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(17 JANUARY 2006)

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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 17 January 2006, commencing at 6.08pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.08pm and wished everyone a wonderful and prosperous New Year.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Steed Farrell (*Deputy Mayor*) North Ward

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward (from 6.15pm)
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary
Mark Fletcher	Journalist – Perth Voice (until 7.31pm)
Dan Hatch	Journalist – Guardian Express (until 7.11pm)

Approximately 15 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Ms Tania Trevison of TRG Properties - Item 10.1.1 - Noted that the application was considered at the previous meeting and deferred by Council due to some concerns regarding the proposed size of the home occupation. Advised that these concerns had been taken on board and a revised application had been submitted. Hopes the revised plans, that have been recommended for approval, will satisfy the Council's concerns and be viewed positively and approved.
2. Kim Doepel of 12 Salisbury Street, Subiaco - Item 10.1.8 – Advised that he was representing the owner of the property who is currently overseas. Advised that they accept and support the Officer's Recommendation.

Requested that the Council approve the application so that the improvements can commence as soon as possible.

3. Nancy Tran of 545 Fitzgerald Street, North Perth - Item 10.1.7 - Requested that the Item be deferred as revised plans were handed in earlier in the week.
4. Ms Barbara Charlton of 65 Mabel Street, North Perth - Item 10.1.4 - Asked that Council consider the impact this development will have on their property with regards to loss of amenity due to excess bulk and scale. Requested that Council apply the recommended setback of one (1) metre.

Cr Torre entered the meeting at 6.15pm.

5. Ms Prue Leeming of 44 Ruby Street, North Perth - Item 10.1.4 - Stated that she objects to the proposed development. Requested that the Council applies the setback criteria on all boundaries as all neighbours are residing in houses with setbacks, and they wish to retain the amenity of the area. Stated that if the applicant proposed a more modest residence on the small site, she would have no objections as this would be more in keeping with the heritage style homes currently creating the streetscape.
6. Mr Jeff Hill of 41b Pollard Street, Glendalough - Item 10.1.11 - Requested that Council remove condition (iii) of the recommendation as the property is currently in the process of being green titled, and no progress can be made until the house is demolished. Stated that designs are underway by Perceptions, who hope to make applications to Council next month, but they cannot be finalised until the green title process is complete.
7. Ms Katrina Robertson of 42 Ruby Street, North Perth - Item 10.1.4 - Stated that the proposal sits on her northern boundary and the proposed stairwell looks directly into her backyard and kitchen. Requested that the Council review such a dwelling being allowed to be built on her boundary and consider her loss of privacy and the impact it will have on her lifestyle.
8. Ms Sarah Ontong of 67 Mabel Street, North Perth - Item 10.1.14 - Stated that she objects to the current proposal, as the purchaser of such a small block should not expect to have such a large residence. Stated that the applicant's expectations are unrealistic and when considering amenity, streetscape and the Town's Planning Policies, such a residence is not viable.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania closed Public Question Time at 6.23pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 The Chief Executive Officer advised that a petition had been received from Ms Ms Jennifer Harrison of 73 Wasley Street, North Perth with 31 signatories opposing the Town's proposal to apply short term parking restrictions to both sides of Wasley Street, North Perth and to Norfolk Street, North Perth.

The Chief Executive Officer advised that the petition would be forwarded to the Executive Manager Environmental and Development Services and the Executive Manager Technical Services for investigation and report.

Moved Cr Torre, Seconded Cr Messina

That the petition be received.

CARRIED (8-0)

(Cr Farrell was an apology.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Maier, Seconded Cr Ker

That the Minutes of the Ordinary Meeting of Council held on 20 December 2005 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Farrell was an apology.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Employee of the Month Award for the Town of Vincent for January 2006

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

For January 2006, the award is presented to Peter Velkovski, one of the Sanitation Workers in the Town's Outside Workforce.

Peter was nominated by a resident of Monmouth Street, North Perth - Katie - who telephoned the Town to express her appreciation at the service provided to them by one of the Town's workers. She wanted to find out the person's name who, "empties their bin every week as he is a delightful man who waves to [her] 3 year old son every morning without fail." Katie further commented that her son, "really looks forward to bin day to get his special wave and that the family love living in the Town of Vincent and wishes other Councils provided as good a service as Vincent do."

Councillor Maddalena Torre further endorsed this nomination on learning of this excellent feedback received by the Town.

It is always a pleasure to receive positive comments relating to the Town and of course, the Town's employees. The acknowledgement afforded these employees reflects favourably upon them individually and also the Town of Vincent overall.

The Employee of the Month award is in recognition of Peter's exceptional service.

Well done Peter - Keep up the good work!!

Received with acclamation.

7.2 North Perth Community Bank – Grant to Help Save Hyde Park Lakes

Mayor Catania advised that the North Perth Community Bank has approved a \$50,000 grant to the Town of Vincent to help save the Hyde Park Lakes.

There has been a lot of public angst about the condition of the Hyde Park Lakes in recent years, although this year there is an improvement. But there is still a lot of work to be done and the North Perth Community Bank have decided on donating this \$50,000.

This is a very commendable decision and it flags that the Bank is in the community, here to stay, and would like to make a contribution to the community of Vincent. What better project than to save the Hyde Park Lakes with Hyde Park being an icon, not only of Vincent, but of Perth and Western Australia.

We thank the North Perth Community Bank for their generosity.

8. DECLARATION OF INTERESTS

- 8.1 Mayor Catania declared a proximity interest in Item 10.1.1 – Nos 489-495 (Lot 200) Fitzgerald Street, North Perth – Proposed Change of Use from Four (4) Single Houses to Four (4) Single Houses with Home Offices. The nature of his interest being that he is a shareholder of a company that owns adjacent property.
- 8.2 Mayor Catania declared a financial interest in Item 10.3.2 – Investment Report as at 31 December 2005. The nature of his interest being that he is the Chairperson of the North Perth Community Bank.
- 8.3 Cr Maier declared a financial interest in Item 10.4.4 – Policies – Amendments and Proposed New Policy 1.2.13 – Financial Assistance – Community Based Environmental Projects. His interest relates only to the proposed new Policy 1.2.13. The nature of his interest being that his partner is employed by a community based group which may be eligible for financial assistance as a result of this policy.
- 8.4 Cr Lake declared a financial interest in Item 10.4.4 – Policies – Amendments and Proposed New Policy 1.2.13 – Financial Assistance – Community Based Environmental Projects. Her interest relates only to the proposed new Policy 1.2.13. The nature of her interest being that she is employed by a community based group which may be eligible for financial assistance as a result of this policy.
- 8.5 Cr Messina declared a financial interest in Item 10.3.2 – Investment Report as at 31 December 2005. The nature of his interest being that he is a Director and shareholder of the North Perth Community Bank.

8.6 Cr Ker declared an interest affecting impartiality in the following items:

- 10.2.2 – Further Report – Approval of a TravelSmart Officer; and
- 10.2.3 – Further Report – TravelSmart Household Program Stage 3.

The nature of his interest being that he has undertaken work in connection with the TravelSmart program but is not doing any work connected with this initiative.

8.7 Chief Executive Officer – John Giorgi declared an interest affecting impartiality in Item 10.4.2 – Further Report – Proposed Friendship and Cultural Relationship between the Town of Vincent and the City of Delianuova, Reggio Calabria, Italy. The nature of his interest being that his parents are from the region of Reggio Calabria.

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

Nil.

10. REPORTS

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

The Agenda Items were categorised as follows:

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

Items 10.1.1, 10.1.8, 10.1.7, 10.1.4 and 10.1.11

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

Items 10.2.2, 10.2.3 and 10.4.4

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

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

Cr Chester	Items 10.1.2, 10.1.3, 10.1.5, 10.1.6, 10.1.9, 10.1.17, 10.1.19, 10.1.23 and 10.4.2
Cr Ker	Nil
Cr Doran-Wu	Nil
Cr Torre	Nil
Cr Lake	Items 10.1.20 and 10.2.1
Cr Messina	Item 10.1.24
Cr Maier	Items 10.1.10, 10.1.14, 10.1.15, 10.1.18, 10.1.22, 10.2.2, 10.2.4, 10.2.6, 10.3.1 and 10.3.4
Mayor Catania	Nil

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

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

Items 10.1.1, 10.3.2 and 10.4.4

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

Items 10.1.12, 10.1.13, 10.1.16, 10.1.21, 10.2.5, 10.2.7, 10.2.8, 10.3.3, 10.3.5, 10.4.1, 10.4.3, 10.4.5 and 10.4.6

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

Nil.

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

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

Items 10.1.12, 10.1.13, 10.1.16, 10.1.21, 10.2.5, 10.2.7, 10.2.8, 10.3.3, 10.3.5, 10.4.1, 10.4.3, 10.4.5 and 10.4.6

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

Items 10.1.1, 10.1.8, 10.1.7, 10.1.4 and 10.1.11

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

Moved Cr Torre, Seconded Cr Ker

That the following unopposed items be moved en bloc;

Items 10.1.12, 10.1.13, 10.1.16, 10.1.21, 10.2.5, 10.2.7, 10.2.8, 10.3.3, 10.3.5, 10.4.1, 10.4.3, 10.4.5 and 10.4.6

CARRIED (8-0)

(Cr Farrell was an apology.)

10.1.12 No. 1 (Lot 4045) Selden Street, North Perth- Patio Addition to Existing Single House (Application for Retrospective Approval)

Ward:	North	Date:	10 January 2006
Precinct:	North Perth; P8	File Ref:	PRO3327; 5.2005.3268.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Bonasera on behalf of the owners A & A Bonasera for Patio Addition to Existing Single House (Application for Retrospective Approval), at No.1 (Lot 4045) Selden Street, North Perth, and as shown on plans stamp-dated 9 November 2005, subject to the following conditions:*

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

(b) *any new street/front wall, fence and gate between the Selden boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*

(1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*

(2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*

(3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*

(4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*

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

(c) *the roof cover of the patio shall be modified to be setback a minimum 0.5 metre from the southern boundary within 28 days of the notification; and*

- (d) *the finished floor level of the patio shall not be greater than 0.5 metres above the natural ground level; and*
- (ii) *the Council ADVISES the applicant and owners that the above works that form part of clause (i)(c) above shall be completed within twenty-eight (28) days of notification, and the Council AUTHORISES the Chief Executive Officer to continue legal proceedings should the above works have not been completed within this twenty-eight (28) days period.*

COUNCIL DECISION ITEM 10.1.12

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology.)

Landowner:	A & A Bonasera
Applicant:	A Bonasera
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	769 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves patio addition to existing single house (application for retrospective approval).

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Building Code of Australia (BCA) - Part 3.7.1 - Fire Separation	Patio roof cover - at least 500 millimetres from boundary.	Nil	Not supported - safety concern, and conditioned to comply in Officer Recommendation.

Consultation Submissions		
The proposal was not advertised as it was considered to be fully compliant with the Residential Design Codes (R Codes) and the relevant Town's Policies. It is noted however that the unauthorised patio was brought to the Town's attention via an anonymous complainant.		
Support	N/A	Noted.
Objection	N/A	Noted.
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:

While the proposal is considered to be fully compliant with the R- Codes and the relevant Town's Policies, the Town's Building Services have advised that the structure does not comply with the applicable standards of the Building Code of Australia. Accordingly, approval is recommended subject to standard and appropriate conditions, including the patio roof cover being modified and setback a minimum of 0.5 metre from the southern boundary to address the above matter.

10.1.13 No. 320 (Lot 26: Strata Lot 64) Vincent Street, Leederville-Proposed Signage to Existing Office (Application for Retrospective Approval)

Ward:	South	Date:	10 January 2006
Precinct:	Oxford Centre; P04	File Ref:	PRO3368; 5.2005.3257.1
Attachments:	001		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by J Dover on behalf of the owner D Dover for proposed Signage to Existing Office (Application for Retrospective Approval), at No. 320 (Lot 26, Strata Lot 64) Vincent Street, Leederville, and as shown on plans stamp-dated 4 November 2005, 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; and*
- (b) *the non-compliance with the Town's Policy 3.5.2 relating to Signs and Advertising; and*
- (ii) *the Council ADVISES the applicant and owner that the size of the signage shall be reduced to 50 per cent (5.83 square metres) of the glazed area of the window within twenty-eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to proceed with legal proceedings should the unauthorised signage remain after this twenty-eight (28) days period.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology.)

Landowner:	D Dover
Applicant:	J Dover
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/ Commercial R80
Existing Land Use:	Office
Use Class:	Office Building
Use Classification:	"AA"
Lot Area:	59 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The application is for retrospective approval for an existing window sign for Buzz Marketing at the subject premises.

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	N/A
Window Signs	Not to cover more than 50 percent of the glazed area of any one window or exceed 10 square metres in area in aggregate per tenancy on a lot.	Total sign (includes logo, bees and yellow and grey background) = 69.56 per cent (7.65 square metres) of the glazed area of window.	Not supported- see Comments below.
Consultation Submissions			
The proposal was not advertised as refusal is recommended.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

COMMENTS:

The unauthorised window signage occupies 69.56 per cent of the glazed area of the window, which is contrary to the Town's Signs and Advertising Policy which restricts window signs to a total of 50 per cent of the glazed area of a window.

In light of the above, and given that the office is located near a prominent corner within the Oxford Centre Precinct, the signage is not considered to be sympathetic to the area, and will create an undue impact on the amenity of the streetscape and the area generally.

Given the above, refusal is therefore recommended. It is also recommended that the applicants be required to reduce the size of the signage to 50 per cent (5.83 square metres) of the glazed area of the office window.

10.1.16 Amendment No.14 to Planning and Building Policies Relating to Heritage Management - Development Guidelines, Assessment and Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI)

Ward:	Both Wards	Date:	9 January 2006
Precinct:	All Precincts	File Ref:	PLA 0161
Attachments:	001 002		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final amended version of the Policies relating to Heritage Management - Development Guidelines, Assessment and Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI) as shown in Attachment, 10.1.16 (a), resulting from the advertised version having been reviewed and regard to the two (2) written submissions received during the formal advertising period as outlined in Attachment 10.1.16 (b), in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final amended version of the Policies relating to Heritage Management - Development Guidelines, Assessment and Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI) , as shown in Attachments 10.1.16 (a), in accordance with clause 47 (5) (b) of the Town's Town Planning Scheme No. 1; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policies relating Heritage Management - Development Guidelines, Assessment and Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI) as shown in Attachment 10.1.16 (a), in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.*

COUNCIL DECISION ITEM 10.1.16

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the final amended version of the Policies relating to *Heritage Management - Development Guidelines, Assessment and Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI)* and seek final adoption.

BACKGROUND:

The Council at its Ordinary Meeting held on 27 March 2001 resolved to adopt the Planning and Building Policy Manual dated 2001 with some amendments.

The Council at its Ordinary Meeting held on 23 August 2005 resolved the following:

"That the Council;

- (i) *RECEIVES the:*
 - (a) *draft Policy relating to Heritage Management - Development Guidelines, as shown in Attachment 10.1.32(a);*
 - (b) *draft Policy relating to Heritage Management – Assessment, as shown in Attachment 10.1.32(a);*
 - (c) *draft Policy relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI), as shown in Attachment 10.1.32(a); and*
 - (d) *Heritage Impact Statement Pro-forma, Municipal Heritage Inventory Nomination Form, Municipal Heritage Inventory Deletion Form and Municipal Heritage Inventory Amendment to Management Category Form, as shown in Attachment 10.1.32(b);*
- (ii) *ADOPTS the draft Policies relating to Heritage Management - Development Guidelines, Assessment and Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI) to be applied in the interim up to formal adoption of the Draft Policies;*
- (iii) *RESCINDS the Policies relating to Heritage - Heritage Assessment, Heritage - Heritage Management - Municipal Heritage Inventory, and Residential Design Guidelines - Design Elements - Heritage Conservation;*
- (iv) *ADVERTISES the:*
 - (a) *draft Policies relating to Heritage Management - Development Guidelines, Assessment and Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI); and*
 - (b) *rescission of Policies relating to Heritage Assessment, Heritage Management - Municipal Heritage Inventory, and Residential Design Guidelines - Design Elements - Heritage Conservation;*

for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:

 - (1) *advertising a summary of the subject Policies once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (2) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policies; and*
 - (3) *forwarding a copy of the subject Policies to the Western Australian Planning Commission and the Heritage Council of Western Australia; and*

- (v) *after the expiry of the period for submissions:*
- (a) *reviews the draft Policies relating to Heritage Management - Development Guidelines, Assessment, Adding/Deleting/Amending Places from the Municipal Heritage Inventory (MHI) having regard to any written submissions; and*
 - (b) *determines the draft Policies relating to Heritage Management - Development Guidelines, Assessment, Adding/Deleting Places from the Municipal Heritage Inventory (MHI) with or without amendment, to or not to proceed with them;*
- (vi) *AMENDS the draft Policy relating to Heritage Management - Development Guidelines as shown in the Attachment, by amending Objective 2) as follows, prior to clauses (ii), (iii), (iv) and (v) above, being actioned:*
- "2) *To ensure that the Council ~~is familiar with~~ gives due consideration to the procedures that apply to the identified Management Categories when considering and determining planning applications, particularly in regards to the impact of proposed developments on heritage places and their environs."*
- (vii) *AMENDS the draft Policy relating to Heritage Management - Adding/Deleting/Amending Places listed on the Municipal Heritage Inventory (MHI) as shown in the Attachment, by amending clause 1) iii) as follows, prior to clauses (ii), (iii), (iv) and (v) above, being actioned:*
- "1) iii) *All recommendations ~~The decision~~ to add, delete or amend places in the Municipal Heritage Inventory shall be made to the Council on a quarterly basis and all nominations made during this period be reported to the Council. In the instance of the recommended four year review of the MHI, an alternative timeframe will be adopted."*
- (viii) *AMENDS the draft Policies relating to Heritage Management - Development Guidelines, Assessment and Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI) as shown in the Attachments, , as follows, prior to clauses (ii), (iii), (iv) and (v) above being actioned:*
- (a) *amends the draft Policy relating to Heritage Management - Development Guidelines by amending the following definition:*
 - "Heritage Assessment*
A systematic assessment that describes a place and its setting and states the significant heritage values of the place based on the criteria outlined in the Burra Charter. It is preferable but not essential for such assessments to be undertaken by people with relevant experience in this area of expertise."
 - (b) *amends the draft Policy relating to Heritage Management - Development Guidelines, by amending the following clause 1) iv):*
 - "1) i) *A Conservation Essential*
 - *A Conservation Plan and/or Heritage Impact Statement is to be prepared in the event of a planning application to guide the decision making on the future conservation and development of the place.*

- *The Conservation Plan and/or the Heritage Impact Statement is to be prepared by ~~suitable~~ a suitable professional with demonstrated qualifications and experience in the field of heritage conservation management.*
- *The development proposal should be assessed with close regard for the Conservation Plan/Heritage Impact Statement, and the planning decision is to be consistent with the recommendations of the Conservation Plan/Heritage Impact Statement.*
- *If the place is listed on the State Register of Heritage Places comments are to be sought from the Heritage Council of Western Australia before ~~any development is approved~~. a decision is made on an application for development."*

(c) *amends the draft Policy relating to Heritage Management - Development Guidelines, by amending the following clauses 1) iii):*

" 1) iii) C Conservation Encouraged

- *A Heritage Assessment is to be prepared by the Town of Vincent's Heritage Officers or by a recognised heritage professional whenever a planning application is submitted.*
- *Where the planning application proposes the demolition of two or more places the Town of Vincent may request that the Heritage Assessment is to be conducted independently by heritage professionals recognised by the Heritage Council of Western Australia.*
- *The Heritage Assessment will determine the level of cultural heritage significance associated with the place and the type of redevelopment considered appropriate.*
- *Depending on the outcome of the Heritage Assessment, a place in this category ~~will~~ may be reclassified to a different Management Category which would then guide the appropriate procedures for redevelopment Category B or Category D."*

(d) *amends the draft Policy relating to Heritage Management - Development Guidelines, by amending the following Introduction:*

"The Municipal Heritage Inventory comprises a list of places within the Town of Vincent that have been recognised as having cultural heritage significance and worthy of conservation for present and future generations. Each place has been allocated a Management Category which reflects the level of cultural heritage significance associated with that particular place. The Management Categories provide a guide to any future works to be conducted and the level of protection and conservation recommended. The current Australian Burra Charter will supplement the heritage definitions and terms used in this Policy."

- (e) amends the draft Policy relating to Heritage Management - Assessment, by adding the following clause 5):

"5) A Management Category will be allocated to each place that will reflect the cultural heritage significance associated with that particular place. The Management Category is designed to provide a guide to any future works to be conducted and the level of protection and conservation recommended which is outlined in Policy No. 3.6.1 Heritage Management relating to Development Guidelines. The Management Category will be allocated to a place based on considerations of the Statement of Significance and other relevant factors. "

- (f) amends the draft Policy relating to Heritage Management - Assessment, by amending the following Introduction:

"All Heritage Assessments of local heritage places in the Town of Vincent are to be carried out in accordance with the procedures outlined within this Policy so that assessments are accountable, comparable and consistent. The criteria are based on the principles outlined within the Burra Charter and adhere to well-established 'best practice' in the identification and assessment of heritage places in Western Australian and throughout Australia at a local, state and national level. The current Australian Burra Charter will supplement the heritage definitions and terms used in this Policy. "

- (g) amends the draft Policy relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI), by amending the following Introduction:

"The Town of Vincent has a rich and diverse heritage demonstrated within its built and natural environment. The Town of Vincent first released its Municipal Heritage Inventory in 1995 which has since been substantially updated resulting in the creation of the current working Municipal Heritage Inventory. The Inventory includes a range of places both natural and built that have been identified as having cultural heritage significance requiring varying degrees of protection and conservation. As a working document it is important that places can be deleted, added and amended to the list when required. The current Australian Burra Charter will supplement the heritage definitions and terms used in this Policy."

- (h) amends the draft Policy relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI), by amending the following clause 3):

- "3) The following consultation procedures apply in the event of all considered changes to the Municipal Heritage Inventory:

Before resolving to adopt nominations for adding/deleting/amending places on the Municipal Heritage Inventory, the Council will:

- ~~Notify the owner(s) and occupier(s) of the place and any other person whose names appear on the Certificate of Title of the land as having an interest therein;~~

- Notify the owner in writing stating that a nomination form for adding/deleting/amending the Municipal Heritage Inventory has been received and provide 14 days for the owner to comment prior to Council consideration.
 - Provide the opportunity for interested owners and/or members of the community to participate in workshops/meetings conducted at the Town of Vincent addressing issues surrounding heritage listed places;
 - Consider the nominations to add/delete/amend places on the Municipal Heritage Inventory and advertise the list of proposed amendments for public comment for the period of 28 days in the local newspaper; Advertise notice, including a list of the proposed amendments in the local newspaper and make the heritage assessment reports available for public viewing, during a public comment period of minimum 28 days;
 - ~~Invite submissions on the proposed amendments within a period of not less than 28 days of the date specified on the notice;~~
 - Consider any submissions made and resolve to adopt with or without modifications, the proposed amendments to the MHI after considering the submissions; and
 - Forward notice of the final adoption of the proposed amendments to the MHI to the Heritage Council of Western Australia and the Western Australian Planning Commission."
- (i) amends the draft Policy relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI), by amending the following clause 2) ii):
- "2) ii) A place is requested to be deleted from the MHI by the owner or a member of the public.
- a) Any place that is requested deletion from the MHI is to involve the submission of the Municipal Heritage Inventory Application Deletion Form, identifying the place and demonstrating conclusively that the existing assessment of its cultural heritage significance was erroneous or that it has subsequently lost this significance.
 - b) To determine this, an assessment is to be prepared by the Town of Vincent's Officers to review the current status of significance. If it is found that the place does not meet the threshold for entry into the Municipal Heritage Inventory then a revised assessment and the Application for Deletion Form is to be presented to Council. The Council's basis for removing places from the Municipal Heritage Inventory will be the degree to which the place/s has lost its cultural heritage significance.

~~e) — A place will not be removed from the Municipal Heritage Inventory solely on the grounds that it is not in its original state or it is in poor condition. These considerations need to be either factored into the assessment of the place or alternatively be addressed through development control decisions concerned with a range of planning issues.~~

~~c) d) The poor state of a place listed on the MHI should not in itself be a reason for removal from the Inventory. However if structural failure is cited as a justification for removal of the place from the MHI, evidence should be provided that states that the structural integrity of the place has failed, to the point where it cannot be rectified without the removal of a majority of its significant fabric. In this instance a structural condition report conducted by a registered structural engineer should be submitted to the Town of Vincent and considered in conjunction with the Application for Deletion Form.”~~

DETAILS:

The Policies address three key aspects of heritage management and are based strongly on the principles of the *Burra Charter*.

Policy 3.6.1: Heritage Management - Development Guidelines

The key objectives of the *Policy relating to Heritage Management - Development Guidelines*:

- 1) To recognise the Municipal Heritage Inventory (MHI) as the database of essential information regarding cultural heritage values, the recommended degree of protection and conservation management of the listed places;
- 2) To ensure that the Council is familiar with the procedures that apply to the identified Management Categories when considering and determining planning applications, particularly in regard to the impact of proposed developments on heritage places and their environs;
- 3) To conserve and enhance those places which contribute to the heritage of the Town in recognition of the distinctive contribution they make to the character of the Town of Vincent;
- 4) To ensure that the evolution of the Town of Vincent provides the means for a sustainable and innovative process towards integrating the old and the new; and
- 5) To complement Town of Vincent Policies relating to Residential Design Elements.

It is anticipated that this Policy will facilitate the Council in considering and determining planning applications for places identified as having cultural heritage significance. The Management Categories are designed to provide an effective method to guide proposed works to be conducted and to recommend the level of protection and conservation appropriate for heritage listed properties. It is to be noted that formal Heritage Assessments have not been completed on each of the properties listed and thus further assessment will usually be required in the event of a planning application of a listed place.

Policy 3.6.2: Heritage Management - Assessment

The key objectives of the *Policy relating to Heritage Management - Assessment*:

- 1) To conserve and protect places of cultural heritage significance within the Town of Vincent;
- 2) To provide clear procedural guidelines for Heritage Assessments conducted within the Town of Vincent; and
- 3) To provide improved certainty to landowners and community members about the formal practice involved in heritage assessment and protection in the Town of Vincent.

It was recommended by the *Local Government Heritage Working Party, Agenda Papers April 2005* that all assessments of local heritage places are carried out in accordance with the given procedures so that assessments are accountable and can be tested, comparable and consistent. This Policy is based on the recommended criteria which adhere to well established 'best practice' in the identification and assessment of heritage places in Western Australia and throughout Australia both at State and Local level. The assessment of significance - understanding the assessment of places of cultural heritage significance - is guided by the principles of the *Burra Charter* and is the basis of all good heritage decisions.

Policy 3.6.5: Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI)

The key objectives of the *Policy relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI)*:

- 1) To provide a clear procedure for adding, deleting or amending entries on the Town of Vincent's Municipal Heritage Inventory;
- 2) To ensure places that are added, deleted or amended, on the Town's Municipal Heritage Inventory, follow due process; and
- 3) To ensure that decisions for adding, deleting or amending places on the Town of Vincent's Municipal Heritage Inventory, are based on consideration of the cultural heritage significance of the place.

It is anticipated that with the release of the revised Municipal Heritage Inventory, this Policy will provide the opportunity for owners or interested parties to nominate, delete and/or amend a place from the Municipal Heritage Inventory following the due process. The procedures allow for the Council to provide recommendations to the Municipal Heritage Inventory on a quarterly basis, and given the tailored electronic database in which the Inventory will be stored, the Town's Officers will be able to maintain a working and up to date document for the community that will be available on the Town of Vincent's heritage website.

CONSULTATION/ADVERTISING:

Any new or amended Planning Policy is required to be advertised for public comment in accordance with Clause 47 of the Town's Town Planning Scheme No. 1. The subject Policies were advertised accordingly.

Two submissions were received from the same person during the comment period, and as such amendments have been made, and comments are reflected in the Schedule of Submissions and below:

- The *Policy relating to Heritage Management - Assessment* is based on the criteria set Local Government Heritage Working Party 2005 and on the principles outlined in the Burra Charter and thus to be consistent with heritage 'best practice' in principle it could not be changed. However, in order to provide greater transparency to how heritage assessments are conducted greater detail has been added to the Policy, Heritage Management - Assessment.
- It is considered that the Policies themselves should not be directly addressing 'human impact' rather this is to be addressed within the broader realm of Heritage Services at the Town of Vincent. This is specifically addressed through the Heritage Incentives Package, which contains both financial and non-financial incentives to owners of heritage listed properties.
- The *Policy relating to Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory* is based on information provided by the Local Government Heritage Working Party 2005 documentation and the principles outlined in the Burra Charter. In regards to Section 2 Clause (ii), it is considered that a distinction is made between 'poor condition' and 'structural failure'. Identifying the distinction will be based on the circumstances of an individual place. In all instances advice will be sought from accredited heritage professionals.

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area One: Environment and Infrastructure:

"1.2 Recognise the value of heritage in providing a sense of place and identity".

FINANCIAL/BUDGET IMPLICATIONS:

The current 2005/2006 Budget lists \$80,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

In light of the above, it is recommended that the Council receives, adopts and advertises the final amended version of the new Policies, in line with the Officer Recommendation.

10.1.21 Birdwood Square Progress Report and Temporary Toilets

Ward:	South Ward	Date:	13 December 2005
Precinct:	All Precincts	File Ref:	ENS0102
Attachments:	001		
Reporting Officer(s):	M Wood, J MacLean		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on park issues and anti-social behaviour at Birdwood Square;*
- (ii) *APPROVES the continuation of the existing permanent toilets to remain locked, with key access provided to regular sporting user groups;*
- (iii) *APPROVES the removal of the temporary toilet on Birdwood Square and 'Alternative Toilet facilities signage';*
- (iv) *CONTINUES to monitor the park throughout the anticipated peak summer period and if problems re-occur to support the return of the temporary toilets; and*
- (v) *AUTHORISES the Chief Executive Officer to relocate the temporary toilet facility in Birdwood Square, should it be deemed necessary.*

COUNCIL DECISION ITEM 10.1.21

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology.)

PURPOSE OF REPORT:

The purpose of the report is to update the Council on the current status of temporary toilets located at Birdwood Square and provide an update on anti-social behaviour at Birdwood Park and surrounding areas.

BACKGROUND:



The Council, at its Ordinary Meeting held on 22 February 2005, resolved, inter alia; as follows:

“That the Council;

(iii) *APPROVES the following:*

- (a) *rental of a temporary toilet, at an estimated cost of \$2,368, to be trialled over a four (4) month period in a variety of locations in Birdwood Square and the Brisbane Street Car Park to determine the best location for a possible replacement toilet and to determine whether anti-social behaviour decreases;*
- (b) *keeping the permanent toilets located on Birdwood Square locked for the duration of the trial of the temporary toilets, but making them available to people who hire the park;*

The toilet has been located in Birdwood Square Reserve, since late February 2005 and can, along with other strategies introduced at the same time, be taken as being successful in abating many of the anti-social behaviour issues. There has been a marked reduction in complaints from both residents and businesses, since this time and this can be acknowledged as further testimony to the effectiveness of this strategy.

Whilst the need for the temporary toilets was gauged high, in initial months of placement, from reports of Rangers and Technical Services staff, the use of the toilets has declined in recent months. According to informal reports, the temporary toilet is being utilised more by late-night patrons from the nearby Brisbane Hotel.

DETAILS:

Current Status

The trial period of the temporary toilet in Birdwood Square has been assessed as being effective, in reducing the complaints about urinating and defecating in the Reserve, but the toilet is now under utilised.

There is an existing toilet/changeroom building, located within Birdwood Square and this is kept locked at all times, with an access key being provided to regular and casual users of the Reserve.

Strategies

The Town of Vincent continues to work closely with the WA Police, to proactively ensure that vacant buildings within the Town are secured. This discourages itinerants from congregating in local parks, reserves and other facilities.

- The Nyoongar Patrol continues to work proactively, on park issues and in close liaison with the Town, the Department of Community Development, the WA Police, local residents and businesses.
- The Nyoongar Patrol continues to streamline and review its service, to ensure best practice is adopted, when dealing with issues in Birdwood Square, Hyde Park, Robertson Park and a number of other areas in the Town. An "Official Launch" of the "New" Nyoongar Patrol is scheduled to take place on 20 December 2005 and this Launch is being held to identify the Town of Vincent, along with the Department of Indigenous Affairs as being the major partners in the service.

- The present strategy of temporary toilets in Birdwood Square has worked well in the past, but the need for this to continue has been re-assessed and, due to current statistics showing a marked decline in use, it is now recommended that the toilet be removed. Should information be obtained that suggests that the toilet should be re-instated in Birdwood Square, the Chief Executive Officer will arrange for this to be done.
- A strategy is currently being developed, with regard to the existing permanent toilet/changeroom structure in Birdwood Square. The feasibility of the removal of existing structure, with a new purpose built anti-vandal structure being built to replace it, or incorporating Crime Prevention Through Environmental Design (CPTED) is currently being assessed.

Meetings:

The Birdwood Square Working Group met on 21 November 2005 and, at the last meeting a number of factors were discussed that may account for the reduction in complaints, including;

- Police issuing move on notices;
- Cooler weather;
- Qualified carers are now required to escort remote patients to Perth for dialysis;
- Review and improvement of the service being provided by the Nyoongar Patrol;
- Agencies are now co-ordinating their efforts more effectively, by referring and assisting park people to find long term housing or support to return to their home communities; and
- Agencies' improved dealings, with health and treatment for drug/ substance abuses. This in turn brings about more sustainable outcomes that have seen a number of long term and 'hard core' park dwellers, who were considered as "magnets" for other people, return to home communities .

It is hoped that the combination of the current strategies will provide a long-term benefit to the Town's residents and ratepayers and that the "New" Nyoongar Patrol will continue to be effective in combating anti-social behaviour issues in the Town's Parks and Reserves.

Statistics

The statistics, provided by Nyoongar Patrol, for the period 1 October to 31 October 2005, have been attached to this report.

CONSULTATION/ADVERTISING:

There has been consultation with WA Police, Nyoongar Outreach Metropolitan Patrol Service, Birdwood Square Working Group and the Park People Working Group, in the compilation of this report. There is no need to consult further, in the matter.

LEGAL/POLICY:

There are no legal implications associated with this report.

STRATEGIC IMPLICATIONS:

Under Key Result Area Two: Community Development:

"2.2 Provide and develop a range of community programs and community safety initiatives.

- (g) Enhance and promote the Safer Vincent Program, which aims to support, develop and deliver residential and business initiatives that reduce crime and promotes safety and security".*

Under Key Result Area Four: Governance and Management, the Council upholds a number of objectives including, *"to create a safe environment for residents, ratepayers, businesses and visitors by identifying, addressing and managing risks"*

FINANCIAL/BUDGET IMPLICATIONS:

There are no Budget implications, associated with this report, unless the Chief Executive Officer approves the re-location of the temporary toilet, in which case the cost will be met from existing funds.

COMMENTS:

There has been a general downturn in anti-social behaviour and other problems in the parks over the past few months. Discussion at the Birdwood Square Working Group indicates support for removal of the temporary toilet, due to its minimal use. Whilst the placement of the temporary toilet has proved to be an effective short term strategy, longer term strategies need to be developed, which can be sustain current needs and expectations.

It is anticipated that issues in the parks will begin to resume once the warmer start to summer is realised.

The above report is recommended for approval.

10.2.5 Proposed Introduction of an ACROD 2.5 Parking Bay Adjacent to 202 Bulwer Street, Perth

Ward:	South	Date:	05/01/06
Precinct:	Hyde Park (P12)	File Ref:	PKG0027
Attachments:	001;		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed introduction of an ACROD 2.5 Parking Bay adjacent to 202 Bulwer Street, Perth;*
- (ii) *APPROVES the introduction of one (1) ACROD 2.5 parking bay as shown on attached Plan No 2399-PP-1 at an approximate cost of \$300;*
- (iii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iv) *ADVISES the applicant of the Council's decision.*

COUNCIL DECISION ITEM 10.2.5

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval of the introduction of an ACROD 2.5 parking bay adjacent to 202 Bulwer Street, Perth.

BACKGROUND:

In accordance with the Town's Policy No. 3.9.9 "Introduction of Kerbside 'ACROD 2.5' Parking Bays in Residential Areas", residents who hold a valid ACROD permit may apply for an ACROD bay to be installed kerbside adjacent to their properties where no suitable alternative parking can be provided on site. The Town is in receipt of such an application from a resident of Bulwer Street, Perth.

DETAILS:

The son of a resident who resides at 202 Bulwer Street and who is confined to a wheelchair has requested that an "ACROD 2.5" parking bay be installed for the benefit of his father. The resident is the holder of a valid ACROD permit and there is no available "off street" parking.

Should the Council approve the installation of the ACROD bay, the bay would be available for use by any holder of an ACROD permit, however it would be of particular benefit to the resident's family, who transport him to medical appointments at Shenton Park.

Recent new residential and commercial development in the vicinity has increased the demand on kerbside parking and the resident's family is finding it increasingly difficult to find parking close to his home so that they may pick him up when required. This is particularly problematic in winter.

It is therefore proposed that an "ACROD 2.5" parking bay be installed immediately behind the bus stop at the front of 202 Bulwer Street, and suitable signage installed.

CONSULTATION/ADVERTISING:

There is no requirement to consult regarding the installation of ACROD bays.

LEGAL/POLICY:

There is no legal impediment to the introduction of the ACROD bay. A two week moratorium from infringement will be in place following the installation of the ACROD bay.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"p) Develop a strategy for parking management in business, residential and mixed use precincts, that includes - parking facilities that are appropriate to public needs;"*

FINANCIAL/BUDGET IMPLICATIONS:

The cost of the ACROD bay would be approximately \$300.00

COMMENTS:

The applicant has provided proof of his eligibility to hold an ACROD permit and there is no doubt that the installation of the ACROD bay will be of great benefit to him. It is recommended that the Council approve the introduction of the "ACROD 2.5" bay.

10.2.7 Loton Park – Removal / Replacement of Tea Tree Hedge and Ancillary Works

Ward:	South	Date:	3 January 2006
Precinct:	Beaufort P13	File Ref:	RES0096
Attachments:	001 ;		
Reporting Officer(s):	J van den Bok; K Steicke		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to the proposal to remove/replace the tea tree hedge and carry out ancillary works at Loton Park, adjacent to the Loton Park Tennis Club;*
- (ii) *NOTES the attached response from the Heritage Council of WA (HCWA) approving the proposal subject to the replacement hedge being of the same species;*
- (iii) *APPROVES the removal / replacement of the tea tree hedge and installation of a new fence along the western and southern boundaries of the tennis courts as outlined in the report, subject to additional funding being allocated in the 2006/2007 budget;*
- (iv) *LISTS an amount of \$25,000 for consideration in the 2006/07 draft budget for the implementation of the works (as outlined in the report) estimated to cost \$33,900; and*
- (v) *ADVISES the Loton Park Tennis Club of its decision.*

COUNCIL DECISION ITEM 10.2.7

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council why the replacement of the existing southern boundary fence between Loton Park Tennis Club and Loton Park cannot be completed in the 2005/06 financial year and to request additional funding for the removal/replacement of the tea tree hedge which is a prerequisite to successfully undertaking this project.

BACKGROUND:

The Loton Park Tennis club has requested that the replacement of the existing southern boundary fence between Loton Park Tennis Club and Loton Park be 'fast tracked' as the existing fence has been displaced to such an extent that it now encroaches onto the actual area of play thus limiting the usable area of grass court(s) - *refer attached photographs.*

Following the club's recent 'urgent' request, the Town's officers met onsite with club officials to progress the project, however, at the meeting it was discovered that the existing fence has been intertwined by the existing tea tree hedge to such an extent that is now impossible to remove the fence without requiring the removal of the hedge.

Following the site meeting, it was decided that the entire project should be reviewed from a practical/financial perspective and postponed until after the summer tennis season when the works could be undertaken (subject to additional funds being allocated for the project) and without impacting on the grass tennis courts.

In addition, the tea tree hedge is listed on the Town's Trees of Significance Inventory and identified in the Perth Oval Conservation Plan as *an integral part of the significance of the place and should be retained.*

DETAILS:

An amount of \$8,900.00 for the replacement of the existing southern boundary fence between Loton Park Tennis Club and Loton Park has been allocated in the 2005/06 budget. The existing fence is in very poor condition and has been laterally displaced onto the adjacent tennis courts by the existing tea tree hedge.

Given that the hedge consists of vegetative material and the wire/pipework is inert material, it is likely that tipping costs will be high and, in addition, site constraints will make it difficult to undertake the works, with an established native garden on one side and fine turfed grass tennis courts on the other.

Furthermore, it has been identified that the existing fencing along the western side of the courts is virtually non-existent and what remained is being supported by an Ivy creeper and some form of retaining is also required along the boundary between the tennis courts and the old curator's cottage.

Officers have investigated how the existing fence/hedge could be removed and replaced without significantly impacting on the existing surrounds.

A report was also forwarded to the Heritage Council of Western Australia (HCWA) outlining the existing problem and requesting that they assess the proposed solution of removing and replacing the fence and tea tree hedge.

Removal/Disposal of existing Fence /Hedge

The most effective and easiest method of removing the fence without significant impact on the surrounds would be to cut the hedge/fence in sections of approximately 4 metres in length and remove/load directly onto a truck via a "Hiab" crane which could work from the Loton Park side.

Several companies were contacted and the cheapest quote received to undertake this work and dispose of the material was \$18,000.00. The high cost is indicative of the manual labour involved in cutting both the plant material and wire fence and disposing of them at a suitable waste facility.

New Fencing/Retaining

The new fencing would consist of PVC black coated chainwire fencing with top and bottom rails. This is consistent with the fencing recently installed along the southern boundary of the tennis courts when the new hard courts were installed. Gates would also be provided for pedestrian and service access.

A small retaining wall would be required directly adjacent to the old curator's house where there is a difference of approximately 300-400mm in height between the two properties.

Tea Tree Hedge

When the new hard courts were installed at Loton Park Tennis Club some five years ago, a section of the old tea tree hedge was removed to gain access to the site to successfully complete the works. This was subsequently replaced with the same species (*Leptospermum laevagatum*) and this specimen has quickly matured and is now easily and regularly maintained (*refer attached photograph*).

Therefore, removal and replacement of the existing hedge with the same species would provide the same effect/screen within a very short period.

Hedges require regular or at least annual pruning and the original tea tree hedge at Loton Park was never maintained in the years where the maintenance and responsibility of the grounds was under the control of the Western Australian Football League. This lack of maintenance, coupled with the age and declining condition of the hedge, has resulted in the current unacceptable situation.

HCWA assessment and significance

The HCWA has supported the officers' proposal subject to:

Upon completion of the construction of the new fence, a replacement hedge of a similar species shall be planted.

The HCWA has also indicated that the Town of Vincent investigate a planting solution to ensure that the future boundary hedge does not cause a recurrence of the situation. The above can simply be addressed by undertaking regular maintenance (clipping) of the hedge.

As indicated previously, the tea tree hedge at Loton Park is currently listed on the Town's Trees of Significance Inventory. However, in the review of the Inventory recently undertaken by arboriculturist Charles Aldous-Ball (yet to be endorsed by the Council) he has recommended that the tea tree hedge be deleted from the Inventory due to its poor condition and the fact that it is not classed as a tree

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Perth Oval is listed on the State Register of Heritage Places and therefore this project was submitted to the HCWA for assessment and their subsequent approval.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.2 Recognise the value of heritage in providing a sense of place and identity. *“a) Protection of heritage through ongoing review of the Municipal Heritage Inventory and investigation and implementation of initiatives to conserve heritage of the Town of Vincent.”*

FINANCIAL/BUDGET IMPLICATIONS:

Quotations have been sought for the new fences, removal of the existing fence/hedge and retaining wall required along the western boundary of the tennis courts adjacent to the old curators cottage. Costs for the replanting of the tea tree hedge and reinstatement of the turfed tennis courts have been estimated based on current tendered rates or catalogue prices.

The estimated total cost of the project is as follows:-

• Chainmesh fencing (black PVC coated with top/bottom rails)	\$12,000
• Removal and disposal of existing fencing and tea tree hedge	\$18,000
• Supply/installation of retaining wall	\$2,000
• Supply/planting of new tea tree hedge	\$1,200
• Reinstatement of tennis courts (turfing)	\$700

Total Cost \$33,900

As indicated above, the Council had previously budgeted \$8,900.00 to undertake this project, therefore an additional \$25,000 is required to complete the project as outlined in the report.

COMMENTS:

The area, once known as Perth Oval, has significantly changed over recent years with the completion of the first stage of Members Equity Stadium and the redevelopment of Loton Park. What was once a very run down area is now a popular venue and well maintained parklands.

The completion of this project with the removal/replacement of the fence and tea tree hedge will provide the Loton Park Tennis Club with a safe, secure and usable grass tennis court surface. It will also allow the Town to improve the aesthetics of the landscaping at Loton Park along the boundary with the Tennis Club, as currently from the Loton Park side the tea tree hedge presents nothing but a "woody eyesore". It is therefore requested that the officers' recommendation be adopted.

10.2.8 Proposed Introduction of a Five Minute Pick Up and Set Down Bay in Fitzgerald Street, Perth

Ward:	South	Date:	5 January 2006
Precinct:	Hyde Park (P12)	File Ref:	PKG0029
Attachments:	001;		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed introduction of a five (5) minute pick up and set down bay in Fitzgerald Street, Perth;*
- (ii) *APPROVES the establishment of the five (5) minute pick up and set down bay, as shown on attached Plan 2401-PP-1;*
- (iii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iv) *NOTIFIES the proprietor of Maurizio's Restaurant of the Council's decision.*

COUNCIL DECISION ITEM 10.2.8

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval of the introduction of a five (5) minute pick up and set down bay in Fitzgerald Street adjacent to Maurizio's restaurant.

BACKGROUND:

The proprietor of Maurizio's restaurant has submitted a written request for a Taxi Bay at the front of his premises in Fitzgerald Street. The Town's Officers have decided that a five (5) minute pick up and set down bay is more appropriate and will offer the desired amenity while being of use to a wider range of users.

DETAILS:

The proprietor of Maurizio's has observed that his patron's frequently have difficulty accessing taxi services as parking is not available in the evenings. He has requested the Town's support to the introduction of a taxi bay outside his premises to resolve this problem.

Currently there are no parking restrictions in place, apart from the evening Clearway which is in place from 4.30pm until 6.00pm, Monday to Friday.

So that the bay can be utilised by a wider section of the community, and is not restricted to the occasional use of taxis, it is proposed that the bay be a five (5) minute pick up and set down bay. The bay could then be utilised by the businesses in the area for deliveries and collection of goods during business hours, and it can reasonably be anticipated that it would be available for the use of taxis in the evenings.

CONSULTATION/ADVERTISING:

The proprietors of Maurizio's have been consulted and have indicated their support for the introduction of the five (5) minute pick up and set down bay. The proposed change is of a minor nature and does not disadvantage any other stakeholders and therefore does not warrant further consultation.

LEGAL/POLICY:

The restriction will be enforced by the Town's Rangers and there are no legal or policy impediments to its introduction.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"p) Develop a strategy for parking management in business, residential and mixed use precincts, that includes parking facilities that are appropriate to public needs."*

FINANCIAL/BUDGET IMPLICATIONS:

The cost of signage and line marking would be approximately \$200.00.

COMMENTS:

The five (5) minute pick up and set down bay will be of benefit to all businesses in the vicinity and will address the problem of parking for taxis. It is recommended that the Council approve the introduction of the bay.

10.3.3 Authorisation of Expenditure for the period 1 - 31 December 2005

Ward:	Both	Date:	10 January 2006
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	Melike Orchard		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) Schedule of Accounts for the period 1 December - 31 December 2005 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 10.3.3

COUNCIL DECISION ITEM 10.3.3

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology.)

DECLARATION OF INTEREST

Members/ Officers	Voucher	Extent of Interest
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Nil.

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1- 31 December 2005.

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	
	EFT	\$1,400,940.19
		\$2,722,133.94
Total Municipal Account		\$4,123,074.13
Advance Account		
Automatic Cheques		
	53948-54038, 54040-54212, 54214-54327	\$558,000.37
Trust Account Cheques		0
Transfer of Creditors by EFT Batch 458, 460-472		\$2,390,527.81
Transfer of PAYG Tax by EFT	December 2005	\$232,427.78
Transfer of GST by EFT	December 2005	\$0.00
Transfer of Child Support by EFT	December 2005	\$1,411.32
Transfer of Superannuation by EFT City of Perth	December 2005	\$41,240.11
Local Government	December 2005	\$123,407.37
Total Advance Account		\$3,347,014.76
Transfer of Payroll by EFT	December 2005	\$754,394.70
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$4,626.38
Lease Fees		\$3,394.91
Corporate Master Cards		\$3,206.46
Australia Post Lease Equipment		\$623.54
2 Way Rental		\$3,667.15
Loan Repayment		\$0.00
Rejection Fees		\$5.00
ATM Rebate		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$15,523.44
Less GST effect on Advance Account		-\$64,708.75
Total Payments		\$8,175,298.28

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 – Key Result Area 4.2 – Governance and Management

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

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

10.3.5 Lease Negotiations Mount Hawthorn Toy Library and Mount Hawthorn Playgroup

Ward:	North Ward	Date:	20 December 2005
Precinct:	Mount Hawthorn Precinct	File Ref:	CMS0028
Attachments:	-		
Reporting Officer(s):	Paul Betts		
Checked/Endorsed by:	Mike Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES of a five (5) year lease with the Mount Hawthorn Playgroup and Mount Hawthorn Toy Library who each lease a portion of the Mount Hawthorn Community Centre located at 197 Scarborough Beach Road, Lot 273 Certificate of Title Volume 679 Folio 58 Mount Hawthorn, subject to final satisfactory negotiations being carried out by the Chief Executive Officer.

COUNCIL DECISION ITEM 10.3.5

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to provide Council with details regarding the Mount Hawthorn Playgroup and the Mount Hawthorn Toy Library who each lease a portion of the Mount Hawthorn Community Centre and have expressed a desire to continue with these lease arrangements.

BACKGROUND:

The Mount Hawthorn Playgroup and Mount Hawthorn Toy Library each lease a portion of the Mount Hawthorn Community Centre located at 197 Scarborough Beach Road, Mount Hawthorn. The playgroup leases an area of 237 square metres and the toy library leases an area of 31.7 square metres. The Mount Hawthorn Playgroup has leased the premises since December 1997 with the current lease being for the period 1 January 2001 until 31 December 2005. The Mount Hawthorn Toy Library has leased the premises since January 1995 with the current lease being for the period from 1 January 2001 until 31 January 2006. Should negotiations extend beyond the expiry date of the leases the lessees will be offered a monthly tenancy.

DETAILS:

It is recommended that negotiations commence with the Mount Hawthorn Playgroup and the Mount Hawthorn Toy Library. A five (5) year lease period will be offered, commencing on 1 January 2006 until 31 December 2011 for the Mount Hawthorn Playgroup and 1 February 2006 until 31 January 2011 for the Mount Hawthorn Toy Library.

The Mount Hawthorn Toy Library is utilised by fifty five (55) families, 95% being residents of the Town of Vincent. The toy library is open on Wednesday from 7.30 pm until 8.30 pm and Saturday from 9.30 am until 11.00 am. A committee of six (6) are responsible for the operations of the toy library.

The Mount Hawthorn Playgroup is utilised by one hundred and twenty (120) families, the majority of them being from the Mount Hawthorn area. The playgroup operates from Monday to Friday between the following hours; 9.00 am until 11.00 am, 12.00 pm until 2.00 pm and 3.00 pm until 5.00 pm. The playgroup is operated by a committee of seven (7) and each playgroup session is conducted by a different coordinator.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Town's Policy No. "1.2.8 Terms of Lease", which specifies a five year term, to a maximum of ten years.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005 - 2010

Key Result 2.1 (a) 'Develop, financially support, promote and organise community events and initiatives (including those generated by community groups) that engage the community and celebrate the cultural diversity of the Town.'

Key Result Area 3.2 (a) "Review leases and commercial contracts to ensure the best return for the Town."

FINANCIAL/BUDGET IMPLICATIONS:

The Mount Hawthorn Playgroup pays annual lease fees of \$734.09. The Mount Hawthorn Toy Library pays \$128.04 in annual lease fees.

COMMENTS:

It is recommended that negotiations commence with the Mount Hawthorn Playgroup and the Mount Hawthorn Toy Library with the view of offering a five (5) year lease to each group. The Town recognises the important contributions that are made to the community by these groups and considers their tenancies to have been trouble free and in accordance with all lease requirements.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	10 January 2005
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.

COUNCIL DECISION ITEM 10.4.1

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology.)

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
16/12/05	Notification under Section 70A	1	Town of Vincent and Torcrest Developments Pty Ltd of PO Box 6013, East Perth re: Nos. 401-403 (Lot 500) Oxford Street, Mount Hawthorn

Date	Document	No of copies	Details
21/12/05	Industry Partner and Academic Partner - Project Agreement	2	Town of Vincent, Murdoch University, East Perth Redevelopment Authority, Western Power Corporation, The Institution of Engineers Australia WA Division, East Perth Football Club Inc, The Library Board of WA, Trades and Labour Council, Australian Society of the Study of Labour History Perth Branch Inc, The National Trust of Australia WA, Director General of the Department of Culture and the Arts, UWA, Curtin University of Technology and The University of Adelaide re: East Perth Power Station and the Electrification of Western Australia: interpretation of an Historic Site
06/01/06	Deed of Restrictive Covenant	3	Town of Vincent and TOP Nominees Pty Ltd of PO Box 475, West Perth, LJ Spanos of 73 Streatley Rd, Lathlain, DDM Gowen, B Morar, PP Naran, PR Natha, N Naran of PO Box 3082, Broadway, I MacKenzie of 4 Broome Street, Nedlands, Glenkarri Investments Pty Ltd of GPO Box 2400, Perth and RG & SI Campbell Nominees Pty Ltd of PO Box 8110, Angelo St, South Perth re: Nos 595 and 1-5 (Lots 54 and 53) Beaufort St, cnr Chelmsford Road, Mount Lawley
06/01/06	Deed of Easement	3	Town of Vincent and Water Corporation of 629 Newcastle Street, Leederville re: The Avenue Car Park, Leederville

**10.4.3 Minutes of the Annual General Meeting of Electors held on
12 December 2005**

Ward:	Both	Date:	14 December 2005
Precinct:	All	File Ref:	ADM0009
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES and CONFIRMS the Minutes of the Annual General Meeting of Electors held at 6.00pm on Monday 12 December 2005, attached at Appendix 10.4.3; and*
- (ii) *NOTES that a further report will be submitted to the Council in early 2006 concerning the motion carried at the Meeting.*

COUNCIL DECISION ITEM 10.4.3

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology.)

BACKGROUND:

The Annual General Meeting of Electors of the Town of Vincent was held on Monday 12 December 2005 at 6.00pm. It was attended by seven (7) Electors, as shown in the Attendance Register attached to the Minutes.

DETAILS:

It is standard practice for the Minutes of the Meeting of Electors to be presented to the Council for information. Under the Local Government Act 1995, Section 5.33, all decisions taken at Electors Meetings are required to be considered at the next Ordinary Meeting of the Council.

The Minutes are attached for the information of the Council. The following decisions were taken at that meeting.

1. Moved Marie Slyth of 89 Carr Street, West Perth, Seconded Ray Stevenson of 11 Emmerson Street, North Perth

That the Council consider the following matters concerning the Town's Precinct Policy (which was discussed by the combined Precinct Group Members):

That;

- (i) Precinct Groups get a yearly financial payment to cover the cost of paper, printing of notices, postage etc with just one initial start-up sum payment rather than the existing one at the moment which is an initial payment and a follow-up next but make it a yearly payment;
- (ii) Council provide the facility, when needed by the Precinct Groups, to be able to have their Agendas, Minutes and flyers printed off;
- (iii) Council, in order to provide incentive for Precinct Groups Members to sit on Precinct Committees (which tend to get so heavily overburdened), and arrange for our Precinct Co-ordinator at Council to pull out each week the building and development applications for each precinct and forward them to each Precinct Group along with information on anything else that is likely to affect the Precinct Group. If such an arrangement were to be too burdensome for the Precinct Co-ordinator at Council, then an Assistant be employed at Council if possible to assist her or alternatively, that the Council website breakout for each individual Precinct each week's development and building applications and matters affecting each precinct so that hours are not spent by the Precinct Committee Secretary and Members going through entire Council Agendas and Minutes;
- (iv) Council discuss with Precinct Groups what regular briefings the Precinct Groups would like the Town to hold (ie negotiate something that the Precinct Group Members are prepared to support and then they may turn up); and
- (v) Council promote Precinct Meetings through its website and other publicity (ie putting a regular notice in local paper encouraging residents and ratepayers to attend Precinct Meetings).

AMENDMENT:

Moved Cr Ian Ker, of 92 Vincent Street, North Perth, Seconded Cr Sally Lake of 51 Chatsworth Road, Highgate

Add a new clause (vi) be added as follows:

“(vi) Council consider the issue of Public Liability insurance or the appropriate insurance for Precinct Groups where they have to hire an external venue when a Council venue is not available.”

AMENDMENT CARRIED UNANIMOUS

SUBSTANTIVE MOTION CARRIED UNANIMOUSLY

CEO's Comment:

The Town's Policy No 4.1.6 relating to "Community/Precinct Groups" was recently advertised for public comment. One submission was received from the North Perth Precinct Group. This was reported to the Ordinary Meeting of Council held on 6 December 2005 (Item 10.4.5) and Council was advised that the Town's administration will investigate the request for on-going financial support. The matter raised at the Annual General Meeting of Electors will also be investigated and a further report will be submitted to the Council in early 2006.

CONSULTATION/ADVERTISING:

Notice of the Annual General Meeting of Electors was advertised in a local newspaper (“Voice News”) and “The West Australian” Newspaper. Notices were displayed on all notice boards. It was also displayed on the Town's website.

The Minutes are attached for the information of the Council.

LEGAL/POLICY:

The Local Government Act 1995 states;

“5.27 (1) *A general meeting of the electors of a district is to be held once every financial year.*

(2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.”*

“5.33 (1) *All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable -*

(a) *at the first ordinary meeting after that meeting; or*

(b) *at a special meeting called for that purpose,*

whichever happens first.

(2) *If at a meeting of the council a local government makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.”*

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Not known at this stage.

COMMENTS:

The matter raised at the Annual General Meeting of Electors will be investigated and a report will be submitted to the Council.

10.4.5 Delegated Authority 2005-2006 Reports

Ward:	-	Date:	11 January 2006
Precinct:	-	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council NOTES the items approved under Delegated Authority over the period 21 December 2005 to 16 January 2006, as shown in Appendix 10.4.5.

COUNCIL DECISION ITEM 10.4.5

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the times approved under Delegated Authority for the period 21 December 2005 to 16 January 2006.

BACKGROUND:

At the Ordinary Meeting of Council held on 20 December 2005, the Council resolved as follows;

"That pursuant to Section 5.42 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY, delegated authority to the Chief Executive Officer, in consultation with the Mayor and all available Councillors, to deal with any items of business (other than those requiring an Absolute Majority) that may arise from 21 December 2005 to 16 January 2006, subject to:

- (i) the action taken only being in accordance with the Officer's recommendation;*
- (ii) a simple majority be accepted while Elected Members are absent;*
- (iii) a report summarising the items of business dealt with under delegated authority being submitted for information to the Council at its meeting to be held on 17 January 2006;*
- (iv) a delegation register of items being kept and made available for public inspection during the period that the delegation applies; and*
- (v) items being displayed in the Town of Vincent Administration Centre, the Library and on the Town's website for a period of four (4) days prior to approval."*

CONSULTATION/ADVERTISING:

An advertisement has been placed in a local paper advertising the meeting dates for 2006. The dates of Council Meetings are displayed on the Notice board in the foyer and on the Town's website.

LEGAL/POLICY:

The Local Government Act 1995 states:

*“Delegation of some powers and duties to CEO
5.42(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act (other than those referred to in section 5.43 and this power of delegation).”*

Matters requiring an Absolute or Special Majority decision of the Council cannot be approved under Delegated Authority.

STRATEGIC IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The use of Delegated Authority was in keeping with the Council's philosophy of providing a high standard of customer service to continue processing ratepayer requests and development applications.

A complete list and copy of the reports considered under Delegated Authority is included in this Agenda.

Confidential Item 14.1 has been circulated separately to Elected Members, Chief Executive Officer and Executive Managers.

10.4.6 Information Bulletin

Ward:	-	Date:	11 January 2006
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 17 January 2006 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.6

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell was an apology.)

DETAILS:

The items included in the Information Bulletin dated 17 January 2006 are as follows:

ITEM	DESCRIPTION
IB01	No. 98 (Lot 50) Flinders Street (Corner Woodstock Street), Mount Hawthorn - Valuations of Public Open Space Cash-in-Lieu Contribution for Green-Title/Freehold Subdivision (Mount Hawthorn Precinct) 119765
IB02	Review of WAPC Forms and Model Conditions – WAPC Planning Bulletin Number 75
IB03	Metropolitan Region Scheme Amendment No. 1088/33A North West Districts Omnibus (No. 6) – Letter from R N Stokes, Acting Secretary WAPC
IB04	Request for Reconsideration – Lots 27 and 28 Joel Terrace, Mount Lawley (WAPC 551-05) – Letter to SJB Town Planning Design and Urban Design from R N Stokes, Acting Secretary WAPC
IB05	No. 318 (Lot 102) Fitzgerald Street, Corner Vincent Street, North Perth – Vodaphone Low Impact Telecommunications Facility – Notification – Letter to Mr David Hodgkinson
IB06	Implementation of the Emergency Management Act 2005 ENS0071
IB07	Western Australian Local Government Association – WAPC Transport Committee – Local Government Representation
IB08	Department of Local Government and Regional Development – Circular No 34-2005 – Swearing in of Council Members – Removal of Oath to the Queen
IB09	Ms June Di Virgilio – Accessible Hoist - Beatty Park Leisure Centre – Letter of Thanks

The Chief Executive Officer advised that Mayor Catania had declared a proximity interest in this Item. He further advised that as the Deputy Mayor was an apology for the meeting it would be necessary to nominate an Elected Member to assume the Chair in the Mayor's absence.

Moved Cr Doran-Wu, Seconded Cr Maier

That Cr Ian Ker assume the Chair.

CARRIED (8-0)

Mayor Catania departed the Chamber at 6.38pm and did not speak or vote on the matter.

10.1.1 Further Report- Nos. 489-495 (Lot 200) Fitzgerald Street, North Perth - Proposed Change of Use from Four (4) Single Houses to Four (4) Single Houses with Home Offices

Ward:	North	Date:	11 January 2006
Precinct:	Smith's Lake; P6	File Ref:	PRO2047; 5.2005.3297.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Peter D Webb & Associates on behalf of the owner TRG Properties Pty Ltd for proposed Change of Use from Four (4) Single Houses to Four (4) Single Houses with Home Offices, at Nos.489-495 (Lot 200) Fitzgerald Street, North Perth, and as shown on plans stamped 22 December 2005 , subject to the following conditions:

- (i) the home offices shall be used in accordance with the Home Occupation requirements of the Town, except the floor area requirement which shall be in accordance with this Planning Approval;*
- (ii) any new street/front wall, fence and gate between the Fitzgerald 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, or 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) *the windows, doors and adjacent floor area facing Fitzgerald Street shall maintain an active and interactive frontage to Fitzgerald Street;*
- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the front setback area and the Fitzgerald Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vi) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (vii) *the maximum gross floor area for the home office use shall be limited to 17 square metres for Strata 2 and Strata 4, 22 square metres for Strata 3, and 18 square metres for Strata 1, respectively;*
- (viii) *the business shall not entail employment of any person not a member of the occupier's household;*
- (ix) *the business or activity to be carried on within the buildings shall be by a person residing in the building to which it is appurtenant;*
- (x) *the home office shall entail the conduct of a business, office, or workshop only, and shall not entail the retail sale or display of goods of any nature;*
- (xi) *the home office shall not cause injury to or prejudicially affect the amenity of the neighbourhood;*
- (xii) *the home office shall not detract from the residential appearance of the building;*
- (xiii) *the home office shall not display a sign exceeding 0.2 square metre in area;*
- (xiv) *the home office in the opinion of the Council shall be compatible with the principal uses of the area;*
- (xv) *the home office shall not result in a substantial increase in the amount of vehicular traffic in the vicinity; and*
- (xvi) *the home office shall not entail the presence, parking and garaging of a vehicle of more than one (1) tonne tare weight.*

COUNCIL DECISION ITEM 10.1.1

Moved Cr Lake, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (7-0)

(Cr Farrell was an apology. Mayor Catania was absent from the Chamber and did not vote.)

It was agreed that as the Mayor had declared a financial interest in Item 10.3.2 that this Item would be brought forward as he was already absent from the Chamber.

FURTHER REPORT:

The subject application was considered at the Ordinary Meeting of Council held on 20 December 2005. The following was resolved by the Council in relation to this matter:

"That the Item be DEFERRED to allow the applicant to submit another proposal that may include a home occupation."

The applicant has since forwarded amended plans to the Town. The amended plans differ from the previous proposal in that the number of 'home offices' has been reduced from two rooms to one room of each of the single houses. The proposed floor area for the home office use is 17 square metres for Strata 2 and Strata 4, 22 square metres for Strata 3, and 18 square metres for Strata 1, respectively. The applicant has also advised the Town that the occupancy of the residential and home office components is intended to be one entity and, therefore, it is considered that the planning application should be determined on this basis and conditioned accordingly.

The current proposal is considered to be less intensive and of a lesser scale from the previous proposal supported by the Town's Officers, to be within the parameters of a home occupation and not to have an undue impact on the amenity of the area. In light of this, the Officer Recommendation remains unchanged, except for the inclusion of the proposed amendments requested by the Elected Members, the updating of conditions to reflect the current proposal and the deletion of the previous condition/clause (iii) relating to residential/visitor parking permits which is no longer considered to be applicable due to the limited scale and nature of the amended proposal.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 20 December 2005:

"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 Peter D Webb & Associates on behalf of the owner TRG Properties Pty Ltd for proposed Change of Use from Four (4) Single Houses to Four (4) Single Houses with Home Offices ~~and Associated Alterations~~, at Nos.489-495 (Lot 200) Fitzgerald Street, North Perth, and as shown on plans stamp-dated 15 November 2005 (site plans) and 16 November 2005, subject to the following conditions:

- (i) *the home offices shall be used in accordance with the Home Occupation requirements of the Town, except the floor area requirement which shall be in accordance with this Planning Approval;*
- (ii) *any new street/front wall, fence and gate between the Fitzgerald 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, or 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) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*

"the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";
- (iv) *the windows, doors and adjacent floor area facing Fitzgerald Street shall maintain an active and interactive frontage to Fitzgerald Street;*
- (v) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the front setback area and the Fitzgerald Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*

- (viii) *the maximum gross floor area for the home office use shall be limited to 38 square metres, 37 square metres, 38 square metres and 34 square metres for Strata 1, Strata 2, Strata 3 and Strata 4, respectively; and*
- (ix) *the business shall not entail employment of any person not a member of the occupier's household.*

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

COUNCIL DECISION ITEM 10.1.14

Moved Cr Messina, Seconded Cr Torre

That the recommendation be adopted.

Moved Cr Messina, Seconded Cr Maier

That new clauses (x) to (xvii) be added as follows:

- "(x) *the business or activity to be carried on within the buildings shall be by a person residing in the building to which it is appurtenant;*
- (xi) *the home office shall entail the conduct of a business, office, or workshop only, and shall not entail the retail sale or display of goods of any nature;*
- (xii) *the home office shall not cause injury to or prejudicially affect the amenity of the neighbourhood;*
- (xiii) *the home office shall not detract from the residential appearance of the building;*
- (xiv) *the home office shall not display a sign exceeding 0.2 square metre in area;*
- (xv) *the home office in the opinion of the Council shall be compatible with the principal uses of the area;*
- (xvi) *the home office shall not result in a substantial increase in the amount of vehicular traffic in the vicinity; and*
- (xvii) *the home office shall not entail the presence, parking and garaging of a vehicle of more than one (1) tonne tare weight."*

Debate ensued.

AMENDMENT CARRIED (8-0)

(Mayor Catania was absent from the Chamber and did not vote.)

Moved Cr Chester, Seconded Cr Messina

That the Item be DEFERRED to allow the applicant to submit another proposal that may include a home occupation.

CARRIED (6-2)

<u>For</u>	<u>Against</u>
Cr Chester	Cr Ker
Cr Doran-Wu	Cr Maier
Cr Farrell	
Cr Lake	
Cr Messina	
Cr Torre	

(Mayor Catania was absent from the Chamber and did not vote.)

ADDITIONAL INFORMATION:

The applicants submitted a revised plan of the floor layout of Strata Lot 3 (Appendix 10.1.14) to accurately reflect the submission/proposal and have confirmed that there will be no alterations to the dwellings. Accordingly, changes were made to the heading and preamble of the report.

Landowner:	TRG Properties Pty Ltd
Applicant:	Peter D Webb & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Office Building
Use Classification:	"SA"
Lot Area:	5224 square metres
Access to Right of Way	West side, 5.0 metres wide, sealed, privately-owned (subject right of way scheduled to be converted to dedicated road)

BACKGROUND:

- | | |
|-------------------|--|
| 17 December 2002 | The Council at its Ordinary Meeting refused an application for twenty-eight (28) two-three storey multiple dwellings, including ten (10) single bedroom multiple dwellings, and associated semi-basement car parking, to the existing four (4) grouped dwellings, on the subject property. |
| 10 February 2004 | The Council at its Ordinary Meeting refused an application for fourteen (14) two-three storey multiple dwellings, seven (7) two storey grouped dwellings, and associated car parking, to existing four (4) single houses. |
| 27 April 2004 | The Council at its Ordinary Meeting conditionally approved an application for proposed additional sixteen (16) two-storey grouped dwellings to existing four (4) single houses. |
| 25 May 2004 | The Council at its Ordinary Meeting conditionally approved an application for proposed additional sixteen (16) two-storey grouped dwellings to existing four (4) single houses - reconsideration of condition in relation to carports to right of way. |
| 28 September 2004 | Conditional Approval was granted by the Western Australian Planning Commission for the survey strata subdivision of the subject site. |
| 8 March 2005 | Conditional Approval was granted by the Western Australian Planning Commission for the built strata subdivision of the subject site. |

8 November 2005

The Council at its Ordinary Meeting refused an application for proposed change of use from four (4) single houses to four (4) offices at the subject property.

DETAILS:

The proposal involves change of use from four (4) single houses to four (4) single houses with home offices at the subject property. The applicant has advised that the occupancy of the residential and home office components is intended to be one entity. The applicant's submission is "Laid on the Table".

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Consultation Submissions</i>			
<i>While the Town's Policy relating to Community Consultation implies only development applications which were previously advertised and subsequently approved by the Town does not require re-advertising, in this instance, the subject proposal was not considered to require advertising as the Council at its Ordinary Meeting held on 8 November 2005 resolved that a mix-use residential/home office use within the subject properties may be considered and the current proposal is considered to be less intensive as the previous proposal. The outcome of the previous consultation period is outlined below.</i>			
<i>Support</i>	<i>Nil</i>		<i>Noted.</i>
<i>Objection (1)</i>	<i>While submission implied no objection to the 'change of use', concerns were raised in relation to the following:</i>		<i>Not supported- any proposed signage would be required to comply with relevant Town's Policies.</i>
	<ul style="list-style-type: none"> • <i>large signage</i> 		
	<ul style="list-style-type: none"> • <i>car parking encroaching on to street</i> 		<i>Not supported- adequate car parking has been provided and matter to be monitored by Town's Rangers Services in the event of approval.</i>
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>
<i>Car Parking (Home Office)</i>			
<i>Car Parking Requirement (nearest whole number)</i>			<i>1 car bay per strata</i>
<ul style="list-style-type: none"> • <i>Office: 1 car bay per 50 square metres of gross floor area</i> 			
<i>Strata 1 - 38 square metres</i>			
<i>Strata 2 - 37 square metres</i>			
<i>Strata 3 - 37.5 square metres</i>			
<i>Strata 4 - 34 square metres</i>			

<i>Apply the adjustment factors</i> <ul style="list-style-type: none">• 0.85 (within 400 metres of a bus stop)• 0.95 (within 400 metres of one or more public car parks in excess of 25 spaces)	(0.8075)
<i>Minus car parking on-site</i>	0.81 car bay per strata
<i>Minus the most recently approved on-site car parking shortfall</i>	1 car bay per strata
<i>Resultant surplus</i>	Nil
	0.19 car bay per strata

* 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 subject planning application is not considered to unduly impact on the amenity of the area and in light of there being other limited scale and nature commercial uses encroaching the residential area within close proximity of the subject site, adequate car parking being provided for as per the Town's Policy relating to Parking and Access and R-Codes (for the residential component), and the limited scale and nature of the proposed home office. The proposal is considered to be supportable as an appropriate transitional use between the North Perth commercial and residential zoning.

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

It was agreed that as the Mayor had declared a financial interest in Item 10.3.2 that this Item would be brought forward as he was already absent from the Chamber.

The Chief Executive Officer advised that Cr Messina had also declared a financial Interest in this Item. Cr Messina departed the Chamber at 6.39pm and did not speak or vote on the matter.

10.3.2 Investment Report as at 31 December 2005

Ward:	Both	Date:	9 January 2006
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	M Howard-Bath		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 December 2005 as detailed in Appendix 10.3.2.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Chester, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (6-0)

(Cr Farrell was an apology. Mayor Catania and Cr Messina were absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

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

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 10.3.2.

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

DETAILS:

Total Investments for the period ended 31 December 2005 were \$14,752,618 compared with \$13,803,722 at 30 November 2005. At 31 December 2004, \$ 12,800,853 was invested.

Total accrued interest earned on Investments as at 31 December 2005:

	Budget	Actual	%
	\$	\$	
Municipal	310,000	194,831	62.85
Reserve	324,200	192,224	59.29

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.

Mayor Catania and Cr Messina returned to the Chamber at 6.40pm. Mayor Catania assumed the Chair.

10.1.8 No. 103 (Lot 10 D/P: 56012) Harold Street, corner Stirling Street, Highgate - Proposed Alterations and Additions to Existing Motel

Ward:	South	Date:	10 January 2006
Precinct:	Forrest; P14	File Ref:	PRO0308; 5.2005.3359.1
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 the application submitted by Doepel Marsh Architects Pty Ltd on behalf of the owner Lomond Properties Pty Ltd for proposed Alterations and Additions to Existing Motel, at No. 103 (Lot 10 D/P: 56012) Harold Street, corner Stirling Street, Highgate, and as shown on ground floor plan and elevation dated 28 December 2005 and the site plan, and first and second floor plans dated 5 January 2006, subject to the following conditions:

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

- (f) *the solid portion adjacent to the Stirling Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence.*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *the new swimming pool and the deck area do not form part of this development approval, and is subject to a separate application to be submitted to and approved by the Town;*
- (iv) *a detailed landscaping plan, including a schedule of plant species, the retention of the existing lemon tree adjacent to the eastern boundary, the landscaping and reticulation of the Harold and Stirling Streets verges adjacent to the subject property and the provision of a minimum of one tree per 4 car parking spaces in the car parking areas, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *the manager's residence/accommodation shall be associated and ancillary to the motel use and shall not be rented out or used for any other purposes*
- (vi) *prior to the first occupation of the development, the provision of the twelve (12) car bays adjacent to Harold Street, as shown on the approved site plan;*
- (vii) *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;*
- (viii) *the proposed vehicular security gate adjacent to the Stirling Street frontage shall be a minimum 50 percent visually permeable when viewed from the street;*
- (ix) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage; and*
- (x) *new doors and windows fronting Harold Street shall maintain an active and interactive relationship with this street. Glazing within the subject doors and windows on the ground floor shall be clear glazing with no heavy/dark tinting nor be reflective.*

Moved Cr Maier, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

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

“(xi) the commercial use of Suites 1 to 5 and the “commercial car bays” shall be subject to a separate planning application being submitted and approved by the Town prior to the commencement of the uses.”

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell was an apology.)

COUNCIL DECISION ITEM 10.1.8

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Doepel Marsh Architects Pty Ltd on behalf of the owner Lomond Properties Pty Ltd for proposed Alterations and Additions to Existing Motel, at No. 103 (Lot 10 D/P: 56012) Harold Street, corner Stirling Street, Highgate, and as shown on ground floor plan and elevation dated 28 December 2005 and the site plan, and first and second floor plans dated 5 January 2006, subject to the following conditions:

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

- (f) *the solid portion adjacent to the Stirling Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence.*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *the new swimming pool and the deck area do not form part of this development approval, and is subject to a separate application to be submitted to and approved by the Town;*
- (iv) *a detailed landscaping plan, including a schedule of plant species, the retention of the existing lemon tree adjacent to the eastern boundary, the landscaping and reticulation of the Harold and Stirling Streets verges adjacent to the subject property and the provision of a minimum of one tree per 4 car parking spaces in the car parking areas, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *the manager's residence/accommodation shall be associated and ancillary to the motel use and shall not be rented out or used for any other purposes*
- (vi) *prior to the first occupation of the development, the provision of the twelve (12) car bays adjacent to Harold Street, as shown on the approved site plan;*
- (vii) *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;*
- (viii) *the proposed vehicular security gate adjacent to the Stirling Street frontage shall be a minimum 50 percent visually permeable when viewed from the street;*
- (ix) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (x) *new doors and windows fronting Harold Street shall maintain an active and interactive relationship with this street. Glazing within the subject doors and windows on the ground floor shall be clear glazing with no heavy/dark tinting nor be reflective; and*
- (xi) *the commercial use of Suites 1 to 5 and the "commercial car bays" shall be subject to a separate planning application being submitted and approved by the Town prior to the commencement of the uses.*

ADDITIONAL INFORMATION:

The commercial related matters indicated on the site plans will be subject to a separate new planning application to the Town, which will be required to be advertised in accordance with the Town's Community Consultation Policy prior to the matter being determined at an Ordinary Meeting of Council. The current proposal is only for the additional car parking for residents and visitors, removal of existing swimming pool, internal alterations, including enclosing of the breezeway with windows and doors and an incidental manager's residence/accommodation within the existing building, and new boundary fence, landscaping and security gates, which are considered minor in nature and due to public safety considerations is being expedited.

Landowner:	Lomond Properties Pty Ltd
Applicant:	Doepel Marsh Architects Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Motel
Use Class:	Motel
Use Classification:	"SA"
Lot Area:	2478 square metres
Access to Right of Way	N/A

BACKGROUND:

The site currently supports a three-storey 62 room motel, with access from Harold and Stirling Streets. In the report to the Ordinary Meeting of Council held on 2 December 2003, 60 rooms was stated, as 3 of the rooms were used as a manager's suite, but were calculated as one room.

11 August 1997	At its Ordinary Meeting, the Council conditionally approved refurbishments of the motel and the addition of a new foyer and change of use of a reception centre to office, staff facilities and warehouse/storage.
2 December 2003	At its Ordinary Meeting, the Council conditionally approved proposed alterations and additions to existing motel and the change of use from motel to twenty two (22) multiple dwellings and three (3) single bedroom multiple dwellings.

DETAILS:

The proposal involves alterations and additions to the existing motel to include the following:

- Additional car parking for residents and visitors.
- Removal of existing swimming pool.
- Internal alterations, including enclosing of the breezeway with windows and doors and an incidental manager's residence within the existing building.
- New boundary fence, landscaping and security gates.

The applicant has lodged a submission in support of the proposal, which is summarised as follows:

- The previous proposal was not carried through due to cost implications. As such, the current approved use as a motel will continue.

- The breezeway is being enclosed to stop vehicles accessing the site through the building. The enclosed area is only to be used as a front door and air lock and not for any other purpose.
- Works need to be started as a matter of urgency as the Police have been called to the building on numerous occasions to evict criminal type activities, such as break-in, even though the site is secured. The owners are concerned that a major serious crime will take place and seek the support of the Council for the proposed works.
- The proposed manager's accommodation is considered incidental to the operation of the motel use, and will not be available to hire, and as such would not impact on the surrounding uses.

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	N/A	N/A	N/A
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Refer to Comments section.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

COMMENTS:

Consultation

Due to the crime situation occurring on-site, it was considered that the current situation posed a threat to the safety of the public. To expedite the alterations and additions to the existing building, it is recommended that advertising requirements as per Clause 3.13 of the Town's Community Consultation be varied and that no advertising be carried out in this instance.

Car Parking

	Current	Proposed
Number of rooms	62	62 plus 1 manager's residence (considered ancillary to motel use on-site)
Number of carbays	40	44

On the above basis, the car parking provided on-site is considered adequate.

Partial Demolition

The site is not heritage listed. The partial demolition is mainly internal and minor in nature to reconfigure the dwellings' layouts, and is supported.

Environmental Health, Building and Engineering Requirements

The relevant Environmental health, building and engineering requirements have been generally complied with. The enclosed entry area is not to be used as habitable space.

The reasons in support of the proposal are:

- the proposal does not alter the configuration of the existing building envelope;
- the building is run down and poses a safety threat to the public; and
- the upgrading will enhance the amenity of the area.

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

10.1.7 Further Report - No. 545 (Lot 1 D/P: 4027) Fitzgerald Street (corner Ruby Street), North Perth - Proposed Additional Two-Storey Single House to Existing Single House - Reconsideration of Carport Condition

Ward:	North	Date:	10 January 2006
Precinct:	North Perth; P8	File Ref:	PRO2448; 5.2005.3192.1
Attachments:	001		
Reporting Officer(s):	T Durward		
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 HT Tran on behalf of the owners H N Tran and H K Ha for Proposed Additional Two-Storey Single House to Existing Single House - Reconsideration of Carport Condition at No. 545 (Lot 1 D/P: 4027) Fitzgerald Street (corner Ruby Street), and as shown on plans stamp-dated 29 September 2005, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the garage street setback requirements of the Town's Policy relating to street setbacks.*

COUNCIL DECISION ITEM 10.1.7

Moved Cr Chester, Seconded Cr Messina

That the recommendation be adopted.

The Presiding Member advised that there had been a request from the applicant during public question time to defer this Item as amended plans have been submitted.

Debate ensued.

Moved Cr Chester, Seconded Cr Messina

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

CARRIED (8-0)

(Cr Farrell was an apology.)

The Presiding Member advised that there had been two other requests for deferral from the applicants for the following Items:

- 10.1.14 – No 12 A (Lot 803 D/P: 31016) Kalgoorlie Street, Mount Hawthorn – Proposed Two Storey Single House; and
- 10.1.15 - No 12 B (Lot 802 D/P: 31016) Kalgoorlie Street, Mount Hawthorn – Proposed Two Storey Single House;

Moved Cr Chester, Seconded Cr Torre

That Items 10.1.14 and 10.1.15 be brought forward.

CARRIED (8-0)

(Cr Farrell was an apology.)

FURTHER REPORT:

The Council at its Ordinary Meeting held on 6 December 2005 resolved that "*the Item be DEFERRED to allow the applicant to submit revised plans*".

The applicant has advised the Town's Officers that the plans (stamp-dated 29 September 2005) submitted are the plans that show all details of the (boundary) parapet wall proposed and subject to the reconsideration of condition application. The wall is 3 metres above the natural ground level and includes a garage door on the southern elevation.

In light of the above, the previous Officer Recommendation remains unchanged.

The following is a verbatim copy of the Minutes for the item placed before the Council at its Ordinary Meeting held on 6 December 2005.

"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 Ht Tran on behalf of the owners H N Tran and H K Ha for Proposed Additional Two-Storey Single House to Existing Single House - Reconsideration of Carport Condition at No. 545 (Lot 1 D/P: 4027) Fitzgerald Street (corner Ruby Street), and as shown on plans stamp-dated 29 September 2005, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the garage street setback requirements of the Town's Policy relating to street setbacks.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Torre, Seconded Cr Doran-Wu

That the Item be DEFERRED to allow the applicant to submit revised plans.

CARRIED (4-3)

<i>For</i>	<i>Against</i>
<i>Mayor Catania</i>	<i>Cr Chester</i>
<i>Cr Doran-Wu</i>	<i>Cr Lake</i>
<i>Cr Farrell</i>	<i>Cr Maier</i>
<i>Cr Torre</i>	

(Crs Ker and Messina on leave of absence.)

ADDITIONAL INFORMATION:

A composite plan that accurately reflects the northern and eastern setbacks for Lot 2 has been included in the Appendices. The plan is provided to show the location and layout of Lot 1 in relation to Lot 2 only.

<i>Landowner:</i>	<i>H N Tran & H K Ha</i>
<i>Applicant:</i>	<i>H T Tran</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>488 square metres</i>
<i>Access to Right of Way</i>	<i>West side, 3 metres wide, unsealed, privately owned</i>

BACKGROUND:

4 November 2003 The Council at its Ordinary Meeting resolved to refuse an application for an additional two-storey single house to existing single house on the subject property.

22 June 2004 The Council at its Ordinary Meeting resolved to conditionally approve an application for an additional two-storey single house and alterations and additions to existing single house on the subject property.

DETAILS:

Approval is sought for the reconsideration and deletion of the following condition that was applied to the approval granted by the Council on 22 June 2004:

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

....(c) the proposed garage being shown as a carport and the carport being one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the western living/dining room wall of the proposed dwelling, enclosure to a height of 1.8 metres is permitted where the carport abuts the courtyard and the fence line;

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

The applicant has requested that the above condition be removed to enable the construction of a garage, being an increase in wall height abutting the courtyard and fence line up to 25 courses, being underside of the t-bar to the ceiling of the carport, and to install a solid garage door. The proposed garage is located adjacent to Ruby Street, which is the secondary street for the development.

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

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Setbacks: - garage setback from Ruby Street</i>	<i>Garages to be setback 6 metres from the street or behind the main building line.</i>	<i>Garage setback 3 metres from Ruby Street and is located 0.5 metre in front of the main building line.</i>	<i>Not supported - the proposed garage is not in keeping with the existing setbacks on Ruby Street and does not comply to the provisions of the Town's "Street Setback" Policy.</i>
<i>Consultation Submissions</i>			
<i>No advertising was required for this application</i>			
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>

** 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:

On the above basis, it is recommended that the Council refuse the proposal based on the reasons outlined in the Officer Recommendation."

10.1.14 No. 12A (Lot 803 D/P: 31016) Kalgoorlie Street, Mount Hawthorn - Proposed Two Storey Single House

Ward:	North	Date:	10 January 2006
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3356; 5.2005.3232.1
Attachments:	001		
Reporting Officer(s):	T Durward		
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 Michael Bradshaw Architect on behalf of the owner G F Maund for proposed two storey single house, at No. 12A (Lot 803 D/P: 31016) Kalgoorlie Street, Mount Hawthorn, and as shown on plans stamp-dated 21 October 2005, 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 Privacy and Design for Climate requirements of the Residential Design Codes;*
- (iii) the Design for Climate (overshadowing) requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
- (iv) consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Chester, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Messina

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

CARRIED (8-0)

(Cr Farrell was an apology.)

Landowner:	G F Maund
Applicant:	Michael Bradshaw Architect
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	312 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the construction of a two storey single house with a two storey boundary (parapet) wall on the northern boundary abutting a proposed two storey single house at No. 12B Kalgoorlie Street. The planning application for the proposed two storey single house at No. 12B Kalgoorlie Street is designed and submitted concurrently by the same architect, and is the subject of a separate report on the Agenda. It is noted that the two properties at No.12A and No. 12B Kalgoorlie Street are under different ownership.

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	N/A
Setbacks:			
Southern Elevation - Ground floor	1.5 metres	1 metre to dining and living	Supported - no undue impact considering existing setback of southern neighbour being 1 metre.
Northern Elevation - Ground floor	1.5 metres	Nil to garage, bathroom and kitchen	Supported - no undue impact as proposed boundary wall abuts proposed boundary wall at No. 12B Kalgoorlie Street.
- First floor	2.1 metres	Nil to bedroom 1, stairs and study	Supported - no undue impact as proposed boundary wall abuts proposed boundary wall at No. 12B Kalgoorlie Street.

Privacy:			
Northern Elevation			
- Bedroom 3	4.5 metres	3 metres to northern boundary	Supported - considered by adjoining neighbour to have no undue impact.
- Terrace	7.5 metres	3.3 metres to northern boundary 5.8 metres to eastern boundary	Supported - considered by adjoining neighbour to have no undue impact. Not supported - overlooking over eastern boundary considered to have an unnecessary undue impact on adjoining neighbour.
Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
		1.35 metres to southern boundary	Not supported - overlooking over southern boundary considered to have an unnecessary undue impact on adjoining neighbour.
Overshadowing:			
- Southern property	Shadow cast at midday, 21st June onto adjoining property shall not exceed 25 per cent of the site area.	48 per cent (149 square metres) of the southern property.	Not supported - overshadowing compliance considered a fundamental requirement of the R Codes (and included as part of the Town's Non-Variation of Specific Development Standards and Requirements Policy), and subsequent overshadowing over southern boundary considered to have an unnecessary undue impact on adjoining neighbour (even when considering that their support was received) and ecologically sustainable principles .

Consultation Submissions		
Support (1)	<ul style="list-style-type: none"> Written consent given by adjoining neighbour for all variations. 	Noted - privacy variations supported with neighbour consent but variations to R Codes' overshadowing requirements are not considered supportable, see Officer Comments above.
Objection (4)	<ul style="list-style-type: none"> Overlooking from terrace. 	Supported - see Officer Comments above.
	<ul style="list-style-type: none"> Setback variation to dining and living affects light and ventilation for adjoining dwelling. 	Supported in part - setback variation supported, see Officer Comments above, but overshadowing and its subsequent affect on light and ventilation not supported, see Officer Comments above.
	<ul style="list-style-type: none"> Overshadowing affects light into kitchen, bathroom and outdoor living area. 	Supported - see Officer Comments above.
	<ul style="list-style-type: none"> Effect on streetscape and character of the area. 	Not supported - proposal is considered to be appropriate contemporary development in the area.
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:

The proposed development, by reason of its scale, massing, and design of its component structures would result in an overdevelopment of the site. The proposed development is contrary to the provisions of the Town's Policies and the Residential Design Codes and is, therefore, recommended for refusal.

10.1.15 No. 12B (Lot 802 D/P: 31016) Kalgoorlie Street, Mount Hawthorn - Proposed Two Storey Single House

Ward:	North	Date:	10 January 2006
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3024; 5.2005.3231.1
Attachments:	001		
Reporting Officer(s):	T Durward		
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 Michael Bradshaw Architect on behalf of the owner C Stewart for proposed two storey single house, at No. 12B (Lot 802 D/P: 31016) Kalgoorlie Street, Mount Hawthorn, and as shown on plans stamp-dated 21 October 2005, 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 Privacy and Design for Climate requirements of the Residential Design Codes;*
- (iii) the Design for Climate (overshadowing) requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
- (iv) consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.15

Moved Cr Torre, Seconded Cr Doran-Wu

That the recommendation be adopted.

Moved Cr Doran-Wu, Seconded Cr Torre

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

CARRIED (8-0)

(Cr Farrell was an apology.)

Landowner:	C Stewart
Applicant:	Michael Bradshaw Architect
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	313 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the construction of a two storey single house with a two storey boundary (parapet) wall on the southern boundary abutting a proposed two storey single house at No. 12A Kalgoorlie Street. The planning application for the proposed two storey single house at No. 12A Kalgoorlie Street is designed and submitted concurrently by the same architect, and is the subject of a separate report on the Agenda. It is noted that the two properties at No.12A and No. 12B Kalgoorlie Street are under different ownership.

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	N/A
Setbacks: Northern Elevation - Ground floor	1.5 metres	Nil to entry	Supported - no undue impact considering existing setback of southern neighbour being nil.
- First floor	2.4 metres	Nil to robe and ensuite, 2 metres to bedroom 2 and 1.95 metres to terrace.	Supported - no undue impact considering existing setback of northern neighbour being nil.
Southern Elevation - Ground floor	1.5 metres	Nil to garage, laundry, dining and kitchen.	Supported - no undue impact as proposed boundary wall abuts proposed boundary wall at No. 12A Kalgoorlie Street.
- First floor	2.1 metres	Nil to bedroom 1, stairs and bedroom 2	Supported - no undue impact as proposed boundary wall abuts proposed boundary wall at No. 12A Kalgoorlie Street.

Privacy: Northern Elevation - Terrace (rear)	7.5 metres	4.5 metres to northern boundary	Not supported - overlooking over northern boundary considered to have an unnecessary undue impact on adjoining neighbour.
Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Eastern Elevation - Terrace (rear)	7.5 metres	1.5 metres to southern boundary 5.8 metres to eastern boundary	Supported - considered by adjoining neighbour to have no undue impact. Not supported - overlooking over eastern boundary considered to have an unnecessary undue impact on adjoining neighbour.
- Terrace (front)	7.5 metres	2 metres to northern boundary	Not supported - overlooking over northern boundary considered to have an unnecessary undue impact on adjoining neighbour.
Overshadowing: - Southern property	Shadow cast at midday, 21st June onto adjoining property shall not exceed 25 per cent of the site area.	59 per cent (185 square metres) of the southern property.	Not supported - overshadowing compliance considered a fundamental requirement of the R Codes (and included as part of the Town's Non-Variation of Specific Development Standards and Requirements Policy), and subsequent overshadowing over southern boundary considered to have an unnecessary undue

			impact on adjoining neighbour (even when considering that their support was received) and ecologically sustainable principles .
Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Street Verge Trees: Clearance	1.5 metres	Nil	Noted - applicant/owner to remove and replace street tree at owner's cost.
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> Written consent given by southern adjoining neighbour for all variations. 		Noted - privacy variations supported with neighbour consent but variations to R Codes' overshadowing requirements are not considered supportable, see Officer Comments above.
Objection (3)	<ul style="list-style-type: none"> Garage very dominant to streetscape. 		Not supported - garage is setback 6 metres in accordance with the Town's Street Setbacks Policy.
	<ul style="list-style-type: none"> Overlooking from terrace. 		Supported - see Officer Comments above.
	<ul style="list-style-type: none"> Effect on streetscape and character of the area. 		Not supported - proposal is considered to be appropriate contemporary development in the area.
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:

The proposed development, by reason of its scale, massing, and design of its component structures would result in an overdevelopment of the site. The proposed development is contrary to the provisions of the Town's Policies and the Residential Design Codes and is, therefore, recommended for refusal.

10.1.4 No. 4 (Lot 499 D/P: 25511) Hunter Street, North Perth - Proposed Two-Storey with Loft Single House

Ward:	North	Date:	13 December 2005
Precinct:	North Perth; P8	File Ref:	PRO0491; 5.2005.3058.1
Attachments:	001		
Reporting Officer(s):	S Klarich, T Durward		
Checked/Endorsed by:	D Abel	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by B Spaseski on behalf of the owner B & Z Spaseski for proposed Two-Storey with Loft Single House, at No. 4 (Lot 499 D/P: 2551) Hunter Street, North Perth, and as shown on plans stamp-dated 24 November 2005, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Hunter Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) to first obtaining the consent of the owners of No. 65 Mabel Street and No. 44 Ruby Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 65 Mabel Street and No. 44 Ruby Street in a good and clean condition; and*

- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the south-west portion of the external wall on the southern elevation and north-west portion of the external wall on the northern elevation being a maximum height of 6 metres to the top of the eaves above the respective natural ground level. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*
-

Moved Cr Maier, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

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

- “(v) *prior to the issue of a Building License revised plans shall be submitted and approved demonstrating the deletion of the loft structure. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's policies.*”

AMENDMENT CARRIED (6-2)

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

(Cr Farrell was an apology.)

Debate ensued.

MOTION AS AMENDED CARRIED (5-3)

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

(Cr Farrell was an apology.)

COUNCIL DECISION ITEM 10.1.4

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by B Spaseski on behalf of the owner B & Z Spaseski for proposed Two-Storey with Loft Single House, at No. 4 (Lot 499 D/P: 2551) Hunter Street, North Perth, and as shown on plans stamp-dated 24 November 2005, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Hunter Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) to first obtaining the consent of the owners of No. 65 Mabel Street and No. 44 Ruby Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 65 Mabel Street and No. 44 Ruby Street in a good and clean condition;*
- (iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the south-west portion of the external wall on the southern elevation and north-west portion of the external wall on the northern elevation being a maximum height of 6 metres to the top of the eaves above the respective natural ground level. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (v) prior to the issue of a Building License revised plans shall be submitted and approved demonstrating the deletion of the loft structure. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's policies.*

Landowner:	B and Z Spaseski
Applicant:	B Spaseski
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential 30/40
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	209 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves an application for the construction of a two-storey with loft single house, contained within the second storey roof line. The proposed plans are revised from the plans viewed during the 14 day consultation period, with the modifications addressing the submissions received from the adjoining landowners during the 14 day period.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks:			
West Elevation (front) - garage	6 metres or behind the main building line.	3 metres and setback behind the main building line.	Supported - the proposed garage setback is in keeping with existing developments along Hunter Street, specifically Nos. 5 and 6 Hunter Street.
- ground floor	4 metres	2.26 metres	Supported - the proposed front setback is in keeping with existing developments along Hunter Street, specifically Nos. 5 and 6 Hunter Street.
- first floor	6 metres	3 metres to sitting room 3.49 metres to bedrooms 1 and 3	Supported - the proposed first floor setback is in keeping with existing developments along Hunter Street, specifically No. 5 Hunter Street.
- balcony	6 metres	2.59 metres to balcony	Supported - as above.

East Elevation - ground floor	1.5 metres	Nil to kitchen and laundry	Supported - height of boundary wall is proposed at 2.5 metres above natural ground level and is compliant to the Building on Boundary provisions of the Residential Design Codes.
- South elevation	1.5 metres	Nil to garage 1.5 metres to laundry	Supported - height of wall is proposed at 2.3 - 2.7 metres above natural ground level and adjoins an existing boundary wall on the southern property. Considered to have no undue impact on the southern property.
Building on Boundary	Walls to be built up to one (1) boundary.	Wall built up to two (2) boundaries – east and south.	Supported – in order to design a suitable size house on the small 209 square metre site, the construction of two walls on boundaries is proposed and with the proposed height of the boundary walls being below 3 metres, the walls are considered to have no undue impact on the adjoining properties.
Building Height: South Elevation - (South west portion of wall)	6 metres to the top of the eaves.	6.2 metres	Not supported - undue impact on amenity of the area.
North Elevation - (North west portion of wall)	6 metres to the top of the eaves.	6.2 metres	Not supported - undue impact on amenity of the area.

Consultation Submissions		
Additional consultation was not undertaken as the revised plans deal with the concerns raised by adjoining property owners during the consultation period, with no greater variations proposed. The comments received during the consultation period are detailed below.		
Support	Nil	Noted
Objection (4)	<ul style="list-style-type: none"> • Boundary wall on eastern side creates loss of amenity to adjoining property. 	Not supported - height of boundary wall is proposed at 2.5 metres above natural ground level and is compliant to the Building on Boundary provisions of the Residential Design Codes.
	<ul style="list-style-type: none"> • Boundary wall on southern side provides a loss of amenity to the southern property. • Objection to the proposed building on northern boundary. • Insufficient clothes drying area. • Window to ensuite on eastern elevation overlooks onto adjoining property. • Setback variations to Hunter Street are out of context with area. 	<p>Not supported - height of wall is proposed at 2.3 - 2.7 metres above natural ground level and adjoins an existing boundary wall on the southern property.</p> <p>Not supported – revised plans have removed the wall on the northern boundary and propose a ground floor setback of 1.2 metres.</p> <p>Not supported - minimum drying area not a requirement for a single house.</p> <p>Not supported - no privacy issues for non-habitable rooms, furthermore, proposed windows are obscured.</p> <p>Not supported - refer to comments in Non-compliant requirements table for setback variations to western/front elevation.</p>

	<ul style="list-style-type: none"> Object to a loft as the overall height is not compliant and the scale is out of context. 	<p>Not supported - revised plans indicate a reduced overall building height to the top of the roof to 8.3 metres from natural ground level and 8.75 metres overall. The above heights comply to the provisions of the Residential Design Codes.</p>
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:

The variations sought by the applicant are supportable (except for those relating to building height), and do not have an undue impact on the adjoining properties or surrounding streetscape, as addressed above.

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

10.1.11 No. 32 (Lot Y12 D/P: 3660) Mabel Street, Corner Norham Street, North Perth - Proposed Demolition of Existing Single House

Ward:	North	Date:	9 January 2006
Precinct:	North Perth; P08	File Ref:	PRO3366; 5.2005.3253.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J M Hill on behalf of the owners J M Hill, V R Gough and B N Randall for proposed Demolition of Existing Single House, at No.32 (Lot Y12 D/P: 3660) Mabel Street, corner Norham Street, North Perth, and as shown on plans stamp-dated 2 November 2005, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (iv) support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (v) demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community;*
- (vi) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Planning Scheme No.1 and associated Policies, and*
- (vii) the street verge tree on Mabel Street, commonly known as a Coral tree (Erythrina sykesii), adjacent to the subject land shall be retained and measures shall be taken to ensure its identification and protection to the satisfaction of the Town prior to commencement of site works.*

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr Ker

That;

1. *the existing recommendation be numbered as clause (i) (a) to (g); and*
2. *a new clause (ii) be added as follows:*

"(ii) the Council ADVISES the applicant and owners that the subdivision of No.32 (Lot Y12 D/P: 3660) Mabel Street, corner Norham Street, North Perth, as conditionally approved by the Western Australian Planning Commission, does not require the demolition of the existing single house, and the existing house can be retained on site."

AMENDMENT CARRIED (5-3)

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

(Cr Farrell was an apology.)

MOTION AS AMENDED CARRIED (5-3)

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

(Cr Farrell was an apology.)

COUNCIL DECISION ITEM 10.1.11

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J M Hill on behalf of the owners J M Hill, V R Gough and B N Randall for proposed Demolition of Existing Single House, at No.32 (Lot Y12 D/P: 3660) Mabel Street, corner Norham Street, North Perth, and as shown on plans stamp-dated 2 November 2005, subject to the following conditions:*
 - (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

- (c) *a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
 - (d) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
 - (e) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community;*
 - (f) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Planning Scheme No.1 and associated Policies, and*
 - (g) *the street verge tree on Mabel Street, commonly known as a Coral tree (Erythrina sykesii), adjacent to the subject land shall be retained and measures shall be taken to ensure its identification and protection to the satisfaction of the Town prior to commencement of site works; and*
- (ii) *the Council ADVISES the applicant and owners that the subdivision of No.32 (Lot Y12 D/P: 3660) Mabel Street, corner Norham Street, North Perth, as conditionally approved by the Western Australian Planning Commission, does not require the demolition of the existing single house, and the existing house can be retained on site.*

Landowner:	J M Hill, V R Gough & B N Randall
Applicant:	J M Hill
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	813 square metres
Access to Right of Way	Nil

BACKGROUND:

The Western Australian Planning Commission conditionally approved the subdivision of the subject property into two (2) freehold lots on 4 October 2005. Condition 1 and Advice 2 of the approval states as follows:

Condition 1 – “All buildings, outbuildings and/or structures being demolished and materials removed from proposed Lots 1 and 2. (Local Government)”

Advice 2 – “In respect to Condition 1, if any portion of the existing building is to be demolished to facilitate the proposed subdivision, a Planning Approval and/or Demolition Licence is to be obtained from the local government prior to the commencement of demolition works”.

DETAILS:

The proposal involves the demolition of the existing single house on the subject property.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support (1)	No reasons provided.		Supported
Objection (1)	No reasons provided.		Not supported - as no reasons were provided.
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:

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

The place is not listed on the Town's Municipal Heritage Inventory or the Interim Heritage Database.

The subject place is a small sized timber and iron dwelling in the Federation Bungalow style. The front façade is characterised by weatherboards, which are worked to look like ashlar blocks. There are weatherboards either side of the house, which cover only one third of the wall with the remaining sections being fibro cladding. There has been minimal intervention to the original fabric of the place. The original floor plan and architectural detailing, such as pressed metal ceilings, remain.

The place has been assessed in accordance with the Town's Policy 'Heritage Management - Assessment' shown as an attachment to this report. The place has some rarity values as the weatherboard is a building material that is no longer widely used in the construction of residential buildings in Perth. However, based on the criteria for cultural heritage significance, the place does not meet the threshold for recommendation for inclusion on the Town's Municipal Heritage Inventory. As such, it is considered that the application for the demolition of the subject dwelling be approved, subject to a quality archival record and other standard conditions.

On 11 December 2005, the Parks Services Technical Officer undertook a site inspection of the subject property, to examine the place's significant plantings. The Officer advised that there are no trees of significance, within the subject property that are worthy of retention. However, there is one significant existing street verge tree adjacent to the subject property, known as a Coral tree (*Erythrina sykesii*). This street verge tree forms an integral part of the street scape and therefore should be retained.

**10.1.2 Further Report - No. 37 (Lot 11 D/P: 1257) Glendower Street, Perth-
Proposed Demolition of Existing Single House**

Ward:	South	Date:	8 December 2005
Precinct:	Hyde Park; P12	File Ref:	PRO3233; 5.2005.3009.1
Attachments:	001		
Reporting Officer(s):	H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by C A Penheiro on behalf of the owner A Lazidis for proposed Demolition of Existing Single House, at No. 37 (Lot 11 D/P:1257) Glendower Street, Perth and as shown on plans stamp-dated 24 June 2005, 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) a report by a practising structural engineer addressing the current structural condition of the common party wall and chimney and measures to be undertaken to ensure the demolition works do not adversely affect the structural adequacy of the party wall and chimney, shall be submitted to and approved by the Town prior to the issue of a Demolition Licence and/or Building Licence, whichever occurs first. Within 28 days after the completion of the demolition works, a report by a practising structural engineer addressing the structural condition of the common party wall and chimney, and if necessary, remedial measures to be undertaken to ensure the party wall and chimney is structurally adequate, shall be submitted to and approved by the Town. All such works and measures shall be undertaken in accordance with these structural engineer reports and all costs associated with this condition shall be borne by the applicant(s)/owner(s);*
- (iii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iv) a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence. The proposed redevelopment shall describe and detail the existing party wall and chimney structure to be retained and incorporated into the new development design, and to prevent the structural loading or undermining of the existing party wall and chimney at No. 39 (Lot 10) Glendower Street;*
- (v) support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*

- (vi) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*
- (vii) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies.*
-

COUNCIL DECISION ITEM 10.1.2

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

Cr Torre departed the Chamber at 7.00pm.

Debate ensued.

LOST (1-6)

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

(Cr Farrell was an apology. Cr Torre was absent from the Chamber and did not vote.)

Cr Torre returned to the Chamber at 7.06pm.

Reasons:

1. **Potential adverse impact on the structural adequacy of the adjoining property at No 39 Glendower Street.**
2. **Undue impact on the streetscape.**
3. **Lack of consultation with the adjoining owner at No 39 Glendower Street.**
4. **Need for surety that it is possible to demolish and redevelop the site without impacting adversely on the adjoining property at No 39 Glendower Street.**

Note: It was agreed that the applicant be advised that the Council would be willing to consider a demolition application in conjunction with a development application for the property which includes a construction management plan.

FURTHER REPORT:

At the Ordinary Meeting of Council held on 23 August 2005, the Council resolved the following in relation to this application: *"That the Item be deferred for further information."*

Subsequent to the resolution of Council, the applicant liaised with the Town's Officers and has commissioned a report from a qualified architect to clarify the matter of proposed demolition, stamp dated 29 November 2005. The architect's report is shown as an attachment.

The architect's report confirms the ability of the subject dwelling to be demolished without affecting the adjoining dwelling, subject to appropriate conditions on the Building and Demolition Licences. Any structural damage to the dwelling at No. 39 Glendower Street or any other adjacent dwelling as a result of the demolition works is a civil matter to be resolved between the parties involved.

In light of the above, it is recommended that the application be approved subject to the conditions shown, including amended condition (iv) and new condition (ii) which was not previously shown in the Officer Recommendation.

The following is a verbatim of the Minutes of the item placed before the Council at its Ordinary Meeting held on 23 August 2005:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by C A Penheiro on behalf of the owner A Lazidis for proposed Demolition of Existing Single House, at No. 37 (Lot 11 D/P: 1257) Glendower Street, Perth, and as shown on plans stamp-dated 24 June 2005 , subject to:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (iv) support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (v) demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*
- (vi) any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies.*

COUNCIL DECISION ITEM 10.1.7

Moved Cr Ker, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

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

“(v) demolition of the existing dwelling ~~may~~ will make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and”

Debate ensued.

AMENDMENT LOST (3-5)

<i><u>For</u></i>	<i><u>Against</u></i>
<i>Cr Ker</i>	<i>Mayor Catania</i>
<i>Cr Lake</i>	<i>Cr Chester</i>
<i>Cr Maier</i>	<i>Cr Doran-Wu</i>
	<i>Cr Messina</i>
	<i>Cr Torre</i>

(Cr Farrell on leave of absence.)

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Ker

That the Item be deferred for further information.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

Dan Hatch departed the meeting at 8.50pm.

<i>Landowner:</i>	<i>A Lazidis</i>
<i>Applicant:</i>	<i>C A Penheiro</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R80</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>468 square metres</i>
<i>Access to Right of Way</i>	<i>5.1 metres wide, sealed, privately owned</i>

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing dwelling.

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Consultation Submissions</i>			
<i>No advertising was required for this application</i>			
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>

* 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:

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

Directly facing Hyde Park, the subject place is likely to have been constructed c1900 as one of the early properties to have been developed along Glendower Street, between Lake and Irene Streets, Perth. The dwelling is a semi-detached single storey brick and iron dwelling having substantially changed from the original construction, largely as a result of the extensive alterations and additions conducted in 1981. While some of the original features remain, it is not considered that these features alone justify the retention of the house or qualify the place for consideration for entry into the Town's Municipal Heritage Inventory. The place is not rare and is considered to be of little aesthetic, historic, scientific and social value.

The place has little cultural heritage significance, and does not meet the minimum criteria for entry into the Town's Municipal Heritage Inventory.

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

10.1.3 Further Report - Nos. 362-366 (Lot 71 D/P 613, Lot 72 D/P 613) William Street, Corner Little Parry Street, Perth - Proposed Alterations and Additions to Existing Shop (Shop 3) (Application for Retrospective Approval)

Ward:	South	Date:	10 January 2006
Precinct:	Beaufort; P13	File Ref:	PRO0715; 5.2005.3129.1
Attachments:	001		
Reporting Officer(s):	T Durward		
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 RAD Architecture on behalf of the owner Goh Tiong Sin Pty Ltd for Proposed Alterations and Additions to Existing Shop (Shop 3) (Application for Retrospective Approval), at Nos. 362-366 (Lot 71 D/P 613, Lot 72 D/P 613) William Street, corner Little Parry Street, Perth, and as shown on plans stamp-dated 22 August 2005 , subject to the following conditions:

- (i) the floor areas shall be limited to a maximum of;*
 - (a) 94 square metres of public area for the eating house component for Shop 1;*
 - (b) 101 square metres of gross floor area for the shop component for Shop 2;*
 - (c) 151 square metres of gross floor area for the shop component for Shop 3;*
 - (d) 57 square metres of gross floor area for the shop component for Shop 4; and*
 - (e) 255 square metres of gross floor area for the warehouse component.*

An 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;

- (ii) doors, windows and adjacent floor areas fronting William Street shall maintain an active and interactive relationship with this street;*
- (iii) all new signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iv) the applicant/owner shall pay a cash-in-lieu contribution of \$5,642 for the equivalent value of 2.17 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2005/2006 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements; and*

- (v) *the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, 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 Retrospective Planning Approval. All costs associated with this condition shall be borne by the applicant/owner(s).*
-

COUNCIL DECISION ITEM 10.1.3

Moved Cr Torre, Seconded Cr Maier

That the recommendation be adopted.

**Cr Messina departed the Chamber at 7.11pm.
Journalist Dan Hatch left the meeting at 7.11pm.**

Debate ensued.

Moved Cr Lake, Seconded Cr Ker

That the Item be DEFERRED for further investigation.

CARRIED (7-0)

(Cr Farrell was an apology. Cr Messina was absent from the Chamber and did not vote.)

FURTHER REPORT:

The Council at its Ordinary Meeting held on 20 December 2005 resolved that "*the Item be DEFERRED to allow for further investigation regarding the car parking bays*".

The submission made during Public Question Time at the Ordinary Meeting of Council held on 20 December 2005 raised concerns about the number of car parking bays removed as part of the unauthorised structure.

In light of the location of gates, roller doors and entry points to the structures located on-site, the Town's Officers consider that two (2) car parking bays are available within the service yard adjacent to the subject shop, and this is reflected in the previous Car Parking Table. The structure area subject to this retrospective approval is dimensioned 4.62 metres by 6.25 metres and, therefore, would enable one (1) car parking bay in lieu of the unauthorised structure.

In summary, the unauthorised area occupies one (1) car parking bay and there are two (2) accessible car parking bays in the service yard.

In light of the above, the previous Officer Recommendation remains unchanged.

The following is a verbatim copy of the Minutes for the item placed before the Council at its Ordinary Meeting held on 20 December 2005.

"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 RAD Architecture on behalf of the owner Goh Tiong Sin Pty Ltd for Proposed Alterations and Additions to Existing Shop (Shop 3) (Application for Retrospective Approval), at Nos. 362-366 (Lot 71 D/P 613, Lot 72 D/P 613) William Street, corner Little Parry Street, Perth, and as shown on plans stamp-dated 22 August 2005 , subject to the following conditions:

- (i) the floor areas shall be limited to a maximum of;*
 - (a) 94 square metres of public area for the eating house component for Shop 1;*
 - (b) 101 square metres of gross floor area for the shop component for Shop 2;*
 - (c) 151 square metres of gross floor area for the shop component for Shop 3;*
 - (d) 57 square metres of gross floor area for the shop component for Shop 4; and*
 - (e) 255 square metres of gross floor area for the warehouse component.*

An 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;

- (ii) doors, windows and adjacent floor areas fronting William Street shall maintain an active and interactive relationship with this street;*
- (iii) all new signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iv) the applicant/owner shall pay a cash-in-lieu contribution of \$5,642 for the equivalent value of 2.17 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2005/2006 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements; and*
- (v) the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, 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 Retrospective Planning Approval. All costs associated with this condition shall be borne by the applicant/owner(s).*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Maier, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Torre

That the Item be DEFERRED to allow for further investigation regarding the car parking bays.

CARRIED (9-0)

<i>Landowner:</i>	<i>Goh Tiong Sin Pty Ltd</i>
<i>Applicant:</i>	<i>RAD Architecture</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial</i>
<i>Existing Land Use:</i>	<i>Restaurant, Butcher, Shop, Fish Shop and Warehouse</i>
<i>Use Class:</i>	<i>Eating House, Shop, Shop, Fish Shop and Warehouse</i>
<i>Use Classification:</i>	<i>"P", "P", "P", "P" and "P"</i>
<i>Lot Area:</i>	<i>865 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves alterations and additions to shop 3, 'Lams Fruit and Veg'. The subject alterations and additions are located at the rear of shop 3 and cover an area of 38.4 square metres. The application is for retrospective approval.

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

ASSESSMENT:

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

<i>Car Parking</i>	
<i>Car parking requirement (nearest whole number)</i> - Shop 1 - Eating House: 94 square metres of public area = 20.89 car parking bays. - Shop 2 - Shop: 101 square metres of gross floor area = 6.73 car parking bays. - Shop 3 - Shop: 151 square metres of gross floor area = 10.06 car parking bays. - Shop 4 - Fish Shop: 57 square metres of gross floor area = 3.8 car parking bays. - Warehouse - 255 square metres of gross floor area = 3.55 car parking bays.	45 car bays
<i>Apply the adjustment factors.</i> • 0.85 (within 800 metres of a rail station) • 0.85 (within 400 metres of a bus stop)	(0.7225) 32.51 car bays
<i>Minus the car parking provided on-site</i>	2 car bays
<i>Minus the most recently approved on-site car parking shortfall (after taking into account relevant adjustment factors) that is, 28.34 car bays (total 42 car bays x 0.7225 = 30.34 car bays minus 2 car bays provided on-site equals 28.34 car parking bays).</i>	28.34 car bays
<i>Resultant Shortfall</i>	2.17 car bays

* 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.

Bicycle Parking Facilities

<i>Requirements</i>	<i>Required</i>	<i>Provided</i>
<i>Shop – Retail</i> 1 space per 300 square metres gross floor area for employees (class 1 or 2) for 51 square metres of gross floor area.	0.17 space	No class 1 or 2 facilities provided.
1 space per 200 (Proposed 51) square metres gross floor area for visitors.	0.255 space	No class 3 facilities provided.

The Town's Parking and Access Policy requires the provision of Bicycle Parking Facilities for relevant commercial uses. The proposed development requires the provision of nil class 1 or 2 and nil class 3 bicycle parking bays, being 0.17 and 0.255 spaces rounded to the nearest whole number, respectively. No end of trip facilities are required pursuant to the Town's Policy relating to Parking and Access.

The Town's Officers have calculated the bicycle parking requirements on the gross floor area subject to this retrospective application for Planning Approval, as it is considered unreasonable to apply the requirements to the pre-approved floorspace area.

COMMENTS:

Cash-In-Lieu of Car Parking

The Council at its Ordinary Meeting held on 12 April 2005, resolved the following:

“(ii) *ADOPTS the draft amended version of the Policy relating to Parking and Access to be applied in the interim during the advertising period and up to formal adoption of the draft amended Policy to those planning and building applications received after the date the draft amended Policy is adopted by Council;*”

The draft amended version of the Parking and Access Policy introduces a provision that the cash-in-lieu contribution is to be based on not only the construction costs, but also on a land component being 50 per cent of the land value of the area of a car parking bay on the subject property.

Given the debate and Council resolutions relating to Items 10.1.5 and 10.1.16 at the Ordinary Meeting of Council held on 26 July 2005, in the context of the current and draft amended cash-in-lieu of car parking provisions and the increase in cash-in-lieu construction costs in the 2005/06 Fees and Charges, the following practice is considered to be the most appropriate in such cases:

- 1. No land value component is to be included in the cash-in-lieu of car parking contribution until the draft amended Parking and Access Policy is finally adopted by the Council.*
- 2. Planning applications received prior to and on 12 July 2005 (date of formal adoption of 2005/06 Budget and Fees and Charges) - the cash-in-lieu contribution is to be based on \$2,500 per car bay.*
- 3. Planning application received after 12 July 2005 - the cash-in-lieu contribution is to be based on \$2,600 per car bay.*

Summary

In light of the above, the proposal is considered supportable, subject to standard and appropriate conditions to address the above matters."

10.1.5 No.658 (Lot 3 D/P: 541) Newcastle Street, Dual Frontage to Carr Place, Leederville - Proposed Demolition of Existing Office/Warehouse and Construction of Three-Storey Building Comprising Offices and Undercroft Car Parking

Ward:	South	Date:	13 December 2005
Precinct:	Oxford Centre; P4	File Ref:	PRO3243; 5.2005.3034.1
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 the application submitted by M Zurzolo on behalf of the owner Lavenda Pty Ltd & A & E M Percudani for proposed Demolition of Existing Office/Warehouse and Construction of Three-Storey Building Comprising Offices and Undercroft Car Parking, at No.658 (Lot 3 D/P: 541) Newcastle Street, dual frontage to Carr Place, Leederville, and as shown on demolition plans dated 30 June 2005, and plans stamp-dated 1 September 2005 (first floor and second floor plan), 1 November 2005, and side elevations (14 December 2005) subject to the following conditions:

- (i) any future vehicular entry gates adjacent to Carr ~~Street~~ Place shall be either open at all times or suitable management measures shall be implemented to ensure access is readily available for visitors at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (ii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$20,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$20,000, subject to the Town agreeing to this arrangement. 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 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 alternatively should underground power be a viable option for the proposed site, the art work contribution can be used for the purpose directly associated with the underground power, and all surplus funds remaining after the underground power project is to be used for the provision of public art;*
- (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) *to first obtaining the consent of the owners of No(s). 654-656 (Lot 4) and No. 660 (Lot 2) Newcastle Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No(s). 654-656 (Lot 4) and No.660 (Lot 2) Newcastle 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 following:*
- (a) *a minimum of two significant design features being incorporated into the ground floor walls facing Carr Place, to break up the visual bulk of the walls to further compliment the streetscape;*
 - (b) *any proposed security gate along the Carr Street Place frontage being a minimum 50 percent visually permeable when viewed from the street; and*
 - (c) *a continuous and complementary awning(s) being provided along the entire Newcastle Street frontage of the subject site.*
- The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (vii) *prior to the first occupation of the development, six (6) class- one or two bicycle and one (1) class three bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (viii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ix) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (x) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xi) *doors, windows and adjacent floor areas fronting Newcastle Street and the first and second floors of Carr Place shall maintain an active and interactive relationship with these streets;*
- (xii) *prior to the first occupation of the development, a minimum of fifteen (15) car parking spaces provided for the development, shall be clearly marked and signposted for the development, with all tandem carbays south of carbays 2, 3, 4 and 5 being sign posted and set aside specifically for staff use only;*
- (xiii) *the maximum gross floor area for the office use shall be limited to 1125 square metres unless adequate car parking is provided for the changes in floor space area;*

- (xiv) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$2520 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xv) *the awnings shall be a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Newcastle Street;*
- (xvi) *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;*
- (xvii) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and*
- (xviii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site.*

Moved Cr Doran-Wu, Seconded Cr Torre

That the recommendation be adopted.

Moved Cr Chester, Seconded Cr Lake

That;

1. *subclause (vi) (c) be amended to read as follows:*

"(vi) (c) a continuous and complementary awning(s) being provided along the entire Newcastle Street frontage and along the Carr Place frontage between the two (2) motor vehicle access points onto Carr Place of the subject site;"

2. *clause (xi) be amended to read as follows:*

"(xi) doors, windows and adjacent floor areas fronting Newcastle Street and the first and second floors of Carr Place shall maintain an active and interactive relationship with these streets. Glazing within the subject doors and windows on the ground floor shall be clear glazing with no heavy/dark tinting nor be reflective;" and

3. *clause (xv) be amended to read as follows:*

"(xv) the awnings shall be a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Newcastle Street and Carr Place;"

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Farrell was an apology. Cr Messina was absent from the Chamber and did not vote.)

Debate ensued.

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

That;

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

"(iii) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$20,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$20,000, subject to the Town agreeing to this arrangement . 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 alternatively should underground power be a viable option for the proposed site, the art work contribution can be used for the purpose directly associated with the underground power, and all surplus funds remaining after the underground power project is to be used for the provision of public art. The art work contribution of \$20,000 shall not be used for the provision of underground power, and all costs associated with the provision of underground power shall be met by the owner(s);~~"

2. *existing clauses (iv) to (xviii) be renumbered (v) to (xix); and*

3. *a new clause (iv) be added as follows:*

"(iv) the provision of underground of power in the Newcastle Street road reserve to the property and all costs associated with the provision of underground power shall be met by the owner(s);"

Debate ensued.

Cr Messina returned to the Chamber at 7.15pm.

The Presiding Member ruled that the amendment to clause (iii) and the new clause (iv) would be dealt with separately.

Amendment to clause (iii) was put.

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology.)

New clause (iv) was put.

AMENDMENT CARRIED (6-2)

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

(Cr Farrell was an apology.)

MOTION AS AMENDED CARRIED (8-0)

COUNCIL DECISION ITEM 10.1.5

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Zurzolo on behalf of the owner Lavenda Pty Ltd & A & E M Percudani for proposed Demolition of Existing Office/Warehouse and Construction of Three-Storey Building Comprising Offices and Undercroft Car Parking, at No.658 (Lot 3 D/P: 541) Newcastle Street, dual frontage to Carr Place, Leederville, and as shown on demolition plans dated 30 June 2005, and plans stamp-dated 1 September 2005 (first floor and second floor plan), 1 November 2005, and side elevations (14 December 2005) subject to the following conditions:

- (i) any future vehicular entry gates adjacent to Carr Place shall be either open at all times or suitable management measures shall be implemented to ensure access is readily available for visitors at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (ii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$20,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$20,000, subject to the Town agreeing to this arrangement. 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). The art work contribution of \$20,000 shall not be used for the provision of underground power, and all costs associated with the provision of underground power shall be met by the owner(s);*
- (iv) the provision of underground of power in the Newcastle Street road reserve to the property and all costs associated with the provision of underground power shall be met by the owner(s);*

- (v) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (vi) *to first obtaining the consent of the owners of No(s). 654-656 (Lot 4) and No. 660 (Lot 2) Newcastle Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No(s). 654-656 (Lot 4) and No.660 (Lot 2) Newcastle Street in a good and clean condition;*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *a minimum of two significant design features being incorporated into the ground floor walls facing Carr Place, to break up the visual bulk of the walls to further compliment the streetscape;*
 - (b) *any proposed security gate along the Carr Place frontage being a minimum 50 percent visually permeable when viewed from the street; and*
 - (c) *a continuous and complementary awning(s) being provided along the entire Newcastle Street frontage and along the Carr Place frontage between the two (2) motor vehicle access points onto Carr Place of the subject site;*
- The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (viii) *prior to the first occupation of the development, six (6) class- one or two bicycle and one (1) class three bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (ix) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (x) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (xi) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xii) *doors, windows and adjacent floor areas fronting Newcastle Street and the first and second floors of Carr Place shall maintain an active and interactive relationship with these streets. Glazing within the subject doors and windows on the ground floor shall be clear glazing with no heavy/dark tinting nor be reflective;*
- (xiii) *prior to the first occupation of the development, a minimum of fifteen (15) car parking spaces provided for the development, shall be clearly marked and signposted for the development, with all tandem carbays south of carbays 2, 3, 4 and 5 being sign posted and set aside specifically for staff use only;*

- (xiv) *the maximum gross floor area for the office use shall be limited to 1125 square metres unless adequate car parking is provided for the changes in floor space area;*
- (xv) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$2520 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xvi) *the awnings shall be a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Newcastle Street and Carr Place;*
- (xvii) *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;*
- (xviii) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and*
- (xix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site.*

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

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single storey office/warehouse and the construction of a three (3) storey office building.

The applicants have submitted the following information which is summarised as follows:

- The proposal will provide interaction between ground level offices and pedestrians, and upgrade the streetscape. All vehicular access is off Carr ~~Street~~ *Place*;
- Landscaping be relaxed similar to other developments. The "urban" nature of the street can be maintained and enhanced in other ways and avoids any potential neglect and vandalism if there is a landscaped component;
- The predominant streetscape in the area is 3 or 4 storeys and the proposed 3 storey building will maintain a consistent streetscape; and

- No doors or gates proposed to the car park, with all air-conditioning being not visible from the streets.

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	N/A
No. of Storeys	2 storeys	3 storeys and basement	Supported-as it is considered acceptable in the context of the height, scale and nature of surrounding commercial buildings which are 3 and 4 storeys in height.
Front Setback	Nil	0.7 metres to 2.5 metres	Supported -as the front setback is not considered to create an undue, adverse effect to the existing streetscape.
Landscaping	10 per cent	Nil	Supported- on the basis that most of the developments along Newcastle Street within the Precinct do not have landscaping, mainly due to the nature and urban form of surrounding developments.
Consultation Submissions			
Support (1)	Received from the owner of the subject site		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Office: 1 car bay per 50 square metres gross floor area (proposed 1125 square metres) = 22.5 car bays. To nearest whole number			23 car bays
Apply the parking adjustment factors.			(0.614)
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 50 metres of one or more public car parks in excess of 50 spaces) ▪ 0.85 (within 800 metres of a rail station) 			14.12 car bays
Carparking provided on site			16 car bays
Resultant surplus			1.88 car bays

Bicycle Parking Facilities

Requirements	Required	Provided
Office		
<ul style="list-style-type: none"> 1 space per 200 (proposed 1125) square metres gross floor area (class 1 or 2). 	5.62 spaces	Eight (8) bicycle racks are indicated on site plans.
<ul style="list-style-type: none"> 1 space per 750 (proposed 1125-1000=125) square metres over 1000 square metres for visitors (class 3) 	1 space (minimum).	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

A preliminary investigation of the subject place at No. 658 Newcastle Street indicated that a full heritage assessment was not required in this instance, as the place is a recently constructed office/commercial premise with no heritage value.

The place has little cultural heritage significance, and does not meet the minimum criteria for entry into the Town of Vincent Municipal Heritage Inventory.

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

Underground Power

Technical Services advise that there are power lines which end at the western boundary of the above site, and as such there is opportunity for the power to be placed underground.

On the above basis, as underground power is a viable option for the proposed site, it is recommended in condition (iii) that the art work contribution for the development can be considered to be used for the purpose directly associated with the underground power, and all surplus funds remaining after the underground power project is to be used for the provision of public art.

Car Parking

The Town's Technical Services have advised that the proposed tandem car parking is considered acceptable in this instance, as it represents 4 car bays of the total 16 car bays being provided. A condition has been recommended that the front tandem car bays closer to the building is specifically marked for staff car parking only.

Building Services

Building Services advise that there are issues relating to the Building Code of Australia requirements in terms of exit location and fire rating aspects. The applicant has advised in writing that the above issues can be resolved at the Building Licence stage.

Given the above, the proposal is considered acceptable and supported, subject to standard and appropriate conditions to address the above matters.

10.1.6 No(s) 220-224 (LOT: 1 D/P: 2406, and LOT: 20 D/P: 688) Carr Place, Leederville - Proposed Demolition of Two (2) Existing Buildings (Office and Eating House) and Construction of Three-Storey Mixed Use Development Comprising Eating House, Offices and Associated Basement Car Parking

Ward:	South	Date:	13 December 2005
Precinct:	Oxford Centre; P4	File Ref:	PRO3274 5.2005.3115.1
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 the application submitted by PMdR A Design Partnership on behalf of the owner D V & D & P V Eftos & Kalison Enterprises Pty Ltd for proposed Demolition of Two (2) Existing Buildings (Office and Eating House) and Construction of Three-Storey Mixed Use Development Comprising Eating House, Offices and Associated Basement Car Parking, at No(s) 220-224 (Lot: 1 D/P: 2406, and Lot: 20 D/P: 688) Carr Place, Leederville, and as shown on plans stamped 28 October 2005, subject to the following conditions:

- (i) any future vehicular entry gates adjacent to Carr Place shall be either open at all times or suitable management measures shall be implemented to ensure access is readily available for visitors at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the Development;*
- (ii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$15,000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$15,000, subject to the Town agreeing to this arrangement. 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 and Administrative 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);*
- (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) *to first obtaining the consent of the owners of Nos. 226 (Lot 19) and No. 218 (Lot 2) Carr Place for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 226 (Lot 19) and No. 218 (Lot 2) Carr Place in a good and clean condition;*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *design features being incorporated into the walls adjacent to the ground floor car park walls facing the rear right-of-way (ROW);*
 - (b) *any proposed vehicular security gate along the Carr Place frontage being a minimum 50 percent visually permeable when viewed from the street;*
 - (c) *the entire building being contained within the subject lots' boundaries, except for the front awnings; and*
 - (d) *a continuous and complementary awning(s) being provided along the entire Carr Place frontage.*

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

- (vii) *prior to the first occupation of the development, nine (9) class- one or two, and four (4) class three bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (viii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ix) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (x) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xi) *doors, windows and adjacent floor areas fronting and Carr Place shall maintain an active and interactive relationship with this street;*
- (xii) *prior to the first occupation of the development, twenty nine (29) car parking spaces provided for the development, shall be clearly marked and signposted for the development, with tandem carbays 26, 28, 30, 32, 34 and 36 being sign posted and set aside specifically for staff use only;*
- (xiii) *the maximum floor space shall be limited as follows:*
- (a) *office -1513 square metres of gross floor area; and*
 - (b) *eating house (café/restaurant) -100 square metres of public area;*
- unless adequate car parking is provided for the changes in floor area use or floor space area;*

- (xiv) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xv) *the awnings shall be a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 600 millimetres from the kerb line of Carr Place;*
- (xvi) *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;*
- (xvii) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xviii) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property; and*
- (xix) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site.*

COUNCIL DECISION ITEM 10.1.6

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Torre

That the Item be DEFERRED for further discussion with the applicant and for accurate plans to be provided.

Journalist Mark Fletcher left the meeting at 7.31pm.

CARRIED (7-1)

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

(Cr Farrell was an apology.)

Landowner:	D V & D & P V Eftos & Kalison Enterprises Pty Ltd
Applicant:	PMdR A Design Partnership
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Office and Eating House
Use Class:	Office Building and Eating House
Use Classification:	"P" and "P"
Lot Area:	1042 square metres
Access to Right of Way	Rear side, 4 metres (dedicated and owned by the Town) and 5 metres (part owned by others) in width and sealed.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing two (2) single storey buildings, which are being used as an office and eating house, and the construction of a three (3) storey building comprising eating house, offices and associated basement car parking. Access to the site is off Carr Place and the rear right-of-way (ROW).

The applicant has submitted the following information which is summarised as follows:

- Matters relating to Building Code of Australia can be dealt as part of a Building Licence application;
- An awning will be provided in accordance with Town's requirements;
- Only 6 tandem carbays are provided out of a total of 36 carbays, which are mainly accessed of the ROW;
- Side wall have no openings, apart from the upper level, which is setback significantly from the boundary; and
- Complies with the overshadowing requirements of the Residential Design Codes.

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

ASSESSMENT:

Requirements	Non-Compliant Requirements		Officer Comments Pursuant to Clause 38(5) of TPS 1
	Required	Proposed *	
Plot Ratio	N/A	N/A	N/A
Awning	For the Front of Building at ground floor	Not shown	Not supported- as required for pedestrian amenity and a condition is recommended for the provision of an awning along Carr Place.

Setback-Rear/North Side	9 metres	5 metres on western side for ground floor	Supported- as the main reason for the 9 metres rear setback is to allow for court yard space for residential developments and for car parking within the District Centre.
Setback relating to Non-Residential/Residential Development Interface -East Side			
Ground floor	1.8 metres	Nil	Supported - as the adjoining lot to the east side also has a parapet wall for most of the shared eastern boundary with the subject side.
First floor	3.8 metres	Nil	
Second floor	5.5 metres	Nil	
Landscaping within District Centre zone and Policy relating to Non-Residential/Residential Development Interface.	10 per cent of land area	Not provided	Supported - on the basis that most of the newer developments along Newcastle Street and Carr Place within the precinct do not have landscaping, due to the nature and urban form of surrounding developments.
Number of Storeys	2 storeys	3 storeys and basement car park.	Supported - as it is considered acceptable in the context of the height, scale and nature of surrounding commercial buildings which are 3 and 4 storeys in height.
Setback based on height of building relating to Non-Residential/Residential Development Interface-Front Setback	4 metres	2 metres	Supported - as the reduced setback is considered not to unduly affect the streetscape in the area.
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> No comments stated. 		Noted.
Objection (1)	<ul style="list-style-type: none"> Concerned that the height of the building will provide a "crowded look" to the street. 		Not supported- as the height is considered to fit in with the height and scale of building in the immediate area.

	<ul style="list-style-type: none"> The provision of tandem car parking as there is already a "great" degree of traffic in the area. 	Noted and not supported- as it is acknowledged that the proposal will contribute to an increase in the traffic in the area, which is zoned as a District Centre. The proposal also complies with the car parking requirements of the Town.
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil
Commercial Car Parking		
Car parking requirement (nearest whole number) Office: 1 car bay per 50 square metres gross floor area (proposed 1513 square metres)= 30.26 car bays Restaurant (Café/Eating House) -1 space per 4.5 square metres of public area (100 square metres)= 22.22 car bays Total 52.48 carbays.		52 car bays
Apply the parking adjustment factors.		(0.5527)
<ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces) 0.85 (within 800 metres of a rail station) 0.90 (within District Centre Zone) 		28.74 car bays
Minus the car parking provided on-site.		36 car bays
Minus the most recently approved on-site car parking shortfall (after taking into account relevant adjustment factors) (Nil - existing development to be demolished)		Nil
Resultant surplus		7.26 car bays

Bicycle Parking Facilities

Requirements	Required	Provided
Office		
1 space per 200 (proposed 1513) square metres gross floor area (class 1 or 2).	7.56 spaces	Nil
1 space per 750 (proposed 1513-1000=513) square metres over 1000 square metres for visitors (class 3)	0.68 space	Nil
Restaurant (café/eating house)		
1 space per 100 (proposed 100) square metres public area (class 1 or 2)	1 space	Nil
2 spaces plus 1 space per 100 (proposed 100) square metres public area (class 3)	3 spaces	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 properties at Nos. 220 and 224 are believed to have been constructed circa 1905, located on what was then called Leeder Street. A site inspection was undertaken on 18 October 2005 in which it was considered that full Heritage Assessments were not warranted for the two subject properties.

No. 220 Carr Place accommodates a rendered brick and iron dwelling adapted to office use. The property is modest with a basic floor plan of four rooms extending from a central hallway. A fireplace is extant on the two eastern rooms, which are no longer in use. Most of the original internal fittings and windows have been replaced. The facade of the place has been changed affecting the original fenestration and roof pitch.

The original dwelling at No. 224 now operates as a restaurant, since the mid 1980's. Further alterations and additions have since been made to the place, to include another restaurant to the east of the original building and an office space to the rear.

In light of the above, it is considered that the two properties have little cultural heritage significance and thus it is recommended that the proposed demolition be approved subject to standard conditions.

Non-Residential/Residential Development Interface

It is considered that the proposal has addressed the objectives of the Town's Policy relating to Non-Residential/Residential Development Interface, including the variations sought as addressed in the Assessment Table.

Building Services

Building Services advise that there are issues relating to the Building Code of Australia requirements in terms of exit location, fire rating aspects and provision of facilities relating to people with disabilities. The applicant has advised in writing that the above issues can be resolved at the Building Licence stage. A condition is proposed to ensure that the entire building is located within the lots' boundaries, as part of the building at the rear indicates the building being outside the lot boundary, which may be a drafting discrepancy.

Car Parking

The Town's Technical Services have advised that the proposed tandem car parking is considered acceptable in this instance, as it represents 6 car bays of the total 36 car bays being provided. A condition has been recommended that tandem car bays 26, 28, 30, 32, 34 and 36 are specifically marked for staff car parking only.

Given the above, the proposal is considered acceptable and supported, subject to standard and appropriate conditions to address the above matters.

10.1.9 No. 2 (Lot 4 D/P-2447) St Albans Avenue (corner Beaufort Street), Highgate- Change of Use From Shop to Open Air Display Area and Shop and Associated Signage (Application for Retrospective Approval)

Ward:	South	Date:	10 January 2006
Precinct:	Mount Lawley Centre; P11.	File Ref:	PRO2536; 5.2005.3185.1
Attachments:	001		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by T Metcalf on behalf of the owner Flynn-Guardall Security Pty Ltd for Change of Use from Shop to Open Air Display Area (Application for Retrospective Approval), at No. 2 (Lot 4 D/P: 2447) St Albans Avenue (corner Beaufort Street), Highgate, and as shown on plans stamp-dated 27 September 2005, subject to the following conditions:*

(a) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating within twenty-eight (28) days of notification, the following works shall be completed:*

(1) the provision of a minimum of three on-site car bays with access from the right of way, which comply with the Town's Policy Relating to Parking and Access and Australian Standards AS2890.1 - "Off Street Parking". The car bays shall be available for the visitors of the tenancy during all opening times of the use. The provision of these car bays will require the demolition and/or alterations to the existing north-western high brick wall and roller door abutting the right of way. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;

(2) the provision of 1 metre by 1 metre visual truncations where the car parking bays intersect the right of way;

(b) *sanitary facilities, fixtures and fittings and access for people with disabilities shall be provided in accordance with the BCA Part D3, Table D3.2 and AS 1428.1;*

(c) *the outstanding planning application for retrospective approval fee of \$600 shall be paid within 14 days of notification;*

(d) *the display and sales area of the open air display and gross floor area of the shop shall be limited to 69 square metres and 94 square metres, respectively. 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;*

(e) *doors, windows and adjacent floor areas fronting St Albans Avenue and Beaufort Street shall maintain an active and interactive relationship with these streets; and*

- (f) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage; ~~and~~*
- (ii) *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 T Metcalf on behalf of the owner Flynn-Guardall Security Pty Ltd for Signage at No. 2 (Lot 4 D/P: 2447) St Albans Avenue (corner Beaufort Street), Highgate, and as shown on plans stamp-dated 28 September 2005, 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; and*
- (b) *the non-compliance with the requirements of the Town's Signs and Advertising Policy No. 3.5.2 relating to signage not being permitted on fences, walls or like structures; and*
- (iii) the Council ADVISES the applicant and owners that the above works that form part of clause (i)(a) above shall be completed within twenty-eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to continue legal proceedings should the above works have not been completed within this twenty-eight (28) day period.

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

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

CARRIED (6-2)

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

(Cr Farrell was an apology.)

COUNCIL DECISION ITEM 10.1.9

That;

(i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by T Metcalf on behalf of the owner Flynn-Guardall Security Pty Ltd for Change of Use from Shop to Open Air Display Area (Application for Retrospective Approval), at No. 2 (Lot 4 D/P: 2447) St Albans Avenue (corner Beaufort Street), Highgate, and as shown on plans stamp-dated 27 September 2005, subject to the following conditions:

(a) within twenty-eight (28) days of notification, the following works shall be completed:

(1) the provision of a minimum of three on-site car bays with access from the right of way, which comply with the Town's Policy Relating to Parking and Access and Australian Standards AS2890.1 - "Off Street Parking". The car bays shall be available for the visitors of the tenancy during all opening times of the use. The provision of these car bays will require the demolition and/or alterations to the existing north-western high brick wall and roller door abutting the right of way.

(2) the provision of 1 metre by 1 metre visual truncations where the car parking bays intersect the right of way;

(b) access for people with disabilities shall be provided in accordance with the BCA Part D3, Table D3.2 and AS 1428.1;

(c) the outstanding planning application for retrospective approval fee of \$600 shall be paid within 14 days of notification;

(d) the display and sales area of the open air display and gross floor area of the shop shall be limited to 69 square metres and 94 square metres, respectively. 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;

(e) doors, windows and adjacent floor areas fronting St Albans Avenue and Beaufort Street shall maintain an active and interactive relationship with these streets; and

(f) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;

(ii) 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 T Metcalf on behalf of the owner Flynn-Guardall Security Pty Ltd for Signage at No. 2 (Lot 4 D/P: 2447) St Albans Avenue (corner Beaufort Street), Highgate, and as shown on plans stamp-dated 28 September 2005, 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; and

- (b) the non-compliance with the requirements of the Town's Signs and Advertising Policy No. 3.5.2 relating to signage not being permitted on fences, walls or like structures; and*
- (iii) the Council ADVISES the applicant and owners that the above works that form part of clause (i)(a) above shall be completed within twenty-eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to continue legal proceedings should the above works have not been completed within this twenty-eight (28) day period.*

ADDITIONAL INFORMATION 1:

Following a detailed site inspection, the Town's Technical Services confirmed that the right of way on the north-western side of the subject land is sealed and 5 metres wide. Given this, three car parking bays can be accommodated on-site as follows:

- If the existing garage at the rear of the site is modified, two car bays can be provided within the garage as the internal dimensions are 7.86 metres in width and 5.8 metres in length. Although the length of the car bays and the right of way are under the required width, the Town's Technical Services advised that the width of the bays compensates for the under length bays and, therefore, allows sufficient space to manoeuvre into the right of way.
- The third car bay shown on the plans in the courtyard area is undersize as it is only 5 metres in length. However, if the wall behind the courtyard area on the north-western side was demolished, a motor vehicle could drive in from the right of way through the courtyard area and park in the storage area, as a roller door allows for access to this area.

The Town's Technical Services also advised that 1 metre by 1 metre visual sightlines is required for vehicles manoeuvring into right of ways. Accordingly, the Officer Recommendation has been conditioned to this effect.

Further to concerns regarding the accuracy of the Car Parking Table, the Table is consistent with the previous report to the Council on 24 May 2005, in terms of the car parking requirement for the shop use, the adjustment factors, the provision of on-site car parking and the most recently approved shortfall.

In light of the above, the provision of three car parking bays is considered acceptable, as it is possible to provide three bays on-site.

ADDITIONAL INFORMATION 2:

The Town's Building Services advised that sanitary facilities, fixtures and fittings for people with disabilities are not required; therefore, clause (i) (b) should be amended accordingly. However, access for people with disabilities is required to be provided in accordance with the BCA Part D3, Table D3.2 and AS 1428.1.

Building Regulations 1989, Regulations (5) and (22), states that the applicable provisions of accessibility for people with disabilities are applied to all change of use applications which may result in the change of building classification. These Building Regulations are applicable to this application, as it involves a change of use and building classification from shop (Class 6) to open air display area (Class 7a) and shop (Class 6). These Regulations would not apply if the use changed from shop to teahouse/eating house as both uses have a Class 6 building classification.

Landowner:	Guardall Security Pty Ltd
Applicant:	T Metcalf
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shop
Use Class:	Open Air Display and Shop
Use Classification:	"AA' and "P"
Lot Area:	503 square metres
Access to Right of Way	North-western side, 5.2 metres wide, unsealed and Town owned

BACKGROUND:

On 24 May 2005, the Council refused an application for a change of use from shop to shop and eating house (00/33/2776) at the above-mentioned property, as the proposed use resulted in a car parking shortfall of 6.83 car parking bays, which was considered to impact on the amenity of the area.

DETAILS:

The proposal involves a change of use from shop to open air display and shop and associated signage (application for retrospective approval).

The specific details of the application are as follows:

- An open air display area is proposed within the open courtyard area in front of the shop. This area replaces the eating house area proposed on application 00/33/2776.
- The retail display areas, office space and storage areas within the building remain the same as the previous application refused by the Council.
- The proposal also includes approval for temporary signage to be displayed seasonally on the front fence for periods of approximately 4 weeks.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Signage	Pursuant to the Town's Signs and Advertising Policy, signage is not permitted on fences, walls or like structures.	Various temporary signage proposed on front fence.	Not supported- undue impact on the amenity of the area and pursuant to the Town's Signs and Advertising Policy, signage is not permitted on fences, walls or like structures.

Consultation Submissions		
Support	Nil	Noted.
Objection (1)	<ul style="list-style-type: none"> The concrete display items are not consistent with the surrounding streetscape. Electrical cabling and extension leads are exposed to water from rainfall and are unsafe for the public and staff. The banner style of signage used on the front and side boundary fences is inconsistent with the locality. 	<ul style="list-style-type: none"> Not supported- the proposal is located in a commercial area and the proposed use is considered to be compatible with the Commercial zoning. Noted- this is a Work Safe matter and not a planning consideration. Supported- the temporary signage creates an undue impact on the amenity of the streetscape and the nearby residential area.
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil
Car Parking		
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> Open Air Display - 3 car bays (3 car bays required for the first 200 square metres of display area) Shop -6.27 car bays (this requirement is as per the previous shop use). Office- 0.7 bay rounded to 1 bay 		10 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> 0.85 (within 400 metres of a bus stop) 0.85 (within 400 metres of car park in excess of 75 car parking spaces) 		(0.7225) 7.225 car bays
Minus the car parking provided on-site		3 car bays
Minus the most recently approved on-site car parking shortfall		6.07 car bays
Resultant surplus		1.845 car bays
Bicycle Parking Facilities		
Requirements	Required	Provided
Shop – Retail 1 space per 300 square metres of gross floor area for employees (class 1 or 2) for 94 square metres of gross floor area.	0.31 space-employees	No class 1 or 2 facilities provided.
1 space per 200 square metres for visitors (Class 3).	0.47 space-visitors	No class 3 facilities provided.

<p>Office 1 space per 200 (approximately 35 square metres) square metres gross floor area for employees (class 1 or 2).</p>	<p>0.175 space-employees</p>	<p>No class 1 or 2 facilities provided.</p>
<p>1 space per 750 square metres over 1000 square metres for visitors (class 3).</p>	<p>nil space-visitors</p>	<p>No class 3 facilities provided.</p>

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed development requires the provision of nil class 1, 2 and 3 bicycle parking facilities, as spaces are rounded to the nearest whole number. There is no bicycle parking requirement for open air displays. No end of trip facilities are required pursuant to the Town's Policy relating to Parking and Access.

COMMENTS:

The Town's Technical Services advised on the previous application that the proposed car parking configuration is not supported. Notwithstanding this, there is opportunity to provide three accessible on-site car parking bays. This matter has therefore been conditioned so that amended plans are submitted demonstrating the provision of three on-site car parking bays which comply with the Town's Policy relating to Parking and Access.

The temporary signage is not supported as it is considered to create visual clutter when viewed from the streetscape, which adversely impacts on the amenity of the street. Given this, the signage is recommended for refusal.

However, given that the open air display use does not result in the requirement for additional car parking bays, and that the proposed use is considered to be compatible with the surrounding commercial area, approval is therefore recommended for the proposed use, subject to standard and appropriate conditions.

10.1.10 No. 81 (Lot 3 D/P: 11403) Fairfield Street, Mount Hawthorn - Proposed Garage, Carport, Alterations and Single Storey and Two-Storey Additions to Existing Single House

Ward:	North	Date:	10 January 2006
Precinct:	Mount Hawthorn; P01	File Ref:	PRO2701; 5.2005.3171.1
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by S A McLeod on behalf of the owner S A McLeod and J Retallick for proposed garage, alterations and single storey and two-storey additions to existing single house, at No. 81 (Lot 3 D/P: 11403) Fairfield Street, Mount Hawthorn, and as shown on plans stamp-dated 16 September 2005, subject to the following conditions:*

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

- (c) *to first obtaining the consent of the owners of Nos. 83-85 Fairfield Street and No. 12 Woodstock Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 12 Woodstock Street in a good and clean condition and the boundary (parapet) wall facing Nos. 83-85 Fairfield Street with face brickwork with rolled joints and finished in a good and clean condition; and*
- (d) *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; and*
- (e) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the window to the family room on the southern elevation, on the upper floor, being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; 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 the application submitted by S A McLeod on behalf of the owner S A McLeod and J Retallick for proposed front/eastern carport to existing single house, at No. 81 (Lot 3 D/P: 11403) Fairfield Street, Mount Hawthorn, and as shown on plans stamp-dated 16 September 2005, 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; and*
- (b) *the non-compliance with the Town's Policies relating Street Setbacks and Vehicular Access.*

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

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Farrell was an apology.)

COUNCIL DECISION ITEM 10.1.10

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by S A McLeod on behalf of the owner S A McLeod and J Retallick for proposed garage, alterations and single storey and two-storey additions to existing single house, at No. 81 (Lot 3 D/P: 11403) Fairfield Street, Mount Hawthorn, and as shown on plans stamp-dated 16 September 2005, subject to the following conditions:*
- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (b) *any new street/front wall, fence and gate between the Fairfield Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
- (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (c) *to first obtaining the consent of the owners of Nos. 83-85 Fairfield Street and No. 12 Woodstock Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 12 Woodstock Street in a good and clean condition and the boundary (parapet) wall facing Nos. 83-85 Fairfield Street with face brickwork with rolled joints and finished in a good and clean condition;*

- (d) *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; and*
- (e) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the window to the family room on the southern elevation, on the upper floor, being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (ii) *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 S A McLeod on behalf of the owner S A McLeod and J Retallick for proposed front/eastern carport to existing single house, at No. 81 (Lot 3 D/P: 11403) Fairfield Street, Mount Hawthorn, and as shown on plans stamp-dated 16 September 2005, 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; and*
- (b) *the non-compliance with the Town's Policies relating Street Setbacks and Vehicular Access.*

CORRECTED ASSESSMENT TABLE:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
<u>Privacy Upper Floor: South-Family Room</u>	<u>6 metres</u>	<u>3.51 metres to southern boundary.</u>	<p>Not supported -</p> <ul style="list-style-type: none"> • <u>a further detailed site inspection indicates that undue overlooking would be into adjacent neighbour's window located on the affected property's northern elevation;</u> • <u>undue impact on adjacent neighbour; and</u> • <u>has been conditioned above to comply.</u>

<u>Balcony</u>	<u>7.5 metres</u>	<u>6.42 metres to southern boundary.</u>	<u>Supported - overlooking is into adjacent neighbour's front setback as permitted by the R Codes.</u>
<u>East-Family Room</u>	<u>6 metres</u>	<u>4.8 metres to southern boundary.</u>	<u>Supported - overlooking is into adjacent neighbour's front setback as permitted by the R Codes.</u>

Landowner:	S A McLeod and J Retallick
Applicant:	S A McLeod
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:	551 square metres
Access to Right of Way	Eastern side,4.6 metres wide, unsealed, privately owned

BACKGROUND:

29 March 2004

The Town, under delegated authority, approved alterations and retaining wall additions to fencing to existing single house.

DETAILS:

The proposal involves the construction of carport, garage, alterations and single storey and two-storey additions to existing single house. The garage has a 4.97 metres setback to the right of way in a battle axe lot style configuration and the alterations and additions include a second storey on the original dwelling with an additional meals and kitchen on the ground floor abutting the southern elevation. The carport addresses Fairfield Street and is located in the front setback area.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks: South - ground floor (laundry)	1.5 metres	1.0 metre	Supported - no undue impact, no objection received and compliant with height and length provisions of R Codes Building on Boundary provisions
- garage	1 metre	Nil	Supported - See above Officer Comments.

North - garage	1 metre	Nil	Supported - See above Officer Comments.
Building Height:			
North (front)	6 metres to top of external wall eaves.	7.8 metres	Supported - no undue impact, no objection received and considering the slope of the land the variation is considered acceptable in this instance.
	9 metres to top of roof pitch.	9.2 metres	Supported - See above Officer Comments.
South	6 metres to top of external wall eaves.	7.2 metres	Supported - See above Officer Comments.
North	6 metres to top of external wall eaves.	7.8 metres	Supported - See above Officer Comments.
Building on Boundary	Building up to one (1) boundary.	Building up to three (3) boundaries, north, south and west.	Supported - in light of battleaxe style lot configuration and no undue impact.
Front Setback:			
Balcony	6 metres	5 metres	Supported - no undue impact, no objection received and impact is minimal in light of openings to balcony.
Vehicular Access:			
Carport	Access solely from right of way where available.	Access to carport from Fairfield Street.	Not supported - there are no carports in the vicinity along the streetscape and there is sufficient area for 2 covered car bays or garages with access from the right of way.
Consultation Submissions			
Comment	<ul style="list-style-type: none"> Request that the boundary (parapet) wall be finished in face brickwork with rolled joints. 		Noted - the standard boundary (parapet) wall condition is modified accordingly.
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

* 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 Town's Officers are not prepared to support the proposed carport within the front setback, for reasons outlined above in the Officer Comments. The Officer Recommendation is therefore split into a refusal for the carport and approval, subject to standard and appropriate conditions to address the above matters, for the balance of the proposed development.

10.1.17 Victorian Review – Streamlining the Planning Permit Process

Ward:	Both Wards	Date:	9 January 2006
Precinct:	All Precincts	File Ref:	PLA0141
Attachments:	-		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES this report and the Western Australian Local Government Association Infopage dated 21 December 2005 in relation to the Victorian State Government’s announcement of a Parliamentary Review to examine the implications of removing unnecessary planning permit requirements;*
- (ii) *ADVISES the Western Australian Local Government Association that the Council SUPPORTS IN PRINCIPLE the initiation of a similar review of the existing development approval processes to identify opportunities for streamlining planning approval requirements for small scale developments in Western Australia;*
- (iii) *ADVISES the Western Australian Local Government Association (WALGA) of the following comments in response to WALGA’s survey regarding this matter:*

Question 1: *Would you support a review being undertaken in WA, along similar lines to that being conducted in Victoria?*

Yes. While the Town of Vincent acknowledges the efforts and initiatives of the State Government in undertaking a review of all existing planning legislation at a State level and consolidating it into one Act, the Planning and Development Bill 2005 only addresses and streamlines planning processes relevant at a State planning level, and not at a local government level. Furthermore, it is considered to be more about the amalgamation of the subject legislation than an actual streamlining or change in the detailed planning process. Due to this apparent deficiency in the Planning and Development Bill 2005, the Town of Vincent expresses its keen interest and support for a similar review to that proposed in Victoria to be undertaken in Western Australia at the local government level.

Question 2: *Do you believe there are existing opportunities within the WA environment to streamline or remove planning permit requirements for small scale developments? If yes, what are they?*

The WA planning environment is considered to be conducive to taking advantage of the opportunities a review of the existing planning systems would bring. Given the geographical scale of the State itself, and the vast differences between operational methods between local governments in dealing with planning related matters, the review would enable more uniform and consistent planning processes to be implemented. Particular effort and focus would need to be given to providing the opportunity for dialogue to occur between and within stakeholder groups and the community, possibly by holding state wide forums and providing an interactive website where opinions and on line discussions could be fostered.

The manner in which the Town of Vincent deals with minor nature development is considered an excellent example of providing applicants with clear guidance as to what requires a Planning Approval and what does not.

***Question 3:** What do you consider to be priority areas for a review? What would be the benefits?*

The priority areas for a review, as identified by the Town of Vincent should be as follows:

- *an across the board category or priority system, in accordance with the complexity of application, being applied to development types, that all local governments should subscribe to;*
- *reviewing the statutory timeframes for processing development applications, to tie in with the categories of development types;*
- *allowing a greater level of delegation at Officer level to approve development applications considered to be of a minor nature with minor variations to the requirements;*
- *reviewing and reducing the extent of consultation required for certain types of development applications;*
- *reviewing and implementing better and more uniform practice methods for performance based assessments that could be employed state wide, for example, when assessing larger grouped or multiple dwelling developments, internal setback or privacy variations should not be listed or advertised as variations (this should not affect variations to fundamental requirements);*
- *providing for and promoting more sustainable development practices, possibly by introducing incentives by allowing certain defined levels of discretion;*
- *introducing refined checklists for minor developments application requirements;*
- *the WALGA investigate the option of creating a partnership with TAFE colleges with the intent of utilising student resources to draft plans for minor nature development applications;*
- *the WALGA collate a register of drafts for applicants proposing a minor development to utilise in preparing applications for Planning Approval; and*
- *mandatory training for new and established Elected Members in planning matters, including an understanding of the history and principles of planning and the current pressures experienced by Officers within local governments.*

The perceived benefits of such areas of review being made priority will be:

- *reducing the processing time of applications for development of a minor nature by removing ambiguities and 'overkill' of certain parts of the assessment process;*
- *providing greater consistency and uniformity between local governments and assessment procedures, benefiting both the applicants and the local government Officers;*
- *streamlining the development application types into categories, making it simpler and more identifiable for applicants to understand the assessment procedure applicable to their application and remove the unknowns, as well as making the assessment of development applications more efficient;*
- *using the review process to create more sustainable outcomes, whilst streamlining the process, for the betterment of local governments and the wider community;*
- *refined checklists will enable potential applicants to prepare plans more efficiently and create an easier path to the acceptance of plans by local governments;*

- *introducing a register of drafts for people or the creation of partnerships with educational institutions will aid in people being able to afford, and most importantly find the appropriately skilled people in today's market, drawings and plans that are acceptable to local governments. This will enable determination in a timely and acceptable manner; and*
 - *knowledgeable, in terms of planning, where Elected Members will ensure informed responses when they are approached by constituents in relation to specific planning matters. It is considered that it will also mean Elected Members will require less information from the Officers so the Officers can concentrate on assessing and determining planning applications, or writing reports for Ordinary Meetings of Council for determination as the case may be; and*
- (iv) *FORWARDS a copy of this report to the Western Australian Local Government Association.*
-

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Chester

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

“(iii) ADVISES the Western Australian Local Government Association (WALGA) of the following comments in response to WALGA’s survey regarding this matter:

....

Question 3: What do you consider to be priority areas for a review? What would be the benefits?

The priority areas for a review, as identified by the Town of Vincent should be as follows:

- *an across the board category or priority system, in accordance with the complexity of application, being applied to development types, that all local governments should subscribe to;*
- *reviewing the statutory timeframes for processing development applications, to tie in with the categories of development types;*
- *~~allowing a greater level of delegation at Officer level to approve development applications considered to be of a minor nature with minor variations to the requirements;~~*
- *reviewing ~~and reducing~~ the extent of consultation required for certain types of development applications;*
- *reviewing and implementing better and more uniform practice methods for performance based assessments that could be employed state wide, for example, when assessing larger grouped or multiple dwelling developments, internal setback or privacy variations should not be listed or advertised as variations (this should not affect variations to fundamental requirements);*

- *providing for and promoting more sustainable development practices, possibly by introducing incentives ~~by allowing certain defined levels of discretion~~;*
- *introducing refined checklists for minor developments application requirements;*
- *the WALGA investigate the option of creating a partnership with TAFE colleges with the intent of utilising student resources to draft plans for minor nature development applications;*
- *the WALGA collate a register of drafts people for applicants proposing a minor development to utilise in preparing applications for Planning Approval; ~~and~~*
- *~~mandatory~~ training being provided for new and established Elected Members in planning matters, including an understanding of the history and principles of planning and the current pressures experienced by Officers within local governments; and*
- *reviewing the extent of performance based/ discretionary policies provided and the resultant increased resources required if discretion is to be extended.*

...."

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell was an apology.)

COUNCIL DECISION ITEM 10.1.17

That the Council;

- RECEIVES this report and the Western Australian Local Government Association Infopage dated 21 December 2005 in relation to the Victorian State Government's announcement of a Parliamentary Review to examine the implications of removing unnecessary planning permit requirements;*
- ADVISES the Western Australian Local Government Association that the Council SUPPORTS IN PRINCIPLE the initiation of a similar review of the existing development approval processes to identify opportunities for streamlining planning approval requirements for small scale developments in Western Australia;*
- ADVISES the Western Australian Local Government Association (WALGA) of the following comments in response to WALGA's survey regarding this matter:*

....

Question 3: *What do you consider to be priority areas for a review? What would be the benefits?*

The priority areas for a review, as identified by the Town of Vincent should be as follows:

- *an across the board category or priority system, in accordance with the complexity of application, being applied to development types, that all local governments should subscribe to;*
- *reviewing the statutory timeframes for processing development applications, to tie in with the categories of development types;*

- *delegation at Officer level to approve development applications considered to be of a minor nature with minor variations to the requirements;*
- *reviewing the extent of consultation required for certain types of development applications;*
- *reviewing and implementing better and more uniform practice methods for performance based assessments that could be employed state wide, for example, when assessing larger grouped or multiple dwelling developments, internal setback or privacy variations should not be listed or advertised as variations (this should not affect variations to fundamental requirements);*
- *providing for and promoting more sustainable development practices, possibly by introducing incentives;*
- *introducing refined checklists for minor developments application requirements;*
- *the WALGA investigate the option of creating a partnership with TAFE colleges with the intent of utilising student resources to draft plans for minor nature development applications;*
- *the WALGA collate a register of drafts people for applicants proposing a minor development to utilise in preparing applications for Planning Approval;*
- *training being provided for new and established Elected Members in planning matters, including an understanding of the history and principles of planning and the current pressures experienced by Officers within local governments; and*
- *reviewing the extent of performance based/ discretionary policies provided and the resultant increased resources required if discretion is to be extended.*

....

- (iv) **FORWARDS** a copy of this report to the Western Australian Local Government Association.

ADDITIONAL INFORMATION:

With respect to the concerns raised by the respective Elected Members, the following responses are provided:

In the suggested responses for Questions 3, which relate to 'Priority Areas for Review', the following points were raised as areas of concern by Councillor Ker and Councillor Chester:

Third dot point:

"allowing a greater level of delegation at Officer level to approve development applications considered to be of a minor nature with minor variations to the requirements;"

The **question** asked was:

'What are the impediments currently that would need to be removed to allow greater delegation? Should this be 'encourage'?'

The **response** is as follows:

Allowing a greater level of delegation at an Officer level would be to remove such impediments as the requirement for most applications for development approval needing to be submitted to the Council for consideration and final determination. The outcome of allowing a greater level of delegation at Officer level would be the increased expediency in the processing time for development applications that are of a generally simple nature.

The majority of applications received usually require some level of variation or discretion to be applied. However, the level of variation from Policy provisions may vary from minimal to significant. Where the variations being sought are considered to vary significantly from the Policy provisions, then this would warrant a need for the proposal to be considered before the Council. However, in the instance that the variations being sought are generally minimal, and that following consultation to adjoining neighbours, discretion could be given at Officer level to approve and/or refuse the application without the matter needing to be referred to an Ordinary Meeting of Council.

It is however, agreed that altering of the wording from *'allowing'* to *'encouraging'* is considered to be a more appropriate term, as different local governments may have different levels of delegation that they are prepared to allow.

Fourth dot point:

"reviewing and reducing the extent of consultation required for certain types of development applications;"

The **question** asked and comment made was:

"why do we specify 'reducing' the extent of consultation? I can think of areas in our own consultation policy where more consultation would be desirable - eg 37 Glendower Street on this agenda. What are the current impediments to reducing consultation (other than the desire of individual Councils to consult)?"

The **response** is as follows:

It is acknowledged that the Town has only recently revised and implemented a new 'Community Consultation' Policy. The Community Consultation Policy is considered appropriate for the Town, with the support of the Council to adopt this revised Policy reflecting this as the case. However, while the intent of the Policy is to ensure a more extensive consultation process than has previously been in place, the extent of consultation required is considered somewhat over extensive for certain types of development applications.

Based on the premise of streamlining the planning process, the reduction in the extent of consultation required for certain applications, is considered a way of facilitating a more streamlined planning process. The result will be a reduction in the processing time taken to process an application that may not require consultation, if it was not otherwise required by the Consultation Policy.

Sixth dot point:

"providing for and promoting more sustainable development practices, possibly by introducing incentives by allowing certain defined levels of discretion;"

The **question** asked and comment made was:

"defined levels of discretion are always problematic because what might be acceptable on its own might well not be in conjunction with several other defined discretions. Also, the 'appropriate' level of even an individual discretion is likely to vary between locations (eg between local governments but also between specific locations within a local government)."

The **response** is as follows:

It is agreed that defining the levels of discretion can be problematic, as the appropriate level of discretion can vary from individual to individual, as much as it can from one local government to another. However, the intent of this suggested *'priority area of review'* is to encourage a collaborative approach between the Sustainable Energy Development Office and the Department for Planning and Infrastructure (who form part of the Steering Committee for the recently released *'Draft Sustainability Checklist'*), to establish a framework of initiatives to be implemented as part of the State Sustainability Strategy, that relate to development

within the metropolitan region. Through the provision of incentives to developers and homeowners, the outlined initiatives of the State Sustainability Strategy and the Sustainability Checklist can be achieved.

Last dot point:

"mandatory training for new and established Elected Members in planning matters, including an understanding of the history and principles of planning and the current pressures experienced by Officers within local governments."

The **comment** made was:

"...the understanding of planning is beneficial, [although]...not sure that mandatory training is necessary.....At the very least, it should be possible to demonstrate that understanding by other means."

The **response** is as follows:

The mandatory training of new and established Elected Members is considered to be a positive initiative proposed, as this will assist in all Elected Members having a greater understanding of the planning considerations and implications in determining development applications, rather than on a need to know basis, therefore, facilitating more informed planning decisions.

The **final comment** made was as follows:

"As an overall suggestion, references to [such phrases]....as "greater level of delegation", "reducing extent of consultation", "allowing defined levels of discretion" and "mandatory training" and various others....[should be made], as this was not part of the question and pre-empts any review process. The time for these to be raised would be in a submission to any such review - with such submission being supported by arguments and endorsed by Council rather than simply as 'off-the-cuff' suggestions that have not themselves been properly discussed."

The purpose of the memorandum circulated by the WALGA *"is to gauge the level of interest among member councils regarding the conduct of a similar review to that undertaken in Victoria, in Western Australia, and to identify opportunities for streamlining planning approval requirements for small scale developments in this State. If there is a strong interest from Councils, the Association will progress the matter with the State Government."* Although the WALGA is only seeking indicative responses at this stage, the opportunity to identify areas which may further validate the need for a review to be undertaken is regarded valuable and noteworthy.

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the Victorian Government's recent announcement of its intention to commence a Parliamentary Review of the existing planning permit process to:

- reduce the number of matters that require a planning permit, such as shade sails, fences and cubby houses; and
- tailor assessment processes to suit the size and complexity of proposals.

Additionally, this report will provide the Western Australian Local Government Association (WALGA) with feedback as to whether the Town considers a similar review of Western Australia's existing development approval and assessment processes is warranted.

BACKGROUND:

On 28 December 2005, the Town received correspondence from WALGA, requesting an indication from member Councils of the level of interest in instigating a similar review in Western Australia, to identify opportunities for streamlining planning approval requirements for small scale developments in this State.

Based on the preliminary feedback received in response to the following three questions, WALGA will then ascertain the current level of support existing within the member Councils for such a review to take place. The three questions asked by WALGA are:

- *Would you support a review being undertaken in WA, along similar lines to that being conducted in Victoria?*
- *Do you believe there are existing opportunities within the WA environment to streamline or remove planning permit requirements for small scale developments? If yes, what are they?*
- *What do you consider to be priority areas for a review? What would be the benefits?*

DETAILS:

The State Government of Victoria recently announced a Parliamentary Review to examine the implications of removing unnecessary planning permit requirements, with the focus being to streamline the planning permit process. It is hoped that as a result of this review, it will deliver:

- more timely planning permit decisions; and
- better use of local government resources.

The review will identify and implement opportunities to streamline the planning permit process through:

- reducing the number of permits required;
- introducing more simple assessment and approval processes;
- working with local government to examine ideas and opportunities for improving the operations of the Victorian planning system;
- promoting innovation and best practice by local government; and
- engaging with stakeholder groups and the community to identify what needs to change and how to make these changes.

It is suggested that some of the structures that could potentially be excluded from planning permits include shade sails, garden sheds, some fences, verandas and gazebos.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2005 – 2010:

Key Result Area One: Environment and Infrastructure:

“1.3 Develop, implement and promote sustainable urban design...”

Key Result Area Four: Governance and Management:

“ 4.3 Develop a constructive and co-operative team approach between Mayor, Councillors, employees and community”

FINANCIAL/BUDGET IMPLICATIONS:

The current 2005/2006 Budget lists \$80,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

State Government

Since 1998, the State Government has been undertaking a review of existing planning legislation with the intent to consolidate all existing planning legislation into one composite Bill. The result of this widely supported initiative is represented in the soon to be proclaimed *Planning and Development Bill 2005*. In some respects, this Bill represents the Western Australian State Government's equivalent to the proposed review of planning processes in Victoria.

This Bill will supersede the previously proclaimed *Planning and Development Bill 2004* with minor amendments. Effectively the Bill consolidates all existing planning legislation applicable to Western Australia, being the *Western Australian Planning Commission Act 1985*; *Metropolitan Region Town Planning Scheme Act 1959*; and *Town Planning and Development Act 1928* into one simple, easy-to-read Act.

The consolidation of all these Acts into a single Act, the *Planning and Development Bill 2005* only goes part of the way towards improving and better streamlining the planning processes at the local government level, as the majority of the amendments included as part of the Bill relate to State planning processes (ie Region Scheme Amendments, subdivisions and State Government Policies) and not to planning processes at local government level, particularly in relation to development applications.

Local Government

At a local government level, aside from State planning legislation, planning processes are dictated by the *Local Government (Miscellaneous Provisions) Act 1960*, the *Residential Design Codes 2002*, the current and relevant Town Planning Scheme and associated Policies. It is worth noting that the planning procedures and approval processes can differ quite markedly between the various local governments and, as a result, there is little consistency between local governments in its approach to planning applications and determining what does or does not require Planning Approval.

The Town of Vincent already has in place certain Planning and Building Policies and planning assessment procedures to expedite the processing time of development applications and to reduce the number of applications required for certain development types.

Within the Town and in accordance with the Town of Vincent's Town Planning Scheme No.1, the majority of development types require Planning Approval prior to the commencement of any development of any land or building. Exemptions to this requirement for Planning Approval are outlined in clause 33 of the Town of Vincent's Town Planning Scheme No.1. In particular, clause 33 (d) states that Planning Approval is not required when the development is considered to be a *'development of a minor nature listed in a planning policy as exempt from the requirement to obtain planning approval'*. The Town of Vincent's planning Policy relating to Minor Nature Development (Policy No.3.5.1) defines development of a minor nature that is exempt from Planning Approval.

Specifically, the Policy relating to 'Minor Nature Development' stipulates that where a development of minor nature is proposed and will not, in the opinion of the Town of Vincent adversely affect the amenity, streetscape, or day to day activities of the locality, and it is not Heritage listed, then an application for development approval is not required.

The minor nature development types cited within the Policy as not requiring Planning Approval include the following:

- “i) new street fences, walls and gates, including those adjacent to secondary street frontages and main roads that fully comply with the acceptable development provisions of the Town of Vincent Policies, and Local Laws;*
- ii) retaining walls that do not exceed 500 millimetres in height;*
- iii) filling or excavation of land that does not exceed 500 millimetres in height or, in the opinion the Town of Vincent, is over a limited area of the lot and will not constitute a significant alteration of the natural ground level of the land;*
- iv) single storey pergolas, porches, patios, verandahs, garages, carports, outbuildings and external fixtures (such as those items attached to buildings as identified in 3.10 Element 10 - Incidental Development of the Residential Design Codes) appurtenant, to a single house, grouped dwelling, multiple dwelling, that fully comply with the acceptable development provisions of the Residential Design Codes and the Town of Vincent Policies;*
- v) swimming pools where no part is more than 1800 millimetres above the surrounding ground level and are not located within any street setback area;*
- vi) sun-shade sails and the like, used for the purpose of providing shade provided that they:*
 - a) are not located within any street setback area;*
 - b) allow all storm water to be discharged within the lot;*
 - c) are erected only during the months of September to March, inclusive;*
 - d) do not exceed 3.0 metres in height; and*
 - e) do not exceed 20 square metres in area;*
- vii) garage sales, fairs, fetes, circus and charity goods sales;*
- viii) maximum of two amusement machines;*
- ix) shop front alterations where the alignment is unaltered, where not affecting heritage requirements or which do not include the installation of roller doors and shutters. Shopfronts are to maintain an active and interactive relationship between the development and the adjacent street(s), to ensure surveillance and visual amenity of the public domain and communal spaces;*
- x) family day care centres for five or less children;*
- xi) communications facilities which are listed as being exempt from the requirement to obtain planning approval under the terms of Policy relating to Domestic Satellite Dishes, Microwave Antennae and Tower Mast and Telecommunication Facilities;*

- xii) *signs and advertising that fully comply with the Town of Vincent Policy relating to Signage and Advertising, including all signs and advertising which are not visible from any public street and/or adjacent property;*
- xiii) *signs and advertising on public places and reserves relating to:*
 - a) *the functions of government, a public authority or the Council of a local government, excluding those of a promotional nature constructed or exhibited by, or on behalf of, any such body;*
 - b) *required for the management and control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed, exhibited by or at the direction of a government department, public authority or the Council of a local government; and*
 - c) *required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein;*
- xiv) *change of text and graphics on existing signs and advertising;*
- xv) *works to a building in a dangerous state or of an emergency endangering any person, building or structure, such that the building will be a replication of the building before it became dangerous or of an emergency, or the works fully comply with the acceptable development provisions of the Residential Design Codes and the Town of Vincent Policies, where applicable;*
- xvi) *temporary offices and sheds used by builders or contractors directly associated with the building works occurring on site for the duration of completing those building works and operations;*
- xvii) *home occupations that:*
 - a) *does not entail the retail sale, display or hire of goods of any nature;*
 - b) *does not cause injury to or prejudicially affect the amenity of the immediate area;*
 - c) *does not detract from the residential appearance of the dwelling house or domestic outbuilding;*
 - d) *does not entail employment of any other person;*
 - e) *does not occupy an area greater than 20 square metres;*
 - f) *does not display a sign exceeding 0.2 square metres in area;*
 - g) *does not attract customers or regular and frequent deliveries of goods or equipment to the site;*
 - h) *will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;*
 - i) *does not entail the presence, parking and garaging of a vehicle of more than one (1) tonne tare weight;*
 - j) *does not involve the servicing or repair for gain of motor vehicles; and*
 - k) *in the opinion of the Town is compatible with the principal uses to which land in the zone in which it is located may be put.*

- xviii) *Alfresco Blinds on approved premises with Alfresco Dining Licences used for the purpose of outdoor weather protection provided that they:*
- a) *are non-reflective, transparent and lightweight in appearance and do not have the visual or apparent effect of enclosing public space;*
 - b) *are removed from public areas at the close of business each day;*
 - c) *do not hinder use of public areas during and after trading hours; and*
 - d) *do not cause injury to or prejudicially affect the amenity of the immediate area;”*

Taking into consideration the various exemptions for the requirement for a Planning Approval being proposed as part of the Victorian review of the planning processes, the Town of Vincent’s Minor Nature Development Policy appears to take into account the various minor nature development application types that the Victorian review is attempting to include as not requiring an application for development approval to be given.

With respect to planning assessment procedures, in order to expedite the more basic and simple applications through the system, when a development application is submitted, it is categorised into one of the following four categories, with the expected completion timeframe for the application once categorised:

<u>Category 1</u> Maximum of 60 Days	<u>Category 2</u> Maximum of 60 Days	<u>Category 3</u> Maximum of 42 Days	<u>Category 4</u> Maximum of 28 Days
<ul style="list-style-type: none"> • Development including 3 storeys or more (including mixed use developments) • Developments of Hotels, Taverns, Lodging houses, Clubs, Private Hostels, Serviced Apartments, Hospitals and Institutional Buildings • Complex applications (at the discretion of the Principal Planning Officer) 	<ul style="list-style-type: none"> • All Demolitions requiring Heritage Assessment Reports and advertising • Developments of three or more in number • Retrospective Approvals: <ul style="list-style-type: none"> – Where archival search is required from PCC 60 Days – Where no archival search is required 28 Days 	<ul style="list-style-type: none"> • Subdivisions, Alterations and Additions and developments of Car park’s, Public Utilities, Warehouses and Showrooms, Hazard or Noxious Industry, General Industry, Light Industry, Office Building, Civic Building, Recreational Facilities, Day Nursery, Eating House, Fish and Pet Shop, Shop, Local Shop, Consulting Rooms, Single House, Grouped Dwelling (2 or less), Multiple Dwelling (2 or less). • Supportable Applications - Recommended for Approval 42 Days <p>Full Process</p> <ul style="list-style-type: none"> • Not Supportable - recommended for Refusal 28 Days <p>Brief Report direct to Council (without consultation)</p>	<ul style="list-style-type: none"> • Home Occupations, Outbuildings, Fences, Patios, Carports/Garages and Signs non-compliant with the Town’s Minor Nature Development Policy No. 3.5.1 • Not Supportable Applications 21 Days <p>Brief Report direct to Council (without consultation)</p> <p><u>Note:</u> with Delegated Authority, processing time can be reduced to 14 days.</p> <ul style="list-style-type: none"> • Supportable Applications - Recommended for Approval 28 Days

The majority of minor nature development applications requiring development approval are categorised as Category 4 applications. The exceptions to those minor nature development applications being classified as a Category 4 application are those applications for retrospective approval or those applications for properties listed on the Municipal Heritage Inventory (MHI), which are classified as a Category 2 application, which have an expected processing times of either 60 days (where an archival search is required from Perth City Council) or 28 days, when an archival search is not necessary.

In light of the above, it is recommended that the Council considers and responds to the following questions as follows:

Question 1: Would you support a review being undertaken in WA, along similar lines to that being conducted in Victoria?

Yes. While the Town of Vincent acknowledges the efforts and initiatives of the State Government in undertaking a review of all existing planning legislation at a State level and consolidating it into one Act, the *Planning and Development Bill 2005* only addresses and streamlines planning processes relevant at a State planning level, and not at a local government level. Furthermore, it is considered to be more about the amalgamation of the subject legislation than an actual streamlining or change in the detailed planning process. Due to this apparent deficiency in the *Planning and Development Bill 2005*, the Town of Vincent expresses its keen interest and support for a similar review to that proposed in Victoria to be undertaken in Western Australia at the local government level.

Question 2: Do you believe there are existing opportunities within the WA environment to streamline or remove planning permit requirements for small scale developments? If yes, what are they?

The WA planning environment is considered to be conducive to taking advantage of the opportunities a review of the existing planning systems would bring. Given the geographical scale of the State itself, and the vast differences between operational methods between local governments in dealing with planning related matters, the review would enable more uniform and consistent planning processes to be implemented. Particular effort and focus would need to be given to providing the opportunity for dialogue to occur between and within stakeholder groups and the community, possibly by holding state wide forums and providing an interactive website where opinions and on line discussions could be fostered.

The manner in which the Town of Vincent deals with minor nature development is considered an excellent example of providing applicants with clear guidance as to what requires a Planning Approval and what does not.

Question 3: What do you consider to be priority areas for a review? What would be the benefits?

The priority areas for a review, as identified by the Town of Vincent should be as follows:

- an across the board category or priority system, in accordance with the complexity of application, being applied to development types, that all local governments should subscribe to;
- reviewing the statutory timeframes for processing development applications, to tie in with the categories of development types;
- allowing a greater level of delegation at Officer level to approve development applications considered to be of a minor nature with minor variations to the requirements;

- reviewing and reducing the extent of consultation required for certain types of development applications;
- reviewing and implementing better and more uniform practice methods for performance based assessments that could be employed state wide, for example, when assessing larger grouped or multiple dwelling developments, internal setback or privacy variations should not be listed or advertised as variations (this should not affect variations to fundamental requirements);
- providing for and promoting more sustainable development practices, possibly by introducing incentives by allowing certain *defined* levels of discretion;
- introducing refined checklists for minor developments application requirements;
- the WALGA investigate the option of creating a partnership with TAFE colleges with the intent of utilising student resources to draft plans for minor nature development applications;
- the WALGA collate a register of drafts for applicants proposing a minor development to utilise in preparing applications for Planning Approval; and
- mandatory training for new and established Elected Members in planning matters, including an understanding of the history and principles of planning and the current pressures experienced by Officers within local governments.

The perceived benefits of such areas of review being made priority will be:

- reducing the processing time of applications for development of a minor nature by removing ambiguities and 'overkill' of certain parts of the assessment process;
- providing greater consistency and uniformity between local governments and assessment procedures, benefiting both the applicants and the local government Officers;
- streamlining the development application types into categories, making it simpler and more identifiable for applicants to understand the assessment procedure applicable to their application and remove the unknowns, as well as making the assessment of development applications more efficient;
- using the review process to create more sustainable outcomes, whilst streamlining the process, for the betterment of local governments and the wider community;
- refined checklists will enable potential applicants to prepare plans more efficiently and create an easier path to the acceptance of plans by local governments;
- introducing a register of drafts for people or the creation of partnerships with educational institutions will aid in people being able to afford, and most importantly find the appropriately skilled people in today's market, drawings and plans that are acceptable to local governments. This will enable determination in a timely and acceptable manner; and
- knowledgeable, in terms of planning, where Elected Members will ensure informed responses when they are approached by constituents in relation to specific planning matters. It is considered that it will also mean Elected Members will require less information from the Officers so the Officers can concentrate on assessing and determining planning applications, or writing reports for Ordinary Meetings of Council for determination as the case may be.

Summary

This report is prepared for Elected Members to consider the options for streamlining the planning application process in Western Australia and therefore its letter of advice to WALGA. The Town's Officers have suggested the above measures on the basis of expertise in the planning field and subsequent experience at the Town of Vincent and other local governments.

10.1.18 Department of Housing and Works: Housing Strategy WA Discussion Draft

Ward:	Both Wards	Date:	9 January 2006
Precinct:	All Precincts	File Ref:	PLA0022
Attachments	"Laid on the Table"		
Reporting Officer(s):	K Batina, S Jarman		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES this report and the Department of Housing and Works' "Housing Strategy WA Discussion Draft", as "Laid on the Table";*
- (ii) *ADVISES the Department of Housing and Works that the Council SUPPORTS IN PRINCIPLE, the "Housing Strategy WA Discussion Draft"; and*
- (iii) *FORWARDS a copy of this report to the Department of Housing and Works.*

COUNCIL DECISION ITEM 10.1.18

Moved Cr Torre, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

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

"(iii) FORWARDS a copy of this report to the Department of Housing and Works subject to the following bullet point under the heading "Comments" in the Officer's Report being amended to read as follows:

- ~~developing and promoting a~~ wide range of accommodation options and support services for older people and people with disabilities.***

Debate ensued.

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

<u>For</u>	<u>Against</u>
Cr Chester	Mayor Catania (2 votes)
Cr Ker	Cr Doran-Wu
Cr Lake	Cr Messina
Cr Maier	Cr Torre

(Cr Farrell was an apology.)

MOTION CARRIED (8-0)

(Cr Farrell was an apology.)

ADDITIONAL INFORMATION:

With reference to the comment contained within the report on page 87 of the Agenda, which states “... *the Town differs quite significantly from the remainder of the metropolitan region and subsequently is subject to different pressures and influences than the more outer urban areas such as those found in Wanneroo, Cockburn and Gosnells.*”; this comment is made in specific reference to housing stock and ownership, and is directly quoted from the Final Project Report for the *Vincent Vision 2024* project.

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the *Housing Strategy WA Discussion Draft* and its implications on the Town of Vincent. The Strategy is an integrated plan for government to respond to the changes underway in the housing system, and is built around the three main themes of affordability, sustainability and equity.

The Department of Housing and Works (DHW) is hoping that the release of this document for public comment will generate discussion about housing issues and options within Western Australia which will provide feedback and suggestions that will help develop the final draft. Released for public comment in late September 2005, the comment period for this document closes on 28 February 2006.

DETAILS:

The aim of the *Housing Strategy WA Discussion Draft* (the Strategy) is to deliver a responsive housing system in Western Australia, which meets the changing needs, aspirations and choices of all citizens in a sustainable way.

The Strategy notes that Western Australia’s housing system has reached its critical stage, with the State’s population projected to increase to 2.5 million people by 2026, it will mean that an additional 380,000 more dwellings will be required to accommodate this population. Such influencing factors as changing household composition, housing type diversity, changing demographics and housing and labour market needs, have been taken into account as part of the methodology in preparing the Discussion Draft.

The following five major strategic areas have been identified to guide the State Government in ensuring that the State’s future housing is affordable, sustainable, diverse and accessible to all people in the future:

- Guiding the System – Delivering quality housing – “*Ensuring that we continue to deliver housing that is among the best in the world*”.
- Home Ownership – “*Ensuring future generations can buy a home*”.
- Private Rental – “*Increase the supply of affordable private rental*”.
- Government supported housing – “*Providing a strong housing safety net*”.
- Supporting priority need – “*Housing the most vulnerable people in our community*”.

Each of these strategic areas comprises a number of relevant objectives and outlines initiatives that will guide the implementation of the Strategy and ensure achievable outcomes. The underlying principles of these initiatives being affordability, sustainability and equity are key themes that will play an important role in the future of housing in Western Australia.

Some of the initiatives outlined in the Strategy include:

- improving the long term viability of the housing sector through sustainable construction, recycling and energy efficient operation of dwellings;
- encouraging home ownership;

- providing a greater variety of housing;
- implementing affordable housing initiatives in redevelopment areas;
- developing and supporting projects that aim at increasing the supply of affordable rental properties, particularly in locations where demand for affordable rental housing is in demand;
- investigating legislative means of setting land aside for social housing;
- reviewing policies and developing a housing and disability funding and services plan;
- improving planning processes for priority needs housing;
- ensuring that the private rental sector remains attractive for investment; and
- providing incentive strategies to create a greater supply of low-cost private rental housing.

A *State Affordable Housing Policy* will also be prepared in consultation with the Department for Planning and Infrastructure and relevant stakeholders, as part of the implementation of the Strategy. This will ensure the provision of housing for people with priority needs, including disabilities, aged and youth, by increasing the availability of houses for rent or purchase that are affordable for households whose income places them in the lowest 40 percent of the income distribution.

The implementation of the Strategy is the next step in securing a more sustainable, equitable and economically stronger housing future.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005 – 2010 Key Result Area One: Environment and Infrastructure:

“1.3 Develop, implement and promote sustainable urban design”

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The *Housing Strategy WA Discussion Draft* is a comprehensive and broad based strategy that has been prepared to help guide future State Government decision making on housing in Western Australia. The Town's Officers generally support the principles listed in the Strategy, which to a certain extent are already reflected in some of the Town's existing initiatives and daily operations. However, much of the Strategy is reliant on the State Government implementing the various changes and initiatives proposed, and only once the Strategy implementation commences, will the flow on effects to local government level become applicable.

Nonetheless, there still exists opportunity for the Town to adopt some of the relevant initiatives in the interim and incorporate these into the Town Planning Scheme review, which is currently underway and in the future review of any planning and development policies. Some suggested ways in which the Town can further implement the Strategy would be:

- initiating changes to planning and development policies that reflect and facilitate the aim and intent of the *Housing Strategy WA* initiatives, once adopted;

- as part of the Town Planning Scheme review and preparation of the Local Housing Strategy, incorporate initiatives and objectives outlined within the Strategy, that relate to the Town of Vincent and its policy direction on housing and the provision of housing in the future;
- investigating and providing feedback to the Department of Housing and Works, with ways in which there can be an increased provision of affordable accommodation within the Town, while still promoting accommodation as an attractive investment option;
- supporting and encouraging projects that aim at increasing the supply of affordable accommodation, particularly given the Town's nexus location in relation to Perth CBD;
- improving planning processes for priority needs housing;
- developing community housing sector for people with disabilities;
- implementing design principles for universal access;
- reviewing the costs and benefits of existing community based youth support services and consider expansion of such services; and
- developing and promoting wide range of accommodation options and support services for older people *and* people with disabilities.

A Local Housing Strategy, which is an initiative suggested within 'Strategic Area 1' of the Strategy, is currently being prepared by the Town as part of the Town Planning Scheme review. The Local Housing Strategy can take into further consideration the principles and initiatives outlined in the *Housing Strategy WA*, such as;

- identifying and zoning areas for appropriate redevelopment;
- facilitating a more collaborative approach between property owners, developers and State Government to promote appropriate renewal opportunities; and
- promoting and facilitating more sustainable housing design and variety of housing choices within the Town, when significant sites are redeveloped.

The housing stock and ownership patterns within the Town differ quite significantly from the remainder of the metropolitan region and subsequently is subject to different pressures and influences than the more outer urban areas such as those found in Wanneroo, Cockburn and Gosnells. The recently completed *Vincent Vision 2024* project, showed that while detached housing is the predominant housing type within the Town, when compared to the rest of the metropolitan region, the percentage comparison is significantly lower for within the Town (54.8 per cent) than the metropolitan area (71.8 per cent). Home ownership patterns within the Town also differ from the remainder of the metropolitan region, with fewer dwellings being fully owned, and with more dwellings being purchased or being rented within the Town. Given this unique character of the Town of Vincent, the manner in which the Town responds to and chooses to incorporate the principles of the Strategy at the time of its implementation, will need to take such factors into account.

Until such time that *the Housing Strategy WA* is formally adopted and implemented, the Town can only be guided by the contents of the *Housing Strategy WA Discussion Draft*, and be cognisant of the underlying principles and overall intent of the Strategy as part of the decision making process.

In light of the above, it is recommended that the Council receives and supports in principle the *Housing Strategy WA Discussion Draft*, in line with the Officer Recommendation.

10.1.19 Amendment No. 21 to Planning and Building Policies - Provisions for Cash-in-lieu of Car Parking within the Parking and Access Policy

Ward:	Both Wards	Date:	9 January 2006
Precinct:	All Precincts	File Ref:	PLA0154
Attachments:	001 ; 002		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final version of the amended Policy relating to Parking and Access, as shown in Attachment 10.1.19 (a), resulting from the advertised versions having been reviewed and regard to the two (2) written submissions which were received during the formal advertising period as shown in Attachment 10.1.19 (b), in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final version of the Policy relating to the Parking and Access, as shown in Attachments 10.1.19 (a), in accordance with Clause 47 (5)(b) of the Town's Town Planning Scheme No.1; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final version of the adopted amended Policy relating to Parking and Access as shown in Attachment 10.1.19, in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.*

COUNCIL DECISION ITEM 10.1.19

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Messina

That the Item be DEFERRED so that it can be discussed at a Council Forum.

CARRIED (8-0)

(Cr Farrell was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the final version of the amended provisions for cash-in-lieu of car parking within the Parking and Access Policy, and seek final adoption.

BACKGROUND:

The Council at its Ordinary Meeting held on 27 March 2001 resolved to adopt the Planning and Building Policy Manual dated 2001 with some amendments.

The Council at its Ordinary Meeting held on 12 April 2005 resolved the following:

"That the Council;

- (i) RECEIVES this report and the draft amended version of the Policy relating to Parking and Access, as shown in Attachment 001;*
- (ii) ADOPTS the draft amended version of the Policy relating to Parking and Access to be applied in the interim during the advertising period and up to formal adoption of the draft amended Policy to those planning and building applications received after the date the draft amended Policy is adopted by Council;*
- (iii) ADVERTISES the draft amended version of the Policy relating to Parking and Access for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) advertising a summary of the amended Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the amended Policy; and*
 - (c) forwarding a copy of the amended Policy to the Western Australian Planning Commission;*
- (iv) after the expiry of the period for submissions:*
 - (a) reviews the draft amended version of the Policy relating to Parking and Access, having regard to any written submissions; and*
 - (b) determines the draft amended version of the Policy relating to Parking and Access, with or without amendment, to or not to proceed with them; and*
- (v) ACKNOWLEDGES that the Notice of Motion resolved at the Ordinary Meeting of Council on 27 April 2004 relating to cash-in-lieu of car parking, as listed in this report, has been addressed and finalised in the draft amended version of the Policy relating to Parking and Access."*

CONSULTATION/ADVERTISING:

Any new or amended Planning Policy is required to be advertised for public comment in accordance with Clause 47 of the Town's Town Planning Scheme No. 1.

Advertising of the draft amended Policy concluded on 14 June 2005. Two submissions were received during the comment period, one of which objected to some aspects of the Policy. A summary of the points raised are provided in the attached Schedule of Submissions.

With respect to two points raised, the following responses are provided:

"To maintain the current status of item 22 i) appears to be unacceptable in these times of this popular and developing area. The potential influx of ten extra vehicles in a specific area to service a business would compromise the availability of parking space for established businesses and particularly side streets."

The continuation of cash-in lieu payments to be provided when the car parking provision for a development has a shortfall of ten (10) bays or less is considered appropriate as the cash-in lieu payments from such developments provide the Town with the necessary funding to provide alternative car parking locations within the Town. Furthermore, the additional funding aids in managing and maintaining existing car parking within the locality to an acceptable level.

“The total car parking requirement needs to read five bays instead of ten where cash in lieu may be paid to cover any shortfall. The alterations would need to follow through the requirements of 11 to 40 bays and 41 to 70 bays by a proportional scale.”

It is considered that reducing the number of car parking bays from ten (10) bays to five (5) would unduly compromise the development. Consequently, the Policy has not been amended.

LEGAL/POLICY:

Town of Vincent Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area One: Environment and Infrastructure:
“1.3 Develop, implement and promote sustainable urban design.”

FINANCIAL/BUDGET IMPLICATIONS:

The current 2005/2006 Budget lists \$80,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The Council at its Ordinary Meeting held on 12 April 2005, resolved the following:

“(ii) ADOPTS the draft amended version of the Policy relating to Parking and Access to be applied in the interim during the advertising period and up to formal adoption of the draft amended Policy to those planning and building applications received after the date the draft amended Policy is adopted by Council;”

The draft amended version of the Parking and Access Policy introduces a provision that the cash-in-lieu contribution is to be based on not only the construction costs, but also on a land component being 50 per cent of the land value of the area of a car parking bay on the subject property.

Given the debate and Council resolutions relating to Items 10.1.5 and 10.1.16 at the Ordinary Meeting of Council held on 26 July 2005, in the context of the current and draft amended cash-in-lieu of car parking provisions and the increase in cash-in-lieu construction costs in the 2005/06 Fees and Charges, the following practice has been adopted the most appropriate in the interim:

1. No land value component is to be included in the cash-in-lieu of car parking contribution until the draft amended Parking and Access Policy is finally adopted by the Council;
2. Planning applications received prior to and on 12 July 2005 (date of formal adoption of 2005/06 Budget and Fees and Charges) - the cash-in-lieu contribution is to be based on \$2,500 per car bay; and

3. Planning application received after 12 July 2005 - the cash-in-lieu contribution is to be based on \$2,600 per car bay.

In light of the above, it is recommended that the Council receives, adopts and advertises the final version of the amended Policy, in line with the Officer Recommendation.

10.1.20 Western Australian Local Government Association Info Page - State Administrative Tribunal - Draft Conditions In Planning And Other Review Matters

Ward:	Both Wards	Date:	10 January 2006
Precinct:	All Precincts	File Ref:	ORG0081
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES this report relating to the Western Australian Local Government Association Info Page- State Administrative Tribunal - Draft Conditions in Planning and Other Review Matters; and*
- (ii) *ADVISES the Western Australian Local Government Association that it DOES NOT SUPPORT the continued imposition of draft conditions (without prejudice) in review matters conducted by the State Administrative Tribunal (SAT) for the following reasons:*
 - (a) *the redrafted conditions are being required prior to the review matter being duly considered and determined by the SAT;*
 - (b) *the process could be construed and viewed that such a practice by the SAT implies that the SAT had already formed its opinion and made up its determination to uphold/approve a review application prior to the matter being duly considered and determined at a full hearing or on documents;*
 - (c) *due to time frame constraints, the orders from the SAT for redrafted conditions does not allow the Town's Officers to report to the Council at an Ordinary Meeting of Council on such matters in a timely manner;*
 - (d) *given the numerous review applications being handled by the Town in recent months, this has resulted in stretching staff resources to unsustainable levels, especially where the draft conditions were not subsequently required when the review applications were dismissed. This inevitably increases costs to Local Government; and*
 - (e) *it is considered that the process does not provide the Town, Elected Members, and the community members confidence in the review process, which is undoubtedly the purpose of the State Administrative Tribunal System. It appears the process favours the review applicant at the expense of the Local Government, especially in the context that the SAT and its processes should be independent, fair and equitable to all parties involved.*

COUNCIL DECISION ITEM 10.1.20

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That clause (ii)(a) be deleted.

AMENDMENT LOST (2-6)

(Cr Farrell was an apology.)

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

Debate ensued.

Moved Cr Lake, Seconded Cr Maier

That clause ((ii)(b) be deleted.

AMENDMENT LOST (2-6)

(Cr Farrell was an apology.)

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

MOTION CARRIED (7-1)

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

(Cr Farrell was an apology.)

PURPOSE OF REPORT:

To respond to the Western Australian Local Government Association information paper dated 23 November 2005 (attached) relating to draft conditions in planning and other related review matters at the State Administrative Tribunal (SAT).

BACKGROUND:

26 April 2005 The Council at its Ordinary Meeting resolved to write to the Western Australian Local Government Association, the Minister for Planning and Infrastructure and the President of the State Administrative Tribunal for further investigation and comment to the SAT's requirement for the submission of redrafted conditions, prior to the SAT review matter being duly considered and determined at the full hearing or on documents.

13 September 2005 Letter from the SAT regarding draft conditions in planning and other review matters was reported to the Ordinary Meeting of Council under Item 10.4.1 (IB02-Information Bulletin).

16 August 2005 The SAT advised that the draft conditions would be *"without prejudice"* and *"is not a concession by the decision-maker that approval of the application is appropriate."* The SAT has introduced the above practice for the following two reasons:

- (i) under Section 9 of the State Administrative Tribunal Act 2004 (WA), the objectives include *"to act as speedily and with as little formality and technicality as practicable, and minimise the costs to the parties";* and
- (ii) the SAT needs to have a full appreciation of all conditions applicable prior to making a reliable decision.

The SAT has also advised that the requirements for draft conditions would be continuing until a review is carried out in early 2006 (attached).

DETAILS:

The Western Australian Local Government Association (WALGA) is seeking feedback from Local Government on the requirement for filing of draft conditions of approval (on a without prejudice basis) in advance of a review determination, and whether this practice is supported by Local Government.

As part of the review process, the SAT has on numerous occasions directed the Town to submit draft conditions to the SAT for specific matters the subject of an application for review, prior to that matter being duly considered and determined by the SAT. This procedure is not a requirement of the State Administrative Tribunal Act 2004, but a practice of the SAT.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

State Administrative Tribunal Act 2004 (WA) and the Town's Procedure for State Administrative Tribunal-Policy No 4.1.23.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

The Town is one of the many local governments having to deal with numerous review applications lodged with the SAT on a constant basis. The main concerns of submitting draft conditions (without prejudice) upfront prior to the determination of a review matter are as follows:

- The redrafted conditions are being required prior to the review matter being duly considered and determined by the SAT.
- The process could be construed and viewed that such a practice by the SAT implies that the SAT had already formed its opinion and made up its determination to uphold/approve a review application prior to the matter being duly considered and determined at a full hearing or on documents.
- Due to time frame constraints, the orders from the SAT for redrafted conditions does not allow the Town's Officers to report to the Council at an Ordinary Meeting of Council on such matters in a timely manner.
- Given the numerous review applications being handled by the Town in recent months, this has resulted in stretching staff resources to unsustainable levels, especially where the draft conditions were not subsequently required when the review applications were dismissed. This inevitably increases costs to Local Government.
- It is considered that the process does not provide the Town, Elected Members, and the community members confidence in the review process. It appears the process favours the review applicant at the expense of the local government, especially in the context that the SAT and its processes should be independent, fair and equitable to all parties involved.

While it is acknowledged that there may be some merit in terms of time saving in resolving the conditions of approval to be imposed in a review matter prior to the matter being determined, the overall practice is still not condoned for the above reasons, and on this basis the process should be abandoned.

10.1.22 New Zealand Planning Institute and Planning Institute Australia Congress 2006

Ward:	-	Date:	10 January 2006
Precinct:	-	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	H Coulter, D Abel		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council AUTHORISES the Manager, Planning, Building and Heritage Services, Des Abel, Planning Officer (Strategic), Helen Coulter, and up to one Elected Member,, to attend the New Zealand Planning Institute and Planning Institute Australia Congress 2006, "Imagine Impacts 2", to be held on the Gold Coast, Queensland, from Monday 3 April to Wednesday 5 April 2006, inclusive, at an approximate cost of \$2,680.00 each.

The Presiding Member advised that he had received a nomination from Cr Doran-Wu to attend the conference.

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted with Cr Doran-Wu being the nominated Elected Member.

Debate ensued.

CARRIED (8-0)

(Cr Farrell was an apology.)

COUNCIL DECISION ITEM 10.1.22

That the Council AUTHORISES the Manager, Planning, Building and Heritage Services, Des Abel, Planning Officer (Strategic), Helen Coulter, and up to one Elected Member, being Cr Doran-Wu, to attend the New Zealand Planning Institute and Planning Institute Australia Congress 2006, "Imagine Impacts 2", to be held on the Gold Coast, Queensland, from Monday 3 April to Wednesday 5 April 2006, inclusive, at an approximate cost of \$2,680.00 each.

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the Manager, Planning, Building and Heritage Services, Des Abel and Planning Officer (Strategic), Helen Coulter, and up to one Elected Member, to attend the New Zealand Planning Institute and Planning Institute Australia Congress 2006 to be held on the Gold Coast, Queensland, from Monday 3 April to Wednesday 5 April 2006, inclusive.

BACKGROUND:

The Town of Vincent's Community Visioning project, *Vincent Vision 2024*, was widely recognised and awarded three State Awards for Planning Excellence at the Planning Institute of Australia WA Division's Annual Awards, held on 12 October 2005. The Town received the Community Planning Category Award, the President's Award and the Minister's Award. The Town is automatically a finalist in the National Awards to be held in 2006.

DETAILS:

The draft conference program is "*Laid on the Table*" and presentation of the National Awards for Planning Excellence will occur on Monday 3 April 2006 during the Congress. An excerpt from the conference website outlines the theme and intent of the Congress as follows:

"Imagine the Gold Coast. It's the perfect location for imagining urban futures, considering coastal impacts, thinking about the needs of regional communities and contemplating sustainability. Built environment professionals will come together in April 2006 to consider the challenges and to exchange ideas for creating harmonious, vibrant communities. Regeneration, adaptation and innovation will be explored by urban designers, statutory planners, housing specialists, young planners, architects, transport and environmental planners, community planners, and many more. The Gold Coast has the highest growth rate in Australia and attracts visitors from across the globe. The broad beaches, beautiful hinterland and fun of the Gold Coast will provide the backdrop and inspire us to imagine new and creative futures. Join us for Imagine – Impacts2. This Congress is the second jointly convened by the Planning Institute of Australia and the New Zealand Planning Institute."

The Congress will deliver papers relating to a wide range of informative and relevant subject matters, including:

- creative cities;
- sustainable cities;
- transport integration;
- regional planning;
- settlement patterns;
- water futures;
- water conservation;
- disaster management, bushfires, earthquake, and tsunami;
- healthy cities and belonging;
- transport and cities;
- governing for outcomes;
- legislation and policy governance;
- metropolitan planning;
- development assessment;
- urban design;
- planning and practice inclusion;
- tools and technology;
- sustainability;
- environmental/natural resource management;
- social inclusion;
- town centre planning;
- sub-metropolitan planning;
- affordable housing;
- future of profession; and
- tours.

FINANCIAL IMPLICATIONS:

<u>Item</u>	<u>Cost</u>
Early bird full registration (due by 30 January 2006), including site tour	\$1,100.00
Accommodation (4 nights at \$165 per night)	\$ 660.00
Airfare (economy class)	\$ 670.00
Expenses allowance	\$ 250.00
Total - One (1) Officer to attend	\$2,680.00
Total - Two (2) Officers to attend	\$5,360.00

Sufficient funds are available in the 2005/2006 Budget to fund the above costs associated with the subject two (2) Officers attending the Congress, however, will require a Budget re-allocation to reflect the following funding source:

Town Planning Administration:

Account 52820.5114.51 - *Conferences* - \$2,000.00

Account 52828.5682.52 - *Strategic Planning & Heritage Publicity & Promotion* - \$3,360.00

Total - \$5,360.00

The above Budget re-allocation will need to be reflected in a future review of the 2005/2006 Budget.

LEGAL POLICY:

The Town's Policy 4.1.15 – *Conferences & Training – Attendance, Representation, Travel and Accommodation Expenses and Related Matters*, states as follows:

"1.1 (i) When it is considered desirable that the Council be represented at an interstate conference, up to a maximum of one Elected Member and one Officer may attend;

(ii) In certain circumstances (for example where the Conference is of a technical nature) and where an Elected Member is not attending the CEO may recommend that two (2) officers attend, in lieu of the Elected Member. In this instance, the CEO will specify reasons in the report to the Council.

1.2 A list is to be maintained of the Elected Members' and Officers' attendance at conferences.

1.3 If Council funding is sought, the representatives are to be approved by the Council and details of recent previous conference attendances are to be included in the report to Council, to assist with that decision."

With respect to clause 1.2 above, Planning Officer (Strategic), Helen Coulter attended the Planning Institute Australia, National Conference, "*Planning on the Edge*", held in Hobart, Tasmania, from Sunday 22 February to Thursday 26 February 2004, at a cost to the Town of \$925. The Planning Officer self-funded the airfare and accommodation costs.

The subject Congress will be the first interstate conference to be attended by the Manager Planning, Building and Heritage Services.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010, Key Result Area 4.3:

"4.3(c) Actively participate in community, local, State and Federal government forums and professional seminars."

Attendance at the Congress provides an opportunity for the Town's Officers to be present at an international planning conference, and be present at the National Planning Institute Australia Awards ceremony of which the Town is a nominee.

COMMENTS:

Given the success of *Vincent Vision 2024* being widely recognised at the State planning level by receiving three State Planning Excellence Awards, it is believed that the project will also have a strong prospect for the National Planning Excellence Awards and subsequently being recognised on the Australian and New Zealand planning platform.

The contents of the Congress will also provide the Officers with a valuable information resource that will contribute towards one of the Town's most important planning document, the new Town Planning Scheme. Both Officers are responsible for the designing and implementing of the new Town Planning Scheme.

It is requested that approval be granted for the Manager, Planning, Building and Heritage Services, Des Abel and Planning Officer (Strategic), Helen Coulter, and up to one Elected Member to attend the New Zealand Planning Institute and Planning Institute Australia Congress 2006.

10.1.23 Further Report - No. 62 (Lot 99 D/P: 3784) Redfern Street, North Perth - Proposed Demolition of Existing Single House and Construction of Two-Storey Single House

Ward:	North	Date:	11 January 2006
Precinct:	North Perth; P8	File Ref:	PRO3292; 5.2005.3112.1
Attachments:	001		
Reporting Officer(s):	T Durward		
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 Delstrat Pty Ltd on behalf of the owner B & T Dilabio for proposed Demolition of Existing Single House and Construction of Two-Storey Single House, at No. 62 (Lot 99 D/P: 3784) Redfern Street, North Perth, and as shown on plans stamp-dated 11 January 2006, subject to the following conditions:

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

- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the height of the building being a maximum of 6.0 metres as projected above the eaves. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iv) *to first obtaining the consent of the owners of No. 66 Redfern Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 66 Redfern Street in a good and clean condition;*
- (v) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to bedroom 2 on the western elevation and to bedroom 3 on the eastern elevation, on the first floor, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees;*
- (vi) *prior to the issue of a Building Licence, the removal and replacement of the street verge tree affected by the development, shall be organised through the Town's Parks Services and all costs associated with the removal and replacement shall be paid by the owner(s)/applicant;*
- (vii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (viii) *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; and*
- (ix) *the proposed pool to the rear of the site is not part of this approval; a separate Swimming Pool Licence shall be applied to and obtained from the Town prior to the installation of the pool.*

COUNCIL DECISION ITEM 10.1.23

Moved Cr Doran-Wu, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-1)

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

(Cr Farrell was an apology.)

FURTHER REPORT:

The Council at its Ordinary Meeting held on 20 December 2005 considered the subject proposal and resolved the following:

"That the Item be DEFERRED to allow the applicant to allow for consultation with the neighbour."

The applicant has since submitted amended plans (stamp-dated 11 January 2006) to the Town, along with a letter signed by the objector to the proposal, as detailed in the Agenda Report of the Ordinary Meeting of Council held on 6 December 2005 and in the Further Report to the Ordinary Meeting held on 20 December 2005, rescinding all previous objections and making the following comments;

- *"No objection to building height as detailed in plans viewed;*
- *Setback to front to be 6.0 metres; and*
- *Setback to alfresco area on eastern boundary to be 500mm (1/2 metre)."*

In light of the above, the Assessment Table is amended as follows:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks:			
South (front) - balcony	6 metres	5.72 metres	Supported - this variation is commonly supported by the Town's Officers as it has no undue impact and is an open type structure.
West - ground floor	1.5 metres	<ul style="list-style-type: none"> • Nil to garage. • 1 metre to kitchen and family (no major openings). • 1.5 metres to guest bedroom. 	Supported – minor variation with no undue impact on adjoining property.
- first floor	2.1 metres	<ul style="list-style-type: none"> • 1.5 metres to bedrooms 1 and 2 and ensuite. • 2.1 metres to robe and window to bed 2. 	Supported – no major openings to west wall and with no undue shade cast on the adjacent western property, the proposed variation is considered to have no undue impact on this property.

East - ground floor	1.5 metres	<ul style="list-style-type: none"> • 0.5 metre to alfresco. • 1.5 metres to balance of wall. 	Supported - neighbour has rescinded the objection and is now supporting the setback variation.
- first floor	2.2 metres	<ul style="list-style-type: none"> • 1.5 metres to bedroom 3 and retreat. • 2.1 metres to bathroom. 	Supported - no major openings to east wall and with no undue shade cast on the adjacent eastern property, the proposed variation is considered to have no undue impact on this property.
Maximum Building Height:	6 metres to top of external wall (above the eaves).	4.7 - 7.7 metres (Portico)	Not supported – although support has been received from eastern neighbour, it is considered to have an undue impact on the streetscape and amenity of the area, and is conditioned to comply in the Officer Recommendation.
Height of Retaining Wall	Retaining walls not to exceed 0.5 metre in height.	Retaining walls up to 1.5 metres on the eastern and western boundaries.	Supported – refer to “Comments” in Agenda report for Ordinary Meeting of Council held on 6 December 2005 and copied verbatim below.

It is noted that the buildings on boundary and garage setback variations contained in the previous Agenda Report have now been deleted in light of the alfresco area being setback 0.5 metre from the eastern boundary and the garage being setback 6.0 metres, respectively.

In light of the above, the previous Officer Recommendation remains unchanged other than reference to the amended plans stamp dated 11 January 2006.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 20 December 2005.

"FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Delstrat Pty Ltd on behalf of the owner B & T Dilabio for proposed Demolition of Existing Single House and Construction of Two-Storey Single House, at No. 62 (Lot 99 D/P: 3784) Redfern Street, North Perth, and as shown on plans stamp-dated 14 December 2005, subject to:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *any new street/front wall, fence and gate between the Redfern Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the height of the building being a maximum of 6.0 metres as projected above the eaves. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iv) *subject to first obtaining the consent of the owners of No. 66 Redfern Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 66 Redfern Street in a good and clean condition;*
- (v) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to bedroom 2 on the western elevation and to bedroom 3 on the eastern elevation, on the first floor, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees;*
- (vi) *prior to the issue of a Building Licence, the removal and replacement of the street verge tree affected by the development, shall be organised through the Town's Parks Services and all costs associated with the removal and replacement shall be paid by the owner(s)/applicant;*
- (vii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*

- (viii) *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; and*
- (ix) *the proposed pool to the rear of the site is not part of this approval; a separate Swimming Pool Licence shall be applied to and obtained from the Town prior to the installation of the pool.*
-

COUNCIL DECISION ITEM 10.1.39

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

Cr Farrell departed the Chamber at 8.07pm.

Debate ensued.

Cr Farrell returned to the Chamber at 8.08pm.

Moved Cr Messina, Seconded Cr Doran-Wu

That the Item be DEFERRED to allow for consultation with the neighbour.

CARRIED (5-4)

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

FURTHER REPORT:

The Council at its Ordinary Meeting held on 6 December 2005, considered the subject proposal and resolved the following

"That the Item be DEFERRED to allow the applicant to further discuss the proposal with the Town's Officers."

The applicant has since submitted amended plans to the Town. The current plans differ from the previous plans mainly in that the garage setback from the front boundary is increased from 4.5 to 6.0 metres and the eastern alfresco wall is setback 1.5 metres instead of being on the boundary. The increased setback to the garage of 6 metres has amended the rear setback, which also reduced to 9.7 metres and the balcony is setback 5.72 metres from the front boundary in accordance with the previous Officer Recommendation condition (iii) (c).

In relation to the wall heights, these are outlined below:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Maximum Building Height:</i>	<i>6 metres to top of external wall (above the eaves).</i>	<i>4.7 - 7.7 metres (Portico)</i>	<i>Not supported – objection from adjoining neighbour received for height variation, considered to have an undue impact on the eastern neighbour whose land is significantly lower than the subject property, and is conditioned to comply in Officer Recommendation.</i>

The Assessment Table and condition (iii) (b) of the previous Officer Recommendation have been amended to reflect the Town's interpretation of the Residential Design Codes in terms of wall height, namely, that no average wall height is measured and the subsequent wall height is measured from directly below the subject portion of wall.

In light of the above, the proposal is recommended for approval, subject to standard and appropriate conditions to address the amendments to the revised plans and the above building height matter.

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

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 6 December 2005.

"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 Delstrat Pty Ltd on behalf of the owner B & T Dilabio for proposed Demolition of Existing Single House and Construction of Two-Storey Single House, at No. 62 (Lot 99 D/P: 3784) Redfern Street, North Perth, and as shown on plans stamp-dated 16 August 2005 (floor plans and elevations), 16 September 2005 (site and overshadowing plans) and 4 October 2005 (first floor setbacks) subject to:

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

- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the eastern alfresco wall being setback a minimum 1.5 metre from this boundary;*
 - (b) *the average height of the building being a maximum of 6 metres average to the height of the building, to the top of external wall; and*
 - (c) *the front setback being a minimum of 6 metres to the garage and 5.72 metres to the first floor balcony.*

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

- (iv) *subject to first obtaining the consent of the owners of No. 66 Redfern Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 66 Redfern Street in a good and clean condition;*
- (v) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to bedroom 2 on the western elevation and to bedroom 3 on the eastern elevation, on the first floor, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees;*
- (vi) *prior to the issue of a Building Licence, the removal and replacement of the street verge tree affected by the development, shall be organised through the Town's Parks Services and all costs associated with the removal and replacement shall be paid by the owner(s)/applicant;*
- (vii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*

- (viii) *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; and*
- (ix) *the proposed pool to the rear of the site is not part of this approval, a separate Swimming Pool Licence shall be applied to and obtained from the Town prior to the installation of the pool.*

COUNCIL DECISION ITEM 10.1.12

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Cr Chester departed the Chamber at 9.24pm.

Cr Farrell returned to the Chamber at 9.24pm.

Cr Chester returned to the Chamber at 9.25pm.

Moved Cr Maier, Seconded Cr Torre

That the Item be DEFERRED to allow the applicant to further discuss the proposal with the Town's Officers.

CARRIED (7-0)

(Crs Ker and Messina on leave of absence.)

<i>Landowner:</i>	<i>B & T Dilabio</i>
<i>Applicant:</i>	<i>Delstrat Pty Ltd</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>556 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

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.

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Setbacks:</i> <i>South (front)</i> <i>- garage</i>	<i>6.0 metres</i>	<i>4.5 metres</i>	<i>Not supported – as the development is constructed from new and there is sufficient area to the rear of the house, a setback of 6 metres should be required, as conditioned in the Officer Recommendation.</i>
<i>- balcony</i>	<i>6 metres</i>	<i>4.22 metres</i>	<i>Not supported – as above, with the garage being setback to 6 metres, the balcony will have a setback of 5.72 metres, this variation is commonly supported by the Town's Officers. As conditioned in the Officer Recommendation.</i>
<i>West</i> <i>- ground floor</i>	<i>1.5 metres</i>	<ul style="list-style-type: none"> • <i>Nil to garage.</i> • <i>1 metre to kitchen and family (no major openings.</i> • <i>1.5 metres to guest bedroom.</i> 	<i>Supported – minor variation with no undue impact on adjoining property.</i>
<i>- first floor</i>	<i>2.1 metres</i>	<ul style="list-style-type: none"> • <i>1.5 metres to bedrooms 1 and 2 and ensuite.</i> • <i>2.1 metres to robe and window to bed 2.</i> 	<i>Supported – no major openings to west wall and with no undue shade cast on the adjacent western property, the proposed variation is considered to have no undue impact on this property.</i>

<p><i>East</i> - ground floor</p> <p><i>1.5 metres</i></p> <p>- first floor</p> <p><i>2.2 metres</i></p>	<ul style="list-style-type: none"> • Nil to alfresco. • 1.5 metres to balance of wall. <ul style="list-style-type: none"> • 1.5 metres to bedroom 3 and retreat. • 2.1 metres to bathroom. 	<p><i>Not supported – objection from adjoining owner submitted for building on the eastern boundary, the alfresco wall is recommended to be setback 1.5 metres from this boundary, refer to Officer Recommendation.</i></p> <p><i>Supported - no major openings to east wall and with no undue shade cast on the adjacent eastern property, the proposed variation is considered to have no undue impact on this property.</i></p>	
<p><i>Maximum Building Height:</i></p> <p><i>East</i></p>	<p><i>6 metres to top of external wall.</i></p>	<p><i>Average height of 6.5 metres to top of external wall.</i></p>	<p><i>Not supported – objection from adjoining neighbour received for height variation, conditioned to comply in Officer Recommendation.</i></p>
<p><i>Building on Boundary</i></p>	<p><i>Building up to one (1) boundary.</i></p>	<p><i>Built on two (2) boundaries – east and west.</i></p>	<p><i>Not supported – objection from eastern neighbour received for the building on boundary, with support from adjoining property owner to the west received. It is recommended that the western building on boundary remain, with the eastern wall being set back 1.5 metres, as conditioned in Officer Recommendation.</i></p>
<p><i>Height of Retaining Wall</i></p>	<p><i>Retaining walls not to exceed 0.5 metre in height.</i></p>	<p><i>Retaining walls up to 1.5 metres on the eastern and western boundaries.</i></p>	<p><i>Supported – refer to “Comments”</i></p>

<i>Consultation Submissions</i>		
<i>Support (1)</i>	<ul style="list-style-type: none"> • <i>In support of the proposed house with the demolition of the existing house.</i> • <i>The proposed dwelling will fit perfectly into the street with its timeless style of architecture.</i> 	<p><i>Noted</i></p> <p><i>Noted</i></p>
<i>Objection (1)</i>	<ul style="list-style-type: none"> • <i>Should adhere to the regulations specifically in terms of building height as the subject property is approximately 2 metres higher than the adjoining eastern property.</i> • <i>Concerned about how the eastern boundary wall will impinge the future development of the eastern property.</i> 	<p><i>Supported – conditioned to comply in the Officer Recommendation.</i></p> <p><i>Supported – conditioned to be setback in the Officer Recommendation.</i></p>
<i>Other Implications</i>		
<i>Legal/Policy</i>		<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>		<i>Nil</i>
<i>Financial/Budget Implications</i>		<i>Nil</i>

** 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:

Heritage

A detailed Heritage Assessment is contained as an attachment to this report.

The subject place at No. 62 Redfern Street is an elevated single storey weatherboard and iron dwelling believed to have been constructed c1923. The place is representative of a weatherboard dwelling constructed during the Inter-War period in North Perth.

Alterations have been made to the rear of the dwelling with the enclosure of the verandah to accommodate another bedroom and the extension of a rear skillion to accommodate a bathroom and kitchen, diminishing the authenticity of the place.

The place has little aesthetic, historic, social or scientific value and does not meet the minimum requirement for entry into the Town's Municipal Heritage Inventory.

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

Height of Retaining Wall

The natural ground level of the subject site has a significant upward gradient from the front of the site, to 6 metres higher at the rear. Considering this, the design of a house on such a slope is difficult without cutting and filling and the need to retain the natural ground. Subsequently, the applicants propose retaining walls along the eastern and western boundaries of up to 1.5 metres.

The proposed retaining wall height variation was not included in the variation table during advertising, however details are provided on the plans. Therefore, the Town's Officers support the retaining of the site, as shown on the attached site plan.

Summary

The variations sought by the applicant (except those relating to building height and two buildings on boundary which are addressed in the Officer Recommendation) are supportable, and do not have an undue impact on the adjoining properties or surrounding streetscape.

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

10.1.24 Nos. 505-509 (Lot 4) Charles Hotel, North Perth – Proposed Limited Alfresco and Licensed Area

Ward:	North	Date:	11 January 2006
Precinct:	North Perth; P8	File Ref:	PRO0904
Attachments:	Nil		
Reporting Officer(s):	D Brits		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that the Director Liquor Licensing has gazetted Application Number 241104 on 6 January 2006 with a closing date for objections of 18 January 2006 to alter the hotel liquor license to include a limited alfresco dining and licensed area between the existing structure (old drive through bottle shop) and the main entrance at the Charles Hotel, Nos. 505-509 Charles Street, North Perth;*
- (ii) *NOTES that the intention has been advertised in the Government Gazette (No.2) on Friday, 6 January 2006, on-site signage and West Australian Newspaper for public notice as required by and for comments to the Director of Liquor Licensing;*
- (iii) *NOTES that Planning, Building and Heritage Services will submit a Council report on the structural aspects to an Ordinary Meeting of Council during February 2006 for consideration;*
- (iv) *REQUESTS the Director of Liquor Licensing to defer his decision and authorise an extension of time until 3 March 2006 in order for the Town to conduct Community Consultation (letter drop in a 250 metre radius) to comment on liquor provision in the alfresco area; and*
- (v) *if the request for deferral is not granted, the Council RECOMMENDS the following conditions on the altered Liquor Licence:*
 - (a) *the Licensee shall submit a Premises Management Plan, Staff Training Plan and Harm Minimisation Plan that details relevant aspects but in particular includes litter collection, external crowd control patrols and noise control in a 250 metre radius of the premises within reasonable parameters;*
 - (b) *limit the hours of operation of the licensed Alfresco Area to 10.00pm during normal week days, and weekends commensurate with hotel hours;*
 - (c) *limit the maximum accommodation number of the licensed Alfresco Area to eighty (80) persons with a minimum of sixty (60) chairs;*
 - (d) *conditions to be reviewed after an initial six (6) months trial period;*
 - (e) *no external amplified music until an Acoustic Report is submitted for the Council's consideration;*
 - (f) *two (2) crowd controllers to be present in the licensed Alfresco Area during the hours of operation to prevent anti-social behaviour;*
 - (g) *the car park to the north of the premises is to be promoted internally to customers; and*
 - (h) *waiting and food provision are to be included in the licensed Alfresco Area as a harm minimisation strategy.*

Moved Cr Messina, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Messina, Seconded Cr Lake

That clause (v)(f) be deleted and a new clause (v)(f) be added as follows:

“(v) (f) a three (3) month trial be carried out to ascertain the necessity of crowd controllers in the licensed Alfresco Area, initially with two (2) crowd controllers being present from 5pm to close.

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology.)

Moved Cr Torre, Seconded Cr Messina

That clause (v)(b) be deleted.

Debate ensued.

AMENDMENT LOST (3-5)

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

(Cr Farrell was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell was an apology.)

COUNCIL DECISION ITEM 10.1.24

That the Council;

- (i) *NOTES that the Director Liquor Licensing has gazetted Application Number 241104 on 6 January 2006 with a closing date for objections of 18 January 2006 to alter the hotel liquor license to include a limited alfresco dining and licensed area between the existing structure (old drive through bottle shop) and the main entrance at the Charles Hotel, Nos. 505-509 Charles Street, North Perth;*

- (ii) *NOTES that the intention has been advertised in the Government Gazette (No.2) on Friday, 6 January 2006, on-site signage and West Australian Newspaper for public notice as required by and for comments to the Director of Liquor Licensing;*
- (iii) *NOTES that Planning, Building and Heritage Services will submit a Council report on the structural aspects to an Ordinary Meeting of Council during February 2006 for consideration;*
- (iv) *REQUESTS the Director of Liquor Licensing to defer his decision and authorise an extension of time until 3 March 2006 in order for the Town to conduct Community Consultation (letter drop in a 250 metre radius) to comment on liquor provision in the alfresco area; and*
- (v) *if the request for deferral is not granted, the Council RECOMMENDS the following conditions on the altered Liquor Licence:*
 - (a) *the Licensee shall submit a Premises Management Plan, Staff Training Plan and Harm Minimisation Plan that details relevant aspects but in particular includes litter collection, external crowd control patrols and noise control in a 250 metre radius of the premises within reasonable parameters;*
 - (b) *limit the hours of operation of the licensed Alfresco Area to 10.00pm during normal week days, and weekends commensurate with hotel hours;*
 - (c) *limit the maximum accommodation number of the licensed Alfresco Area to eighty (80) persons with a minimum of sixty (60) chairs;*
 - (d) *conditions to be reviewed after an initial six (6) months trial period;*
 - (e) *no external amplified music until an Acoustic Report is submitted for the Council's consideration;*
 - (f) *a three (3) month trial be carried out to ascertain the necessity of crowd controllers in the licensed Alfresco Area, initially with two (2) crowd controllers being present from 5pm to close;*
 - (g) *the car park to the north of the premises is to be promoted internally to customers; and*
 - (h) *waiting and food provision are to be included in the licensed Alfresco Area as a harm minimisation strategy.*

PURPOSE OF REPORT:

The purpose of the report is to advise Council that notification has been received that the Charles Hotel, Nos. 505-509 Charles Street, North Perth, has lodged Application Number 241104, as gazetted on 6 January 2006, with a closing date for objections of 18 January 2006 to alter the hotel liquor license to include a limited alfresco dining and licensed area between the existing structure (old drive through bottle shop) and the main entrance.

BACKGROUND:

The Town's Development Application Team is currently assessing the Application from a building and planning conditioning perspective and will report to the Council in due course.

As the Director of Liquor Licensing will be considering the Hotel Liquor License Application with a closing date of 18 January 2006, it was deemed prudent to address the health and community requirements the application may have at this stage.

Consequently, it is recommended that the following liquor license conditions be requested:

- the Licensee shall submit a Premises Management Plan, Staff Training Plan and Harm Minimisation Plan that details relevant aspects but in particular includes litter collection, external crowd control patrols and noise control in a 250 metre radius of the premises within reasonable parameters;
- limit the hours of operation of the licensed Alfresco Area to 10.00pm during normal week days, and weekends commensurate with hotel hours;
- limit the maximum accommodation number of the licensed Alfresco Area to eighty (80) persons with a minimum of sixty (60) chairs;
- conditions to be reviewed after an initial six (6) months trial period;
- no external amplified music until an Acoustic Report is submitted for the Council's consideration;
- two (2) crowd controllers to be present in the licensed Alfresco Area during the hours of operation to prevent anti-social behaviour;
- the car park to the north of the premises is to be promoted internally to customers; and
- waiting and food provision are to be included in the licensed Alfresco Area as a harm minimisation strategy.

CONSULTATION/ADVERTISING:

Advertising is the legal responsibility of the Licensee and under the supervision of the Department of Racing, Gaming and Liquor in relation to altering a hotel liquor license.

LEGAL/POLICY:

Liquor Licensing Act 1988 (as amended).

STRATEGIC IMPLICATIONS:

The proposal is in keeping with KRA 2.2(g) of the Town's Strategic Plan, 2005 - 2010 - *"Enhance and promote the Safer Vincent Program, which aims to support, develop and deliver residential and business initiatives that reduce crime and promote safety and security"*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

As outlined, the conditioning of the application should focus on hours of operation, crowd control and litter control.

10.2.1 Traffic Management - Results of Community Consultation - Palmerston Street, Perth

Ward:	South	Date:	29 December 2005
Precinct:	Beaufort P13	File Ref:	TES0200
Attachments:	001;		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the results of the Community Consultation for the proposed Traffic Management in Palmerston Street, Perth;*
- (ii) *APPROVES the proposal to improve the amenity for residents along Palmerston Street; between Newcastle and Stuart Streets; as shown on attached Plan No 2385-CP-1;*
- (iii) *MONITORS traffic in the street following the implementation of the Traffic Management measure to determine whether additional intervention measures will need to be considered;*
- (iv) *LISTS for consideration in the 2006/2007 draft budget, the allocation of \$5,000 for the replacement of some of the existing verge trees with more mature (like) species, and for the provision of suitable 'understorey planting' at the base of the existing trees; and*
- (v) *ADVISES all respondents of its decision and thanks them for their input.*

Moved Cr Lake, Seconded Cr Messina

That the recommendation be adopted.

Cr Torre departed the Chamber at 8.15pm.

Debate ensued.

Moved Cr Lake, Seconded Cr Ker

That;

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

“(ii) APPROVES the proposal to improve the amenity for residents along Palmerston Street; between Newcastle and Stuart Streets; as shown on attached Plan No 2385-CP-1 for a trial period of three (3) months;”

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

“(vi) RECEIVES a report at the conclusion of the three (3) month trial period.”

Cr Torre returned to the Chamber at 8.16pm

Debate ensued.

AMENDMENT CARRIED (6-2)

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

(Cr Farrell was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell was an apology.)

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (i) *RECEIVES the report on the results of the Community Consultation for the proposed Traffic Management in Palmerston Street, Perth;*
- (ii) *APPROVES the proposal to improve the amenity for residents along Palmerston Street; between Newcastle and Stuart Streets; as shown on attached Plan No 2385-CP-1 for a trial period of three (3) months;*
- (iii) *MONITORS traffic in the street following the implementation of the Traffic Management measure to determine whether additional intervention measures will need to be considered;*
- (iv) *LISTS for consideration in the 2006/2007 draft budget, the allocation of \$5,000 for the replacement of some of the existing verge trees with more mature (like) species, and for the provision of suitable 'understorey planting' at the base of the existing trees;*
- (v) *ADVISES all respondents of its decision and thanks them for their input; and*
- (vi) *RECEIVES a report at the conclusion of the three (3) month trial period.*

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcome of the Community Consultation for the Traffic Management proposal for Palmerston Street.

BACKGROUND:

At its Ordinary meeting held on 22 November 2005, the Council considered a report on a proposal for Traffic Management in Palmerston Street, Perth where the following decision was adopted.

"That the Council;

- (i) RECEIVES the further report on traffic management matters referred to the Local Area Traffic Management Advisory Group concerning Palmerston Street, Perth;*
- (ii) APPROVES IN PRINCIPLE the proposal to improve the amenity for residents along Palmerston Street between Newcastle and Stuart Streets as shown on attached Plan No 2385-CP-1.*
- (iii) CONSULTS with residents in Palmerston Street regarding the traffic proposal as outlined in clause (ii) above, giving them 21 day in which to provide a response; and*
- (iv) RECEIVES a further report at the conclusion of the Community Consultation as outlined in clause (ii) above."*

This report deals with the outcome of the community consultation [*Clause (iii) of the Council decision*].

DETAILS:

Community Consultation

In accordance with clause (iii) of the Council's decision, on 28 November 2005 a total of 127 letters were distributed along Palmerston Street.

At the close of consultation on 16 December 2005, 23 responses were received, representing a response rate of 18%. The following is an outline of the comments received.

In favour - Eighteen (18) Respondents (78%)

- Thank you, this is an extremely busy, now fairly dangerous street and corner
- I concur however it should be more centred between Newcastle and Stuart Sts
- Fantastic!
- I will be very happy to see a reduction in speed and traffic
- Any intervention to decrease disruptive behaviour is welcomed
- Concur - Perhaps another slow point should be considered between Church and Stuart Sts
- As a new resident I am very much in favour of having traffic calmed. Only recently one of my children got caught between two cars racing each other. The single lane slow point is overdue and is required now!
- I concur with the proposal however I would like consideration to be given for the installation of a Roundabout at Stuart and Palmerston Sts
- Thank you for the opportunity to give my views. If this is the only option, I support this. However, I believe the first 100m of the street should have centre street parking with trees
- I concur with the proposal. Please advise if there are any plans for Stuart Street as I am often disturbed by cars and drunken people
- Seven (7) respondents 'ticked' the *I concur with the proposal* 'box' however did not comment

Against - Four (4) Respondents (17%)

- I do not want the slow point, speed humps or the disruption when it is built. Palmerston Street is a main street. If you do not like inner city living, noise and the rest move to the suburbs where you can find plenty of single lanes and speed humps
- While I agree traffic calming will benefit Palmerston Street residents, I object to the single lane slow point as the hump will cause unnecessary wear on vehicles and the single lane will increase frustrations during peak hours
- I strongly object to the proposal - it is totally ridiculous...residents who are particularly sensitive should consider moving to another quieter area
- I do not concur with the proposal as it will increase traffic congestion. Would prefer strategically placed multiple speed humps

Other - One (1) Respondent (5%)

- Agree with a proposal to slow traffic and deter rat running but don't support speed humps due to noise. Single lane slow point may cause increased congestion. Other solutions could include multiple slow points between Newcastle and Stuart Streets or low profile speed humps (Scarborough Beach Rd). These could be augmented by sign posting to demonstrate that it is a residential area

Discussion

As can be seen from the above information, the majority of the respondents were *in favour* of the proposal as presented *i.e. 18 out of the 22 respondents or 78%*.

Four (4) respondents were *against* the proposal as presented, however, two (2) of these acknowledged that they agreed some form of Traffic calming was required and one (1) made another suggestion eg speed humps.

One respondent, while agreeing that traffic management was required, made various suggestions including signage and low profile speed humps.

Recommendation/s

Given the positive comments received (*while not discounting the other suggestions made,*) it is recommended that the proposal as outlined on attached Plan No 2385-CP-1, which includes the following, be implemented:

- Low profile coloured hotmixed asphalt speed hump
- Single lane slow point with mountable kerbing/pattern paved infill tapered approaches with barrier kerbing for planting beds
- Suitable vegetation and reflective bollards

It is also recommended that some of the comments made, where appropriate, be incorporated in the proposal or further investigated, eg appropriate signage indicating Palmerston Street comprises a residential area.

Other suggestions included a series of low profile speed humps, eg like Scarborough Beach Road. This could comprise stage 2 of the traffic management proposal to complement the single lane 'slow point' should it be found that this is required in the future.

In addition, an inspection of the street revealed that some verge trees are struggling (due to previous vandalism) and it is considered that these should be replaced with large mature specimens (similar species) and provide understorey plantings at the base of each tree. This has been estimated to cost \$4,000 and, as this is beyond the scope of the current budget, it is recommended that funds for this work be listed for consideration in the 2006/2007 draft budget.

CONSULTATION/ADVERTISING:

It is proposed that all respondents be advised of the Council's decision.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“o) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.”*

FINANCIAL/BUDGET IMPLICATIONS:

Funds totalling \$10,000 have been allocated in the 2005/2006 budget for Palmerston Street for the implementation of the slow point.

COMMENTS:

The Town receives many requests for Traffic Management from time to time. Most requests received are addressed by the officers as vehicle classifier results usually indicate that there is a perceived problem rather than an actual problem. Other matters are referred to the WA Police for enforcement of the legal speed limit.

It is considered the measures outlined in the report will address the majority of the current issues in Palmerston Street without compromising the current design and function of the street and it is therefore requested that the officer's recommendation be adopted.

10.2.2 Further Report - Approval of a TravelSmart Officer

Ward:	Both	Date:	30 December 2005
Precinct:	-	File Ref:	ORG0060/TES0524
Attachments:	-		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	John Giorgi	Amended by:	-

Note: As a result of further information becoming available, the following Amended Officer Recommendation was prepared and distributed prior to the meeting.

AMENDED OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Further Report on the Town's successful Expression of Interest for the Engagement of a TravelSmart Officer;*
- (ii) *AUTHORISES the Chief Executive Officer to explore the potential of sharing the TravelSmart Officer with Central TAFE, the Western Australian Water Corporation, the Public Transport Authority, the Department for Sport and Recreation and adjoining Local Governments, to reduce the Town's funding contribution;*
- (iii) *NOTES that should the proposal be approved;*
 - (a) *the Department for Planning and Infrastructure will provide a funding contribution of \$50,000 payable in three (3) milestone payments and provide ongoing network opportunities, professional development and support over a 29 month period;*
 - (b) *a commitment to allocate \$43,333 in the 2006/2007 budget and \$47,500 in the 2007/2008 budget as the Town's funding contribution for the engagement of the TravelSmart Officer will be required; and*
 - (c) *an amount up to \$9,000 for the purchase of office and ancillary equipment and salary oncost component will need to be allocated in the current (2005/2006) financial year; and*
- (iv) *RECEIVES a further report on the matter at its Ordinary Meeting to be held on 14 February 2006.*

~~OFFICER RECOMMENDATION:~~

That the Council;

- ~~(i) *RECEIVES the Further Report on the Town's success in the Expression of Interest for the Engagement of a TravelSmart Officer;*~~
- ~~(ii) *NOTES that as part of the proposed funding arrangement, the Department for Planning and Infrastructure will provide a funding contribution of \$50,000 payable in three (3) milestone payments and provide ongoing network opportunities, professional development and support over a 29 month period; and*~~

~~(iii) — APPROVES BY AN ABSOLUTE MAJORITY to;~~

~~(a) — give a commitment to allocate \$43,333 in the 2006/2007 budget and \$47,500 in the 2007/2008 budget as the Town's funding contribution for the engagement of the TravelSmart Officer; and~~

~~(b) — includes an amount up to \$9,000 for the purchase of office and ancillary equipment and salary oncost component at the February 2006 budget review;~~

~~(iv) — AUTHORIZES the Chief Executive Officer to;~~

~~(a) — engage a TravelSmart Officer in accordance with the terms and conditions as outlined in the report;~~

~~(b) — sign a Memorandum of Understanding between the Town and the Department for Planning and Infrastructure; and~~

~~(c) — explore the potential to share the TravelSmart Officer with Central TAFE, the Western Australian Water Corporation and adjoining Local Governments to possibly reduce the Town's funding contribution; and~~

~~(v) — NOTES that progress reports concerning the required objectives and milestones, as outlined in the report, when actioned / achieved, will be submitted to the Council.~~

COUNCIL DECISION ITEM 10.2.2

Moved Cr Maier, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Farrell was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the grant offered to the Town by the Department of Planning and Infrastructure (DPI) for the employment of a TravelSmart Officer.

BACKGROUND:

At its Ordinary Meeting held on 27 September 2005, the Council considered a report on the Town's proposed participation in Stage 3 of the DPI's TravelSmart Household Program and for the possible engagement by the Town of a TravelSmart Officer.

"That the Council;

(i) RECEIVES the report on the Town's possible participation in Stage 3 of the Department for Planning and Infrastructure's TravelSmart Household Program;

- (ii) *SUBMITS an Expression of Interest to participate in Stage 3 of the TravelSmart Household Program and for the Town to engage a TravelSmart Officer;*
- (iii) *AUTHORISES the Chief Executive officer to further investigate the feasibility of the Town engaging a TravelSmart Officer, to be partially funded by the Department for Planning and Infrastructure;*
- (iv) *NOTES that \$61,960 would need to be allocated in the 2006/2007 budget i.e. \$36,960 for the program and \$25,000 for the TravelSmart officer should this matter be considered a priority; and*
- (v) *RECEIVES a further report on the financial and resource implications for the Town should the Town's Expression of Interest be successful."*

DETAILS:

Successful Expression of Interest

In accordance with clause (ii) of the Council's decision, the Town's officers prepared an Expression of Interest to participate in Stage 3 of the TravelSmart Household Program and for the Town to engage a TravelSmart Officer. On 12 December 2005, the Town received the following advice from DPI.

"I am pleased to inform you that as a result of the Expression of Interest you submitted on 30 September for participation in the above program, the Department for Planning and Infrastructure is able to offer the Town of Vincent a grant to employ a Local Government TravelSmart Officer. The grant is offered in accordance with the call for an Expression of Interest issued on 8 August 2005, and your responding application.

By accepting this grant funding, the Town of Vincent is committing to engage a TravelSmart Officer for an initial period of 29 months at a salary of \$50,000 per annum. The Department for Planning and Infrastructure will provide the Town of Vincent with a total subsidy of \$50,000 to be divided over three payments.

In consultation with the community and government bodies, your Local Government TravelSmart Officer will identify, develop and implement programs, strategies and initiatives that encourage and promote sustainable travel options and practices within your municipality."

TravelSmart Officer - Objectives

The TravelSmart Officer engaged through the grant process will be required to meet the following objectives and milestones:

- Participate in the TravelSmart Local Government Officer network and professional development offered by the DPI
- Develop a TravelSmart Work Plan for adoption by the Council
- Integrate TravelSmart (*travel information and behavioural approaches*) into the broad transport, land-use planning and community development policies of the Council
- Initiate, develop and co-ordinate community events, programs and displays that promote and encourage sustainable transport, especially during Bike and Walk Weeks
- Work with the Town's employees to develop a "Green Transport Plan" for the organisation

- Promote and assist the local community to engage in TravelSmart to School, Walking School Bus, and TravelSmart workplace programs
- Develop innovations in the promotion of travel alternatives such as walking, cycling and public transport

In addition, where applicable, the TravelSmart Officer will be encouraged to participate in local dialogue and visioning processes as part of implementing the "Network City Strategy" and to connect with and help progress local sustainable transport issues that arise from these processes.

Department for Planning and Infrastructure Responsibility

As part of the proposed funding arrangement, DPI will provide a funding contribution of \$50,000 payable in three (3) milestone payments and provide ongoing network opportunities, professional development and support over a 29 month period. The three (3) milestone payments will be as follows:

- Payment 1: \$20,833 on appointment of the officer (February 2006)
Payment 2: \$16,667 in August 2006 upon acceptance of a 'Work Plan' submitted in April 2006 (*or as soon as practical after this date*)
Payment 3: \$12,500 upon acceptance of a 'Progress Report' due in August 2007.

Town of Vincent Responsibility

The Town will be required to make up the funding shortfall (*refer Financial Implications section*) and provide the following:

- 'Oncosts' with sufficient resources to enable the Officer to achieve the required objectives and milestones
- DPI representative to be on the selection panel
- Agree to use the TravelSmart trade mark
- Acknowledge and support of the DPI and Australian Greenhouse Office in all publications and reports associated with TravelSmart projects
- Over and above the provision of the Work Plan and Progress Report mentioned above, provide a final Progress Report in May 2008

Officer's Comments

The TravelSmart officer will report to the Executive Manager Technical Services, however, will have a strong working relationship with the Town's Community Development Services Section and the Town's Planning, Building and Heritage Services Section.

CONSULTATION/ADVERTISING:

The position for TravelSmart Officer will be advertised in January 2006, as soon as approval has been received. This will enable the Town to engage the services of an officer as soon as practicable, at no cost to the Town for the 2005/06 financial year. A draft position description has been supplied by DPI.

LEGAL/POLICY:

The employment of a TravelSmart officer will be the subject of a formal Memorandum of Understanding Agreement between the Town and the Department of Planning and Infrastructure.

An Absolute Majority decision will be required to re-allocate funds for office and ancillary equipment (e.g. computer, phones, mobile phone, etc) and the on cost salary component for 2005/2006, and also to commit funding in the 2006/07 and 2007/08 Budgets.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.1. Protect and enhance the environment and biodiversity. "a) Prepare and implement a Clean Air Program", "f) ...introduce measures to reduce greenhouse gases and raise public awareness through education programs on environmental issues". And 1.4. Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "h) Investigate and implement transport development and management improvement in liaison with the Local Area Traffic Management (LATM) Advisory Group and the community."

FINANCIAL/BUDGET IMPLICATIONS:

As mentioned above, as part of the proposed funding arrangement (*salary for the TravelSmart Officer*), DPI will provide a funding contribution of \$50,000 payable in three (3) milestone payments as follows:

Payment 1:	\$20,833	on appointment of the officer (Feb 06)
Payment 2:	\$16,667	in Aug 06 upon acceptance of a 'Work Plan' submitted in April 2006
Payment 3:	<u>\$12,500</u>	upon acceptance of a 'Progress Report' due in August 2007.
Total	\$50,000	

In addition, the Town will be required to fund the on cost component and purchase office and ancillary equipment. Therefore the total breakdown of costs of employing a TravelSmart Officer over 29 months is as follows:

Year	Equipment (TOV)	On Costs (TOV)	TOV (Salary component)	DPI (Salary component)	Total
2005/2006	\$5,000	\$4,000	nil	\$20,833	\$29,833
2006/2007	nil	\$10,000	\$33,333	\$16,667	\$60,000
2007/2008	nil	\$10,000	\$37,500	\$12,500	\$60,000
Total	\$5,000	\$24,000	\$70,833	\$50,000	\$149,833

COMMENTS:

As previously reported to the Council, there are tremendous opportunities for the Town in engaging a TravelSmart Officer as indicated in the report (objectives and milestones).

The Council will need to commit to allocating funds of \$99,833 over three financial years to take advantage of the \$50,000 State Government Grant.

As previously reported, there is also the potential to share a TravelSmart Officer with an adjoining Local Government (thus possibly reducing the Town's funding contribution), however, as yet this matter needs to be further investigated.

It is therefore recommended that the Council authorises the Chief Executive Officer to engage a TravelSmart Officer in accordance with the terms and conditions as outlined in the report and signs the Memorandum of Understanding (between the Town and the DPI) and commit to allocating \$9,000 in 2005/2006, \$43,333 in the 2006/2007 budget and \$47,500 in the 2007/2008 budget as the Town's funding contribution for the engagement of the TravelSmart Officer.

10.2.3 Further Report - TravelSmart Household Program Stage 3

Ward:	Both	Date:	9 January 2006
Precinct:	All	File Ref:	ORG0060/TES0524
Attachments:	-		
Reporting Officer(s):	R Lotznicher, C Wilson		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the Town's successful inclusion in Stage 3 of the TravelSmart Individualised Marketing Program;
- (ii) **APPROVES BY AN ABSOLUTE MAJORITY** to commit to allocating an amount of \$36,960 in the 2006/2007 budget as the Town's contribution to the TravelSmart Individualised Marketing Program;
- (iii) **AURTHORISES** the Chief Executive Officer to sign the Memorandum of Understanding between the Town and the Department for Planning and Infrastructure; and
- (iv) **ADVISES** the Department for Planning and Infrastructure of its decision and expresses its appreciation for being included in the Program.

COUNCIL DECISION ITEM 10.2.3

Moved Cr Torre, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Farrell was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the success of the Town's Expression of Interest to participate in Stage 3 of the TravelSmart Household Program.

BACKGROUND:

At its Ordinary Meeting held on 27 September 2005, the Council considered a report on the Town's proposed participation in Stage 3 of the TravelSmart Household Program of the Department for Planning and Infrastructure (DPI) where the following decision was adopted.

"That the Council;

- (i) **RECEIVES** the report on the Town's possible participation in Stage 3 of the Department for Planning and Infrastructure's TravelSmart Household Program;
- (ii) **SUBMITS** an Expression of Interest to participate in Stage 3 of the TravelSmart Household Program and for the Town to engage a TravelSmart Officer;

- (iii) *AUTHORISES the Chief Executive officer to further investigate the feasibility of the Town engaging a TravelSmart Officer, to be partially funded by the Department for Planning and Infrastructure;*
- (iv) *NOTES that \$61,960 would need to be allocated in the 2006/2007 budget i.e. \$36,960 for the program and \$25,000 for the TravelSmart officer should this matter be considered a priority; and*
- (v) *RECEIVES a further report on the financial and resource implications for the Town should the Town's Expression of Interest be successful."*

DETAILS:

Successful Expression of Interest

In accordance with clause (ii) of the Council's decision, the Town's officers prepared an Expression of Interest to participate in Stage 3 of the TravelSmart Household Program and for the Town to engage a TravelSmart Officer. On 4 January 2006, the Town received the following advice from DPI.

Further to the Town of Vincent's expression of interest and recent discussions between officers, I am pleased to confirm that the Minister for Planning and Infrastructure is offering the TravelSmart Household program to the remaining part of the Town of Vincent area that has not participated in the program. The project is scheduled for 2006/07.

I invite the Town of Vincent to sign both copies of the enclosed Memorandum of Understanding and to return one copy to me by 28 February 2006. This will confirm the commitment of the Department for Planning and Infrastructure and the Town of Vincent to bring together the resources and actions required to deliver a successful program.

In bringing the TravelSmart Household program to the Town of Vincent, it is expected that significant reductions in car traffic will be generated. This outcome will provide multiple community benefits including reductions in transport costs and improvements in air quality and health.

As previously reported to Council, the Town was invited to apply for the TravelSmart Household program for up to 80% of its total residential population, with the exception of the area where the program was previously run, i.e. 8,800 of the remaining 11,000 residents.

TravelSmart Household Program - Objectives/Benefits

The costs, benefits and timing opportunities for the chosen area are set out below:

- Project area: Mt Lawley, West Perth, Perth, Highgate, East Perth
- Gross population: 11,000
- Target population. (80%): 8,800
- Project timing: April to August '06 or February to June '07
- Council contribution: \$36,960
- Budget year(s): 2006/7

The project benefits will be:

- Travel surveys worth \$60,000
- Community needs report worth \$30,000
- Bus information modules worth \$30,000
- Access map worth \$ 5,000
- Household service and materials
- Attracting a total State Government investment of \$300,000

The projected (annual) outcomes will be:

- 520,000 fewer car trips
- 6 million fewer car kilometres
- 1,800 tonnes less Greenhouse Gas
- 400,000 more walking and cycling trips (eyes on the street)
- Savings of \$500 in car running costs for each participating household"

Department for Planning and Infrastructure (DPI) Responsibility

- Obtain and account for State Government and partner funding to the total project budget of \$369,700
- Conduct household travel surveys for monitoring purposes
- Supply walking and cycling information materials on time
- Install bus stop modules and information contents on time
- Supply (stop specific) pocket timetables on time
- Supply incentive materials (such as water bottles and delivery bags) on time
- Procure effective travel behaviour change interventions
- Provide project co-ordination
- Deliver the TravelSmart Household service to 8,800 residents within the Town of Vincent area

Town of Vincent Responsibility

- Provide to DPI a project contribution of \$36,960 in two (2) instalments falling due:
 - \$18,480 at commencement of "telephone contact" phase in February 2007
 - \$18,480 at completion of "home visit" phase in May 2007
- Provide input to the content of a Local TravelSmart Guide (map) for the project area and surrounds on time
- Collate information on local community groups, events and opportunities pertinent to encouraging walking, cycling and public transport use
- Endorse within two weeks of receipt of drafts all relevant project materials including, but no limited to: travel survey letters, marketing service announcement letter, "service sheet", and TravelSmart Guide
- Provide representation at project co-ordination meetings
- Assist with raising general awareness of the project, and profile the support of the Australian Greenhouse Office, through Town of Vincent publications and communications, and through the local media

Project Plan

The target completion dates for the Town's project milestones are outlined below:

- Baseline travel survey - October 2006
- Installation of modules and information content - February 2007
- Announcement letter to households / telephone contact phase - February 2007
- Supply of materials (pocket timetables, cycling leaflets, walking pack) - March 2007

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Delivery of the TravelSmart Household Program will be the subject of a formal Memorandum of Understanding Agreement between the Town and the DPI.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.1. Protect and enhance the environment and biodiversity. *"a) Prepare and implement a Clean Air Program", "f) ...introduce measures to reduce greenhouse gases and raise public awareness through education programs on environmental issues".* And 1.4. Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"h) Investigate and implement transport development and management improvement in liaison with the Local Area Traffic Management (LATM) Advisory Group and the community."*

FINANCIAL/BUDGET IMPLICATIONS:

The proposal for 8,800 residents is approximately \$369,600, with the Town's total contribution being \$36,960 i.e. 10% of \$369,600.

Council would need to commit to allocating \$36,960 in the 2006/2007 budget as the Town's funding contribution to the TravelSmart Household program.

COMMENTS:

As previously reported to the Council, there are tremendous opportunities for the Town in becoming involved in the TravelSmart Household program as has been previously demonstrated.

The Council will need to commit to allocating funds of \$36,960 in the 2006/2006 financial year to take advantage of the \$369,600 State Government funding.

It is therefore recommended that the Council authorises the Chief Executive Officer to sign the Memorandum of Understanding (*between the Town and the DPI*) and that the Council commits to allocating \$36,960 in the 2006/2007 budget as the Town's funding contribution to the TravelSmart Household program.

10.2.4 Further Report - Donation of Drinking Fountain to the North Perth Primary School

Ward:	North	Date:	5 January 2005
Precinct:	Smith's Lake P6	File Ref:	PRO2451
Attachments:	001		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicher	Amended by:	

FURTHER OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report in relation to the donation of a drinking fountain to the North Perth Primary School;*
- (ii) *APPROVES the donation and installation of the drinking fountain as outlined in Option 4 and as shown on attachment 10.2.4, at a total estimated cost of \$3,579 subject to funding availability;*
- (iii) *LISTS an amount of \$3,579 for consideration in the February 2006 budget review; and*
- (iv) *ADVISES the North Perth Primary School of its decision.*

COUNCIL DECISION ITEM 10.2.4

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr

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

- “(ii) *APPROVES the donation and installation of the drinking fountain as outlined in Option 4 Option 2 and as shown on attachment 10.2.4, at a total estimated cost of \$3,579 subject to funding availability;*”

AMENDMENT LAPSED FOR WANT OF A SECONDER

Moved Cr Maier, Seconded Cr Lake

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

- “(ii) *APPROVES the donation and installation of the drinking fountain as outlined in Option 4 and as shown on attachment 10.2.4, at a total estimated cost of \$3,579 subject to funding availability and written confirmation from the Education Department that the sports oval will remain open for public use;*”

Debate ensued.

AMENDMENT LOST (3-5)

<u>For</u> Cr Chester Cr Lake Cr Maier	<u>Against</u> Mayor Catania Cr Doran-Wu Cr Ker Cr Messina Cr Torre
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(Cr Farrell was an apology.)

MOTION CARRIED (8-0)

(Cr Farrell was an apology.)

FURTHER REPORT

The Council, at its Ordinary Meeting held on 6 December 2005, considered the above matter and resolved: *“that the item be DEFERRED for further information to be provided about alternative models of drinking fountains and details about costs”*.

The following further information is provided as requested by the Council.

In addition to the two (2) options outlined in the previous report an additional four (4) options have been provided (refer appendix 10.2.4). The purchase price of the drinking fountain assemblies range from \$970.00 to \$4,012.00 and the total cost to supply and install each respective drinking fountain is outlined in the following table below.

Option	Cost - supply	Installation	Total Cost \$
Option 1	\$970	\$950	\$1,920
Option 2	\$1,210	\$950	\$2,160
Option 3	\$1,800	\$1,300*	\$3,100
Option 4	\$2,279	\$1,300*	\$3,579.00
Option 5	\$2,550	\$950	\$3,500.00
Option 6	\$4,012	\$1,300*	\$5,312.00

Note* Additional cost for larger concrete pad to allow for persons with a disability.

Of the above options, *option 6* (double bowl) is the drinking fountain requested by the North Perth Primary School students (currently located within the Multicultural Federation Garden).

Option 4 comprises the same design as option 6, however, it has only a single bowl.

Officers Comments

Given comments received by some elected members it is recommended that Option 4 be the preferred option for the following reasons:

- Similar design to the requested fountain (however only one bowl)
- Accommodates persons with a disability
- The estimated cost to supply & install is reasonable

FINANCIAL/BUDGET IMPLICATIONS:

The cost of the supply and installation of option 4 is as follows:-

• Drinking fountain assembly	\$2,279
• Supply & installation of pipework	\$350
• Reinstatement of carpark & surrounds	\$450
• Installation of concrete apron (allow for persons with a disability)	\$500
	\$3,579

It is recommended that the cost for the supply and installation of the drinking fountain be included in the next quarterly budget review and sourced from funds to be determined.

The following is a verbatim of the minutes of the item placed before Council at its Ordinary Meeting held on 6 December 2005.

OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES the report in relation to the request from the North Perth Primary School for support from the Town to supply/install a drinking fountain on the school oval;*
- (ii) APPROVES a donation of \$1,850 to the North Perth Primary School for the supply/installation of a basic "pole-type" drinking fountain; and*
- (iii) ADVISES the North Perth Primary School of its decision.*

COUNCIL DECISION ITEM 10.2.1

Cr Torre returned to the Chamber at 9.31pm.

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Farrell

That the Item be DEFERRED for further information to be provided about alternative models of drinking fountains and details about costs.

CARRIED (6-1)

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

(Crs Ker and Messina on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to seek approval from the Council for a donation of \$1,850.00 to the North Perth Primary School for the supply and installation of a drinking fountain on the school oval at the North Perth Primary School.

BACKGROUND:

A petition has been received on behalf of 233 students from the North Perth Primary School, requesting that the Town give consideration to installing a drinking fountain on the school's oval.

In the letter the students have advised that the school had recently obtained a grant to lay a memorial path on the oval to commemorate the 60th anniversary of the end of World War II and that it would be seen as a great benefit if the drinking fountain could be installed prior to the above commemoration and also as a benefit for the classes that go down to the school oval (some 70 metres from the school) for sport.

As the oval can also be used by the public at any time of the day, the students advised that the installation of a drinking fountain would make the school a truly community place.

DETAILS:

The students of North Perth Primary School have suggested that the Town install a drinking fountain similar to the design used in the adjacent Multicultural Federation Garden and Children's Playground.

The requested drinking fountain design is very expensive and given the significant cost of extending the water services due to the distance to the drinking fountain from the nearest water source, a cheaper version has been recommended.

Installation will require trenching of at least 70 metres down to the oval through an existing bitumen carpark. The drinking fountain will consist of a galvanised steel pole with a standard drinking fountain assembly fitted.

A small concrete apron will be laid around the base of the fountain to ensure the area around the base of the pole does not become a quagmire and potential safety hazard.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Two of Strategic Plan 2005-2010 – 2.1 Celebrate and acknowledge the Town's cultural diversity. "a) develop, financially support, promote and organise community events and initiatives (including those generated by community groups) that engage the community and celebrate the cultural diversity of the Town."

FINANCIAL/BUDGET IMPLICATIONS:

The cost of the supply and installation of the drinking fountain is as follows:-

• <i>Drinking fountain assembly (Galvins plumbing products)</i>	<i>\$900.00 *</i>
• <i>Supply & installation of pipework (Oasis Plumbing)</i>	<i>\$350.00</i>
• <i>Reinstatement of carpark & surrounds (Town of Vincent)</i>	<i>\$450.00</i>
• <i>Installation of concrete apron (Town of Vincent)</i>	<i><u>\$150.00</u></i>
	<i><u>\$1,850.00</u></i>

This amount can be sourced from the Members of Council donations budget.

*Note * The purchase price of the "two bowl" fountain, similar to the one at the Multicultural Gardens, is just over \$4,000, which would bring the total cost to approximately \$5,000.00 if this type was used.*

COMMENTS:

It is therefore recommended that the Council approve the donation of \$1,850.00 to North Perth Primary School for the supply and installation of a "pole type" drinking fountain, and the works be implemented as soon as practicable.

10.2.6 Proposed Naming of Right of Way - Trebor Lane

Ward:	North	Date:	9 January 2006
Precinct:	North Perth (P8)	File Ref:	TES0327
Attachments:	001 ;		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the naming of the right of way bounded by Haynes Street, Eton Street, Scarborough Beach Road and Sydney Street;*
- (ii) *APPROVES the application of the name "TREBOR LANE" to the right of way; as illustrated by attached Plan 2400-RP-1; and*
- (iii) *ADVISES the Geographic Names Committee, the applicant and all residents adjoining the right of way of its decision.*

COUNCIL DECISION ITEM 10.2.6

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That the Item be DEFERRED to allow the Heritage Officers the opportunity to suggest a suitable name which has association with the area.

LOST (3-5)

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

(Cr Farrell was an apology.)

MOTION CARRIED (5-3)

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

(Cr Farrell was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the naming of the private right of way (ROW) as illustrated by attached Plan 2400-RP-1.

BACKGROUND:

The Town has, through its ROW naming and lighting program previously named those ROWs which are dedicated as public roads. The naming of other ROWs is facilitated upon the request from residents, provided the cost of installing name plates is borne by the applicant and the name is approved by the Council and the Geographic Names Committee of the Department for Land Information.

Naming of ROWs has a number of positive outcomes for adjacent residents. Once approved by the Geographic Names Committee, ROW names are included in the Streetsmart guide, and are therefore identifiable to FESA, should their attendance be necessary, and to the public in general. Australia Post will deliver mail to addresses off named ROWs provided the ROW meets other standards set down by them.

DETAILS:

The Town has received an application for the naming of the ROW bounded by Haynes Street, Eton Street, Scarborough Beach Road and Sydney Street. The applicant proposes the name "Trebor Lane", and this has been given approval in principle by the Geographic Names Committee.

The applicant is the owner of a rear strata dwelling with vehicle access only from the ROW and would like to have an address from the ROW for postal services and to simplify locating his residence for guests.

The applicant has requested that the Council approve the name "Trebor Lane" for the ROW. "Trebor" is the name of a large sweet manufacturing company in the United Kingdom which was located close to the applicant's former home in London. The name has been suggested for reasons of nostalgia alone, however, the Geographic Names Committee has considered its suitability and concluded that it meets all criteria and has granted their approval in principle.

They have advised that they now require approval of the Council prior to formally applying the name.

CONSULTATION/ADVERTISING:

Consultation regarding ROWs, roads or place names is not usually undertaken. Such naming is based on the decision of the Council together with the approval of the Geographic Names Committee.

LEGAL/POLICY:

There are no legal implications to naming the ROWs.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – *1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.*

FINANCIAL/BUDGET IMPLICATIONS:

The applicants have given an undertaking to pay the costs of manufacture and installation of the street nameplates.

COMMENTS:

The naming of this ROW will result in an improved amenity for the adjacent residents and it is therefore recommended that the Council approve the application of "Trebor Lane" to the ROW.

Previous suggestion regarding the naming of ROWs:

An Elected Member previously suggested that plaques could possibly be installed in all ROWs explaining how a particular ROW was named and that a ROW naming policy be developed. It was also mentioned that the Town of Cambridge had named all of their ROWs.

Town of Cambridge

The Town of Cambridge (TOC) has approximately 100 ROWs, while the Town of Vincent has over 550. The TOC worked within the Geographic Names Committee's guidelines to an extent, however, although having been completed over two (2) years ago, the names do not appear in the 2006 Streetsmart guide

The Geographic Names Committee

The Geographic Names Committee has an interest in the naming of ROWs which are not dedicated roads, and will not acknowledge them nor include them in the Streetsmart guide unless they meet their criteria. Emergency Services attendance and residents' delivery and service considerations have meant that inclusion in the Streetsmart guide has been the primary consideration in naming ROWs, and not commemoration of persons or historical reference.

The Geographic names Committee imposes strict guidelines on acceptable naming, which would more than likely preclude the wholesale implementation of themed naming.

The Council at its Ordinary Meeting in 9 October 2001 approved in principle naming of ROWs in compliance with the Geographic Naming Committee's Guidelines. If approved by the Geographic Names Committee, the ROW name is included in their State-wide inventory, which records information about the origin of the name. A copy of this inventory for the Town of Vincent is available for public reference.

"En Masse" Naming's

With the number of ROWs in the Town, naming "en masse" is more likely to result in irrelevant names being applied as the time period would make it difficult to spend the required time considering appropriate names (in excess of 500 of them).

Liaison with the Town's Heritage Officers

The Town's Heritage Officers are consulted in almost all cases where the naming has not been initiated and paid for by the applicant. Applicants are asked to provide supporting reasons for proposed naming, and follow up research and verification is carried out by Technical Services. The Town's Heritage Officers have made available their library of the Town's history for reference by Technical Services for the purposes of such naming.

Financial Implications

With the current practice, the applicant funds the manufacture and installation of the name plates. Historical research and preparation of reports and applications for approval of a name, ordering of nameplates, and installation would be timely.

The budget implications of adopting a naming program based on \$350 per say 500 ROWs (*for the supply and installation of nameplates*) would be in the order of \$175,000.00, (*allowing that some are cul-de-sacs*).

Also "one off" name plates of this type would be in the order of \$100 each plus installation, adding a further \$50,000 proposed program cost. Suitable places for mounting of the descriptive plates, so that they do not cause obstruction, either physical or visual, could be difficult.

The ROW maintenance budget would also have to be increased for the inevitable replacement of stolen and vandalised plates.

Total cost of such a program could be over \$225,000.

Conclusion

Most of the existing streets in the Town have previously been named after some person or place and no plaques have been included to identify the origin of the street name.

It is considered that the current practice of naming ROWs on a case by case basis is working well and is not incurring any costs on the Town. It also gives opportunity for community involvement in a more personal way as circumstances may evolve, eg the death of an elderly family member who has lived in a particular house all their life.

10.3.1 Timetable - Budget 2006/2007

Ward:	Both	Date:	3 January 2006
Precinct:	All	File Ref:	FIN0025
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

- (i) *That the Council APPROVES the timetable for the 2006/2007 Budget as detailed below:*

<i>DATE</i>	<i>TOPIC</i>
<i>1-30 April</i>	<i>Executive Management Team (EMT) to review Draft Budget input.</i>
<i>12 May</i>	<i>Draft budget issued and a Confidential Briefing provided to Elected Members</i>
<i>17 May</i>	<i>1st Budget briefing/Special Council Meeting (open to the public</i>
<i>30 May</i>	<i>2nd Budget briefing/Special Council Meeting (open to the public)</i>
<i>1-2 June</i>	<i>Budget documentation finalised for public comment</i>
<i>5 June</i>	<i>Advertise for public comment</i>
<i>23 June</i>	<i>Public comment closes</i>
<i>23 June-6 July</i>	<i>Final Budget documentation and report for Council prepared</i>
<i>7 July</i>	<i>Agenda report issued</i>
<i>11 July</i>	<i>Adoption of Annual Budget first Council meeting in July</i>

- (ii) *REQUESTS that a brief written explanation be provided for all new items included in the Draft Budget and that the explanation indicates the reason why the item is recommended.*

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted subject to the date listed in the table for the 1st Budget briefing/Special Council Meeting (open to the public) being amended from "17 May" to "16 May".

CARRIED (8-0)

(Cr Farrell was an apology.)

COUNCIL DECISION ITEM 10.3.1

That the Council;

- (i) *APPROVES the timetable for the 2006/2007 Budget as detailed below:*

<i>DATE</i>	<i>TOPIC</i>
<i>1-30 April</i>	<i>Executive Management Team (EMT) to review Draft Budget input.</i>
<i>12 May</i>	<i>Draft budget issued and a Confidential Briefing provided to Elected Members</i>
<i>16 May</i>	<i>1st Budget briefing/Special Council Meeting (open to the public</i>

<i>DATE</i>	<i>TOPIC</i>
<i>30 May</i>	<i>2nd Budget briefing/Special Council Meeting (open to the public)</i>
<i>1-2 June</i>	<i>Budget documentation finalised for public comment</i>
<i>5 June</i>	<i>Advertise for public comment</i>
<i>23 June</i>	<i>Public comment closes</i>
<i>23 June-6 July</i>	<i>Final Budget documentation and report for Council prepared</i>
<i>7 July</i>	<i>Agenda report issued</i>
<i>11 July</i>	<i>Adoption of Annual Budget first Council meeting in July</i>

and

- (ii) *REQUESTS that a brief written explanation be provided for all new items included in the Draft Budget and that the explanation indicates the reason why the item is recommended.*

PURPOSE OF REPORT:

To provide a timetable for the preparation and adoption of the Annual Budget 2006-07.

BACKGROUND:

The Administration is about to commence preparation of the 2006/2007 Budget. It is the intention to adopt the 2006/2007 Budget at the first Council meeting in July which is held on 11 July 2006. It is therefore important that the Council approves the timetable as outlined to ensure that the Budget is adopted on the proposed date.

DETAILS:

It is important that the Draft Annual Budget links to the Town of Vincent's new Strategic Plan which will be prepared in February 2006.

The timetable proposed allows for both suitable Elected Member and community reviews. The Town of Vincent conducts its Budget deliberations at Special Council meetings which are open to the public. The public will also be invited to comment on the Draft Budget prior to adoption.

For the past two years a Budget briefing for the community has been held to advise them of the budget preparation and to allow for their input in the budget. These presentations however, have been poorly attended and therefore this year it is not intended to hold this briefing. The Budget discussions are held in Briefings/Special Council meetings to which the community are invited to attend and there are other avenues for the community to have input to the budget, such as through both Elected Members and direct request to the Administration.

The proposed Budget Timetable is outlined below:

<i>Date</i>	<i>Topic</i>
1-30 April	Executive Management Team (EMT) to review Draft Budget input.
12 May	Draft budget issued and a Confidential Briefing provided to Elected Members
17 May	1 st Budget briefing/Special Council Meeting (open to the public)
30 May	2 nd Budget briefing/Special Council Meeting (open to the public)
1-2 June	Budget documentation finalised for public comment
5 June	Advertise for public comment

<i>Date</i>	<i>Topic</i>
23 June	Public comment closes
23 June-6 July	Final Budget documentation and report for Council prepared
7 July	Agenda report issued
11 July	Adoption of Annual Budget first Council meeting in July

CONSULTATION/ADVERTISING:

The Draft Annual Budget is advertised for 21 days in accordance with the Community Consultation Policy.

LEGAL/POLICY:

The Annual Budget is prepared in accordance with the Local Government Act (1995) Section 6.2.

STRATEGIC IMPLICATIONS:

Strategic Plan Amended 2005-2010 – Key Result Area 4 – Governance and Management

4.1 Create vision and leadership for the overall benefit of the Town and its people.

(a) Continue to develop a medium to long term Strategic Vision and Financial Plan to ensure the long term financial viability of the Town.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

It is important that both the Administration and the Council adheres to the deadlines identified in the timetable to ensure that the Annual Budget is adopted on time.

10.3.4 Anzac Cottage 38 (Lot 15) Kalgoorlie Street, Mt Hawthorn - Outcome of Lease Negotiations

Ward:	North	Date:	9 January 2006
Precinct:	Mt Hawthorn P1	File Ref:	PRO0326
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

Note: As a result of further information becoming available, the following Amended Officer Recommendation was prepared and distributed prior to the meeting.

AMENDED OFFICER RECOMMENDATION

That the Council;

- (i) NOTES the outcome of the lease negotiations between the Town and the Vietnam Veteran's Association relating to Anzac Cottage as detailed in this report;**
- (ii) APPROVES the transfer of ownership of Anzac Cottage, 38 (Lot 15) Kalgoorlie Street, Mt Hawthorn from the Vietnam Veteran's Association to the Town;**
- (iii) APPROVES of a lease between the Town and the Vietnam Veteran's Association for the subject property for a period of twenty-one (21) years with three, five year options; and**
- (iv) AUTHORISES the Mayor and the Chief Executive Officer to sign the lease and affix the Council Common Seal.**

~~OFFICER RECOMMENDATION:~~

~~***That the Council NOTES the outcome of the lease negotiations between the Town and the Vietnam Veteran's Association relating to Anzac Cottage.***~~

Moved Cr Torre, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Torre

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

- “(ii) APPROVES the transfer of ownership of Anzac Cottage, 38 (Lot 15) Kalgoorlie Street, Mt Hawthorn from the Vietnam Veteran's Association to the Town subject to a pre-purchase inspection being carried out;”***

AMENDMENT CARRIED (8-0)

(Cr Farrell was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell was an apology.)

COUNCIL DECISION ITEM 10.3.4

That the Council;

- (i) *NOTES the outcome of the lease negotiations between the Town and the Vietnam Veteran's Association relating to Anzac Cottage as detailed in this report;*
- (ii) *APPROVES the transfer of ownership of Anzac Cottage, 38 (Lot 15) Kalgoorlie Street, Mt Hawthorn from the Vietnam Veteran's Association to the Town subject to a pre-purchase inspection being carried out;"*
- (iii) *APPROVES of a lease between the Town and the Vietnam Veteran's Association for the subject property for a period of twenty-one (21) years with three, five year options; and*
- (iv) *AUTHORISES the Mayor and the Chief Executive Officer to sign the lease and affix the Council Common Seal.*

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with a report on the outcome of the lease negotiations between the Town and the Vietnam Veteran's Association regarding Anzac Cottage.

BACKGROUND:

At the Ordinary Council meeting of 24 May 2005 Item 10.3.1 the following resolution was adopted.

"That the Council;

- (i) *APPROVES in principle the transfer of ownership of Anzac Cottage, No. 38 (Lot 15) Kalgoorlie Street, Mt Hawthorn from the Vietnam Veteran's Association to the Town of Vincent;*
- (ii) *AUTHORISES the Chief Executive Officer to enter into negotiations with the Vietnam Veteran's Association for a lease of the cottage; and*
- (iii) *NOTES that the Chief Executive Officer will provide a further report to Council on the outcome of the negotiations."*

DETAILS:

The following was included in details of the report:

On 19 April 2005 the Town of Vincent received a letter from Kott Gunning Lawyers acting on behalf of the Vietnam Veteran's Association. The letter outlined the proposal relating to the future of the cottage. The background and the proposal as outlined in that letter is listed below.

"The Association has been giving consideration as to the long term future of the cottage. The Association acknowledged that eventually in time there will be no Vietnam veterans left who will be able to run the Association and therefore maintain the cottage. There is a risk, therefore, that at some time in the future a committee of the Association may choose to sell the property and use the proceeds for other purposes. If this were to occur, the cottage would be lost to the community.

- *The property now be transferred to the Town of Vincent.*
- *The Town of Vincent enter into a lease of the cottage with the Vietnam Veteran's Association for a term of 40 years or the date of dissolution of the Association (whichever shall first occur).*

- *The lease will be on the following terms:-*
 - (a) No rent is payable;*
 - (b) The Association is responsible for the payment of the rates and taxes;*
 - (c) The Town is responsible for the insurance of the building;*
 - (d) The Association is responsible for keeping the property in good order and repair;*
 - (e) The cost to transfer the property and the preparation of the lease be paid by the Town of Vincent."*

As a result of the negotiations the following specific terms have been agreed:

- The rent payable of \$1.00 for the term of the lease and all of the options to renew to be paid.
- The period of lease will be for twenty-one (21) years with three five year options.
- The lessee to pay rates and taxes, therefore will pay the Emergency Services Levy (ESL) and rubbish charges.
- The Town is responsible for the building insurance of the building but the lessee must pay to the lessor on demand:
 - a) all premiums for the building insurance to be taken out by the lessor;
 - b) an excess of \$2,000 for each claim against building insurance.
- The Association have agreed to the normal conditions of the Town of Vincent leases regarding the maintenance of the property.
- The Town will be responsible for the cost of the lease agreement and land ownership transfer.

The Town has negotiated an initial 21 year period, also the lessee is now making payment for the building insurance. The lessee will also be responsible for the their own Public Liability Insurance of \$10,000,000 which is a normal condition of a lease at the Town of Vincent. The Vietnam Veteran's Association have confirmed that the cottage is structurally sound and well maintained in condition.

The Vietnam Veteran's Association have also provided the Town with a market valuation of \$390,000 for the property.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The lease documentation has been prepared, together with the land transfer documentation subject to Council approval.

STRATEGIC IMPLICATIONS:

Key Result Area One: Environment and Infrastructure

- "1.2 Recognise the value of heritage in providing a sense of place and identity.
(b) Foster activities which add to the community's understanding of heritage values and undertake a community survey to determine community values and community aspirations in regard to the heritage character of the Town."*

FINANCIAL/BUDGET IMPLICATIONS:

The Town is responsible for the preparation of the lease and ownership transfer. The estimated cost for this work is \$2,000.

COMMENTS:

The Town has concluded the lease negotiations with the Vietnam Veteran's Association to ensure a long term lease arrangement. The Town will acquire a significant heritage asset in the Town, which will now ensure its continued longevity as well as maintain its value to the community.

10.4.2 Further Report: Proposed Friendship and Cultural ~~(Sister City)~~ Relationship between the Town of Vincent and the City of Delianuova, Reggio Calabria, Italy

Ward:	-	Date:	14 December 2005
Precinct:	-	File Ref:	CVC0009
Attachments:	-		
Reporting Officer(s):	N Greaves		
Checked/Endorsed by:	John Giorgi	Amended by:	-

AMENDED OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report relating to the proposed Friendship and Cultural ~~(Sister City)~~ Relationship between the Town of Vincent and the City of Delianuova, Reggio Calabria, Italy;*
- (ii) *APPROVES of an exchange of letters to promote and foster cultural ties relationships between the two local governments;*
- ~~(iii) *AUTHORISES the Mayor and Chief Executive Officer to meet with representatives of the "Comunita di Delianuova Social & Sporting Club (Association) Inc" to progress the matter; and*~~
- (iii) ADVISES the "Comunita di Delianuova Social & Sporting Club (Association) Inc" that it supports a promotion of cultural ties, however does not support the creation of a Sister City relationship between the Town of Vincent and the City of Delianuova; and*
- (iv) *REQUESTS the Chief Executive Officer to prepare a policy for Sister City Relationships.*

Moved Cr Messina, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Maier

That clause (iv) be deleted.

AMENDMENT CARRIED (7-1)

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

(Cr Farrell was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell was an apology.)

COUNCIL DECISION ITEM 10.4.2

That the Council;

- (i) *RECEIVES the further report relating to the proposed Friendship and Cultural Relationship between the Town of Vincent and the City of Delianuova, Reggio Calabria, Italy;*
 - (ii) *APPROVES of an exchange of letters to promote and foster cultural ties between the two local governments; and*
 - (iii) *ADVISES the "Communita di Delianuova Social & Sporting Club (Association) Inc" that it supports a promotion of cultural ties, however does not support the creation of a Sister City relationship between the Town of Vincent and the City of Delianuova.*
-

FURTHER REPORT:

At the Ordinary Meeting of Council held on 22 November 2005, the Council considered the following recommendation;

"That the Council;

- (i) *RECEIVES the further report relating to the proposed Friendship and Cultural (Sister City) Relationship between the Town of Vincent and the City of Delianuova, Reggio Calabria, Italy;*
- (ii) *APPROVES of an exchange of letters to promote and foster relationships between the two local governments;*
- (iii) *AUTHORISES the Mayor and Chief Executive Officer to meet with representatives of the "Communita di Delianuova Social & Sporting Club (Association) Inc" to progress the matter; and*
- (iv) *REQUESTS the Chief Executive Officer to prepare a policy for Sister City Relationships."*

Council resolved as follows;

"That the Item be DEFERRED to allow for further information to be provided regarding the benefits and costs."

Clarification with the Communita di Delianuova Social & Sporting Club has been carried out and they support the promotion of cultural ties between the two local governments and acknowledge that a full sister city relationship is not being requested.

The promotion of cultural ties between the Town of Vincent and the City of Delianuova would have minimum financial implications for the Town as it would be restricted to the exchange of letters between the Mayors of the two local governments, the receiving and hosting of civic functions for visiting dignitaries/deputations and artists and students, exchanging of artefacts and "symbolic gifts" e.g. books, prints, paintings and the like. The sending of delegations by the Town would not be a requirement for the promotion of cultural ties.

A number of local governments have been contacted to ascertain their involvement with sister cities and their budgets. As can be seen, the financial implications vary and depend upon the extent of the activity between the two local governments.

City of Fremantle

City Of Fremantle has five Sister City relationships (including Molfetta and Capo D'Orlando which are the home towns of many of their Italian population) with details available on their website at www.freofocus.com.au. These have been in place for some years and during that time the level of time and budget commitment from Council has varied considerably. At one point they had a Sister Cities Committee made up of Elected Members and community members and a part-time Sister Cities Officer. Subsequently they scaled back to the point where the current budget is approximately \$12,000. With that amount of money they can only be reactive rather than drive an active program. Fremantle no longer have a Sister Cities Committee and this area is picked up by their Arts Culture & Events Advisory Committee.

Shire of Broome

Broome has a sister city relationship with Taiji in Japan and has done so since 1985. Men from Taiji were the original pearl divers up here and descendents still live in the town. Not a lot has been done with the town for the past few years (which was reflected in the budget) but that has all changed with the new Shire President and it being Australia-Japan Year in 2006. Broome's Shinju Matsuri Festival will focus on Japan and particularly our connection with Taiji - Shinju is organised by a community committee so they have their own budgets. The Shire budget for this financial year is \$5,500 but in the past has been \$500 which only covers Sister City membership.

City of Melville

Melville have a 'friendship' arrangement with the City of Takarazuka Japan - it is fairly informal - mainly managed through an e-student exchange program with Applecross High School - Melville arrange a reception for the students - this year is the 20th anniversary and their Mayor may be coming - Melville's Mayor went over a few years ago. It's basically that - no other financial, economic exchanges - although their arts officer is looking to do something with them via Applecross High School.

They also have recently signed a MOU to develop a friendship with the Shire of Quairading, however, again this is informal at this stage and mainly involve Melville helping them out where possible and encouraging linkages.

They also have a relationship with the Sub-district of Letefoho - mainly through a community group called Melville Friends of Letefoho who raise money for the small township - Melville's Mayor and various officers visited there recently - all they are doing is helping the community group with administration and promotion and limited resources assistance to help them raise money and undertake projects

None of these projects have formal budgets attached, and the commitments at this time are fairly loose - but for Quairading and Letefoho, the organisation sees a lot of potential linkages into the future.

City of Belmont

City of Belmont has a Sister City relationship with Adachi. The cost varies from year to year, dependent on whether or not they have a citizen delegation, if they have a citizen delegation the annual budget is \$174,000 - normal years it is approx \$55,000.

As has been previously reported, it is not proposed to form a sister city relationship with the City of Delianuova, but to form a friendship and cultural relationship. This would involve the exchange of letters and possibly hosting of any dignitaries who may visit the Town.

City of Cockburn

Cockburn have Sister City relationships with three (3) cities. Budgetary implications depend on whether there is a visit.

PURPOSE OF REPORT:

The purpose of the report is to provide further information to the Council regarding a request from the "Communita di Delianuova Social & Sporting Club (Association) Inc" to form a friendship and cultural relationship between the Town of Vincent and the City of Delianuova, Reggio Calabria, Italy.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

At the Ordinary Meeting of Council held on 23 August 1999, the Council considered a Notice of Motion and it was resolved as follows;

"Sister City Friendships -

That;

- (i) the Mayor and Chief Executive Officer investigate up to two possible sister-city or friendship alliances for the Town of Vincent; and*
- (ii) the Town of Vincent joins the Australian Sister-City Association."*

There are no legal obligations relating to forming a "Sister City" relationship. All documentation provided between sister cities would be subject to normal civic protocol.

The Town should adopt a policy for this matter.

STRATEGIC IMPLICATIONS:

The forming of "Sister City" relationships is in keeping with the Town's Strategic Plan 2005-2010 (Amended) - Key Result Area 2.2(e) - *"Support and implement Multi-cultural Programs."*

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds provided on the Budget 2005/2006 for "Sister City" relationship matters. The formation of sister cities will have budget implications and therefore need to be carefully considered.

COMMENTS:

Since 2000, there have been a number of occasions whereby "Sister City" contacts have been pursued by the Town, however, apart from the City of Delianuova, none have come to fruition. The forming of "Sister City" relationships, whilst recognising cultural ties and matters of interest between the two local governments involved, do have financial implications (such as the funding of any delegations/visits and the like). Accordingly, any relationship formed should be built over a period of time and it is appropriate to continue with an exchange of letters to further foster the relationship between the two communities.

It is also appropriate to adopt a policy for Sister City Relationships.

10.4.4 Policies – Amendments and Proposed New Policy 1.2.13 – Financial Assistance – Community Based Environmental Projects

Ward:	-	Date:	9 January 2006
Precinct:	-	File Ref:	ORG0023
Attachments:	001		
Reporting Officer(s):	M Rootsey, R Lotznicher, J van den Bok		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) **APPROVES BY AN ABSOLUTE MAJORITY to amend and re-adopt the following Policies as shown in Appendix 10.4.4:**

*1.2.4 – Investment Policy; and
4.1.9 – Flying or Displaying of Flags and Banners;*

(ii) **APPROVES BY AN ABSOLUTE MAJORITY to adopt a new Policy 1.2.13 – Financial Assistance – Community Based Environmental Projects as shown in Appendix 10.4.4; and**

(iii) **AUTHORISES the Chief Executive Officer to:**

- (a) *advertise the proposed amended and draft policies for a period of twenty-one (21) days, seeking public comment;*
- (b) *report back to Council with any public submissions received; and*
- (c) *include the amended/draft policies in the Council’s Policy Manual if no public submissions are received.*

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

The Presiding Member advised that as Crs Lake and Maier had declared a financial interest in clause (ii) relating to Policy 1.2.13, it would be considered separately.

Cr Chester departed the Chamber at 8.44pm.

Clause (i) was put.

Debate ensued.

Moved Cr Maier, Seconded Cr Torre

1. *That Policy 1.2.4 - Investment Policy be DEFERRED.*

CARRIED (6-1)

<u>For</u> Mayor Catania Cr Doran-Wu Cr Ker Cr Lake Cr Maier Cr Messina	<u>Against</u> Cr Torre
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(Cr Farrell was an apology. Cr Chester was absent from the Chamber and did not vote.)

2. *That Policy 4.1.9 – Flying or Displaying of Flags and Banners be adopted.*

CARRIED (7-0)

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

Cr Chester returned to the Chamber at 8.46pm.

The Presiding Member advised that clause (ii) would now be considered and requested that as Crs Lake and Maier had declared a financial interest in the clause that they depart the Chamber.

Crs Maier and Lake departed the Chamber at 8.46pm and did not speak or vote on the matter.

Clause (ii) was put.

Debate ensued.

Moved Cr Ker, Seconded Cr Chester

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

“(ii) *APPROVES BY AN ABSOLUTE MAJORITY to adopt a new Policy 1.2.13 – Financial Assistance – Community Based Environmental Projects as ~~shown in Appendix 10.4.4~~ subject to it being amended to read as follows; and*

“POLICY NO: 1.2.13

FINANCIAL ASSISTANCE - COMMUNITY BASED ENVIRONMENTAL PROJECTS

OBJECTIVES

To establish a procedure whereby the Town may provide financial assistance to community groups and organisations whose outcomes and activities benefit the local environment.

POLICY STATEMENT

The Council will determine the amount of funding which may be made available in any one financial year to be allocated to one or several community groups that have a proven track record in the planning of and/or implementation of 'community based environmental projects' to assist them in undertaking one or a number of ~~“Community Based Environmental~~ these projects”.

All applications will only be considered where the Council has approved of funds in the Annual Budget.

Financial assistance will be considered for “Community Based Environmental Projects” that demonstrate one or more of the following:

- *The raising of community awareness by involvement of the community in environmental activities and projects.*
- *The project having a demonstrated outcome for improving the environment and biodiversity.*
- *The development and delivery of demonstrated water conservation strategies and initiatives.*
- *Providing increased community support for environmental initiatives within the Town of Vincent.*

Community groups and organisations will be required to submit an application for funding which addresses as much of the above criteria as possible.

In addition a community group or organisation shall:

- *Outline the extent to which it will provide complementary resourcing for the project, for example through volunteer labour or contributory funding, and demonstrate their ability to provide such resourcing in practice.*
- *Demonstrate its capacity to plan, implement and deliver outcomes from community-based environmental (or similar) projects*

Applications will be assessed using the attached Triple Bottom Line (TBL) “Decision Making Toolkit” ~~in accordance with~~ based on the Town’s Sustainability Management System (SMS) to determine the “value” of the proposed projects to the Vincent community.

Completed assessment sheets shall be included in a report to the Council.

The TBL assessment score will be used as a guide to determine whether to provide funding for a proposed project.

**TOWN OF VINCENT
TRIPPLE BOTTOM LINE DECISION MAKING TOOLKIT**

CONTACT PERSON			
WORK AREA			
INITIATIVE/PROJECT/ACTION/ DECISION - DETAILS			
SUSTAINABILITY SCORE			
	0		
CRITERIA - "The project/initiative/action/decision will...	Weighting	RATING Yes/affirmative = 1 to 3 No change = 0 Opposite/negative = -1 to 3	Maximum Weighted Sustainability Score
ENVIRONMENTAL CONSIDERATIONS			
...improve air quality in the Town"	2 5		0 15
...reduce Council greenhouse gas emissions from activities in the Town"	4 5		0 15
...reduce community/LGA greenhouse gas emissions"	3	-	0
...reduce Council energy consumption by activities in the Town"	4 5		0 15
...reduce community/LGA energy consumption"	3	-	0
...reduce Council water consumption in the Town"	3 5		0 15
...reduce community/LGA water consumption"	3	-	0
...improve water quality in the Town"	3 5		0 15
...reduce the amount of waste-to-landfill generated by Council activities in the Town"	3 5		0 15
...reduce the amount of waste-to-landfill generated by the community/LGA"	3	-	0
...maintain or help to re-establish natural biodiversity levels"	3 5		0 15
...reduce the risk of pollution to the environment from Council operations (including oil spills, noise pollution etc) activities within the Town"	2 5		0 15
...reduce the risk of pollution to the environment from the community"	1	-	0
...minimise excessive noise from Council operations"	2	-	0
...minimise reduce excessive noise from within the community activities with the Town"	4 5		0 15
...increase the area and/or quality of parks, gardens and community open space"	3 5		0 15
...improve the aesthetic qualities of the Town"	3 5		0 15
...lead to more sustainable tree management within the Town"	4 5		0 15
...lead to better management of stray animals"	3 5		0 15
SOCIAL CONSIDERATIONS			
...improve the workplace safety of Council staff"	4	-	0
...improve workloads of staff, or not increase Council staff workloads to unreasonable or unmanageable levels"	4	-	0

...be of interest to Council staff or improve the variety of work available"	3	-	0
...improve Council staff morale and/or satisfaction"	4	-	0
...create new employment opportunities within Council"	3	-	0
...improve Council staff working conditions and/or enhance the working environment"	4	-	0
...enhance or improve the professional development and/or training opportunities for Council staff"	3	-	0
...lead to improved staff diversity and/or equal opportunity within Council"	3	-	0
...improve community safety and/or reduce crime within the LGA"	4 5		0 15
...improve access to and/or the quality of transport networks within the Town"	3 5		0 15
...improve the number and/or quality of recreational, cultural and/or other events within the Town"	4	-	0
...improve access to and/or quality of Council managed services and facilities"	4	-	0
...improve the level of education and information provision to the community on environmental, social, cultural or economic issues"	4 5		0 15
...improve opportunities for the community to meet for social interaction and information sharing"	4	-	0
...lead to better strategic planning outcomes (in terms of housing, zoning etc)"	4	-	0
...improve the relationship between Council and the community"	4	-	0
ECONOMIC CONSIDERATIONS			
...improve Council's budgetary performance"	4	-	0
...be profitable for Council"	3	-	0
...provide a return on investment to Council of less than ten years"	2	-	0
...improve the strength of the local economy"	4 5		0 15
...generate economic growth in the LGA"	4 5		0 15"

**AMENDMENT CARRIED
BY AN ABSOLUTE MAJORITY (5-1)**

<u>For</u> Cr Chester Cr Doran-Wu Cr Ker Cr Messina Cr Torre	<u>Against</u> Mayor Catania
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(Cr Farrell was an apology. Crs Lake and Maier were absent from the Chamber and did not vote.)

**MOTION AS AMENDED CARRIED
BY AN ABSOLUTE MAJORITY (5-1)**

<u>For</u>	<u>Against</u>
Cr Chester	Mayor Catania
Cr Doran-Wu	
Cr Ker	
Cr Messina	
Cr Torre	

(Cr Farrell was an apology. Crs Lake and Maier were absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.4.4

That the Council;

- (i) *APPROVES BY AN ABSOLUTE MAJORITY to amend and re-adopt the following Policyas shown in Appendix 10.4.4:*

4.1.9 – Flying or Displaying of Flags and Banners;

- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to adopt a new Policy 1.2.13 – Financial Assistance – Community Based Environmental Projects subject to it being amended to read as follows;*

“POLICY NO: 1.2.13

FINANCIAL ASSISTANCE - COMMUNITY BASED ENVIRONMENTAL PROJECTS

OBJECTIVES

To establish a procedure whereby the Town may provide financial assistance to community groups and organisations whose outcomes and activities benefit the local environment.

POLICY STATEMENT

The Council will determine the amount of funding which may be made available in any one financial year to be allocated to one or several community groups that have a proven track record in the planning of and/or implementation of 'community based environmental projects' to assist them in undertaking one or a number of ~~“Community Based Environmental~~ these projects”.

All applications will only be considered where the Council has approved of funds in the Annual Budget.

Financial assistance will be considered for “Community Based Environmental Projects” that demonstrate one or more of the following:

- *The raising of community awareness by involvement of the community in environmental activities and projects.*

- *The project having a demonstrated outcome for improving the environment and biodiversity.*
- *The development and delivery of demonstrated water conservation strategies and initiatives.*
- *Providing increased community support for environmental initiatives within the Town of Vincent.*

Community groups and organisations will be required to submit an application for funding which addresses as much of the above criteria as possible.

In addition a community group or organisation shall:

- *Outline the extent to which it will provide complementary resourcing for the project, for example through volunteer labour or contributory funding, and demonstrate their ability to provide such resourcing in practice.*
- *Demonstrate its capacity to plan, implement and deliver outcomes from community-based environmental (or similar) projects*

Applications will be assessed using the attached Triple Bottom Line (TBL) “Decision Making Toolkit” ~~in accordance with~~ based on the Town’s Sustainability Management System (SMS) to determine the “value” of the proposed projects to the Vincent community.

Completed assessment sheets shall be included in a report to the Council.

The TBL assessment score will be used as a guide to determine whether to provide funding for a proposed project.

**TOWN OF VINCENT
TRIPPLE BOTTOM LINE DECISION MAKING TOOLKIT**

**TOWN OF VINCENT
TRIPPLE BOTTOM LINE DECISION MAKING TOOLKIT**

CONTACT PERSON	
WORK AREA	
INITIATIVE/PROJECT/ACTION/ DECISION - DETAILS	
SUSTAINABILITY SCORE	0

CRITERIA - "The project/initiative/action/decision will..."	Weighting	RATING Yes/affirmative = 1 to 3 No change = 0 Opposite/negative = -1 to 3	Maximum Weighted Sustainability Score
ENVIRONMENTAL CONSIDERATIONS			
...improve air quality in the Town"	2.5		0.15
...reduce Council greenhouse gas emissions from activities in the Town"	4.5		0.15
...reduce community/LGA greenhouse gas emissions"	3	-	0
...reduce Council energy consumption by activities in the Town"	4.5		0.15
...reduce community/LGA energy consumption"	3	-	0
...reduce Council water consumption in the Town"	3.5		0.15
...reduce community/LGA water consumption"	3	-	0
...improve water quality in the Town"	3.5		0.15
...reduce the amount of waste-to-landfill generated by Council activities in the Town"	3.5		0.15
...reduce the amount of waste-to-landfill generated by the community/LGA"	3	-	0
...maintain or help to re-establish natural biodiversity levels"	3.5		0.15
...reduce the risk of pollution to the environment from Council operations (including oil spills, noise pollution etc) activities within the Town"	2.5		0.15
...reduce the risk of pollution to the environment from the community"	1	-	0
...minimise excessive noise from Council operations"	2	-	0
...minimise reduce excessive noise from within the community activities with the Town"	4.5		0.15
...increase the area and/or quality of parks, gardens and community open space"	3.5		0.15
...improve the aesthetic qualities of the Town"	3.5		0.15
...lead to more sustainable tree management within the Town"	4.5		0.15
...lead to better management of stray animals"	3.5		0.15
SOCIAL CONSIDERATIONS			
...improve the workplace safety of Council staff"	4	-	0
...improve workloads of staff, or not increase Council staff workloads to unreasonable or unmanageable levels"	4	-	0
...be of interest to Council staff or improve the variety of work available"	3	-	0
...improve Council staff morale and/or satisfaction"	4	-	0
...create new employment opportunities within Council"	3	-	0
...improve Council staff working conditions and/or enhance the working environment"	4	-	0
...enhance or improve the professional development and/or training opportunities for Council staff"	3	-	0
...lead to improved staff diversity and/or equal opportunity within Council"	3	-	0
...improve community safety and/or reduce crime within the LGA"	4.5		0.15

CRITERIA - "The project/initiative/action/decision will..."	Weighting	RATING Yes/affirmative = 1 to 3 No change = 0 Opposite/negative = -1 to -3	Maximum Weighted Sustainability Score
...improve access to and/or the quality of transport networks within the Town"	3 5		0 15
...improve the number and/or quality of recreational, cultural and/or other events within the Town"	4	-	0
...improve access to and/or quality of Council-managed services and facilities"	4	-	0
...improve the level of education and information provision to the community on environmental, social, cultural or economic issues"	4 5		0 15
...improve opportunities for the community to meet for social interaction and information sharing"	4	-	0
...lead to better strategic planning outcomes (in terms of housing, zoning etc)"	4	-	0
...improve the relationship between Council and the community"	4	-	0
ECONOMIC CONSIDERATIONS			
...improve Council's budgetary performance"	4	-	0
...be profitable for Council"	3	-	0
...provide a return on investment to Council of less than ten years"	2	-	0
...improve the strength of the local economy"	4 5		0 15
...generate economic growth in the LGA"	4 5		0 15"

and

(iii) **AUTHORISES** the Chief Executive Officer to:

- (a) **advertise the proposed amended and draft policies for a period of twenty-one (21) days, seeking public comment;**
- (b) **report back to Council with any public submissions received; and**
- (c) **include the amended/draft policies in the Council's Policy Manual if no public submissions are received.**

PURPOSE OF REPORT:

The purpose of this report is to seek Council's approval to re-adopt policies due for review and adopt a new policy – Financial Assistance – Community Based Environmental Projects.

BACKGROUND:

The Town's Policy Manual contains various policies which provide guidance to the Town's Administration for day to day management issues and also to Elected Members for decision making.

A major review of the Town's Policy Manual has been completed during 2003/2004 however, there are policies that were not due for review until 2005.

DETAILS:

The following details are provided:

1. 1.2.4 – Investment Policy – Amended Policy

The current Investment Policy was originally adopted on 24 February 1997 and subsequently amended on 27 March 2001. The policy and guidelines are being amended to provide a more comprehensive policy and guidelines and permit the Town to invest in some of the current investment vehicles used in the Local Government industry.

The objectives of the policy are currently general in scope and have been amended to be more specific.

The guidelines associated with the policy are proposed to be expanded to provide more details of credit ratings and the specific percentage allocation in the investment portfolio for individual investments and the total percentage of credit rating, together with increased reporting requirements.

The following amendments to the policy have been proposed.

The current policy has been amended to include the following:

1. An expansion of the investment objectives.
2. Inclusion of a risk profile for the Town's investments.
3. An expansion in the authorised investments that can be utilised by the Town:
 - The guidelines have been amended to include an expanded investment guideline matrix for Investment Credit Ratings to include increased credit rating categories and definitions for each rating level.
 - The Benchmark has been changed to UBSW Bank Bill Index which reflects the name of the company that now sponsors the Bank Bill Index.
 - The reporting requirements have been amended to ensure documentary evidence is maintained for investments, together with an annual report on the performance of the investment portfolio.

The Investment Policy has been amended to provide a more expansive policy to extend the authorised investments available for use, while at the same time responding to the investment objectives and including a risk profile.

The guidelines have been amended to provide an expanded credit matrix, with increased reporting provisions.

This amended policy will provide the Town with the opportunity to obtain increased returns on their investment, whilst ensuring the security of their funds.

2. 4.1.9 – Flying or Displaying of Flags and Banners – Amended Policy

This policy is satisfactory. For completeness, reference to the government departments and protocols has been included in a new clause 3.

Furthermore, since the creation of this policy in 1996, there has been on 1-2 requests to fly flags on the Town's flag poles. An example was to fly the "Pride" rainbow flag during Pride Week. As this flag is not officially recognised, the request was not able to be approved. Therefore, for administrative purposes, requests should be forwarded to the Chief Executive Officer who will consider any applications on their merit.

3. 1.2.13 – Financial Assistance – Community Based Environmental Projects – Proposed New Policy

Following representation from the Claisebrook Catchment Group at a meeting with senior Council staff in early 2005, it was decided to put forward a new budget item referring to Community Based Environmental projects.

During the 2005/2006 budget deliberations, the Council considered this matter and subsequently included an amount of \$20,000 for Community Based Environmental Based Projects in the 2005/2006 budget. The Council requested that a policy be prepared.

Community groups have played a significant part in assisting the Council in obtaining grant funding to undertake numerous projects throughout the Town that have benefited both the environment and aesthetic appearance of our parks and reserves.

They have also assisted in sponsoring various events, such as the "Catchment Friendly Garden" category in the annual garden competition and with the production of brochures that benefit our local community and environment.

The Town of Vincent has many active community groups and their members voluntarily spend many hours undertaking various works in liaison with Council staff.

The Town has acknowledged the good work that is has been achieved by its local community groups by including a significant amount of money in the budget to assist with various projects.

Projects that are submitted will be assessed using the triple bottom line (TBL) 'decision making toolkit' in accordance with the Town's Sustainable Management System (SMS) to determine the value of the proposed projects.

Various submissions have already been received and it is therefore prudent that the Council finalise and implement a policy in view that the funding be allocated over the next six (6) months.

CONSULTATION/ADVERTISING:

The policies will be advertised for a period of 21 days seeking comments from the public.

LEGAL/POLICY:

Policies are not legally enforceable, they provide guidance to the Town's Administration and Elected Members when considering various matters.

STRATEGIC IMPLICATIONS:

Strategic Plan Amended 2005-2010 - Key Result Area 4 - Governance and Management

- 4.5 *Promote Financial Management and Information Technology*
(e) *Adopt "Best Practice" to manage the financial resources and assets of the Town.*

FINANCIAL/BUDGET IMPLICATIONS:

The Budget 2005-2006 lists an amount of \$20,000 for Community Based Environmental Projects.

COMMENTS:

It is recommended that the Council approve the amended and new policies as detailed in this report.

Crs Lake and Maier returned to the Chamber at 8.52pm. The Presiding Member advised Crs Lake and Maier that Item 10.4.4 was carried with amendments.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nominations – Heavy Vehicle Advisory Group, Local Government Self Insurance Schemes Board, Metropolitan Emergency Management Executive Group; Neighbourhood Watch Board, State Emergency Management Committee - Emergency Services Group, WA Walking Committee

Ward:	-	Date:	12 December 2005
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) _____ *be nominated as WALGA Member - Heavy Vehicle Advisory Group;*
- (ii) _____ *be nominated as Shareholder Member - Local Government Self Insurance Schemes Board (One (1) Elected Member of a Scheme Member Council);*
- (iii) _____ *be nominated as Shareholder Member - Local Government Self Insurance Schemes Board (One (1) Serving Officer of a Scheme Member Council);*
- (iv) _____ *be nominated as WALGA Metropolitan Member - Metropolitan Emergency Management Executive Group;*
- (v) _____ *be nominated as WALGA Member - Neighbourhood Watch Board;*
- (vi) _____ *be nominated as WALGA Member - State Emergency Management Committee - Emergency Services Group; and*
- (vii) _____ *be nominated as WALGA Member - WA Walking Committee.*

COUNCIL DECISION ITEM 12.1

Moved Cr Chester, Seconded Cr Torre

That nil nominations be made.

CARRIED (8-0)

(Cr Farrell was an apology.)

BACKGROUND:

This report was previously submitted to the Ordinary Meeting of Council held on 20 December 2005, however due to the lateness of the hour it was not considered or determined.

DETAILS:

Please see Appendix 12.1 for details.

N.B.:

NOMINATIONS CLOSE COB THURSDAY 27 JANUARY 2006

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL REPORTS (*Behind Closed Doors*)

At 8.54pm Moved Cr Torre, Seconded Cr Ker

That the meeting proceed "behind closed doors" to consider a confidential item.

CARRIED (8-0)

(Cr Farrell was an apology.)

The Chief Executive Officer advised that there had been a misunderstanding and that there was no confidential report to be considered.

At 8.55pm Moved Cr Lake, Seconded Cr Torre

That an "open" meeting be resumed.

CARRIED (8-0)

(Cr Farrell was an apology.)

15. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 8.55pm with the following persons present:

Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 17 January 2006.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2006