly, the dominant vegetation on the northern side;
- (b) Large sections of glazing help to break up the façade and facilitate passive surveillance;
- (c) The walls will not impact on the solar access on adjoining properties on either side as the building and lot are orientated north-south;
- (d) The small feature window will assist in protecting privacy between adjoining properties by reducing the number of major openings, yet allowing for casual surveillance;
- (e) The boundary walls assist in making effective use of space on-site; and
- (f) The boundary walls will not have an adverse impact on the amenity of adjoining properties.

Building Height

The Residential Design Elements Policy clearly state that variations to the maximum building wall and roof height may be considered where:

"The natural ground level of the site is sloping, provided that a compliant two storey height presence is maintained when viewed from the street."

The proposal meets the demands of a compliant two storey dwelling at the primary street front. Although the height of the building above natural ground level increases as the site falls away towards the rear, the actual height of the building does not increase.

In response to the Performance Criteria, the applicants' submit that:

- (a) The overall height does not have a negative impact on the streetscape and amenity of adjoining properties. The application proposes a flat roof which meets the height requirements to the primary streetscape, but seeks a variation as the site slopes away to the rear. The rear of the property has been setback 9.615 metres from the boundary to mitigate the effects of the proposed variation;
- (b) The streetscape is dominated by mature fig trees on both sides. These trees prevent a consistent open view of the streetscape;
- (c) The building height does not affect the solar access to adjoining properties;
- (d) The proposed building heights do not affect access to views of significance to the south; and
- (e) The proposal is consistent with the majority of existing dwellings which present a two storey elevation to Mary Street with single storey carparking off the right of way to the South.

Roof Pitch

Mary Street is characterised by a mix of roofing forms and dwelling types (see 'Streetscape'). Although traditional roof forms are encouraged, the Residential Design Elements Policy includes the following statement:

"The Town recognises that in some residential areas there may be an opportunity for more innovative design and architectural styles, and in these instances, may consider alternative roof forms."

In response to the Performance Criteria, the applicants' submit that:

- (a) The proposed dwelling has been designed in a contemporary style that is respectful of the established character. Mary Street has a variety of architectural styles that the proposed development would complement.
- (b) The elevations have been designed to provide relief and articulation contributing to variety and interest in the streetscape. This has been done through the use of recycled timber cladding, feature glass openings and a reflection pool.
- (c) The proposed roof form reduces both the perceived bulk and also any undue overshadowing to adjoining properties and open space (see shadow diagram).
- (d) The proposed roof form is more environmentally efficient, and reduces unnecessary timber framing and roof sheeting. It also allows for photovoltaic panels to be installed and concealed behind the parapet roof.

Conclusion

Although the application proposes a number of variations to the acceptable development standards of the Residential Design Elements Policy, the proposal clearly satisfies the Performance Criteria for each of these variations and should, therefore, be supported.

The recent update to the Residential Design Codes makes a specific reference to the role of the Performance Criteria in relation to proposed variations: (page 4, Explanatory Guidelines)

[To] "... provide applicants with an opportunity to develop a variety of design responses to address each residential design."

and

"Given that the acceptable development provisions illustrate only one way of satisfactorily meeting the corresponding performance criterion, the use of an acceptable development provision as a yardstick or evaluation standard during a performance criteria assessment is generally not appropriate."

Submissions

Response to the summary of submissions received by the Town in relation to the proposed development:

- The proposal meets the requirements of the privacy provisions set out in the Residential Design Codes.
- The proposal meets the requirements of the overshadowing provisions set out in the Residential Design Codes.
- The two storey proposal clearly satisfies the Performance Criteria and is consistent with a large number of multi-story developments along Mary Street.
- There is absolutely no intention on the part of the applicants to operate a business on the proposed site.
- The building height can be clearly justified against the Performance Criteria and is consistent with the majority of existing development.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio:	N/A	N/A	Noted – no variation.

Building Setbacks: Ground Floor/ Basement -West	1.5 metres	Nil – 1.65 metres	Supported – not considered to have an undue impact and no objections received from the neighbouring property.
-East	1.5 metres	Nil – 1.65 metres	Supported – not considered to have an undue impact on the neighbouring property as an application for alterations and additions was approved on 17 January 2008 proposing a boundary wall that is 2.8 metres above the natural ground level. The proposed boundary wall at the subject property will be 1.6 metres higher than the approved wall at No. 49 Mary Street.
First Floor -West	5.7 metres	1.65 metres	Supported – not considered to have an undue impact on and no objections received from the neighbouring property.
-East	5.5 metres	1.65 metres	Supported – not considered to have an undue impact on the neighbouring property.
Second Floor -North (Mary Street)	2 metres behind the ground floor.	In line with the ground floor.	Supported – see “Comments”
-West	8 metres	1.65 metres	Supported – not considered to have an undue impact on and no objections received from the neighbouring property.
-East	8 metres	1.65 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 (28.11 metres) of the length of the balance of the boundary behind the front setback, to one side boundary.	Two boundary walls proposed. -West Wall Wall Height = 1.6 metres – 4.95 metres (average = 3.275 metres) Wall Length = 31.4 metres (from the point at which the boundary wall is higher than 1.8 metres)	Supported – not considered to have an undue impact on and no objections received from the neighbouring property.
		-East Wall Wall Height – 1.6 metres – 4.95 metres (average 3.275 metres) Wall Length = 31.4 metres (from the point at which the boundary wall is higher than 1.8 metres)	Supported – see “Comments”.
Articulation:	Walls greater than 9 metres in length are required to incorporate horizontal or vertical articulation.	The ground floor boundary wall on the east and western elevations are 31.4 metres in length without articulation. The eastern and western walls on the first and second floors are 25.5 metres in length without articulation.	Not supported – considered to have an undue impact on the neighbouring properties. Condition applied for horizontal and vertical articulation to be incorporated into the development.
Building Height:	Maximum of two-storeys. 7 metres to the top of a concealed roof	Three-storeys proposed at the rear of the property. Maximum height is 11.2 metres above the natural ground level.	Supported – see “Comments”

Roof Forms:	The proposed roof form is to complement the existing streetscape character.	The proposed concealed roof does not complement the existing streetscape character of predominately pitch roof forms.	Supported – see “Comments”
Privacy Setbacks: Kitchen	6 metres	1.65 metres to the eastern boundary.	Not supported – considered to have an undue impact on the neighbouring property. Condition applied for the windows to comply with the privacy requirements of the R Codes.
Bedroom 1	4.5 metres	1.65 metres to the eastern boundary.	Not supported – considered to have an undue impact on the neighbouring property. Condition applied for the windows to comply with the privacy requirements of the R Codes.
Bedroom 2	4.5 metres	1.65 metres to the eastern boundary.	Not supported – considered to have an undue impact on the neighbouring property. Condition applied for the windows to comply with the privacy requirements of the R Codes.
Bedroom 3	4.5 metres	1.65 metres to the eastern boundary.	Not supported – considered to have an undue impact on the neighbouring property. Condition applied for the windows to comply with the privacy requirements of the R Codes.
Master Bedroom	4.5 metres	Southern elevation – 4 metres to the western boundary.	Not supported – considered to have an undue impact on the neighbouring property. Condition applied for the windows to comply with the privacy requirements of the R Codes.

Landscaped Garden	7.5 metres	6 metres to the southern property.	Not supported – considered to have an undue impact on the neighbouring property. Condition applied to screen the garden to a minimum of 1.6 metres above the finished floor level.
Consultation Submissions			
Support (2)	No comments provided.		Noted.
Objection (5)	<ul style="list-style-type: none"> • Privacy. • Overshadowing. • The proposal does not fit in with the character of the streetscape. • Boundary walls. • Building bulk and second storey and street frontage. • Building height. • Bulk and scale. 		<ul style="list-style-type: none"> • Supported – all major openings to habitable rooms that are not compliant with the privacy requirements of the R Codes will be required to be screened to a minimum of 1.6 metres above the finished floor level. This includes the windows to the kitchen, bedrooms 1, 2 and 3 and the master bedroom and the landscaped garden. • Not supported – the proposal is compliant with the overshadowing requirements of the R Codes. • Not supported – see “Comments” • Not supported – see “Comments” • Not supported – see “Comments” • Not supported in part – see “Comments” • Not supported – see “Comments”
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	
Sustainability 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:

Boundary Walls

The proposed boundary walls are not considered to have an undue impact on the western neighbouring property as an application for alterations and additions was approved on 17 January 2008 proposing a boundary wall/dividing fence that is 2.8 metres above the natural ground level. At this point, the proposed boundary wall at the subject property will be 1.6 metres higher than the approved wall at No. 49 Mary Street. In addition to this, a two-storey garage with a height of 6.04 metres above the natural ground level was approved at the rear of the property. The garage is setback 1 metre from the boundary of the subject property. At this point, the proposed boundary wall will be 1 metre lower than the overall height of the neighbour's approved garage. The applicant has reduced the height of the boundary wall by 400 millimetres towards the rear of the property, where it is alongside the neighbour's rear gardens.

Building Height

The Residential Design Elements Policy refers to building height as the contribution to bulk and scale of dwellings on the streetscape and neighbouring properties. In this instance, the proposed bulk and scale is not considered to have an undue impact on the streetscape due to the proposed 7 metre setback from Mary Street and the fact the overall height is 7 metres as viewed from Mary Street, which is compliant with the two-storey concealed roof requirements of the R Codes. It is considered that a two-storey building with a steep pitch roof (like the adjoining properties) will have more of an undue impact on the bulk and scale of the development.

Further to the above, the Residential Design Elements Policy allows for variations to building heights under certain circumstances, including when the natural level of the site is sloping, provided that a compliant two storey height presence is maintained when viewed from the street. In this instance, the slope of the subject property is approximately 3.75 metres from the Mary Street boundary to the rear boundary. The application meets the aforementioned criteria; therefore, the variation to height requirements at the rear of the property could be considered. Whilst the three-storey element of the proposal is supported by the Town's Officers, the R Codes states that the maximum height for three-storey developments with a concealed roof shall be 10 metres. In this instance, the highest point proposed is 11.2 metres. Due to this, a condition should be applied to ensure that where the development begins to exceed 10 metres on the east and west elevations, it should be reduced to a maximum of 10 metres above the natural ground level. The proposed ceiling height for the first and second storeys are 3.4 metres; therefore, the required reduction in height could come from these proposed ceiling levels, whilst maintaining the minimum ceiling height of 2.4 metres.

Roof Forms and Design

The Residential Design Elements Policy states that the Town recognises that in some residential areas there maybe more opportunity for innovative design and architectural styles, and in these instances the Town may consider alternative roof forms to a pitch roof style. In this instance, the proposal illustrates an innovative and contemporary design that is appropriate for Mary Street as a majority of the dwellings are screened by the large Ficus trees that line the street.

Streetscape and Character

The Residential Design Elements Policy under clause 6.4.1 states that residential development should complement the existing streetscape and should be designed to harmonise with the streetscape and adjoining properties. It should be noted that Mary Street has an unusual streetscape in that it contains a mix of developments that vary in height and style. The developments include 1970's style three-storey multiple dwellings, a four-storey church and school as well as single storey and two-storey dwellings. Due to this, Mary Street is not considered a "single-storey streetscape" hence the building bulk requirements of the Residential Design Elements Policy are not applied in this instance.

Clause 7.4.2 of the Residential Design Elements Policy states that new dwellings and developments should be compatible in bulk and scale with adjoining properties and established streetscapes. The overall building height of the proposed development is 7 metres as viewed from the Mary Street elevation, as well as being setback 7 metres from street. The proposed height and setback significantly reduce the bulk and scale of the development in comparison to the adjoining dwellings as the adjoining dwellings consist of setbacks that range from 2.5 metres to 5 metres and large gabled roofs that are also approximately 7 metres in height. It should also be noted that Mary Street is lined with large Ficus trees that almost screens the development behind them.

Summary

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

10.1.10 No. 165 (Lot 37 D/P: 3642) Scarborough Beach Road, Mount Hawthorn- Proposed Change of Use from Warehouse to Recreational Facilities (Dance Studio) and Associated Alterations in the Anvil Lane Lower Level Floor

Ward:	North	Date:	1 September 2008
Precinct:	Mount Hawthorn Centre; P02	File Ref:	PRO0281; 5.2008.164.1
Attachments:	001		
Reporting Officer(s):	R Narroo		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by C Ash on behalf of the owner J Jones, Argyle Holdings and Tegra Pty Ltd for proposed Change of Use from Warehouse to Recreational Facilities (Dance Studio) and Associated Alterations in the Anvil Lane lower level floor at No. 165 (Lot: 37) Scarborough Beach Road, Mount Hawthorn, and as shown on plans stamp-dated 10 April 2008 , for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Town's Policy No. 3.7.1 relating to Parking and Access; and*
- (iii) consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.10

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (6-0)

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

Landowner:	J L Jones and Argyle Holdings Pty Ltd & Tegra Pty Ltd
Applicant:	C Ash
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre
Existing Land Use:	Shop and Warehouse
Use Class:	Recreational Facilities
Use Classification:	"AA"
Lot Area:	572 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

- 19 October 1987 The City of Perth Council at its Ordinary Meeting approved an application to convert an existing shop to a shop and warehouse.
- 15 June 1992 The City of Perth Council at its Ordinary Meeting approved an application for a caretakers unit in an existing shop.
- 28 June 1994 The Council at its Ordinary Meeting refused an application for the proposed establishment of a place of public worship within an existing building.
- 13 September 1994 The Council at its Ordinary Meeting refused an application for change of use from shops (retail use) to an eating house and storage space.
- 6 November 2007 The Council at its Ordinary Meeting approved an application for change of use from shops and warehouse to eating house, shop and warehouse.
- 23 May 2008 The Town under Delegated Authority conditionally approved proposed change of use from shops and warehouse to consulting rooms (non-medical) (beauty salon) and shop (hairdressing salon) and associated alterations.
- 23 May 2008 The Town under Delegated Authority conditionally approved signage addition to approved consulting rooms (non-medical) (beauty salon) and shop (hairdressing salon).

DETAILS:

The proposal involves a proposed change of use from shop and warehouse to recreational facilities (dance studio) and associated alterations in the Anvil Lane lower level floor.

The applicant has provided the following details:

The dance studio will be offering classes in pole dancing, burlesque, latin dance, belly dancing and pilates.

The opening hours will be:

Monday-Friday: 10 am-12 pm; 5 pm- 9 pm

Saturday: 9 am to 9 pm.

Number of employees: 2 full-time, 5 casual/part-time.

Number of clients at any given time: 40.

Equipment: 2 small hi-fi systems (no amplifiers).

The existing two storey building contains two tenancies, one of which is vacant and the other is occupied by a women's clothing store. The vacant tenancy has been issued a Planning Approval and Building Licence for beauty salon and shop (hairdressing salon) and associated alterations. No car parking is able to be accommodated on-site.

Approval is sought for the change of use of the existing warehouse on the Anvil Lane level to recreational facilities (dance studio).

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

ASSESSMENT:

***Note: The following Car Parking Table was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions			
Support (1)	Nil		Noted.
Objections (6)	<p>The primary focus of Mount Hawthorn Precinct Plan is for retail activities and not a dance studio. The proposal is against all good planning principles and not in accordance with the existing retail precinct strategy and existing zoning.</p> <p>The use class recreational facility could permit other activities such as “entertainment” other than dance studio.</p> <p>There has been a revitalization of the streetscape by Town of Vincent and new retail shops are being attracted to the area.</p> <p>Concerns about parking. The proposal does not have parking space and it is unfair for other shops to provide parking for this proposed use.</p>	<p>Not supported - the proposed dance studio could be considered as it is an “AA” use in District Centre, which means the use is not permitted unless the Council has exercised its discretion by granting planning approval. One of the objectives of the Town’s Scheme is to cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices in housing, business, employment, education, leisure, transport and access opportunities. In this instance, it is considered that the proposed dance studio contributes to provide a diversity of leisure.</p> <p>Not supported- if this application is supported, then the applicant will have to comply with the definition of recreational facilities in the Town Planning Scheme No. 1. If the applicant does not comply with this requirement, the Town can take legal action.</p> <p>Noted.</p> <p>Supported- refer to comments below.</p>	

Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Sustainability Implications	Nil
Financial/Budget Implications	Nil
Car Parking	
Requirements as per Parking and Access Policy	Required
Total car parking required before adjustment factor (nearest whole number) -Retail Premises- Shop: 1 space per 15 square metres of gross floor area (existing 120 square metres)- 8.0 car bays -Hairdresser Salon- Shop: 1 space per 15 square metres of gross floor area (approved floor area - of 245.25 square metres)- 16.35 car bays -Beauty Salon- Shop: 1 space per 15 square metres of gross floor area (approved floor area of 161.6 square metres)- 10.77 car bays -Recreational facility (dance studio)- 1 space per 30 square metres of gross floor area (proposed 362.88 square metres)- 12.096 Total= 47.216 car bays	47 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of one or more existing public car parking places with excess of 75 car parking spaces) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.90 (the development is within a District Centre zone) 	(0.65025) 30.56 car bays
Car parking provided on-site for commercial component	Nil
Minus the most recently approved parking shortfall after applying adjustment factors (=45 bays x 0.65025)	29.26 <u>19.51</u> car bays
Resultant Shortfall	4.3 <u>11.05</u> car bays

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

COMMENTS:

In determining whether a proposed development should be refused on car parking grounds, the Town's Parking and Access Policy states that as a guide, a minimum of 15 per cent of the required car bays should be provided on-site where the total requirement is between 11 and 40 car bays (after adjustment factors), and the balance should be provided as a cash-in-lieu contribution.

The subject application has a total car parking requirement of 30.56 car bays after adjustment factors. If the above clause of the Parking and Access Policy is applied to the subject application, a total of 4.58 car bays are required to be provided on-site and the balance should be provided as a cash-in-lieu contribution. This requirement has not been satisfied as there are no car bays provided on-site.

In the pursuit of orderly and proper planning, it is important that the Town manage the future land uses in a manner that ensures the amenity of the nearby commercial/residential areas are not unduly impacted upon by car parking spill over and also to ensure that visitors to the area are inconvenienced by acceptable levels of available parking. In this instance, it is considered that the shortfall in parking will impact on the amenity of the area.

In light of the above, it is recommended that the application be refused as per the Officer Recommendation.

10.1.3 No. 261 (Lot: 16 D/P: 547) Bulwer Street, Perth - Proposed Change of Use from Single House to Office Building (Music Industry) and Associated Alterations - Request from the State Administrative Tribunal (SAT) to Reconsider Decision - Review Matter No. DR 252 of 2008

Ward:	South	Date:	29 August 2008
Precinct:	Hyde Park; P12	File Ref:	PRO4327; 5.2008.60.1
Attachments:	001		
Reporting Officer(s):	E Storm		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to No. 261 (Lot: 16 D/P: 547) Bulwer Street, Perth - Proposed Change of Use from Single House to Office Building (Music Industry) and Associated Alterations - Request from the State Administrative Tribunal (SAT) to Reconsider Decision – Review Matter No. DR 252 of 2008; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES, as part of the State Administrative Tribunal Review Matter No. DR 252 of 2008, the application submitted by D H Rata on behalf of the owner D H Rata and L D Gray for proposed Change of Use from Single House to Office Building (Music Industry) and Associated Alterations at No. 261 (Lot: 16 D/P: 547) Bulwer Street, Perth, and as shown on plans stamp-dated 22 August 2008, for the following reasons:*
 - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the Town’s Policies relating to Non-Residential/Residential Development Interface and the objectives of the Town’s Town Planning Scheme No.1 and the Town’s Economic Development Strategy; and*
 - (c) *approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas.*

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Note: The Council unanimously requested that a subclause (ii)(d) be inserted to the Officer Recommendation.

MOTION PUT AND CARRIED (6-0)

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

COUNCIL DECISION ITEM 10.1.3

That the Council;

- (i) *RECEIVES the report relating to No. 261 (Lot: 16 D/P: 547) Bulwer Street, Perth - Proposed Change of Use from Single House to Office Building (Music Industry) and Associated Alterations - Request from the State Administrative Tribunal (SAT) to Reconsider Decision – Review Matter No. DR 252 of 2008; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES, as part of the State Administrative Tribunal Review Matter No. DR 252 of 2008, the application submitted by D H Rata on behalf of the owner D H Rata and L D Gray for proposed Change of Use from Single House to Office Building (Music Industry) and Associated Alterations at No. 261 (Lot: 16 D/P: 547) Bulwer Street, Perth, and as shown on plans stamp-dated 22 August 2008, for the following reasons:*
 - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the Town's Policies relating to Non-Residential/Residential Development Interface and the objectives of the Town's Town Planning Scheme No. 1 and the Town's Economic Development Strategy;*
 - (c) *approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas; and*
 - (d) *consideration of objections received.*

Landowner:	D H Rata & L D Gray
Applicant:	D H Rata
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R 80
Existing Land Use:	Single House
Use Class:	Office Building
Use Classification:	"SA"
Lot Area:	329 square metres
Access to Right of Way	North side, 3 metres wide, sealed, Town owned

BACKGROUND:

- 27 May 2008 The Council at its Ordinary Meeting refused the change of use from single house to office building (music industry) application.
- 23 June 2008 The applicant lodged a review application with SAT in relation to the refusal issued by the Council on 27 May 2008.
- 23 July 2008 Directions Hearing at SAT.
- 15 August 2008 Directions Hearing at SAT.
- 22 August 2008 Planning Consultant Peter Webb submitted further information to Town on behalf of applicant as per the SAT Order. The signage component no longer forms part of this application.

DETAILS:

The proposal involves the change of use from single house to office building (music industry).

The music industry relates to the following activities:

- Consultation – Provide consultation services to musicians, event organisers, producers, sound engineers and other industry professionals.
- Meetings – Meetings with clients, booking agents and industry professionals.
- Administration – Bookings, office duties and finance.
- Marketing – Internet webpage design and graphic design work.
- Music – Writing lyrics and composing music.
- Storage – Storage of CD's, instruments, PA equipment and marketing material.

As a result of the Directions Hearing at SAT held on 15 August 2008, the Town has been invited to determine the application for No. 261 Bulwer Street, Perth, under Section 31 of the State Administrative Tribunal Act 2004, hence the Agenda Report is not prepared as a "Confidential Report".

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted – no variation.
Non- Residential/ Residential Development Interface Policy	Non- residential uses to be restricted to District or Local Centres.	Located within a Residential R 80 zone.	Not supported – see 'Comments' below.
Objective of Town Planning Scheme No. 1	<i>'To promote and safeguard the economic well-being and functions of the Town'</i> .	Non- residential use encroaching into a residential area.	Not supported – see 'Comments' below.
Town of Vincent – Economic Development Strategy	No requirement to add new commercial precincts or nodes as all Vincent's residents live within 1 kilometre of a commercial centre.	Non- residential use encroaching into a residential area.	Not supported – see 'Comments' below.

Car Parking		
Car parking requirement (nearest whole number) - Office Building – 1 space per 50 square metres of gross floor area = 2.81 bays		= 3 car bays
Apply the adjustment factors. • 0.85 (within 400 metres of a bus stop)		(0.85) =2.55 car bays
Minus the car parking provided on-site		3 Bays
Minus the most recently approved on-site car parking shortfall.		Nil
Resultant surplus		0.55 car bay
Previous Consultation Submissions		
Support	Nil.	Noted.
Objection (2)	• Uncertain of accepting music/entertainment that will occur during work hours.	Noted – the applicant has provided further information in relation to the proposal, which explains the proposed activities.
	• Loss of privacy as a result of noise generated by car parking area. Request for bollard/remote controlled cable wire running through right of way to limit thoroughfare.	Not supported – there will be no music practice or any use of musical equipment which would create noise levels which are non-compliant with the Environmental Protection (Noise) Regulations 1997.
	• Commercial operation within a residential zone.	Noted – see ‘Comments’ below.
	• Uncertain of activities operating from premises – potential brothel. Future sale of property with office/consultation room could also result in a brothel.	Noted – however, an approval would explicitly condition the nature of the activities conducted on the property in order to ensure constant compliance.
Other Implications		
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:

State Administrative Tribunal Act 2004

Section 31 states as follows:

“31. *Tribunal may invite decision-maker to reconsider*

(1) *At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*

- (2) *Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may –*
- (a) *affirm the decision;*
 - (b) *vary the decision; or*
 - (c) *set aside the decision and substitute its new decision.*
- (3) *If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.”*

Under Section 31 of the SAT Act 2004, the Town has been 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. After the Ordinary Meeting of Council to be held on the 9 September 2008, the Town's Officers and the applicant are to attend a further Directions Hearing at SAT on 17 September 2008. If the applicant is satisfied with the determination made by the Council at its Ordinary Meeting on 9 September 2008, the applicant will consider withdrawing their current Review application with the State Administrative Tribunal.

Planning Consultant's Comments

A consultant acting on behalf of the applicant has provided the following comments in order to clarify the nature of the proposal and respond to the above objections:

- Bulwer Street carries 12,900 vehicles per day as a Local Distributor road and it is evident that a number of residents along Bulwer Street have constructed high masonry walls in order to mitigate the impact of the traffic environment on the residential amenity of the locality.
- The proposed activities of the applicant's business are no more detrimental to the amenity of the residential locality than the current use of the property, in relation to the movement of motor vehicles and people.
- The use of the property for an office building would allow for greater levels of active and passive surveillance of surrounding properties during business hours.
- The signage which formerly formed part of this approval is no longer proposed in order to further reduce the impact on the adjoining residences.

Officer Comments

The current use of the building is as a residence and is, therefore, a permitted use within the Residential R 80 zoning of the land. Due to the nature of the proposed activities, the office building ("SA" use) is not considered to be a part of the general fabric of the residential area, regardless of the scale and intensity of its operations.

Bulwer Street contains a mix of residential and non-residential uses which adds to the vibrancy of the area with eating houses, short term accommodation, medical professionals and shops within a 100 metre distance from the subject site. The applicant has raised this in various submissions to the Town, in an attempt to demonstrate that the immediate vicinity is not a wholly intact residential environment and to justify that the approval of an office building will not have any material detriment to the adjoining residential amenity. A search of the Town's records and the City of Perth archives reveals that all of the commercial premises are former City of Perth (pre 1994) approvals or fall within the Commercial or Local Centre zones which are within a close proximity to the site.

The application proposes three (3) on-site car parking bays, where 2.55 are required in order to ensure there is no loss of convenience to the surrounding dwellings. Additionally, the applicant has identified that there would be minimal vehicular traffic to the site with no employees and a maximum of four clients on the premises at any time. Furthermore, the landowner is entitled to use the on-street car parking, which is subject to a 2 hour time limit.

There are no external modifications proposed to the dwelling, so there would be no visible alterations affecting the streetscape, nor could the use of the building be determined from the exterior.

Notwithstanding the above, the proposal has the perceived potential to undermine the amenity of the surrounding residential dwellings through the intrusion of a commercial use into a Residential zone. Given this Residential zoning, surrounding landowners expect to be living amongst dwellings used in a similar manner. The proposal is also inconsistent with the objectives of the Town of Vincent Town Planning Scheme No. 1, the Economic Development Strategy and the Non-Residential/Residential Interface Policy as shown in the above table of variations.

The proposal is, therefore, still considered unacceptable and is not supported by the Town's Officers.

10.1.2 No. 386 (Lot: 66 D/P: 613) William Street, Perth - Proposed Demolition of Existing Single House and Construction of Three-Storey Mixed Use Development Comprising Four (4) Multiple Dwellings, Shop (Retail) and Associated Car Parking

Ward:	South	Date:	2 September 2008
Precinct:	Beaufort; P13	File Ref:	PRO3245; 5.2007.293.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Harden Jones Architects on behalf of the owner Lim & Lim Holdings Pty Ltd for proposed Demolition of Existing Single House and Construction of Three-Storey Mixed Use Development Comprising Four (4) Multiple Dwellings, Shop (Retail) and Associated Car Parking, at No. 386 (Lot: 66 D/P: 613) William Street, Perth, and as shown on plans stamp-dated 18 August 2008, and rear elevation dated 29 August 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, 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) 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 \$18,500 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$1,850,000); OR*
 - (b) lodge an appropriate public art assurance bond/bank guarantee of a value of \$18,500 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 (\$1,850,000) 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;*
- (iii) *prior to the first occupation of the development, one (1) class three bicycle parking facility, shall be provided at a location convenient to the entrance and within 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;*
- (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 Nos. 380-382 William Street and Nos. 41-43 Money 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. 380-382 William Street and Nos. 41-43 Money Street in a good and clean condition;*
- (vi) *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;*
- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via William Street, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (viii) *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 contribution of \$7,336 for the equivalent value of 2.62 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2008/2009 Budget; OR*

(b) lodge an appropriate assurance bond/ bank guarantee of a value of \$7,336 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:

(1) to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or

(2) to the owner(s) / applicant following receipt by the Town with a Statutory Declaration on the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development,'; or

(3) to the owner(s) / applicant where the subject 'Approval to Commence Development,' did not commence and subsequently expired.

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements;

(ix) the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;

(x) 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 residential units or office. 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;

(xi) 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;

(xii) doors, windows and adjacent floor areas of the commercial component fronting William Street shall maintain an active and interactive relationship with this street;

- (xiii) *prior to the first occupation of the development, 4 car parking spaces for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (xiv) *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;*
- (xv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (xvi) *the maximum gross floor area for the shop (retail) component shall be limited to 127 square metres of shop (retail) space, and any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (xvii) *the car parking area for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xviii) *any new street/front wall, fence and gate within the William Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) *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;*
- (xix) *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;*
- (xx) *the proposed vehicular gate for the car park visible from William Street, shall be a minimum 50 percent visually permeable when viewed from the street;*

- (xxi) *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;*
- (xxii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site; and*
- (xxiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *continuous and complementary awnings being extended along the William Street frontage, which may require further modification to incorporate the relocated current bus shelter, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres from the future kerb line of William Street;*
 - (b) *stores shown above the carport on the northern elevation being deleted; and*
 - (c) *each store 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;

- (xxiv) *the bin compound shall be constructed in accordance with the Town's Health Services specifications, and divided into commercial and residential areas and sized to contain the following:-*
- (1) *Residential-
1 x mobile garbage bin per unit; and
1 x general recycle bin per unit; and*
 - (2) *Commercial-
1 x mobile garbage bin per unit; and
1 x recycle bin per unit, or per 200 square metres of floor space; and*
- (xxv) *the relocation of the existing bus shelter will be subject to the approval of ADShell and the Town, and shall be wholly at the developer's cost. An agreement on the relocation of the bus shelter must be reached prior to the issue of a Building Licence. The applicant/or owners are advised that should relocation of the bus shelter not be agreed upon, the proposed canopy over William Street may need to be deleted or modified, and this shall be reflected in revised plans to be submitted and approved prior to the issue of a Building Licence. Any revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

COUNCIL DECISION ITEM 10.1.2

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (6-0)

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

Landowner:	Lim & Lim Holdings Pty Ltd
Applicant:	Harden Jones Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Single House
Use Class:	Shop and Multiple Dwelling
Use Classification:	"P" and "AA"
Lot Area:	493 square metres
Access to Right of Way	N/A

BACKGROUND:

22 August 2006 The Council at its Ordinary Meeting conditionally approved the demolition of the single house at the above site.

DETAILS:

The proposal involves the demolition of the single house and the construction of a three storey mixed use development comprising shop (retail) space, four multiple dwellings and associated car parking.

The applicant has raised concerns relating to the relocation of the existing bus shelter, if it were to be still located on the adjacent verge directly in front of the new development, as it would compromise exposure of the development, including its interaction at street level.

The applicant/and or owners are prepared to further negotiate with the Town and AdShell, to come to some acceptable agreement satisfactory to all affected parties, including modification to the front awning to accommodate the relocated bus shelter.

ASSESSMENT:

****Note: The following Assessment Table was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.***

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R 80 - 3.944 multiple dwellings	4 multiple dwellings - R 81.14 or 1.42 per cent density bonus	Supported - as the increased density is marginal in nature, and the development is consistent with the objectives of Clause 40 of TPS 1, in terms of enhancing the amenity of the area. The height and scale is considered compatible with the surrounding built form.
Plot Ratio	1.0 or 793 <u>493</u> square metres	0.997 or 493 square metres	Supported - No variation.

No. of Storeys	2 storeys (plus loft)	3 storeys	Supported - as it is considered that the overall height and scale of the development is generally in keeping with the built form of this inner city locality.
Building Setbacks - Front Ground Floor to William Street	Nil	1.1 metres	Supported - as the lot is a narrow width lot with a frontage of 12.09 metres. The 1.1 metres front setback would provide space allowance for accessibility, taking into consideration the relocation of the bus shelter.
Car parking- Commercial Car Bays	4.62 car bays	2 car bays	Supported - subject to cash in lieu payment.
Stores	1.5 metres in dimension and 4 square metres in area	1 metre in dimension and 3.2 metres in area	Not supported - as there is opportunity to comply, as the site is a vacant site.
Consultation Submissions			
Support	No submissions received		Noted
Objection	No submissions received		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil
Sustainability Implications			The proposal will be required to satisfy the energy efficiency requirements of the Building Code of Australia requirements at the Building Licence stage. The proposal would maximise the potential use of the land, taking into consideration its close proximity to the City and major transport routes.

* 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.

Car and Bicycle Parking

In accordance with the Residential Design Codes requirements for mixed-use development, on-site car parking requirements for multiple dwellings may be reduced to one car bay per dwelling where on-site parking required for other users is available outside normal business hours. A total of 4 car bays have been provided for the residential uses. The balance of car bays available for the commercial component in this instance is 2 car bays.

Car Parking- Commercial Component	
Car parking requirement (nearest whole number) Shop (Retail): 1 car bay per 15 square metres gross office floor area (proposed 127 square metres) = 8.466 car bays.	8 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.85 (within 800 metres of a rail station) • 0.80 (mixed use development, where 45 per cent of gross floor area is residential) 	(0.578) 4.62 car bays
Minus the car parking provided on-site	2 car bays
Minus the most recently approved on-site car parking shortfall	Not applicable as proposal is to redevelop site
Resultant shortfall	2.62 car bays
Bicycle Parking Facilities	
Retail <ul style="list-style-type: none"> • 1 space per 300 (proposed 127) square metres gross floor area (class 1 or 2) - 0.42 space. • 1 space per 200 (proposed 127) square metres of public floor area (class 3) - 0.64 space. 	N/A Nil

COMMENTS:

Department for Planning and Infrastructure Referral

The proposal has been referred to the Department for Planning and Infrastructure (DPI) as the proposal abuts William Street, which is classified as an "Other Regional Road". The DPI in its letter dated 23 June 2008 has advised that there are no land requirement affecting the property under the Metropolitan Region Scheme and associated Other Regional Road Reservation. The Department advises that a modified proposal which shows all vehicles exiting the site in forward gear would be supported. The revised plans dated 18 August 2008, demonstrates all vehicles exiting the site in forward gear.

Technical Services

The Town's Technical Services Officers have advised that the bus shelter position nominated on the revised plan is not supported. The applicant has been advised that the Public Transport Authority will not permit the bus stop to be moved any further than the southern boundary of No. 386 William Street. The applicant has been advised that they must negotiate with AdShell and pay all costs associated with relocating the bus shelter to another location should AdShell be amenable to the idea, as the existing bus shelter is subject to a contracted agreement between the Town and AdShell and, therefore, their agreement to its relocation is necessary.

AdShell has indicated to the Town, at a recent meeting, that there are limited suitable alternate sites; however, this remains a possible solution. Alternatively, should the bus shelter have to remain in its current location, the proposed awning may be compromised, both aesthetically and in practical terms. As such, appropriate conditions have been proposed to address the awning and the relocation of the affected bus shelter.

Demolition

The rendered brick and tile dwelling at No. 386 William Street was constructed circa 1908. The general form of the dwelling indicates that it would have been constructed in the Federation Georgian style of architecture. However, numerous alterations and additions over the years, including the replacement of the original roof sheeting and the removal and replacement of the original façade detail, have significantly obscured this reference. The place first appears in the Wise Post Office Directory in 1908, and is associated with Mr William Piper, a carpenter. From this time, the place is associated with a number of different residents including a herbalist who resided at the property from 1919 to 1930. Today, the place is uninhabited and boarded up.

Although representative of a Federation Georgian residence, the place is not an outstanding example of its type and the alterations and additions that have taken place over the years have further reduced its value in this respect. A preliminary heritage assessment undertaken on the place indicates that it has little cultural heritage significance and does not meet threshold for entry onto the Town's Municipal Heritage Inventory (MHI). It is recommended that approval be granted for the proposed demolition of the place, subject to the standard conditions.

Building Services

The Town's Building Services Officers have advised that there is some non-compliance with the Building Code of Australia requirements (deemed to satisfy requirements), that would need to be complied with at the Building Licence stage.

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 and the scale and nature of the development.

10.2.1 Proposed Parking Restrictions – Raglan Road, North Perth, between Fitzgerald Street and Leake Street

Ward:	South	Date:	3 September 2008
Precinct:	Smith's Lake (P6)	File Ref:	PKG0101
Attachments:	001		
Reporting Officer(s):	T Blankenburg		
Checked/Endorsed by:	C Wilson, R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the introduction of parking restriction in Raglan Road; between Fitzgerald and Leake Streets;*
- (ii) *APPROVES the introduction of the two (2) hour parking restriction between 8.00am and 5.30pm Monday to Friday and between 8.00am and 12 noon on Saturday, and associated 'No Stopping' restrictions as illustrated on attached Plan No. 2603-PP-1; and*
- (iii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (6-0)

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the outcome of consultation with residents of Raglan Road to determine the support for the introduction of a two (2) hour parking restriction on both sides of the road between Fitzgerald and Leake Streets.

BACKGROUND:

The Town has received correspondence from various residents in Raglan Road (between Leake and Fitzgerald Streets) regarding issues caused by parking congestion in this section of street.

The main issue related to the number of City and Local workers parking in the street for long periods of time resulting in a lack of parking for residents and their visitors.

Note: The majority of residents have off street parking or the potential to provide off street parking.

DETAILS:

On 20 June 2008, 20 letters were distributed to the residents of this section of Raglan Road, inviting them to provide comments regarding the proposed introduction of a two (2) hour parking restriction from Monday to Friday inclusive between 8.00am and 5.30pm, and Saturday between 8.00am and 12.00 noon.

The consultation letter also included details of the Town's policy on eligibility for exemption from the time restrictions through residential and visitor parking permits.

At the close of the consultation period ten (10) responses were received (50% response) with eight (8) in favour and two (2) against the proposal. A summary of comments received is attached at appendix 10.2.1.

Discussion:

This section of Raglan Road is about 180 metres long and 7.00 metres wide. Running parallel to the north is Alma Road which has restrictions (adjacent to the North Perth Plaza shopping centre) and to the South is Grosvenor Road which is unrestricted. Implementing restrictions in Raglan Road may move the all day parkers further south. This will be monitored.

CONSULTATION/ADVERTISING:

Residents were consulted via a letter drop in relation to the proposed parking restriction in Raglan Road.

LEGAL/POLICY:

There is no legal consequence of the recommendation.

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 and functional environment. *“9e) Review, implement and promote the Car Parking Strategy;*

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

Implementing parking restrictions in Raglan Road will require the manufacture and installation of eight (8) new signs and will cost approximately \$800.00.

COMMENTS:

The majority of respondents were in favour of the proposed introduction of parking restrictions in Raglan Road, between Fitzgerald and Leake Streets. It is therefore recommended that the Council proceed with the introduction of the two (2) hour parking restrictions as shown on attached plan No 2603-PP-1.

10.2.2 Loftus Street Median – Tree Removal

Ward:	South	Date:	29 August 2008
Precinct:	Smiths Lake P6	File Ref:	TES0234
Attachments:	001		
Reporting Officer(s):	J. van den Bok		
Checked/Endorsed by:	R. Lotznicker, John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed removal of a mature Pinus radiata (Monterey Pine) from the median island in Loftus Street;*
- (ii) *APPROVES the prompt removal of the Monterey Pine tree as shown in Appendix 10.2.2 for the following reasons:*
 - (a) *the tree is at the end of its life span and is in an advanced stage of decline due to it's age (Policy No. 2.1.2 Clause 6(ii)(a));*
 - (b) *there is little chance the tree will recover due to its old age (Policy No. 2.1.2 Clause 6(ii)(b)); and*
 - (c) *the Town has a "duty of care" to minimise potential danger to people and minimise risk (Policy No. 2.1.2 Clause 6(ii)(b)); and*
- (iii) *ADVISES Loftus Street residents in the vicinity of the proposed tree removal.*

Moved Cr Maier, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Messina

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

- (iv) *REQUESTS that any replacement trees be jarrah.*

Debate ensued.

AMENDMENT PUT AND CARRIED (4-2)

For

Cr Ker
Cr Lake
Cr Maier
Cr Messina

Against

Presiding Member, D/Mayor Cr Farrell
Cr Doran-Wu

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

MOTION AS AMENDED PUT AND CARRIED (6-0)

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

COUNCIL DECISION ITEM 10.2.2

That the Council;

- (i) *RECEIVES the report on the proposed removal of a mature Pinus radiata (Monterey Pine) from the median island in Loftus Street;*
- (ii) *APPROVES the prompt removal of the Monterey Pine tree as shown in Appendix 10.2.2 for the following reasons:*
 - (a) *the tree is at the end of its life span and is in an advanced stage of decline due to it's age (Policy No. 2.1.2 Clause 6(ii)(a));*
 - (b) *there is little chance the tree will recover due to its old age (Policy No. 2.1.2 Clause 6(ii)(b)); and*
 - (c) *the Town has a "duty of care" to minimise potential danger to people and minimise risk (Policy No. 2.1.2 Clause 6(ii)(b));*
- (iii) *ADVISES Loftus Street residents in the vicinity of the proposed tree removal; and*
- (iv) *REQUESTS that any replacement trees be jarrah.*

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the rapid decline in the health of a mature Monterey Pine located in the Loftus Street median island and seek approval for its immediate removal.

BACKGROUND:

Monterey Pines were planted throughout the older Perth metropolitan suburbs around 1920-1930 and remnants of several plantings within the Town still exist at Menzies Park, Beatty Park and the area bounded by Loftus, Richmond, Oxford and Vincent Streets.

They have progressively been removed from the perimeter of Menzies Park over the past 10 years as they have come to the end of their lifespan.

Two (2) mature Monterey Pine trees have previously been removed from the Loftus Street median due to the sudden decline in their condition and there are now only three (3) existing mature Monterey Pines remaining.

Peppermint Trees (*Agonis flexuosa*) were planted as a replacement tree within the median by the former City of Perth and this planting has been further increased by the Town over the past years.

DETAILS:

General Species Characteristics

The Monterey or Radiata Pine (*Pinus radiata*) is native to the United States and has now been cultivated in many of the warmer countries throughout the world. The tree has a rapid growth rate and, as is normally the case with such a rapid growth rate, the tree only has a moderate lifespan relative to most other tree species, of around 70-90 years.

When a tree is coming to the end of this period, the foliage or pine needles thin out and the tree canopy begins to die off from the top. This will occur over a number of months and the lower remaining limbs may look healthy and retain healthy growth for some years before the tree dies off completely.

With some tree species, removing dead wood usually promotes future growth from the point of removal (epicormic growth) which in some cases can rejuvenate the tree and possibly (eventually) again form a well balanced specimen.

Pine trees do not however re-shoot/re-grow from any cut or the removal of limbs, therefore their shape is severely and permanently compromised particularly if reduced in height. In most cases, even dead pine trees can remain structurally sound for many years and do not usually shed their dead timber; however, around Perth they are invariably susceptible to infestation from termites. Termites can quickly eat through and weaken the internal branch structure causing branch failure.

Loftus Street Median Specimen

Parks personnel have been monitoring this tree over the past 18 months since it was first observed as being in a state of decline. The limb facing east and hanging over Loftus Street was the first to show signs of decline, however, now the entire top section of the tree's canopy is deteriorating rapidly.

As described above, this tree has a major fork in the main trunk, which may fracture due to insect attack or rot if the tree is left to further decline.

As shown on the attached photographs, the remaining two healthy Monterey Pines in Loftus Street have a dense dark green canopy when compared with the tree proposed for removal.

Given the location of this specimen and the significant number of vehicles using Loftus Street, it is recommended that the tree be removed as soon as possible to reduce the potential risk to the Town.

Replacement Planting

Following removal of the tree, there may be the opportunity to replant the median island with additional Peppermint trees, however, this will be dependant on the extent of the remaining surface roots, proximity of other existing trees and the location of the high pressure gas main.

CONSULTATION/ADVERTISING:

Should the Council approve the removal of this tree, residents in the vicinity will be notified prior to the commencement of any works.

LEGAL/POLICY:

The Council has a "duty of care" to take all appropriate action to minimise/reduce potential danger caused by large trees which are in decline or dying. The potential to cause injury by tree limbs, in trees in severe decline, is well recognised.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2006-2011 – 1.1.4 Minimise negative impacts on the community and environment.

SUSTAINABILITY IMPLICATIONS:

There has been previous debate with regards the removal/replacement of pine trees which are an alternative food source for the endangered Carnaby's Black Cockatoo. The Black Cockatoos feed on a variety of native and introduced plants, the Monterey Pine being one of the introduced plants that it prefers.

However, it is interesting to note that when the black cockatoos are around the Leederville area they tend to flock to the native jarrah trees within Keith Frame Reserve, in preference to the adjacent remaining Monterey Pines on Loftus Street median – therefore an adequate food source is still available.

The existing stand of jarrah trees, together with the recently planted Tuarts within the Loftus Centre and Leederville area, will ensure that the food source for the Carnaby's Black Cockatoo is maintained in the future.

FINANCIAL/BUDGET IMPLICATIONS:

The estimated cost for the removal of the tree is as follows:

•	Traffic Plan	\$ 500.00
•	Traffic Management	\$1,200.00
•	Tree Removal	\$2,500.00
•	Stump Grinding	<u>\$ 300.00</u>
	Total Cost	\$4,500.00

The above amount can be sourced from the Amenity Pruning budget (\$50,000).

COMMENTS:

Due to the potential danger that this tree represents, being it is in decline and located adjacent to a major arterial road where vehicles regularly have to stop and wait during peak periods, it is strongly recommended that action be taken to remove this tree as soon as possible.

The Chief Executive Officer advised that Cr Messina had declared a financial interest in Item 10.3.1. He departed the Chamber at 7.15pm and did not speak or vote on this matter.

10.3.1 Investment Report as at 31 August 2008

Ward:	Both	Date:	1 September 2008
Precinct:	All	File Ref:	FIN0033
Attachments:	001		
Reporting Officer(s):	B Wong		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 August 2008 as detailed in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

MOTION PUT AND CARRIED (5-0)

(Cr Messina was absent from the Chamber and did vote on this matter.)

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

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 1.2.4.

DETAILS:

Total Investments for the period ended 31 August 2008 were \$18,632,734 compared with \$9,632,734 at 31 July 2008. At 31 August 2007, \$16,938,406 was invested.

Total accrued interest earned on Investments as at 31 August 2008:

	Budget	Actual	%
	\$	\$	
Municipal	650,000	59,763	9.19
Reserve	485,710	99,712	20.53

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.

Note that the investment previously held with Home Building Society has changed name to the Bank of Queensland following a take over of the building society.

10.4.2 Equal Employment Opportunity Management Plan 2008-2011

Ward:	Both	Date:	2 September 2008
Precinct:	All	File Ref:	PER0024
Attachments:	001		
Reporting Officer:	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the Town of Vincent Equal Employment Opportunity Management Plan 2008-2011 as shown in Appendix 10.4.2; and*
- (ii) *NOTES that the Equal Employment Opportunity Management Plan 2008-2011 will be implemented on an ongoing basis during 2008-09, by the Chief Executive Officer, as part of his role for being responsible for employee matters.*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

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

- (i) *ENDORSES the Town of Vincent Equal Employment Opportunity Management Plan 2008-2011 as shown in Appendix 10.4.2 subject to timeframes being provided to all items marked as proposed; and*

The Chief Executive Officer advised the meeting that the majority of items were already actioned (as the Report indicated the items, as at 31 August 2008). The remaining items will be completed by 30 June 2009, as indicated in clause (ii).

Cr Messina returned to the Chamber at 7.29pm.

Debate ensued.

Cr Maier withdraw his amendment, with the approval of the seconder, Cr Ker.

MOTION PUT AND CARRIED (6-0)

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Town of Vincent Equal Employment Opportunity Management Plan 2008-2011.

BACKGROUND:

In June 2008 the Office of Equal Employment Opportunity wrote to the Town advising that in accordance with the Equal Opportunity Act 1984 all local governments were required to prepare and implement an Equal Employment Opportunity Management Plan.

The purpose of the Plan is to provide each local government with a strategic focus to maximise human resource potential, enhance productivity and can be an effective way of meeting core business goals and aligning workforce profile and culture with local communities.

The Office of EEO provided a template to assist with meeting their requirements. The Plan was required to be submitted by 31 August 2008.

DETAILS:

The Town submitted its first Equal Employment Opportunity Management Plan on 15 August 2008.

A further letter has been received from the Office of EEO acknowledging receipt of the Town's Plan and stating:

"I was particularly pleased to note the range of existing and proposed measures you have in place. I acknowledge that these have been incorporated into a detailed EEO Management Plan, which should assist you in achieving EEO outcomes."

CONSULTATION/ADVERTISING:

Not required. The Management Plan has been issued to all Directors, Managers and Supervisors and is available on the Town's intranet.

LEGAL/POLICY:

The EEO Management Plan is a requirement of the Equal Opportunity Act 1984 – section 145(1):

"Each authority shall prepare and implement an equal opportunity management plan in order to achieve the objects of this Part."

The Town already has a number of related EEO Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 – 4.2 Provide a positive and desirable workplace and implement technology for business improvement.

FINANCIAL/BUDGET IMPLICATIONS:

The implementation of various initiatives detailed in the Equal Employment Opportunity Management Plan 2008-2011 are contained within the Town's operating budget and no further funding is required.

SUSTAINABILITY IMPLICATIONS

Nil.

COMMENTS:

It is recommended that the Town's Equal Employment Opportunity Management Plan 2008-2011 be received and endorsed.

10.4.3 Information Bulletin

Ward:	-	Date:	3 September 2008
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Radici		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 9 September 2008, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.3

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (6-0)

(Mayor Catania was an apology for the meeting. Cr Burns and Cr Youngman on approved leave of absence.)

DETAILS:

The items included in the Information Bulletin dated 9 September 2008 are as follows:

ITEM	DESCRIPTION
IB01	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/12 of 2008 – Govardhan v Town of Vincent (No. 560 Beaufort Street, Mount Lawley)
IB02	Letter to Mr A Buters of 438 Charles Street, North Perth - Response to Questions taken on Notice at Ordinary Council Meeting held on 26 August 2008
IB03	Letter to Mr J Davies of 2 Clarence Street, Mount Lawley - Response to Questions taken on Notice at Ordinary Council Meeting held on 26 August 2008
IB04	Letter to North Perth Precinct Group Inc of 66 Auckland Street, North Perth - Response to Questions taken on Notice at Ordinary Council Meeting held on 26 August 2008
IB05	Report on the Benchmarking Best Practice in Local Government Conference - 28-29 July 2008 - Sydney
IB06	Report on the International Federation of Environmental Health (IFEH) 10 th World Congress on Environmental Health Conference
IB07	Register of Petitions - Progress Report - September 2008
IB08	Register of Notices of Motion - Progress Report - September 2008
IB09	Register of Reports to be Actioned - Progress Report - September 2008
IB10	Register of Legal Action - Progress Report - September 2008
IB11	Register of State Administrative Tribunal Appeals - Progress Report - September 2008
IB12	Forum Notes - 19 August 2008
IB13	Forum Advice - 16 September 2008

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

Nil.

15. CLOSURE

The Presiding Member, Deputy Mayor Steed Farrell, declared the meeting closed at 7.45pm with the following persons present:

Cr Steed Farrell (Acting Mayor)	Presiding Member, North Ward
Cr Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Phynea Papal	Journalist – “ <i>The Guardian Express</i> ”

No Members of the Public.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 9 September 2008.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2008