



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

18 NOVEMBER 2008

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 18 November 2008, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Deputy Mayor Steed Farrell, declared the meeting open at 6.02pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Mayor Nick Catania – apologies due to work commitments.
Cr Messina – apologies, arriving late due to work commitments.

(b) Present:

Cr Steed Farrell (Acting Mayor)	Presiding Member, North Ward
Cr Anka Burns	South Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward (from 6.36pm)
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici & Dee Kitson	Minutes Secretaries (until 7.23pm)

Seven (7) Members of the Public

(c) Members on Approved Leave of Absence:

Cr Helen Doran-Wu due to personal commitments.

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

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

1. Steven Lamb, President of North Perth Tennis Club, Farmer Street North Perth – Item 9.1.3. On behalf of the Club and Members, thanked the Town for its support for the development of the hard court program. Stated it has been a goal of the Club for some 14 years and only in the last 5 have they been able to get plans and support in place from a financial point of view. Stated the Club is very buoyant now from a financial point of view and again thanked the Town for their support in that matter. Advised they are looking to have the project completed by the end of the financial year. Requested Council approve the proposal.
2. Loraine Vicensoni of North Perth Precinct Group of 73 Sydney Street, North Perth speaking on behalf Burger Christensen – Item 9.1.2. Stated no one knew about the subdivision, Burger saw it on the website last night so wasn't sent a letter. Stated she is aware subdivisions are not advertised. The streetscape on

this side of Sydney Street is quite attractive and there are quite a few Californian Bungalows in a row, which are also attractive and add to the streetscape. Believes the other critical issue is that at the moment they understand the areas are R30/40 but because of the advance stage of the Scheme Amendment (which is hopefully back with the DPI) there was substantial support for the area to go back to R20 which also forms part of the Draft Local Planning Strategy. Believes if the matter went to SAT and back to the Commission, that they would take into account more than just the current R30/40 coding and the advanced Scheme Amendment. Asked Councillors to either refuse the application or at least defer it and to advise the WAPC accordingly until the current R20 Amendment has been determined by both the Commission and the Minister.

3. Ken Austin of 72 Sydney Street, North Perth – Item 9.1.2. Believed the application should be rejected by Council on the following grounds; it proposes for the existing dwelling on Lot 1 to be demolished. Stated this house is part of a continuous line of Californian Bungalows from the top east side of Sydney Street to just before Hobart Street. Believes the demolition of this house would break the line and damage the streetscape. Stated the application does not comply with the Council's Heritage Policy regarding conservation of heritage dwellings which contribute to the local character and heritage as stated in Vincent Vision 2024 Guiding Principles 1 and 2. Stated the application is inconsistent with Council's Heritage Conservation in the Heritage Policy which states consequently the Town's general policy is to favour retention of dwellings whether formally heritage listed or not which either individually or collectively contribute to the heritage values of the locality of any heritage place within in. Requested Council reject the application.
4. Paul Reid on behalf of owners at 2 Bennelong Place, Leederville (resides at Unit 23) – Items 9.1.8 & 9.1.1. Stated his parents live on 65 Sydney Street and he was surprised that there is going to be a subdivision on that point of the street having noted that there have been a number of houses in the street that have won the Town's garden awards and believes it will look out of place. Stated they were surprised to read on page 54 that the Town's Technical Services consider that increased usage of the right of way in this case is insignificant. Stated there are currently pot holes and one is at least a foot deep and a couple of others. Stated over the last couple of years there has been patch work of pot holes covered up but they have been churned over by people accessing both the doctors surgery and a number of other apartment blocks which are accessed in that right of way. Advised with 24 owners using that in their block, they have considerable traffic going up and down and it is also used as a school drop off point for Aranmore Primary School and doctor's surgery with four doctors. Stated if you come home early (around 3/4pm) you cannot get your apartment parking spot as patients going into the surgery are using that space as well. Stated there are also precedents in a laneway of paving being put down. Requested that there be a developmental contribution on the part of the owners or Council and a proper resurfacing, not just pot holes, of the right of way because of the fact that there will be increased rates for Council on the area as there will be at least 13 potential people staying there.

There being no further speakers, public question time was closed at approx. 6.12pm.

(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

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Minutes of the Special Meeting of Council held on 28 October 2008.

Moved Cr Ker, Seconded Cr Youngman

That the Minutes of the Special Meeting of Council held 28 October 2008 be confirmed as a true and correct record.

CARRIED (6-0)

(Mayor Catania was an apology for the meeting. Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

6.2 Minutes of the Ordinary Meeting of Council held on 4 November 2008.

Moved Cr Ker, Seconded Cr Maier

That the Minutes of the Ordinary Meeting of Council held 4 November 2008 be confirmed as a true and correct record.

CARRIED (6-0)

(Mayor Catania was an apology for the meeting. Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Loftus Community Centre – 30th Anniversary

I wish to congratulate the Loftus Community Centre on this year's Open Day, held on Saturday 15 November 2008. This year's event was a very special one, because it was also the 30th Anniversary of the Centre.

Thank you to Councillor Anka Burns, for representing the Mayor and speaking on behalf of the Town of Vincent and also the Chief Executive Officer for attending.

As you are aware, the Loftus Community Centre is very active and successful in bringing together a wide range of the community. Saturday's event was very well attended, particularly by a number of young children, accompanied by their parents, who obviously had a very enjoyable time.

It was most pleasing that the newly elected President, Paula Sutherland, acknowledged the Town's financial contribution of in excess of \$250,000 towards upgrading and refurbishing the Centre; including new offices, upgrade of the kitchen, the new children's area, new playground together with new equipment and soft fall, new air conditioning, flooring coverings and carpets.

Congratulations to the Loftus Community Centre and we look forward to working together for a most successful future.

7.2 Prime Minister's Summit with Local Government Leaders

As you may be aware Mayor Nick Catania has represented the Town of Vincent at the Prime Minister's inaugural meeting of the Australian Council of Local Government. Mayor Catania has contacted the Town's Chief Executive Officer and advised that the summit was most successful and very well attended. The Federal Government has made an announcement of \$300 million for new infrastructure spending for local governments, conditional on it being spent by September next year.

The Prime Minister announced the package to council leaders during the summit and stated;

"The \$300 million, which was originally to be spent in 2009-2010 has been brought forward as a way of further stimulating the economy.

The purpose of this action is to build local infrastructure and support local economies and jobs during the global financial crisis."

Councils can apply for the funds, which will be available as part of two different programs.

Around \$250 million is available for new initiatives separate from those already planned by Councils.

Councils must submit a proposal which meets program guidelines and funds will be allocated according to a Government formula based on factors such as expected population growth of the shire.

Each allocation would be at least \$100,000 for smaller councils and up to \$2.9 million for the largest.

Another \$50 million is available for large scale projects such as new sport of entertainment precincts.

Mr Rudd has urged councils to spend the money, which will be delivered by 30 June 2009, as quickly as possible.

The Town's Administration has already commenced compiling a list of projects with the view to making a speedy application for the funding.

No doubt, Mayor Catania will further elaborate on this matter upon his return.

7.3 Leederville Masterplan Community Workshop

I wish to remind everyone that the Leederville Masterplan Community Workshop will be held in the Town's Administration and Civic Centre Function Room at 6.00pm on Wednesday 19 November 2008.

I am advised that Registration for this Workshop has been very positive and to date over 60 people have indicated their intention to attend.

I encourage all persons with interest in this matter to attend.

8. DECLARATIONS OF INTERESTS

- 8.1 Cr Burns declared a Financial interest in Item 9.3.1 – Investment Report. The extent of her interest being that she is a shareholder and her father is a director in the North Perth Community Bank in which the Town has shares.
- 8.2 Cr Ker declared an Impartiality interest in Item 9.2.1 – Final Report – Inner City TravelSmart Household Individualised Marketing Program. The extent of his interest being that he has had a long involvement with the TravelSmart program, as an employee of the Department of Transport to 2001 and since as a consultant.
- 8.3 Cr Messina declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is a Director and Shareholder of the North Perth Community Bank in which the Town has shares. (Declared at 6.42pm).

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

Nil.

10. REPORTS

Presiding Member, Deputy Mayor Steed Farrell, requested that the Chief Executive Officer advise the meeting of:

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

Items 9.1.3, 9.1.2, 9.1.8 and 9.1.1.

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

Item 9.4.1.

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

Item 9.3.1.

Presiding Member, Deputy Mayor Steed Farrell, requested Council Members to indicate:

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

Cr Youngman	Item 9.1.6.
Cr Ker	Item 9.4.4.
Cr Lake	Nil.
Cr Burns	Nil.
Cr Maier	Nil.
Cr Farrell	Nil.

The Presiding Member, Deputy Mayor Steed Farrell, requested that the Chief Executive Officer advise the meeting of:

10.5 **Unopposed items which will be moved "En Bloc" and the following was advised:**

Items 9.1.4, 9.1.5, 9.2.1, 9.3.2, 9.4.2 and 9.4.3.

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

Item 14.1.

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

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

Items 9.1.4, 9.1.5, 9.2.1, 9.3.2, 9.4.2 and 9.4.3.

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

Items 9.1.3, 9.1.2, 9.1.8 and 9.1.1.

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

Moved Cr Ker, Seconded Cr Youngman

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

Items 9.1.4, 9.1.5, 9.2.1, 9.3.2, 9.4.2 and 9.4.3.

CARRIED (6-0)

(Mayor Catania was an apology for the meeting. Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

The Presiding Member, Deputy Mayor Steed Farrell advised that Item 9.1.7 had been withdrawn, at the request of the Applicant.

ITEM WITHDRAWN AT THE REQUEST OF THE APPLICANT

9.1.7 No. 51 (Lot: 801 D/P: 44852) Mary Street, Highgate - Proposed Partial Demolition of, and Alterations and Additions, Including Three (3) Storey Addition, to Existing Single House

Ward:	North	Date:	11 November 2008
Precinct:	Hyde Park; P12	File Ref:	PRO4548; 5.2008.411.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by B M Arnold on behalf of the owner R P & M J Gray for proposed Partial Demolition of, and Alterations and Additions, including Three (3) Storey Addition, to Existing Single House, at No. 51 (Lot: 801 D/P: 44852) Mary Street, Highgate, and as shown on plans stamp-dated 4 September 2008, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate within the Mary Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) first obtaining the consent of the owners of Nos. 49 and 53 Mary Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 49 and 53 Mary Street in a good and clean condition;*

- (iv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the incorporation of significant horizontal or vertical articulation, such as staggering of setbacks on the eastern and western elevations; and*
- (b) *the living room 1 windows on the upper ground floor within the 6.0 metres cone of vision to the western and eastern boundaries, the balcony on the upper ground floor within the 7.5 metres cone of vision to the eastern boundary, the bedroom 1 window on the first floor within the 4.5 metres cone of vision to the western and eastern boundaries being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the respective finished floor levels. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties at Nos. 49 and 53 Mary Street respectively, stating no objections to the proposed privacy encroachments.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vi) *the proposed garage and workshop structure shall not be used for industrial, commercial or habitable purposes, and is for the sole personal use of the inhabitants of the main dwelling only; and*
- (vii) *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.*

Landowner:	R P & M J Gray
Applicant:	B M Arnold
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	413 square metres
Access to Right of Way	South side, 5 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the partial demolition of, and alterations and additions, including a three-storey addition to the existing single house at the subject property.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio:	N/A	N/A	Noted.
Building Setbacks: Main Building Lower Ground Floor -East	1.5 metres	Nil	Supported – not considered to have an undue impact on and no objections received from the neighbouring property.
-West	1.5 metres	Nil	Supported – not considered to have an undue impact on and no objections received from the neighbouring property.
Upper Ground Floor -East	2 metres	Nil	Supported – not considered to have an undue impact on and no objections received from the neighbouring property.
-West	2 metres	Nil	Supported – not considered to have an undue impact on and no objections received from the neighbouring property.
First Floor -East	2.4 metres	Nil – 3.6 metres	Supported – not considered to have an undue impact on and no objections received from the neighbouring property.

-West	5.3 metres	Nil	Supported – not considered to have an undue impact on and no objections received from the neighbouring property.
Garage -East	1 metre	Nil	Supported – not considered to have an undue impact on and no objections received from the neighbouring property.
-West	1 metre	Nil	Supported – not considered to have an undue impact on and no objections received from the neighbouring property.
Buildings on Boundary	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (27.45 metres) of the length of the balance of the boundary behind the front setback, to one side boundary only.	Parapet walls proposed on two boundaries. <i>Main Building</i> -East Height – 4.3 metres – 9.5 metres (average = 6.9 metres) Length = 16.1 metres -West Height – 4.3 metres – 9.3 metres (average – 6.8 metres) Length = 16.1 metres	Supported – not considered to have an undue impact on and no objections received from the neighbouring property. Supported – not considered to have an undue impact on and no objections received from the neighbouring property.
		<i>Garage</i> -East Height – 2.7 metres – 3.1 metres (average = 2.9 metres) Length = 6 metres -West Height – 2.6 metres – 3.1 metres (average = 2.85 metres) Length = 6 metres	Supported – not considered to have an undue impact on and no objections received from the neighbouring property. Supported – not considered to have an undue impact and no objections received from the neighbouring property.

Articulation	Walls greater than 9 metres in length are required to incorporate vertical or horizontal articulation.	Walls on the east and west elevations are 16.1 metres with no articulation.	Not supported – considered to have an undue impact on the neighbouring properties. Condition applied for horizontal or vertical articulation to be incorporated into the development.
Number of Storeys	A maximum height of two storeys is permitted in residential zones.	Three storeys at the rear of the property.	Supported – see “Comments”.
Building Height	7 metres to the top of a concealed roof.	The proposed height ranges from 7.7 metres – 9.5 metres above the natural ground level.	Supported – see “Comments”.
Privacy Setbacks: Upper Ground Floor Living Room 1 (South)	6 metres	2.5 metres to the western boundary.	Not supported – considered to have an undue impact on the neighbouring property. Condition applied for the windows to be screened.
Living Room 1 (South)	6 metres	3.9 metres to 5.5 metres to the eastern boundary.	Not supported – considered to have an undue impact on the neighbouring property. Condition applied for the windows to be screened.
Upper Ground Floor Balcony (South)	7.5 metres	3.5 metres to the eastern boundary.	Not supported – considered to have an undue impact on the neighbouring property. Condition applied for the balcony to be screened.
First Floor - Bedroom 1 (South)	4.5 metres	2.5 metres to the western boundary.	Not supported – considered to have an undue impact on the neighbouring property. Condition applied for the windows to be screened.
First Floor Bedroom 1 (South)	4.5 metres	3.6 metres to the eastern boundary.	Not supported – considered to have an undue impact on the neighbouring property. Condition applied for the windows to be screened.

Consultation Submissions		
Support	Nil.	Noted.
Objection (1)	Privacy.	Supported – all major openings to habitable rooms that are not compliant with the privacy requirements of the R Codes will be required to be screened to a minimum of 1.6 metres above the finished floor level. This includes the windows to the living room 1 and bedroom 1.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil
Sustainability Implications		Nil

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

COMMENTS:

Building Height

The Residential Design Elements Policy refers to building height as the contribution to bulk and scale of dwellings on the streetscape and neighbouring properties. In this instance, the proposed bulk and scale is not considered to have an undue impact on the streetscape, due to the retention of the front portion of the existing house and the fact that the proposed addition begins 10.5 metres behind the existing house.

Further to the above, the Residential Design Elements Policy allows for variations to building heights under certain circumstances, including when the natural level of the site is sloping, provided that a compliant two storey height presence is maintained when viewed from the street. In this instance, the slope of the subject property is approximately 3.75 metres from the Mary Street boundary to the rear boundary. The application meets the aforementioned criteria; therefore, the variation to height requirements at the rear of the property could be considered. Whilst the three-storey element of the proposal is supported by the Town's Officers, the R Codes states that the maximum height for three-storey developments with a concealed roof shall be 10 metres. In this instance, the height ranges from 7.7 metres to the highest point proposed being 9.5 metres, which is 0.5 metre less than the required for a three-storey concealed roof.

Summary

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

9.1.4 No. 71 (Lot: 65 D/P: 672, Lot: 401 D/P: 302359) Mary Street, Highgate - Proposed Change of Use from Single House to Office Building Associated with Community Services

Ward:	South	Date:	10 November 2008
Precinct:	Hyde Park ; P12	File Ref:	PRO3406 5.2008.445.1
Attachments:	001		
Reporting Officer(s):	E Storm		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by TPG Town Planning & Urban Design on behalf of the owner Daughters of Charity - St Vincent de Paul for proposed Change of Use from Single House to Office Building associated with Community Services at No. 71 (Lot: 65 D/P: 672, Lot: 401 D/P: 302359) Mary Street, Highgate, and as shown on plans stamp-dated 18 September 2008, subject to the following conditions:

- (i) *this approval is for Office Building associated with Community Services use only, and any change of use from Office Building associated with Community Services shall require Planning Approval to be applied for and obtained from the Town prior to commencement of such use;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *the doors, windows and adjacent floor areas fronting Mary Street shall maintain an active and interactive relationship with this street;*
- (iv) *the maximum gross floor area of the Office Building associated with Community Services shall be limited to 97 square metres, as shown on the approved plans. 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;*
- (v) *prior to the first occupation of the development, ~~within 28 days of the issue date of the 'Approval to Commence Development'~~, the following works shall be undertaken:*
 - (a) *the car parking area shall be sealed and drained as shown on the approved plans and shall be clearly sign posted and available at all times the business is operating to clients;*
 - (b) *architectural drawings and building assessment report (BCA), which are prepared by a qualified Practising Building Consultant demonstrating the building complying with the Building Code of Australia (BCA) requirements for a class 6 Building shall be submitted to and approved by the Town of Vincent; and*

- (c) *a bin compound that accommodates the following bins and not be located within the street setback area shall be provided:*
- General Waste: One (1) mobile garbage bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected weekly); and*
- Recycle Waste: One (1) mobile recycle bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected fortnightly);*
- (vi) *the hours of operation for the proposed Office Building associated with Community Services shall be restricted to 8am to 5pm Monday to Friday, inclusive;*
- (vii) *any new street/front wall, fence and gate between the Mary Street boundary and the main building, including along the side boundaries within these front setback areas, shall comply with the following:*
- (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
- (b) *the maximum height of piers with decorative capping being 2 metres above the adjacent footpath level;*
- (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
- (d) *the posts and piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
- (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (viii) *signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage.*

***Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

COUNCIL DECISION ITEM 9.1.4

Moved Cr Ker, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

(Mayor Catania was an apology for the meeting. Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

ADDITIONAL INFORMATION:

The applicant contacted the Town’s Planning Officers to advise that the office use may not commence immediately after the approval; therefore, a 28 day timeframe will not be practical to satisfy the specified requirements of the Town.

Landowner:	Daughters of Charity - St Vincent de Paul
Applicant:	TPG Town Planning & Urban Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R 80
Existing Land Use:	Single House
Use Class:	Office Building
Use Classification:	"SA"
Lot Area:	569 square metres
Access to Right of Way	Southern side, 3 metres wide, sealed, Town owned.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the change of use from single house to office building associated with community services at the subject property.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Non-Residential/Residential Development Interface Policy	Non- residential uses to be restricted to District or Local Centres.	Located within a Residential R 80 zone.	Supported – See “Comments” section.
Objective of Town Planning Scheme No. 1	<i>‘To promote and safeguard the economic well-being and functions of the Town’.</i>	Non- residential use encroaching into a residential area.	Supported – See “Comments” section.
Town of Vincent – Economic Development Strategy	No requirement to add new commercial precincts or nodes as all Vincent’s residents live within 1 kilometre of a commercial centre.	Non- residential use encroaching into a residential area.	Supported – See “Comments” section.

Consultation Submissions		
Support	Nil	Noted.
Objection	Nil	Noted.
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Sustainability 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.

Car Parking

Requirements as per Parking and Access Policy	Required
Total car parking required before adjustment factor (nearest whole number)	
Office-1 car bay per 50 square metres gross floor area (proposed 97 square metres) = 1.94 car bays = 2 car bays	2 car bays
Apply the parking adjustment factors: <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of an existing public car parking place(s) with in excess of a total of 75 car parking spaces) 	(0.7225) 1.44 car bays
Car parking provided on-site	4 car bays
Minus the most recently approved on-site parking shortfall	Nil
Resultant surplus	2.56 car bays

Bicycle Parking

Requirements	Required
Office 1 per 200 (proposed 97 square metres) square metres gross floor area for employees (class 1 or 2).	0.485=0 spaces

COMMENTS:

No. 71 Mary Street provides an important community facility in the Town of Vincent. The property is owned by Ruah Community Services, a branch of the Daughters of Charity of St Vincent de Paul. The proposal seeks to change the use of the subject property from single house to office building in order to facilitate the administration functions of the charity. Ruah Community Services describes its purpose as being “committed to working in partnership with citizens marginalised by mainstream society to enable them to overcome their disadvantage, improve the quality of their lives, enhance their spirit and participate more fully in the community. Ruah is also committed to advocacy in areas of social policy to enhance the social fabric of our society”.

The City of Perth archives indicate that the property has operated as a day nursery prior to 1986, offering child care facilities for the benefits of mothers being accommodated at the night shelter located at No. 532 William Street; however, no formal planning approval for the day nursery could be identified. Given the nature of the proposal and the positive informal feedback from the adjoining landowners during community consultation, the Town’s Officers are of the opinion that the proposal is acceptable as the charity operates to benefit the community, rather than the financial interest of an individual or group.

The residential character of Mary Street is interrupted by the presence of Sacred Heart Group at Nos. 40, 42 and 64 Mary Street, which provide the community facilities of a church and primary school; additionally, considering that the adjacent landowners are aware of the current function of No. 71 Mary Street as a day nursery, the residential amenity will not be further compromised.

It is considered that given the limited and specific scale and nature of the proposal, the proposed office building will not undermine the economic well-being and function of the nearby Mount Lawley District Centre and commercial areas.

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

9.1.5 No. 26 (Lot: 24 D/P: 100843) Church Street, Perth - Proposed Three (3) Storey Single House

Ward:	South	Date:	10 November 2008
Precinct:	Beaufort;P13	File Ref:	PRO4547; 5.2008.416.1
Attachments:	001		
Reporting Officer(s):	D Bothwell		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Watt Architect & Construct on behalf of the owner T M Wilson for proposed Three (3) Storey Single House, at No. 26 (Lot: 24 D/P: 100843) Church Street, Perth and as shown on plans stamp-dated 5 September 2008, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate within the Church Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*

- (iii) *prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the balcony/terrace on the northern elevation on the first 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. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 24 and 28 Church Street, respectively, stating no objections to the proposed privacy encroachments.*

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

COUNCIL DECISION ITEM 9.1.5

Moved Cr Ker, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

(Mayor Catania was an apology for the meeting. Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

Landowner:	T M Wilson
Applicant:	Watt Architect & Construct
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1):Residential/Commercial (R80)
Existing Land Use:	Vacant Land
Use Class:	Vacant Land
Use Classification:	"P"
Lot Area:	188 square metres
Access to Right of Way	Nil

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the construction of a three(3) storey single house.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.

Buildings on the Boundary: Western Boundary-	Walls not higher than 3.5 metres with an average of 3 metres for two-thirds the length of the balance of the boundary behind the front setback, to one side boundary only.	Height – 5.95 – 10.15 metres. Length – 21.5 metres.	Supported – no undue impact on neighbouring properties and surrounding amenity, subject dwelling abuts three storey boundary walls immediately to the east and west, and no objections received.
Eastern Boundary-	Walls not higher than 3.5 metres with an average of 3 metres for two-thirds the length of the balance of the boundary behind the front setback, to one side boundary only.	Height – 5.95 – 10.15 metres. Length – 21.5 metres.	Supported – no undue impact on neighbouring properties or surrounding amenity, subject dwelling abuts three storey boundary walls immediately to the east and west, and no objections received.
Boundary Setbacks: Western Boundary- Ground Floor	1.5 metres	Nil	Supported – no undue impact on neighbouring properties or surrounding amenity, the subject dwelling abuts three storey dwellings with nil setbacks immediately to the east and west and no objections received.
Eastern Boundary- Ground Floor	1.5 metres	Nil	Supported – as above.
Northern Boundary- Ground Floor	1.0 metre	Nil	Supported – as above.
Western Boundary- First Floor	2.4 metre	Nil	Supported – as above.
Eastern Boundary- First Floor	2.4 metres	Nil	Supported – as above.
Western Boundary- Second Floor	2.0 metres	Nil	Supported – as above.
Eastern Boundary- Second Floor	2.2 metres	Nil	Supported – as above.

<p>Building Height: Number of Storeys</p> <p>Concealed Roof height</p>	<p>Three storey can be considered provided that the amenity of the adjacent residential area is protected in terms of privacy, scale and bulk.</p> <p>7 metres</p>	<p>Three storey</p> <p>10.15 metres</p>	<p>Supported – amenity of the adjacent residential area is protected in terms of privacy, scale and bulk as the neighbouring properties immediately abutting the subject property to the east and west are three storey dwellings and no objections received.</p> <p>Supported – no undue impact on neighbouring properties or surrounding amenity, height of subject dwelling is in line with height of adjoining properties immediately to the east and west, as well as the dwelling immediately to the south on the other side of Church Street and no objections received.</p>
<p>Front Setbacks: Upper Floor –</p>	<p>Upper floor to be setback a minimum of 2 metres behind the ground floor.</p>	<p>Main building line of the upper floor is in line with the ground floor.</p>	<p>Supported - no undue impact on neighbouring property or surrounding amenity, complies with the Performance Criteria relating to Clause 6.4.2 of the Residential Design Elements Policy in terms of maintaining streetscape character as the adjoining three storey dwellings immediately to the east and west do not have the first floor setback the required 2 metres behind the ground floor and no objections received.</p>

Balcony -	Balcony to be setback a minimum of 1 metre behind the ground floor.	Proposed balcony is in front of the main building line.	Supported - no undue impact on neighbouring property or surrounding amenity, complies with the Performance Criteria relating to Clause 6.4.2 of the Residential Design Elements Policy in terms of maintaining streetscape character as the adjoining three storey dwellings immediately to the east and west do not have the balcony setback the required 1 metre behind the ground floor and no objections received.
Articulation: Western Boundary- Ground Floor	Any portion of wall longer than 9 metres is required to have articulation.	Proposed portion of wall is 21.1 metres in length without articulation.	Supported – no undue impact on neighbouring properties or surrounding amenity as subject dwelling abuts three storey dwellings immediately to the east and west both with portions of wall greater than 9 metres.
Eastern Boundary- Ground Floor	Any portion of wall longer than 9 metres is required to have articulation.	Proposed portion of wall is 21.1 metres in length without articulation.	Supported – as above.
Western Boundary- First	Any portion of wall longer than 9 metres is required to have articulation.	Proposed portion of wall is 10.6 metres in length without articulation.	Supported – as above.
Eastern Boundary- First Floor	Any portion of wall longer than 9 metres is required to have articulation.	Proposed portion of wall is 20 metres in length without articulation.	Supported – as above.
Eastern Boundary- Second Floor	Any portion of wall longer than 9 metres is required to have articulation.	Proposed portion of wall is 12.9 metres in length without articulation.	Supported – as above.

Privacy Setbacks: Terrace - Eastern Boundary- (Northern Elevation)	7.5 metres	2.615 metres	Not supported – undue impact on neighbouring property and condition applied for compliant screening to be provided.
Terrace- Western Boundary- (Northern Elevation)	7.5 metres	1.625 metres	Not supported – undue impact on neighbouring property and condition applied for compliant screening to be provided.
Consultation Submissions			
Support	Nil		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil		
Sustainability 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:

Given that the proposed subject dwelling abuts three storey buildings immediately to the east and west with nil setbacks, it is considered that the proposed dwelling will be in keeping with the surrounding area and will complement the existing streetscape. Moreover, the design of the house is consistent with the bulk and scale of neighbouring dwellings immediately to the east and west and no objections were received for this development during the advertising period. The proposal is therefore recommended for conditional approval.

9.2.1 Final Report – Inner City TravelSmart Household Individualised Marketing Program

Ward:	Both	Date:	11 November 2008
Precinct:	All	File Ref:	ORG0060/TES0524
Attachments:	-		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the final report on the results of the Inner City TravelSmart Household Individualised Marketing Program, as laid on the table;
- (ii) **NOTES** the positive results from the Marketing Program as outlined in the report; and
- (iii) **ADVISES** in writing the Department for Planning and Infrastructure its appreciation for including the Town in the Program.

COUNCIL DECISION ITEM 9.2.1

Moved Cr Ker, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

(Mayor Catania was an apology for the meeting. Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcomes of the Department of Planning and Infrastructures (DPI) 2006/07 Inner City TravelSmart Household Individualised Marketing Program in which the Town was a participant in conjunction with the City’s of Perth and Stirling.

BACKGROUND:

At its Ordinary Meeting of 17 January 2006 Council received a report on the Town’s successful application to participate in the DPI TravelSmart Household Individualised Marketing Program Stage 3. Specifically the Inner City TravelSmart project encompassing the residential areas within the City of Perth, the East Perth, Perth, Highgate, West Perth and Mt Lawley areas within the Town and the Mt Lawley, Inglewood, Dianella areas within the City of Stirling. Having considered the report Council made the follow decision:

"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) *AUTHORISES 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."*

DETAILS:

The Town had previously participated in Stage 2 of the TravelSmart program in 2003/04 which encompassed approximately 2/3 of the Town involving some 15,000 residents in the suburbs of Leederville, Mt Hawthorn, North Perth and portion of Mt Lawley.

The results of program, released in March 2005 and presented by DPI to a Council Member Forum on 19 July 2005, showed a 9% reduction in car as driver trips and relative increases in public transport of 11%, walking 22% and cycling 30%. Measured by the number of trips, walking proved to be the most important mode for change, (an increase of 39 trips per person per year), followed by cycling (9 trips) and public transport (9 trips).

Overall, the combined modal share of walking, cycling and public transport increased from 24% to 29%, and that of the car and other motorised private modes decreased from 75% to 70%. There was a relative reduction of 12% kilometres travelled by car, with an estimated 10.3 million fewer car kilometres by residents in the project area. Furthermore, the data indicated that these results were achieved without significantly affecting people's mobility in terms of their activities outside the home, travel time and number of trips per day. The analysis showed that the small, individual changes in travel behaviour resulted in significant aggregated effects.

The evaluation indicates strongly that the Town of Vincent project has been successful in achieving significant changes in personal travel behaviour.

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 TravelSmart Household Program where the following decision, in part, 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.....*
- (v) *RECEIVES a further report on the financial and resource implications for the Town should the Town's Expression of Interest be successful."*

The Town duly applied to participate in the project culminating in the report of 17 January 2006 in which Council was advised that the Town had been successful.

The Inner City TravelSmart project encompassed the residential areas within the City of Perth, the East Perth, Perth, Highgate, West Perth and Mt Lawley areas within the Town and the Mt Lawley, Inglewood, Dianella areas within the City of Stirling.

The Town portion involved some 8,800 residents.

The following is a brief outline of how the project was structured and the anticipated outcomes.

Town of Vincent Inner City 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

Release of the final evaluation report

In August 2008 the Town received final evaluation report for Inner City TravelSmart Program, a copy of which is tabled and is also available on DPI's TravelSmart web-site at www.dpi.wa.gov.au/mediaFiles/ts_vincentreport_july08.pdf.

Note: The 2005 report is also available on the web-site.

Conclusions

The community response to TravelSmart in the Town of Vincent was strong and positive. 58% of the households that were successfully contacted took part in the program (Interested and Regular users groups). The strong interest in finding out about the travel alternatives was heightened by the re-scheduling of the bus services and the increasing petrol prices.

The qualitative information collected through quality control calls and questionnaires to participants suggest that the information was well received and will have a positive impact on travel demand.

The evaluation of the project by conducting statistically valid before and after travel surveys shows that the objectives of the project were achieved. Car as driver trips decreased by 11%. There were substantial increases in sustainable modes with walking increasing by 45%, cycling 72%, and public transport 24%. With 18.9 million fewer car kilometres travelled per year, these positive changes realised health, economic and environment benefits to the community.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The Delivery of the TravelSmart Household Program was subject of a formal Memorandum of Understanding Agreement between the Town and the DPI, of which the Town fulfilled all its obligations.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. *"c) Implement transport development and management improvements (TravelSmart, Integrated Transport Planning Strategies, reducing traffic on major roads, reducing posted speeds on district distributors)."*

SUSTAINABILITY IMPLICATIONS:

The program contributed to a cleaner local and regional air environment by promoting alternative modes of transport to vehicle use, minimised the production of greenhouse gases, minimised particulate emissions to the atmosphere and reduced the use of non-renewable energy resources.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

As can be seen from the aforementioned conclusions for both the 2003/04 Stage 2 and 2006/07 Stage 3 TravelSmart programs, the Town’s residents have been very receptive to changing their travel patterns. Irrespective of whether it is for financial reasons or concern for the environment, the outcomes have be very positive and reflect well upon the Town.

9.3.2 Authorisation of Expenditure For The Period 1 – 31 October 2008

Ward:	Both	Date:	6 November 2008
Precinct:	All	File Ref:	FIN0009
Attachments:	001		
Reporting Officer(s):	Kara Ball		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 October – 31 October 2008 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans.*

as shown in Appendix 9.3.2

COUNCIL DECISION ITEM 9.3.2

Moved Cr Ker, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED “EN BLOC” (6-0)

(Mayor Catania was an apology for the meeting. Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

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 October 2008.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$ 378,179.01
Total Municipal Account		\$ 378,179.01
Advance Account		
Automatic Cheques	63957-64173	\$ 364,483.69
EFT Batch		\$0.00
Municipal Account		
Transfer of Creditors by EFT Batch	843,844,846-849, 851	\$1,605,379.17
Transfer of PAYG Tax by EFT	October 2008	\$275,540.85
Transfer of GST by EFT	October 2008	\$0.00
Transfer of Child Support by EFT	October 2008	\$1,127.13
Transfer of Superannuation by EFT:		
• City of Perth	October 2008	\$64,963.25
• Local Government	October 2008	\$213,593.88
Total		\$2,525,087.97
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$5,757.25
Lease Fees		\$3,419.33
Corporate Master Cards		\$5,943.25
Folding Machine Lease Equipment		\$0.00
Trace Fees – Audit Certificate		
Loan Repayment		\$58,131.94
Rejection Fees		\$22.50
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$73,274.27
Less GST effect on Advance Account		-\$297,668.69
Total Payments		\$2,678,872.56

STRATEGIC IMPLICATIONS:

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

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

SUSTAINABILITY IMPLICATION:

N/A.

ADVERTISING/CONSULTATION:

N/A.

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.

9.4.2 Council Meeting Dates and Times for 2009 - Approval

Ward:		Date:	3 November 2008
Precinct:		File Ref:	ADM0016
Attachments:	001		
Reporting Officer(s):	A Radici		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *the Council meets on the second and fourth Tuesday of each month in 2009 (except October, November and December 2009 (first and third Tuesday) and January (no Meeting)), as detailed in Appendix 9.4.2 attached to this report; and*
- (ii) *meetings be held at the Town's Administration and Civic Centre (Council Chamber) at 6.00pm on the dates as detailed in Appendix 9.4.2.*

***Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

COUNCIL DECISION ITEM 9.4.2

Moved Cr Ker, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

(Mayor Catania was an apology for the meeting. Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to approve of the Council Meeting dates and times for 2009.

BACKGROUND:

The Local Government Act 1995 (Section 5.3) and the Local Government (Administration) Regulations 1996, Regulation 12, requires the Council to determine meeting dates and times and for these to be published on a local basis throughout the Town.

LEGAL/POLICY:

Legislation - Statutory Provisions: Section 5.3 of the Local Government Act 1995 states:

"Ordinary and Special Council meetings:

- (1) *A Council is to hold ordinary meetings and may hold special meetings;*
- (2) *Ordinary meetings are to be held not more than three months apart;*

- (3) *If a Council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.”*

Regulation 12 of the Local Government (Administration) Regulations 1996 states:

“12 (1) *At least once a year a local government is to give local public notice of the dates on which and the time and place at which –*

- (a) *the ordinary Council meetings; and*
(b) *the Committee meetings that are required under the Act to be open to members of the public or that are proposed to be op[en to members of the public;*

Are to be held in the next 12 months;

- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub regulation (1);”*

Dates

During the Festive Season holiday period, many of the Town's employees, and a number of Council Members proceed on annual leave. Christmas Day and New Year public holidays both fall on a weekday. It is therefore appropriate and beneficial that this period be used to have a break from the hectic meeting schedule. Furthermore, in accordance with the Town's community consultation policy, the advertising of development applications will not be carried out from ~~23~~ 16 December 2008 to 9 January 2009. As such, it is recommended that no meetings be held in January. It is considered that there will be insufficient items to justify a meeting and any matters necessitating a decision can be approved under Delegated Authority (if applicable). Any matters of urgency will be dealt with, if they arise. No meetings have been held in January in previous years and this has not caused any problems.

****Note: The above Dates were corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.***

Meeting Time

Council meetings have commenced at 6.00pm, since the creation of the Town in July 1994 and has worked well. Accordingly, it is recommended that no change be made to the meeting time.

STRATEGIC IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The advertising of the Meeting and Forum dates will cost approximately \$250.

COMMENTS:

It is recommended that the Council continue to meet on the second and fourth Tuesday of each month in 2009, with the exception of October, November, December (first and third Tuesday) and January (no Meeting).

****Note: The above Comments were corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.***

9.4.3 Forum - Schedule of Dates 2009 - Approval

Ward:	-	Date:	3 November 2008
Precinct:	-	File Ref:	ADM0066
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES of the dates and times for Forums to be scheduled in 2009, as detailed in Appendix 9.4.3, attached to this report.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Ker, Seconded Cr Youngman

That the recommendation be adopted.

CARRIED "EN BLOC" (6-0)

(Mayor Catania was an apology for the meeting. Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to adopt the schedule of dates for its Forums for 2009.

BACKGROUND:

At the Ordinary Meeting of Council held on 21 November 2006, the Council resolved inter-alia as follows;

"4.6 Meeting Notification

- 4.6.2 (a) *Forums will be held on a regular basis such as an alternative third week to the ordinary Council meeting. The dates will be advertised in accordance with the Council Policy Relating to Community Consultation.*
- (b) *The Mayor, in liaison with the Chief Executive Officer, may schedule additional Forum dates, as the need arises.*
- (c) *Any additional Forum dates will be advertised on a local basis by placing a Notice on the Public Notice Boards in the Administration and Civic Centre and in the Town's Library, on the Town's webpage and by advertising in a local newspaper (if time permits)."*

CONSULTATION/ADVERTISING:

Notices of Forum are available for viewing on the Town's website www.vincent.wa.gov.au and are placed on the Notice Board at the Town's Administration & Civic Centre.

LEGAL/POLICY:

Legislation - Statutory Provisions: Section 5.3 of the Local Government Act 1995 states:

Regulation 12 of the Local Government (Administration) Regulations 1996 states:

“12 (1) *At least once a year a local government is to give local public notice of the dates on which and the time and place at which -*

- (a) the ordinary Council meetings; and*
- (b) the Committee meetings that are required under the Act to be open to members of the public or that are proposed to be op[en to members of the public;*

Are to be held in the next 12 months;

(2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in sub regulation (1);”

There is no statutory requirement to advertise Forum dates.

Forums are held in accordance with the Forum Guidelines which were adopted at the Ordinary Meeting of Council held on 10 August 2004.

STRATEGIC IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The advertising of the dates will cost approximately \$250.

COMMENTS:

It is recommended that the Forums continue to be scheduled on the third Tuesday of every month in 2009, except October, November, December (second Tuesday) and January (no Forum).

****Note: The above Comments were corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.***

9.1.3 No. 26 (Lot: 13 and 14 D/P: 1306) Farmer Street, Corner Mignonette Street, North Perth - Proposed Removal of Existing Fence, and Construction of Additional Synthetic Tennis Courts, Fence and Lighting to Existing Recreational Facility (North Perth Tennis Club)

Ward:	North	Date:	10 November 2008
Precinct:	North Perth; P8	File Ref:	PRO4558; 5.2008.435.1
Attachments:	001		
Reporting Officer(s):	D Pirone, 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 North Perth Tennis Club on behalf of the owner Town of Vincent for proposed Removal of Existing Fence, and Construction of Additional Synthetic Tennis Courts, Fence and Lighting to Existing Recreational Facility (North Perth Tennis Club), at No. 26 (Lot: 13 and 14 D/P: 1306) Farmer Street, corner Mignonette Street, North Perth, and as shown on plans stamp-dated 12 September 2008, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iii) the proposed lighting for the tennis courts shall be compliant with AS 1158.1 Public Lighting Code - Part 1: Performance and Installation Design Requirements;*
- (iv) the lighting for the proposed tennis courts shall be switched off no later than 10:00 pm Monday to Saturday inclusive with no lighting on Sundays and Public holidays, unless express approval in writing is obtained from the Town;*
- (v) the northern fence shall be set back a minimum of 900 millimetres from the northern boundary; and*
- (vi) the proposed fence surrounding the subject tennis courts shall be fabricated from 2.5 millimetre poly-vinyl chloride coated or galvanised wire 50 millimetre link mesh and is erected in accordance with the manufacturer's specifications.*

COUNCIL DECISION ITEM 9.1.3

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

MOTION PUT AND CARRIED (6-0)

(Mayor Catania was an apology for the meeting. Cr Doran-Wu on approved leave of absence. Cr Messina had not arrived at the Meeting at this time.)

Landowner:	Town of Vincent
Applicant:	North Perth Tennis Club
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Town of Vincent Scheme Reserve – Parks and Recreation
Existing Land Use:	Recreational Facilities
Use Class:	Recreational Facilities
Use Classification:	Not Applicable
Lot Area:	1275 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the installation of two synthetic tennis courts and the installation of new floodlights for the subject two tennis courts for night play and associated works at the subject site.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Town of Vincent Fencing Local Law	The proposed fencing shall be setback 900 millimetres from the boundary.	Nil setback to the northern adjacent property.	Not supported - undue impact on the amenity of the adjoining property to the north, and the applicant has advised via their designer that the fence on the northern boundary can be setback 900 millimetres from the centre line of the existing retaining wall on the adjoining northern property to achieve the required dimensions and specific requirements of Tennis Australia to meet funding and rebate requirements.

Consultation Submissions	
Support (4)	No comments provided. Noted.
Objection (1)	<ul style="list-style-type: none"> Parking congestion on Mignonette Street.
	<ul style="list-style-type: none"> The lighting will cause light pollution into the residents at night and environmental impact of lighting.
	<ul style="list-style-type: none"> The lighting shall be switched off no later than 8:30pm and if no one is using the courts.
Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Sustainability Implications	The lights will be controlled by a time switch, to ensure usage in terms of energy is minimised.
Financial/Budget Implications	Nil

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

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

COMMENTS:

Park Services

The Town's Parks Officers have advised that given the proximity of the tennis courts and lighting to an adjacent residence, it is considered that times of use restrictions should be imposed.

Currently, all public tennis courts with lights are normally cut off at 10 pm. In this particular instance, with a dwelling directly adjacent, it is considered that night lighting should be further restricted and allowed from Monday to Saturday, with no lighting allowed on Sundays and public holidays (without the prior approval of the Town).

Floodlighting

The light spill design diagram submitted for the proposed floodlighting indicates that the average lux level (at ground level) at the front boundary of the Mignonette Street properties and the northern adjacent property at No. 8 Mignonette Street complies with the accepted criteria, as the light spill over plan indicates that the proposed spill over lux is zero on the boundaries of the subject property. The plan further indicates that spill over of the street lights on Mignonette Street, which has more of an impact on the adjacent properties than is the proposed floodlights at the tennis courts. As a guide for comparison, clear moon light is 0.2 lux, Main Roads lighting is 15 lux and direct sunlight can be up to 100,000 lux.

However, due to the close proximity of No. 8 Mignonette Street, it is considered reasonable to restrict the light usage to Mondays-Saturdays, excluding Sundays and public holidays to provide some relief from the lighting.

Summary

The applicants' request that the setback from the northern fence is taken from the middle of the fence is not supported, and a condition to this effect has been recommended by the Town's Officers. The proposal is supported as it is considered a reasonable development, which would complement the existing facilities on-site, and will not unduly affect the streetscape and the amenity of the adjacent or surrounding properties. In light of the above, it is recommended that the Council approve the proposal, subject to standard and appropriate conditions to address the above matters.

9.1.2 No. 66 (Lot: 55 D/P: 2334) Sydney Street, North Perth - Proposed Survey Strata Subdivision

Ward:	North	Date:	10 November 2008
Precinct:	North Perth; P08	File Ref:	1675-08; 7.2008.70.1
Attachments:	001		
Reporting Officer(s):	A Reynolds		
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, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission of the application submitted by Dennys Wm Hayes and Associates on behalf of the owners G and D Grubor for proposed Survey Strata Subdivision, at No. 66 (Lot: 55 D/P: 2334) Sydney Street, North Perth and as shown on plans stamp-dated 30 September 2008, subject to the following conditions:

- (i) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (ii) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (iii) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (iv) the structures on proposed Lot 2, and all buildings and structures that have been granted a Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (v) in accordance with the Town's Residential Subdivisions Policy, prior to the clearance of the diagram of survey for the proposed Lots 1 and 2, which each have an area less than 300 square metres, the following criteria shall be met to the satisfaction of the Town of Vincent:*
 - (a) the Town of Vincent has approved a Planning Approval and/or Building Licence for the development of a dwelling(s) on each lot; and*
 - (b) the perimeter walls of the approved dwelling(s), including the garage walls and carport walls/pillars, have been constructed to plate height;*
- (vi) the street verge tree(s) on Sydney Street adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;*

- (vii) *the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost. The maximum permitted amount of fill and height of associated retaining walls is 500 millimetres above the existing pre-subdivision ground level, and any greater amount of fill or higher retaining wall requires a separate Planning Approval to be applied to and obtained from the Town of Vincent;*
- (viii) *a 1.5 metres by 1.5 metres truncation being provided where the northern side of the battleaxe access way intersects with Sydney Street; and*
- (ix) *in accordance with the Town's Residential Subdivisions Policy, vehicular access to both proposed lot(s) is to be shared as common property, and a maximum of one crossover is permitted per subdivision.*

COUNCIL DECISION ITEM 9.1.2

Moved Cr Youngman, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Cr Messina entered the Chamber at 6.36pm.

Debate ensued.

MOTION PUT AND LOST (0-7)

(Mayor Catania was an apology for the meeting. Cr Doran-Wu on approved leave of absence.)

Reasons:

1. **There is a seriously entertained proposal for rezoning this area to R20.**
2. **The rezoning proposal is at an advanced stage.**
3. **There is considerable community support for the rezoning.**
4. **The dwelling is part of a streetscape of value to the community.**

Landowner:	G & D Grubor
Applicant:	Dennys Wm Hayes and Associates
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:	680 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background relates to this property.

DETAILS:

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R30 = 2.67 dwellings/lots	2 dwellings/lots at R30 (existing dwelling on proposed Lot 1 to be demolished).	Noted – no variations at R30
Plot Ratio	N/A	N/A	Noted
Consultation Submissions			
Community consultation not required for subdivision applications.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Sustainability Implications			Nil
Financial/Budget Implications			Nil

* 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:

Town of Vincent Town Planning Scheme No. 1

The above site falls within the former Eton Locality, where all planning and subdivision applications are required to be referred to the Council for determination. The Town is currently in the process of amending its Town Planning Scheme No. 1 through Scheme Amendment No. 27 as follows:

- (i) Deleting the following clause:

“clause 20 (4) (c) (ii) “After 1 September 2008 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct”.”

- (ii) Rezoning the area to R20.

Subdivision applications within the subject area received during this interim period are to be assessed using the requirements of the current legal density codes; that is, R30/40 for the subject land formerly coded R20 within the North Perth Precinct, and referred to the Council for its consideration and determination.

CONCLUSION:

In light of the above, the proposed subdivision is supported, subject to standard and appropriate conditions to address the above matters.

9.1.8 No. 335 (Lot: 10 D/P: 2554, Lot: 11 D/P: 2554) Oxford Street, Leederville - Proposed Partial Demolition of and Alterations and Additions to Existing Single House to Create Four (4) Multiple Dwellings, One (1) Grouped Dwelling and Associated Basement Car Parking

Ward:	North	Date:	11 November 2008
Precinct:	Leederville, P 3	File Ref:	PRO0050; 5.2008.371.1
Attachments:	001		
Reporting Officer(s):	R Narroo		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Rechichi Architects on behalf of the owner V & J Spaseski for proposed Partial Demolition of and Alterations and Additions to Existing Single House to Create Four (4) Multiple Dwellings, One (1) Grouped Dwelling and Associated Basement Car Parking, at No. 335 (Lot: 10 D/P: 2554, Lot 11 D/P: 2554) Oxford Street, Leederville, and as shown on ground and basement floor plans stamp-dated 5 November 2008, first floor, terrace plan stamp dated 23 October 2008, elevations stamp-dated 16 September 2008 and overshadowing plan stamp dated 7 August 2008, subject to the following conditions;

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *an interpretative plaque or another appropriate form of interpretation medium that recognises the former use and history of the site, and is visible to the public along the Oxford Street frontage shall be installed prior to the occupation of the development. The design and wording on the plaque or the interpretative medium shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *Existing Building*
 - (1) *the northern deck on the ground floor on the northern elevation;*
 - (2) *the retained land on the ground floor on the northern elevation;*
 - (3) *the retained land on the ground floor on the southern elevation;*
 - (4) *the rear/western deck on the ground floor on the northern and southern elevations; and*
 - (5) *the deck to the new mezzanine on the southern elevation;*

Unit 1

- (1) *the court on the southern elevation ;and*
- (2) *the terrace on the southern elevation;*

Unit 2

- (1) the court on the northern elevation; and*
- (2) the terrace on the northern elevation;*

Unit 3

- (1) the court on the southern elevation; and*
- (2) the terrace on the southern elevation;*

Unit 4

- (1) the court on the northern elevation; and*
- (2) the terrace on the northern elevation;*

Roof Terrace

- (1) the roof terrace on all elevations within the 7.5 metres cone of vision to the northern and southern boundaries;*

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 333 and 337 Oxford Street stating no objection to the respective proposed privacy encroachment;

- (b) the bin compound being redesigned to accommodate the following bins:*

General Waste: One (1) mobile garbage bin or equal to 240 litres per unit (collected weekly); and

Recycle Waste: One (1) mobile recycle bin or equal to 240 litres per unit (collected fortnightly); and

- (c) a store with minimum dimension of 1.5 metres and minimum area of 4 square metres being provided for the existing building (grouped dwelling).*

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

- (iv) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s). Any redesign of crossover and pedestrian access shall accommodate retention of all verge trees;*
- (v) 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);*

- (vi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities;*
 - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the units. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development; and*
 - (c) *the grouped dwelling (“refurbished residence”) shall be used only as a grouped dwelling as defined in the Residential Design Codes 2008.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (viii) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (ix) *the proposed vehicular entry/exit gate shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (x) *first obtaining the consent of owners of No. 333 and No. 337~~5~~ Oxford Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the retaining walls/boundary (parapet) walls facing No. 333 and No. 337~~5~~ Oxford Street in a good and clean condition;*
- (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new walls, fence and gate, including screens, entry statements and rock walls, between the Oxford 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 being 1.8 metres above the adjacent footpath level;*
 - (b) *maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*

- (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (xii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage; and*
- (xiii) *prior to the issue of the Building Licence, the owners of No. 333 (Lot 9) and No. 335 (Lots 10 and 11) Oxford Street, Leederville shall enter into a legal agreement with the Town OR register a grant of easement with the Town being a party, to provide a shared pedestrian access/service corridor with a minimum width of 1.5 metres on No. 333 and No. 335 Oxford Street, Leederville. The legal documentation shall be prepared by the Town's solicitors or other solicitors agreed upon by the Town and be to the satisfaction of the Town. All costs associated with this condition shall be borne by the applicant/owner(s).*

***Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Youngman, Seconded Cr Ker

That a new clause be inserted as follows:

“(xiv) the applicant paying for works associated in repairing the right of way to make it safe and trafficable, to the satisfactory of the Director Technical Services.”

AMENDMENT PUT AND CARRIED (4-3)

For

Cr Ker

Cr Lake

Cr Maier

Cr Youngman

Against

Presiding Member, D/Mayor Cr Farrell

Cr Burns

Cr Messina

(Mayor Catania was an apology for the meeting. Cr Doran-Wu on approved leave of absence.)

MOTION AS AMENDED PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Doran-Wu on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.8

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 Rechichi Architects on behalf of the owner V & J Spaseski for proposed Partial Demolition of and Alterations and Additions to Existing Single House to Create Four (4) Multiple Dwellings, One (1) Grouped Dwelling and Associated Basement Car Parking, at No. 335 (Lot: 10 D/P: 2554, Lot 11 D/P: 2554) Oxford Street, Leederville, and as shown on ground and basement floor plans stamp-dated 5 November 2008, first floor, terrace plan stamp dated 23 October 2008, elevations stamp-dated 16 September 2008 and overshadowing plan stamp dated 7 August 2008, subject to the following conditions;

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

(ii) *an interpretative plaque or another appropriate form of interpretation medium that recognises the former use and history of the site, and is visible to the public along the Oxford Street frontage shall be installed prior to the occupation of the development. The design and wording on the plaque or the interpretative medium shall be submitted to and approved by the Town prior to the issue of a Building Licence;*

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

(a) *Existing Building*

- (1) *the northern deck on the ground floor on the northern elevation;*
- (2) *the retained land on the ground floor on the northern elevation;*
- (3) *the retained land on the ground floor on the southern elevation;*
- (4) *the rear/western deck on the ground floor on the northern and southern elevations; and*
- (5) *the deck to the new mezzanine on the southern elevation;*

Unit 1

- (1) *the court on the southern elevation ;and*
- (2) *the terrace on the southern elevation;*

Unit 2

- (1) *the court on the northern elevation; and*
- (2) *the terrace on the northern elevation;*

Unit 3

- (1) *the court on the southern elevation; and*
- (2) *the terrace on the southern elevation;*

Unit 4

- (1) *the court on the northern elevation; and*
- (2) *the terrace on the northern elevation;*

Roof Terrace

- (1) *the roof terrace on all elevations within the 7.5 metres cone of vision to the northern and southern boundaries;*

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 333 and 337 Oxford Street stating no objection to the respective proposed privacy encroachment;

- (b) *the bin compound being redesigned to accommodate the following bins:*

General Waste: One (1) mobile garbage bin or equal to 240 litres per unit (collected weekly); and

Recycle Waste: One (1) mobile recycle bin or equal to 240 litres per unit (collected fortnightly); and

- (c) *a store with minimum dimension of 1.5 metres and minimum area of 4 square metres being provided for the existing building (grouped dwelling).*

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

- (iv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s). Any redesign of crossover and pedestrian access shall accommodate retention of all verge trees;*
- (v) *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);*
- (vi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
 - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities;*

- (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the units. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development; and*
- (c) *the grouped dwelling (“refurbished residence”) shall be used only as a grouped dwelling as defined in the Residential Design Codes 2008.*

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

- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (viii) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (ix) *the proposed vehicular entry/exit gate shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (x) *first obtaining the consent of owners of No. 333 and No. 337~~5~~ Oxford Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the retaining walls/boundary (parapet) walls facing No. 333 and No. 337~~5~~ Oxford Street in a good and clean condition;*
- (xi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new walls, fence and gate, including screens, entry statements and rock walls, between the Oxford 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 being 1.8 metres above the adjacent footpath level;*
 - (b) *maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

- (xii) *all signage that does not comply with the Town’s Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (xiii) *prior to the issue of the Building Licence, the owners of No. 333 (Lot 9) and No. 335 (Lots 10 and 11) Oxford Street, Leederville shall enter into a legal agreement with the Town OR register a grant of easement with the Town being a party, to provide a shared pedestrian access/service corridor with a minimum width of 1.5 metres on No. 333 and No. 335 Oxford Street, Leederville. The legal documentation shall be prepared by the Town’s solicitors or other solicitors agreed upon by the Town and be to the satisfaction of the Town. All costs associated with this condition shall be borne by the applicant/owner(s); and*
- (xiv) *the applicant paying for works associated in repairing the right of way to make it safe and trafficable, to the satisfactory of the Director Technical Services.*

Landowner:	V & J Spaseski
Applicant:	Rechichi Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Multiple Dwelling , Grouped Dwellings
Use Classification:	"P", "P"
Lot Area:	Lot 10= 564 square metres Lot 11= 124 square metres Total Area = 688 square metres
Access to Right of Way	Western side, 5 metres wide, sealed, Town owned

BACKGROUND:

- 14 September 2004 The Council at its Ordinary Meeting resolved to conditionally approve the partial demolition of and alterations and additions to existing office and incidental showroom, and additional four (4) three multiple dwellings and associated under croft car parking, at No. 335 (Lot(s) 10 and Y 11) Oxford Street, Leederville.
- 11 October 2005 The Council at its Ordinary Meeting resolved to conditionally approve change of use and partial demolition of and alterations and additions to existing office and incidental showroom to create two (2) two-storey multiple dwellings and construction of additional four (4) three –storey multiple dwellings and associated under croft car parking at No. 335 (Lot(s) 10 and Y 11) Oxford Street, Leederville.
- 13 March 2007 The Council at its Ordinary Meeting resolved to conditionally approve demolition of existing single house, and construction of mixed use development comprising one (1) grouped dwelling, two (2) single bedroom and eight (8) multiple bedroom multiple dwellings, office building and associated basement car parking and associated facilities at No. 333 and No. 335 Oxford Street, Leederville.

8 April 2008 The Council at its Ordinary Meeting resolved to conditionally approve demolition of existing single house and construction of two-three storey mixed use development comprising one (1) office, two (2) two storey multiple dwellings, two (2) single bedroom multiple dwellings and associated basement car parking at No. 333 Oxford Street, Leederville.

10 October 2008 The Town under Delegated Authority recommended conditional approval of the amalgamation of Lot 10 and Lot 11 to the Western Australian Planning Commission.

DETAILS:

The proposal involves the partial demolition of, and alterations and additions to existing single house to create four (4) multiple and one (1) grouped dwelling and associated basement car parking.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	4 multiple dwellings or one grouped dwelling and 3 multiple dwellings.	4 multiple dwellings and one grouped dwelling. R 68 22.67 per cent density bonus.	Supported- refer to "Comments".
Plot Ratio	Multiple Dwellings=0.7 = 481.6 square metres (The plot ratio for the Grouped Dwelling is not included as per the Residential Design Codes)	Multiple Dwellings=0.74 = 509.12 square metres	Supported- the proposal conserves the existing building (single house). A plot ratio variation was approved by the Council on 14 September 2004 (Plot Ratio= 0.73) and 11 October 2005 (Plot Ratio = 1.18).
Building Setbacks: <u>Basement</u> North	1.65 metres	Nil	Supported- the building on the adjoining northern property is setback only 0.5 metre to the boundary. No undue impact, ventilation and overshadowing on the northern property.

South	1.65 metres	Nil	Supported- a three storey development with nil setback was approved on the adjoining southern property. Therefore, no undue visual impact and ventilation on the adjoining property. No objection was received from the neighbours.
West	1.5 metres	0.5 metre	Supported- variation will not have any undue impact as wall will face right of way. Moreover, the existing building on No. 337 Oxford Street has a nil setback with the right of way and the development approved for No. 333 Oxford Street was approved at 0.5 metre from the right of way; therefore, the variation will not unduly impact on the streetscape.
<u>Ground Floor</u>			
East- (Oxford Street)	8 metres	Nil	Supported- the existing RSL building has nil setback.
North	5 metres	Nil to 1.4 metres	Supported- boundary wall is not continuous along the boundary and steps down with the slope of land which minimises bulk of wall. No undue impact in terms of visual impact, ventilation and overshadowing.
South	5 metres	Nil to 1.253 metres	Supported- a three storey development with nil setback was approved on the adjoining southern property. Therefore, no undue visual impact and ventilation on the adjoining property. No objection was received from the neighbours.

West	1.5 metres to balcony 2.5 metres to main building	0.5 metre to balcony 2.637 metres to main building	Supported- variation will not have any undue impact as wall will face right of way. Moreover, the existing building on No. 337 Oxford Street has a nil setback with the right of way and the development approved for No. 333 Oxford Street was approved at 0.5 metre from the right of way; therefore, the variation will not unduly impact on the streetscape.
<u>First Floor including the screening wall</u>			
East (Oxford Street)	10 metres	Nil	Supported- the existing building has nil setback.
North	8.3 metres	Nil to 1.4 metres	Supported- boundary wall is not continuous along the boundary and steps down with the slope of land which minimises bulk of wall. No undue impact in terms of visual impact, ventilation and overshadowing.
South	8.3 metres	Nil to 1.253 metres	Supported- a three storey development with nil setback was approved on the adjoining southern property. Therefore, no undue visual impact and ventilation on the adjoining property. No objection was received from the neighbours.
West	1.5 metres to balcony 2.5 metres to main building	0.5 metre to balcony 2.637 metres to main building	Supported- variation will not have any undue impact as wall will face right of way. Moreover the existing building on No. 337 Oxford Street has a nil setback with the right of way and the development approved for No. 333 Oxford Street was approved at 0.5 metre from the right of way; therefore, the variation will not unduly impact on the streetscape

Boundary Wall	<p>Average Height= 3 metres</p> <p>Maximum Height= 3.5 metres</p> <p>Boundary wall on one side boundary only</p>	<p>Average Height = 10.3 metres including the screen wall.</p> <p>Maximum Height = 11 metres including the screen wall</p> <p>Boundary wall on two side boundaries.</p>	<p>Supported- a three storey development with nil setback was approved on the adjoining southern property. Therefore, no undue visual impact and ventilation on the southern adjoining property. With regards to the northern property, no undue visual impact, ventilation and overshadowing on the adjoining site. No objection was received from the adjoining neighbours relating to the boundary walls.</p>
Overshadowing	50 per cent= 282.5 square metres	74 per cent= 420 square metres	<p>Supported- as a proposed development of three storeys was approved by Council on the adjoining lot at No. 333 Oxford Street. The proposed floor levels at No. 333 Oxford Street nearly match with the floor levels at No. 335 Oxford Street. Therefore, if the development goes ahead the overshadowing will not have an undue impact. Moreover, given the adjoining southern site is a narrow east-west oriented site and is as low as the subject site, and the southern site slopes steeply; in such a case, even a relatively low building may cast overshadowing over a greater proportion of a site. No objection was received from the adjoining southern neighbour.</p>
Number of Storeys	A general height limit of two storeys	Two storeys plus basement. Building is two storeys from Oxford Street, however, effectively three storey (including basement) from the rear right of way.	<p>Supported- building approved for No. 333 Oxford Street and existing building to north of the development at No. 337 Oxford Street is of three storeys of similar height and bulk. No objections from the adjoining neighbours relating to the number of storeys.</p>

<p>Building Height</p>	<p>Maximum Height= 7 metres (concealed roof)</p>	<p>Wall Height= 11 metres including the screen wall.</p>	<p>Supported- at the lowest point next to the right of way, the building including the screen wall will be 11 metres and the building only will be 8.3 metres. Actually, the proposed height of the multiple dwellings at the rear will match with the height of the front existing building as shown on the northern and southern elevations. Moreover, given the steep slope of the land it is difficult to comply with the required height. No objections received from the adjoining neighbours relating to the height.</p>
<p>Privacy Setbacks</p>	<p>Balcony and the like= 7.5 metres</p>	<p>Deck (ground floor) on the northern side of the existing building- Nil to north boundary.</p> <p>Retained land (ground floor) on the southern and northern sides existing building -Nil to southern boundary</p> <p>Rear deck (new)(ground floor) of the existing building- 3.8 metres to southern boundary and 5.7 metres to the northern boundary.</p> <p>Court (ground floor) to Units 1 and 2 - Nil to southern and northern boundaries</p> <p>Terrace (ground floor) to Units 1 and 2=1.3 metres to southern and northern boundaries</p>	<p>Not supported-undue impact on neighbouring property, and deck should be screened if proposal is supported.</p> <p>Not supported-undue impact on neighbouring property, and retained land should be screened if proposal is supported.</p> <p>Not supported-undue impact on neighbouring properties, and deck should be screened if proposal is supported.</p> <p>Not supported-undue impact on neighbouring properties, and court should be screened if proposal is supported.</p> <p>Not supported-undue impact on neighbouring properties, and terrace should be screened if proposal is supported.</p>

		<p>Court (first floor) to Units 3 and 4 - Nil to south and north boundaries</p> <p>Terrace (first floor) to Units 3 and 4=1.3 metres to southern and northern boundaries</p> <p>Roof Terrace- Nil to south and north boundaries</p> <p>New Deck Mezzanine to existing building- 1.63 metres to southern boundary</p>	<p>Not supported-undue impact on neighbouring properties, and court should be screened if proposal is supported.</p> <p>Not supported-undue impact on neighbouring properties, and terrace should be screened if proposal is supported.</p> <p>Not supported-undue impact on neighbouring properties, and terrace should be screened if proposal is supported.</p> <p>Not supported-undue impact on neighbouring property, and deck should be screened if proposal is supported.</p>
Site Works	<p>Filling not more than 0.5 metre above the natural ground level.</p> <p>Setback for retaining wall= 1.6 metres</p>	<p>0.5 metre to 1 metre</p> <p>Nil</p>	<p>Supported- given the height of retaining wall will vary along the boundary, it is considered that there will be no undue impact on the adjoining southern and northern properties.</p> <p>Supported- no undue visual impact and ventilation on the adjoining southern and northern properties.</p>
Stores	Dimensions= 1.5 metres and area of 4 square metres	Not provided for the proposed grouped dwelling (existing building)	Not supported- undue impact on the needs of the residents and, therefore, as a condition of planning approval, a store is required to be provided.
Pedestrian Access/Service Corridor	Minimum width of 1.5 metres	0.9 metre	Supported- refer to "Comments" below.
Consultation Submissions			
Support	Nil		Noted.
Objection (2)	Concerns regarding possible drainage problems and damage that may be caused to the adjacent building as a result of excavation on the subject site.		Not supported- both these matters will be addressed at the Building Licence stage, and any subsequent damage issue is a civil matter.

	Concerns for damage to the Right of Way (ROW) as a result of the increase in vehicular activity that would from the development.	Not supported- the Town's Technical Services consider that the increase in usage of the ROW in this case is insignificant.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Sustainability Implications		Nil
Financial/Budget Implications		Nil

* 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.

Density Bonus

The place at No. 335 (Lots 10) Oxford Street, Leederville is the former Soldier's Memorial Hall, which operated between 1936 and 1959 before being converted to squash courts. The place was formerly listed on the Town's Draft Municipal Heritage Inventory (MHI) with a Category C listing. The place is not on the current MHI.

The provision of a density bonus is not restricted to places that are on or meet the threshold for inclusion onto the MHI. As stipulated in the Oxford Locality Plan No. 10 *'the character of the existing housing (and Locality) is to be protected.'* The Town's Heritage Officers encourage the retention of the place at No. 335 Oxford Street, Leederville as it has value in the evolution of history in the locality, as it had connections with the Mount Hawthorn Returned Servicemen's League (RSL) and functioned as a meeting place, referred to as the Soldier's Memorial Hall. Therefore, Heritage Services support the provision of a density bonus for the proposed new development subject to conditions.

Redevelopment

A similar type of development was approved for the subject and adjoining lot at No. 333 Oxford Street. Therefore, this proposed development is not going to be out of character with the surrounding area.

Clause 20 of TPS No. 1 allows the Council to consider a 50 per cent increase in dwellings density where *"the proposed development conserves or enhances an existing dwelling or dwellings worthy of retention"*.

The Council has previously approved variations to density and plot ratio for the subject site because the development retains the former RSL building. This new proposal still conserves the former RSL building and the variations to density and plot ratio can be supported.

Grouped Dwelling

The floor layout of the grouped dwelling ("refurbished residence") indicates that the building may be used as a lodging house, short-term accommodation, or the like. However, the applicant has confirmed that the existing building will be used only as a grouped dwelling.

Given the above, it is recommended that a 'Section 70A' notification should be registered to ensure the building is used only as a grouped dwelling.

Technical Services

The proposed service corridor/pedestrian access way on the southern side of the existing building provides sole pedestrian and service access to the 4 rear units (no services will be provided via a right of way, with the exception of sewerage which is already in existence). It also provides access for the attendance of emergency services.

Although right of way (ROW) access is available to the rear units, this is from an unnamed ROW, with the entire rear boundary of the site given over to secure garaging. Therefore, the ROW does not provide satisfactory access in an emergency situation. Emergency Service providers have asked that access corridors be of a minimum width of 1.5 metres wherever possible. Service corridors must provide sufficient room for the installation and ongoing maintenance of water, power, gas and telecommunications services.

The applicant submitted a letter from the owner of the adjoining property of No. 333 Oxford Street. In the letter, the owner of No. 333 Oxford Street confirmed that they would be submitting a new application to the Town for that property and were willing to enter into a reciprocal access agreement with the owner of No. 335 Oxford Street. Therefore, the requirement for the pedestrian access way/service corridor being a minimum width of 1.5 metres can be a condition of the Planning Approval.

Conclusion

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

9.1.1 Further Report – No. 5 (Lot: 13 D/P: 1149, Lot: 14 D/P: 1149) Scott Street, Leederville – Proposed Demolition of Existing Single House and Construction of Four (4) Three-Storey Grouped Dwellings and Two (2) Single Bedroom Two-Storey Grouped Dwellings

Ward:	South	Date:	10 November 2008
Precinct:	Leederville;P03	File Ref:	PRO4106; 5.2008.215.1
Attachments:	001 002		
Reporting Officer(s):	R Narroo		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER 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 Rechichi Architects on behalf of the owner D De Fiddes for proposed Demolition of Single House at No. 5 (Lot: 13 D/P: 1149, Lot 14 D/P: 1149) Scott Street, Leederville, and as shown on demolition plan stamp-dated 27 October 2008, 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 development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
 - (d) *demolition of the existing building may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;*
 - (e) *support of the demolition application shall not be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property; and*
 - (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*

- (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 Rechichi Architects on behalf of the owner D De Fiddes Pty Ltd for proposed Construction of Four (4) Three-Storey Grouped Dwellings and Two (2) Single Bedroom Two-Storey Grouped Dwellings, at No. 5 (Lot: 13 D/P: 1149, Lot 14 D/P: 1149) Scott Street, Leederville, and as shown on the plans stamp-dated 27 October 2008, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the number of storeys, building height, street setback (upper floors), plot ratio area for Units 1 and 2, stores, height of building boundary wall, privacy and front entry statement, requirements of the Residential Design Codes and the Town's Policy No. 3.2.1 - Residential Design Elements;*
 - (c) *the removal of the verge tree; and*
 - (d) *consideration of the objections received.*

Moved Cr Maier, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

Cr Lake requested the Motion be considered and voted upon in two parts.

The Presiding Member, Deputy Mayor Steed Farrell declined the requested.

MOTION PUT AND LOST (3-4)

For

Cr Burns
Cr Ker
Cr Messina

Against

Presiding Member, D/Mayor Cr Farrell
Cr Lake
Cr Maier
Cr Youngman

(Mayor Catania was an apology for the meeting. Cr Doran-Wu on approved leave of absence.)

Reasons:

1. The development has minor non-compliances and will not fit into the streetscape.
2. The height is slightly over the height limit.
3. Solar access to the southern lot outweighs the removal of the street verge tree.

ALTERNATIVE RECOMMENDATION – COUNCIL DECISION ITEM 9.1.1

Moved Cr Maier, Seconded Cr Youngman

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 Rechichi Architects on behalf of the owner D De Fiddes*

for proposed Demolition of Existing Single House and Construction of Four (4) Three-Storey Grouped Dwellings and Two (2) Single Bedroom Two-Storey Grouped Dwellings at No. 5 (Lot: 13 D/P: 1149, Lot: 14 D/P: 1149) Scott Street, Leederville, and as shown on plans stamp-dated 27 October 2008, subject to the following conditions:

- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (b) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Scott Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (c) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (d) *an archival documented record of the places (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;*
- (e) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (A) *Unit 1*
 - (1) *the terrace/balcony on the first/upper floor on the northern elevation; and*
 - (2) *the living room windows on the first/upper floor on the western elevation within the 6 metres cone of vision to the northern boundary;*
 - Unit 2*
 - (1) *the terrace/balcony on the first/upper floor on the southern elevation;*
 - Unit 3*
 - (1) *the northern terrace/balcony on the first/upper floor on the northern elevation; and*
 - (2) *the southern terrace/balcony on the first/upper floor on the southern elevation;*
 - Unit 4*
 - (1) *the northern terrace/balcony on the first/upper floor on the northern elevation; and*
 - (2) *the southern terrace/balcony on the first/upper floor on the southern elevation;*
 - Unit 5*
 - (1) *the northern terrace/balcony on the first/upper floor on the northern elevation; and*

- (2) *the southern terrace/balcony on the first/upper floor on the southern elevation;*

Unit 6

- (1) *the northern/eastern terrace/balcony on the first/upper floor on the northern and eastern elevations within the 7.5 metres cone of vision to the northern boundary;*
- (2) *the southern terrace/balcony on the first/upper floor on the southern elevation;*
- (3) *the bedroom 3/entertaining room window on the first floor on the southern elevation; and*
- (4) *the roof terrace on the second/loft floor on the northern, eastern, and western elevations within the 7.5 metres cone of vision to the northern and western boundaries;*

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material that is easily removed; OR prior to the issue of a Building Licence revised plans shall be submitted demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject wall, so that they are not considered to be a major opening as defined in the Residential Design Codes; OR prior to the issue of a Building Licence, revised plans shall be submitted demonstrating the above major openings being provided with permanent vertical screening or equivalent, preventing direct line of sight within the cone of vision to ground level of the adjoining properties in accordance with the Residential Design Codes. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 8, 10, 12 and 14A Burgess Street, and Nos. 3 and 9 Scott Street stating no objection to the respective proposed privacy encroachment;

- (B) *the maximum average wall height of boundary walls along the northern and western boundaries being 3 metres; and*
- (C) *a store with minimum dimension of 1.5 metres and minimum area of 4 square metres being provided for Units 1,2 3,4,5 and 6.*

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

- (f) *a bond for the sum of \$ 1600 shall be paid for the replacement of the street verge tree with a mature specimen of same species, at a location on the verge to be selected by the Town's Park's Services. No other street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (g) *the developer is responsible for the cost of relocating any power poles or other infrastructure within the road reserve which may render a crossover non-compliant with the Town's requirements, or those of any other relevant authority;*

- (h) *prior to the issue of a Building Licence for the single bedroom grouped dwellings, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (A) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the units. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development;*
 - (B) *a maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom dwellings (Units 1 and 2) at any one time; and*
 - (C) *the floor plan layout of the single bedroom dwelling (Units 1 and 2) shall be maintained in accordance with the Planning Approval plans.*

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

- (i) *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; and*
- (j) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front fence and gate within the Scott Street area, including along the side boundaries within this street setback area, complying with the following:*
- (A) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (B) *maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (C) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (D) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (E) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (F) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

ALTERNATIVE MOTION PUT AND CARRIED (4-3)

For

**Presiding Member, D/Mayor Cr Farrell
Cr Lake
Cr Maier
Cr Youngman**

Against

**Cr Burns
Cr Ker
Cr Messina**

(Mayor Catania was an apology for the meeting. Cr Doran-Wu on approved leave of absence.)

FURTHER REPORT:

The Council initially considered the application at its Ordinary Meeting held on 21 October 2008 and resolved as follows:

“That the item be DEFERRED at the request of the Applicant.”

Subsequent to the item being deferred at the above Ordinary Meeting of Council, the applicant has submitted revised plans.

The main amendments to the previously considered proposal are as follows:

- The ground floors (Unit 1 and Unit 2) are setback 6 metres from Scott Street;
- The outdoor living areas for Units 1 and 2 are 23 square metres and 23.6 square metres;
- The plot ratio areas for Units 1 and 2 are 85.2 and 88 square metres respectively;
- The loft of Unit 6 is setback 3 metres from the western boundary; and
- The minimum area and dimension for stores of Units 1 and 2 are 3.6 square metres and 1.2 metres.

Further Assessment

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	5 grouped dwellings or 8 single bedroom grouped dwellings R 40	4 grouped dwellings and 2 single bedroom grouped dwellings R 38	Noted.
Plot Ratio	N/A	N/A	Noted.
Plot Ratio Area	Single Bedroom Grouped Dwellings= 70 square metres (subject to compliance with Single Bedroom Dwellings Policy 3.4.7)	Single Bedroom Dwellings Unit 1 = 90 85.2 square metres Unit 2= 90 88 square metres	Not supported- the scale of the single bedroom dwellings will unduly impact on the streetscape and amenity of the area.

<p>Minimum Site Area</p>	<p>Grouped dwelling= 200 square metres</p> <p>Single bedroom grouped dwelling= 133.33 square metres</p>	<p>Units 3,4,5= 147.68 square metres</p> <p>Unit 1= 105.84 square metres</p> <p>Unit 2= 101.02 square metres</p>	<p>Supported- the proposed development complies with the average site area and the required open space. In addition, a communal space is provided which is not required by the Residential Design Codes for R40 sites. Therefore, the variation is supported.</p>
<p>Outdoor Living Area</p>	<p>Minimum area= 20 square metres</p> <p>Behind the street setback area</p> <p>2/3 of the required area without permanent roof</p> <p>Units 3,4,5= 13.3 square metres</p>	<p>Unit 1= 14.8 <u>23</u> square metres</p> <p>Unit 2= 8.8 <u>23.6</u> square metres</p> <p>Units 3,4,5= 15.2 square metres</p> <p>Units 1 and 2- within the street setback area</p> <p>Units 3,4 and 5= 9 square metres</p>	<p>Supported the proposal abuts a common space area for the residents, which is not required under the Residential Design Codes. Given that there is a functional communal space and that the variation is minimal, the variation is supported.</p> <p>Not supported the variation to the outdoor living area is too significant and does not abut the communal space area for the residents.</p> <p>Supported- the proposal abuts a common space area for the residents, which is not required under the Residential Design Codes. Given that there is a functional communal space and that the variation is minimal, the variation is supported.</p> <p>Supported- it will not unduly impact on the streetscape.</p> <p>Supported- as the uncovered area will abut the communal space which is uncovered.</p>

<p>Building Setbacks:</p> <p><u>Ground Floor</u></p> <p>Front-East-Scott Street</p> <p>North</p> <p>Boundary Wall Average Height= 3 metres</p> <p>Boundary wall to one side boundary only</p> <p>West</p> <p>Boundary wall- Average Height= 3 metres</p> <p>Boundary wall to one side boundary only</p>	<p>4.835 metres</p> <p>1.5 metres</p> <p>Average Height= 3 metres</p> <p>Boundary wall to one side boundary only</p> <p>3.074 metres</p> <p>Boundary wall to one side boundary only</p>	<p>Building= 4-6 metres Garage= 6 metres</p> <p>Nil to 4.7 metres</p> <p>Average height= 3.092</p> <p>Boundary walls to two side boundaries</p> <p>3.074 metres</p> <p>Boundary walls to two side boundaries</p>	<p>Not supported—refer to “Comments” below. <u>Noted- no variation.</u></p> <p>Supported- as the building will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.</p> <p>Not supported- undue impact on the adjoining property. If this application is supported, then a condition of planning approval is for the boundary wall to comply with the average height of 3 metres.</p> <p>Supported- both boundaries walls along the western and northern boundary will occupy less than 2/3 of the boundaries, they comply with the maximum height and the variation to the average height is minimal.</p> <p>Not supported- undue impact on the adjoining property. If this application is supported, then a condition of planning approval is for the boundary wall to comply with the average height of 3 metres.</p> <p>Supported- both boundaries walls along the western and northern boundary will occupy less than 2/3 of the boundaries, they comply with the maximum height, and the variation to the average height is minimal.</p>
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<u>First Floor</u>			
Front-East-Scott Street	Building= 6.835 metres Balcony= 5.835 metres	Building= 6metres Balcony= 4 metres	Not supported- refer to "Comments" below.
North	6.3 metres	1.5 metres to 7 metres	Supported- the wall facing the northern boundary is staggered with most of the wall being setback at 7 metres, and incorporates balconies, which provides a relief to the adjoining property. If the balconies were fully enclosed, then the required setback from the northern boundary would be 2.8 metres only. In this instance, the variation is supported.
West	2.1 metres	1.5 metres	Supported- the wall incorporates horizontal and vertical articulation which will reduce the visual impact on the adjoining western property. In this instance, the variation is supported.
South	6.3 metres	3.42 metres to 4.5 metres	Supported- the wall facing the northern boundary is staggered with most of the wall being setback at 4.5 metres, and incorporates balconies which provide a visual relief to the adjoining property. If the balconies were fully enclosed, then the required setback from the southern boundary would be 2.8 metres only. In this instance, the variation is supported.

<u>Second Floor</u>	Building=6.835 metres	3.42 metres to 4.5 <u>6</u> metres	Not supported- refer to "Comments" below.
East-Front-Scott Street	7.7 metres	1.5 metres to 7 metres	Supported- only 5.5 metres of the wall will be 1.5 metres and the wall stepped to 7 metres. Therefore, the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.
North			
West	4.4 metres	1.5 metres to 3 metres	Supported- the wall is of different heights and is staggered. Therefore, the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.
Number of Storeys	Two Storeys	Three Storeys	Not supported- refer to "Comments" below.
Building Height	7 metres	8.5 metres	Not supported- refer to "Comments" below.
Privacy Setbacks	Terrace/Balcony= 7.5 metres Room other than bedroom= 6 metres	Terraces/Balconies to Units 3,4,5 (first floor) = 7 metres to northern boundary (inadequate screening) Terrace/Balcony to Unit 6 (first floor) = 1.7 metres to northern boundary (inadequate screening) Terrace/Balcony to Unit 1 (first floor)= 2.2 metres to northern boundary (inadequate screening) Terraces/Balconies to Units 3,4,5 and 6 (first floor)= 4.5 metres to southern boundary (inadequate screening)	Not supported- undue impact on neighbouring property, and terraces/balconies should be screened if proposal is supported. Not supported- undue impact on neighbouring property, and terrace/balcony should be screened if proposal is supported. Not supported- undue impact on neighbouring property, and terrace/balcony should be screened if proposal is supported. Not supported- undue impact on neighbouring property, and terraces/balconies should be screened if proposal is supported.

		<p>Terrace/Balcony to Unit 2 (first floor)= 3.42 metres to southern boundary (inadequate screening)</p> <p>Living room window to Unit 6 (first floor)= 2 metres to western boundary</p> <p>Terrace to Unit 6 (second floor)= 1.5 metres to northern boundary (inadequate screening)</p> <p>Terrace to Unit 6 (second floor)= 4.5 3 metres to western boundary (inadequate screening)</p>	<p>Not supported- undue impact on neighbouring property, and terrace/balcony should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and living room window should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and terrace should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and terrace should be screened if proposal is supported.</p>
Store	Minimum dimension of 1.5 metres and a minimum internal area of 4 square metres	<p>Stores for Units 3,4,5 and 6= 2.89 square metres</p> <p><u>Stores for Units 1 and 2= 3.6 metres</u></p> <p><u>Minimum Dimension for Unit 1 and 2= 1.2 metres</u></p>	Not supported-the areas are considered inadequate for the needs of the future residents. If this proposal is supported, then as a condition of planning approval, the applicant will require to comply with the required dimension and area.
Front Entry Statement	Maximum height of piers to be 2 metres with capping	Height of 2.7 metres to 2.9 metres	Not supported - as the structure would result in undue impact on the streetscape.

Street Setback

The applicant has changed the ground floor street setbacks to 6 metre, which comply with the Residential Design Elements Policy. However, the upper floors do not comply with the required street setbacks.

The applicant has averaged the first floor setback to 6.8 metres, excluding the balcony. This argument is not supported as the front setback is not assessed as an average setback. The whole building is to comply with the required setback as per Clause 5(a), (b) and (c) of the Residential Design Elements Policy. Therefore, it is considered that the variation to the setback cannot be supported as it will unduly impact on the streetscape.

Number of Storeys and Height

The applicant has provided justification for the variation to the number of storeys and height, which is "*Laid on the Table*". According to the applicant, when the building is viewed from the southern elevation, the loft is seen as being built into the roof space and if a pitched roof would have been provided in lieu of the loft, then the building would comply with the required height of 9 metres.

The proposal is for a three storey with concealed roof. If the building would have been provided with a pitched roof, then the proposed units would have complied with the external wall height of 6 metres and pitched roof of 9 metres. However, given that the proposal is for concealed roof and three storeys with a height of 8.5 metres, it will have an undue visual impact on the surrounding area. Therefore, the variation is not supported.

Crossover

The applicant has provided the following justification for the crossover to be located on the southern side:

“The removal of the street [tree] shall result in the alternative solution being relocation of the crossover and driveway onto the North side of the lot and this shall result in North facing driveways and south facing private outdoor areas which we believe to be an inappropriate design response to the site.

We maintain that the planting or a new mature Eucalyptus tree in a location approximately similar to the current tree as is being proposed (but clear of the proposed new crossover) will result the continuity of the existing streetscape.”

The location of the proposed crossover on the southern side of the property is not supported by the Town's Technical Services. The crossover clashes with both a tree worthy of retention, and a Western Power pole. The proposed narrowing of the crossover does not address these issues and renders the passing area at the entrance point unworkable.

The verge tree, Coral Gum, is the predominant street verge tree within Scott Street and the two verge trees (Coral Gum) form an integral part of the streetscape; therefore, should be retained as per the Town's Policy No. 2.1.2-Street Trees. Any vehicle crossovers to be constructed will need to incorporate the retention of these two street trees.

Given the above, Technical Services do not support the location of the crossover and the removal of the verge tree.

Conclusion

The variations to the number of storeys, building height, upper floors street setback, plot ratio area for Units 1 and 2, stores, height of building boundary walls, privacy, front entry statement and removal of the verge tree will unduly impact on the amenity of the surrounding area. The proposed three storeys building is not compatible with the scale of development in the immediate area. On this basis, the redevelopment proposal is still recommended for refusal.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 21 October 2008.

“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 Rechichi Architects on behalf of the owner ~~CGM Properties~~ D De Fiddes Pty Ltd for proposed Demolition of Single House at No. 5 (Lot: 13 D/P: 1149, Lot 14 D/P: 1149) Scott Street, Leederville, and as shown on demolition plan stamp-dated 9 September 2008, 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 development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
 - (d) *demolition of the existing building may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;*
 - (e) *support of the demolition application shall not be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property; and*
 - (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*
- (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 Rechichi Architects on behalf of the owner D De Fiddes Pty Ltd for proposed Construction of Four (4) Three-Storey Grouped Dwellings and Two (2) Single Bedroom Two-Storey Grouped Dwellings, at No. 5 (Lot: 13 D/P: 1149, Lot 14 D/P: 1149) Scott Street, Leederville, and as shown on upper floor plan, loft floor plan, elevation A04 plan, section plan and overshadowing plan stamp- dated 24 September 2008, and site/ground floor plan and elevation plan A06 stamp-dated 9 October 2008 , for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the number of storeys, building height, street setback, outdoor living area for Unit 2, requirements of the Residential Design Codes and Policy No. 3.2.1 Residential Design Elements;*
 - (c) *the removal of the verge tree; and*
 - (d) *consideration of the objections received.*

**Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.*

COUNCIL DECISION ITEM 10.1.4

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

PROCEDURAL MOTION

Moved Cr Farrell, Seconded Cr Ker

That the item be DEFERRED at the request of the Applicant.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr Burns was absent from the Chamber and did not vote.)

Cr Burns returned to the Chamber at 6.52pm.

<i>Landowner:</i>	<i>D De Fiddes Pty Ltd</i>
<i>Applicant:</i>	<i>Rechichi Architects</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R 40</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Grouped Dwelling</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>1214 square metres</i>
<i>Access to Right of Way</i>	<i>Not applicable</i>

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single house and construction of four (4) three-storey grouped dwellings and two (2) single bedroom two-storey grouped dwellings on the subject property.

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>5 grouped dwellings or 8 single bedroom grouped dwellings R 40</i>	<i>4 grouped dwellings and 2 single bedroom grouped dwellings R 38</i>	<i>Noted.</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted.</i>
<i>Plot Ratio Area</i>	<i>Single Bedroom Grouped Dwellings= 70 square metres (subject to compliance with Single Bedroom Dwellings Policy 3.4.7)</i>	<i>Single Bedroom Dwellings (Units 1 and 2)= 90 square metres</i>	<i>Not supported- the scale of the single bedroom dwellings will unduly impact on the streetscape and amenity of the area.</i>

<p><i>Minimum Site Area</i></p>	<p><i>Grouped dwelling= 200 square metres</i></p> <p><i>Single bedroom grouped dwelling= 133.33 square metres</i></p>	<p><i>Units 3,4,5= 147.68 square metres</i></p> <p><i>Unit 1= 105.84 square metres</i></p> <p><i>Unit 2= 101.02 square metres</i></p>	<p><i>Supported- the proposed development complies with the average site area and the required open space. In addition, a communal space is provided which is not required by the Residential Design Codes for R40 sites. Therefore, the variation is supported.</i></p>
<p><i>Outdoor Living Area</i></p>	<p><i>Minimum area= 20 square metres</i></p> <p><i>Behind the street setback area</i></p> <p><i>2/3 of the required area without permanent roof</i></p> <p><i>Units 3,4,5= 13.3 square metres</i></p>	<p><i>Unit 1= 14.8 square metres</i></p> <p><i>Unit 2= 8.8 square metres</i></p> <p><i>Units 3,4,5= 15.2 square metres</i></p> <p><i>Units 1 and 2- within the street setback area</i></p> <p><i>Units 3,4 and 5= 9 square metres</i></p>	<p><i>Supported- the proposal abuts a common space area for the residents, which is not required under the Residential Design Codes. Given that there is a functional communal space and that the variation is minimal, the variation is supported.</i></p> <p><i>Not supported- the variation to the outdoor living area is too significant and does not abut the communal space area for the residents.</i></p> <p><i>Supported- the proposal abuts a common space area for the residents, which is not required under the Residential Design Codes. Given that there is a functional communal space and that the variation is minimal, the variation is supported.</i></p> <p><i>Supported- it will not unduly impact on the streetscape.</i></p> <p><i>Supported- as the uncovered area will abut the communal space which is uncovered.</i></p>

<p><i>Building Setbacks:</i></p> <p><u><i>Ground Floor</i></u></p> <p><i>Front-East-Scott Street</i></p> <p><i>North</i></p> <p><i>Boundary Wall Average Height= 3 metres</i></p> <p><i>Boundary wall to one side boundary only</i></p> <p><i>West</i></p> <p><i>Boundary wall- Average Height= 3 metres</i></p> <p><i>Boundary wall to one side boundary only</i></p>	<p><i>4.835 metres</i></p> <p><i>1.5 metres</i></p> <p><i>Average height= 3.092</i></p> <p><i>Boundary walls to two side boundaries</i></p> <p><i>3.074 metres</i></p> <p><i>Boundary walls to two side boundaries</i></p>	<p><i>Building= 4 metres</i> <i>Garage= 6 metres</i></p> <p><i>Nil to 4.7 metres</i></p> <p><i>Average height= 3.092</i></p> <p><i>Boundary walls to two side boundaries</i></p> <p><i>3.074 metres</i></p> <p><i>Boundary walls to two side boundaries</i></p>	<p><i>Not supported- refer to "Comments" below.</i></p> <p><i>Supported- as the building will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.</i></p> <p><i>Not supported- undue impact on the adjoining property. If this application is supported, then a condition of planning approval is for the boundary wall to comply with the average height of 3 metres.</i></p> <p><i>Supported- both boundaries walls along the western and northern boundary will occupy less than 2/3 of the boundaries, they comply with the maximum height and the variation to the average height is minimal.</i></p> <p><i>Not supported- undue impact on the adjoining property. If this application is supported, then a condition of planning approval is for the boundary wall to comply with the average height of 3 metres.</i></p> <p><i>Supported- both boundaries walls along the western and northern boundary will occupy less than 2/3 of the boundaries, they comply with the maximum height, and the variation to the average height is minimal.</i></p>
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<i>First Floor</i>				
<i>Front-East-Scott Street</i>	<i>Building= 6.835 metres</i>	<i>6.835</i>	<i>Building= 6metres Balcony= 4 metres</i>	<i>Not supported- refer to "Comments" below.</i>
	<i>Balcony= 5.835 metres</i>	<i>5.835</i>		
<i>North</i>	<i>6.3 metres</i>		<i>1.5 metres to 7 metres</i>	<i>Supported- the wall facing the northern boundary is staggered with most of the wall being setback at 7 metres, and incorporates balconies, which provides a relief to the adjoining property. If the balconies were fully enclosed, then the required setback from the northern boundary would be 2.8 metres only. In this instance, the variation is supported.</i>
<i>West</i>	<i>2.1 metres</i>		<i>1.5 metres</i>	<i>Supported- the wall incorporates horizontal and vertical articulation which will reduce the visual impact on the adjoining western property. In this instance, the variation is supported.</i>
<i>South</i>	<i>6.3 metres</i>		<i>3.42 metres to 4.5 metres</i>	<i>Supported- the wall facing the northern boundary is staggered with most of the wall being setback at 4.5 metres, and incorporates balconies which provides a visual relief to the adjoining property. If the balconies were fully enclosed, then the required setback from the southern boundary would be 2.8 metres only. In this instance, the variation is supported.</i>

<u>Second Floor</u>	<i>Building=6.835 metres</i>	<i>3.42 metres to 4.5 metres</i>	<i>Not supported- refer to "Comments" below.</i>
<i>East-Front-Scott Street</i>	<i>7.7 metres</i>	<i>1.5 metres to 7 metres</i>	<i>Supported- only 5.5 metres of the wall will be 1.5 metres and the wall stepped to 7 metres. Therefore, the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.</i>
<i>North</i>			
<i>West</i>	<i>4.4 metres</i>	<i>1.5 metres to 3 metres</i>	<i>Supported- the wall is of different heights and is staggered. Therefore, the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.</i>
<i>Number of Storeys</i>	<i>Two Storeys</i>	<i>Three Storeys</i>	<i>Not supported- refer to "Comments" below.</i>
<i>Building Height</i>	<i>7 metres</i>	<i>8.5 metres</i>	<i>Not supported- refer to "Comments" below.</i>
<i>Privacy Setbacks</i>	<i>Terrace/Balcony= 7.5 metres</i> <i>Room other than bedroom= 6 metres</i>	<i>Terraces/Balconies to Units 3,4,5 (first floor) = 7 metres to northern boundary (inadequate screening)</i> <i>Terrace/Balcony to Unit 6 (first floor) = 1.7 metres to northern boundary (inadequate screening)</i> <i>Terrace/Balcony to Unit 1 (first floor)= 2.2 metres to northern boundary (inadequate screening)</i> <i>Terraces/Balconies to Units 3,4,5 and 6 (first floor)= 4.5 metres to southern boundary (inadequate screening)</i>	<i>Not supported- undue impact on neighbouring property, and terraces/balconies should be screened if proposal is supported.</i> <i>Not supported- undue impact on neighbouring property, and terrace/balcony should be screened if proposal is supported.</i> <i>Not supported- undue impact on neighbouring property, and terrace/balcony should be screened if proposal is supported.</i> <i>Not supported- undue impact on neighbouring property, and terraces/balconies should be screened if proposal is supported.</i>

		<p><i>Terrace/Balcony to Unit 2 (first floor)= 3.42 metres to southern boundary (inadequate screening)</i></p> <p><i>Living room window to Unit 6 (first floor)= 2 metres to western boundary</i></p> <p><i>Terrace to Unit 6 (second floor)= 1.5 metres to northern boundary (inadequate screening)</i></p> <p><i>Terrace to Unit 6 (second floor)= 1.5 metres to southern boundary (inadequate screening)</i></p>	<p><i>Not supported- undue impact on neighbouring property, and terrace/balcony should be screened if proposal is supported.</i></p> <p><i>Not supported- undue impact on neighbouring property, and living room window should be screened if proposal is supported.</i></p> <p><i>Not supported- undue impact on neighbouring property, and terrace should be screened if proposal is supported.</i></p> <p><i>Not supported- undue impact on neighbouring property, and terrace should be screened if proposal is supported.</i></p>
<i>Store</i>	<i>Minimum dimension of 1.5 metres and a minimum internal area of 4 square metres</i>	<i>Stores 3,4,5 and 6= 2.89 square metres</i>	<i>Not supported-the areas are considered inadequate for the needs of the future residents. If this proposal is supported, then as a condition of planning approval, the applicant will require to comply with the required dimension and area.</i>
<i>Front Entry Statement</i>	<i>Maximum height of piers to be 2 metres with capping</i>	<i>Height of 2.7 metres to 2.9 metres</i>	<i>Not supported - as the structure would result in undue impact on the streetscape.</i>
<i>Front Walls and Gates</i>	<i>A minimum of fifty per cent visually permeable 1.2 metres above natural ground level</i>	<i>Inadequate details to show that side walls within the front setbacks comply with this requirement.</i>	<i>Not supported- given there is no specific details about the proposed side front walls; therefore, if this application is supported, then as a condition of planning approval, the front wall will require to comply with the fifty per cent visually permeability 1.2 metres above natural ground level.</i>

<p><i>Driveway</i></p>	<p><i>No closer than 0.5 metre to a side boundary</i></p> <p><i>Driveways in aggregate no greater than 9 metres for any one property</i></p>	<p><i>Nil to 0.3 metre to the southern boundary</i></p> <p><i>9.6 metres</i></p>	<p><i>Supported- no undue impact on the adjoining property and the driveway will not unduly affect the streetscape.</i></p> <p><i>Supported- the driveways occupy less than forty per cent of the frontage and the variation is minimal; therefore, it will not unduly affect the streetscape.</i></p>
<p><i>Trees</i></p>	<p><i>No street verge trees to be removed</i></p>	<p><i>Street verge tree to be removed</i></p>	<p><i>Not supported- refer to "Comments-Technical Services" below.</i></p>
<p><i>Fence</i></p>	<p><i>Dividing Fence= 1.8 metres</i></p>	<p><i>2.4 metres</i></p>	<p><i>Not supported- undue visual impact on the adjoining property. Dividing fence should comply with 1.8 metres if proposal is supported.</i></p>
<p><i>Consultation Submissions</i></p>			
<p><i>Support</i></p>	<p><i>Nil</i></p>	<p><i>Noted.</i></p>	
<p><i>Objection (7)</i></p>	<p><i>Density</i></p> <p><i>The development does not comply with the required density of R40.</i></p> <p><i>Storeys and Height</i></p> <p><i>The proposed three storey and height are out of character with the surrounding area.</i></p> <p><i>Minimum Site Area</i></p> <p><i>Object to variation to minimum site area.</i></p> <p><i>Setbacks</i></p> <p><i>Setbacks will impact on the adjoining properties.</i></p> <p><i>Privacy</i></p> <p><i>Overlooking will impact on the adjoining neighbours.</i></p>	<p><i>Not supported- the proposal complies with the required density as shown in the Assessment Table above.</i></p> <p><i>Supported- refer to "Comments" below.</i></p> <p><i>Not Supported- refer to comments in the Assessment Table above.</i></p> <p><i>Not supported- boundary side setbacks are addressed above. However, variations to the front setbacks are not supported.</i></p> <p><i>Supported- refer to comments in Assessment Table above.</i></p>	

	<p><i>Parking</i></p> <p><i>The proposal will increase parking and traffic demand on Scott Street.</i></p> <p><i>Communal Area</i></p> <p><i>The communal area may be conducive to anti-social behaviour.</i></p> <p><i>Devaluation of property</i></p> <p><i>There will be devaluation of adjoining properties if this application is supported.</i></p>	<p><i>Not supported- the proposal complies with the parking requirements.</i></p> <p><i>Not supported- the future residents will have to comply with the Noise Regulations and abide by the strata by-laws in terms of behaviour.</i></p> <p><i>Not supported- it is not a planning issue.</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>Sustainability 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:

Demolition

The subject place at No. 5 Scott Street, Leederville is a brick and tile Federation Bungalow with Inter-war influences built circa 1910. The dwelling is constructed on limestone footings and has a hipped-gable roof form with a front gable with timber battens over the front protruding room. The front facade of the dwelling features brickwork to sill height and is rendered above. Distinct stone banding is featured along the brickwork and on the render above.

The dwelling sits across two lots positioned mostly on the southern lot with the northern lot accommodating expansive lawn and a brick garage with a gabled roof to the rear. Evidence indicates that the dwelling was one of the first constructed along Scott Street and was first occupied by Mr H Groth. Mr Francis Lawrence is listed as occupying the dwelling throughout the 1930s. Mr Tony Maiorana was in residence in the 1940s, and believed to also be the owner at that time as two City of Perth Building Licences were issued to Mr Maiorana for alterations and additions in 1945 and 1948 respectively.

A full Heritage Assessment was undertaken for No. 5 Scott Street, Leederville which indicates that the place has little aesthetic, historic, scientific or social heritage significance. The Heritage Assessment is included as an attachment to the report. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

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

Redevelopment

Street Setback

The applicant has provided justifications for the variation to the front setback, which is "Laid on the Table". One of the justifications is as follows:

"Those variations ranging from nil setback on the corner lots which bookend the streetscape to 6 metres on one of the adjoining lots conclude us to form the opinion that a clear and definitive alignment of housing setback does not exist and therefore the Towns assessment of an average setback of 4.8 m as an appropriate setback is being adhered to. In that regard our proposal proposes an average setback of 5.0 m at ground floor and 6.85 m to the upper floor and therefore remains compliant with the setback requirements (save for the upper floor balconies and terraces which are setback at 4.0 m)."

The applicant has averaged the setbacks of the building to get an on-site average of 5 metres and 6.85 metres for the ground floor and first/second floor respectively. This argument is not supported as the front setback is not assessed as an average setback. The whole building is to comply with the required setback as per Clause SADC 5(a), (b) and (c) of the Residential Design Elements. Therefore it is considered that the variation to the setback cannot be supported as it will unduly impact on the streetscape.

Number of Storeys and Height

The applicant has provided justification for the variation to the number of storeys and height, which is "Laid on the Table". The applicant has submitted plan (Plan A04) demonstrating that if a pitched roof were provided, then the proposal would comply with the required height of 9 metres.

The proposal is for three storey with concealed roof. If the building had a pitched roof (as shown on Plan A04), then the wall height of subject Unit 6 would be 6.1 metres and the pitched roof would be 9.1 metres. Other units would have complied with the external wall height of 6 metres and pitched roof of 9 metres. However, given that the proposal is for concealed roof and three storeys with a height of 8.5 metres, it will have an undue visual impact on the surrounding area. Therefore, the variation is not supported.

Crossovers

The location of the proposed crossover on the southern side of the property is not supported by the Town's Technical Services. The crossover clashes with both a tree worthy of retention, and a Western Power pole. The proposed narrowing of the crossover does not address these issues and renders the passing area at the entrance point unworkable.

The verge tree, Coral Gum, is the predominant street verge tree within Scott Street and the two verge trees form an integral part of the streetscape; therefore, should be retained as per Town's Policy No. 2.1.2-Street Trees. Any vehicle crossovers to be constructed will need to incorporate the retention of these two street trees.

Given the above, Technical Services do not support the location of the crossover and the removal of the verge tree.

Conclusion

The variations to the number of storeys, building height, street setbacks, outdoor living area for Unit 2 and removal of the verge tree will unduly impact on the amenity of the surrounding area. The three storeys is not compatible with the scale of development in the immediate area. On this basis, the redevelopment proposal is recommended for refusal."

9.1.6 No. 350 (Lot: 33 D/P: 1197) Lord Street, Highgate, - Proposed Change of Use from Single Bedroom Grouped Dwelling to Unlisted Use (Short Term Accommodation)

Ward:	South	Date:	10 November 2008
Precinct:	Banks; P 15	File Ref:	PRO2110; 5.2008.372.1
Attachments:	001		
Reporting Officer(s):	E Storm		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner P E Bolland, G A Taylor & S J Bolland for proposed Change of Use from Single Bedroom Grouped Dwelling to Unlisted Use (Short Term Accommodation) at No. 350 (Lot: 33 D/P: 1197) Lord Street, Highgate, and as shown on plans stamp-dated 11 August 2008 , subject to the following conditions:

- (i) *prior to the first occupation of the development, the following shall be submitted to and approved by the Town:*
 - (a) *Business Management Plan addressing the following issues:*
 - (1) *agreement arrangements between the owner of the property and the tenants;*
 - (2) *control of noise and other disturbances;*
 - (3) *complaint management procedure;*
 - (4) *security of guests, residents and visitors;*
 - (5) *elimination of anti-social behaviour and the potential conflict between short term residents and long term residents of the area;*
 - (6) *compliance with the Towns waste management requirements; and*
 - (7) *an on-going maintenance and servicing strategy to ensure an adequate standard of health and sanitary facilities, and visual amenity, while minimising comings and goings from the property;*
 - (b) *a Car Parking Management Plan including:*
 - (1) *a commitment to advising occupiers of the premise, verbally and in writing, of the negative impact that inappropriate car parking can have on long term residents. Details are to include any relevant car parking restrictions applicable to the area in relation to parking vehicles on surrounding properties and within the streets, and instructions that parking of vehicles on the verge is not permitted; and*
 - (c) *architectural drawings and building assessment report (BCA), which are prepared by a qualified Practising Building Consultant, demonstrating the building complying with the Building Code of Australia (BCA) requirements for a class 1B Building;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*

- (iii) *the maximum number of people being accommodated shall be limited to two (2) adults and one (1) child at any one time; and*
- (iv) *this approval for short term accommodation is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Council prior to continuation of the use.*

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Youngman

That a new clause (i)(d) be added as follows:

“(i)(d) a sign not exceeding 0.2 square metre in area to the satisfaction of the Chief Executive Officer being provided on-site and clearly visible from the right of way stating that the car parking for unit 3 is for the exclusive use of the occupiers of unit 3.”

Debate ensued.

AMENDMENT NO 1 PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Doran-Wu on approved leave of absence.)

Debate ensued.

AMENDMENT NO 2

Moved Cr Youngman, Seconded Cr Lake

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

“(iii) the maximum number of people being accommodated shall be limited to two (2) adults and one (1) child or one (1) adult and two (2) children at any one time; and”

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED (5-2)

For
Presiding Member, D/Mayor Cr Farrell
Cr Ker
Cr Lake
Cr Maier
Cr Youngman

Against
Cr Burns
Cr Messina

(Mayor Catania was an apology for the meeting. Cr Doran-Wu on approved leave of absence.)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (6-1)

<u>For</u>	<u>Against</u>
Presiding Member, D/Mayor Cr Farrell	Cr Ker
Cr Burns	
Cr Lake	
Cr Messina	
Cr Maier	
Cr Youngman	

(Mayor Catania was an apology for the meeting. Cr Doran-Wu on approved leave of absence.)

COUNCIL DECISION ITEM 9.1.6

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner P E Bolland, G A Taylor & S J Bolland for proposed Change of Use from Single Bedroom Grouped Dwelling to Unlisted Use (Short Term Accommodation) at No. 350 (Lot: 33 D/P: 1197) Lord Street, Highgate, and as shown on plans stamp-dated 11 August 2008 , subject to the following conditions:

- (i) *prior to the first occupation of the development, the following shall be submitted to and approved by the Town:*
 - (a) *Business Management Plan addressing the following issues:*
 - (1) *agreement arrangements between the owner of the property and the tenants;*
 - (2) *control of noise and other disturbances;*
 - (3) *complaint management procedure;*
 - (4) *security of guests, residents and visitors;*
 - (5) *elimination of anti-social behaviour and the potential conflict between short term residents and long term residents of the area;*
 - (6) *compliance with the Towns waste management requirements; and*
 - (7) *an on-going maintenance and servicing strategy to ensure an adequate standard of health and sanitary facilities, and visual amenity, while minimising comings and goings from the property;*
 - (b) *a Car Parking Management Plan including:*
 - (1) *a commitment to advising occupiers of the premise, verbally and in writing, of the negative impact that inappropriate car parking can have on long term residents. Details are to include any relevant car parking restrictions applicable to the area in relation to parking vehicles on surrounding properties and within the streets, and instructions that parking of vehicles on the verge is not permitted;*
 - (c) *architectural drawings and building assessment report (BCA), which are prepared by a qualified Practising Building Consultant, demonstrating the building complying with the Building Code of Australia (BCA) requirements for a class 1B Building; and*
 - (d) *a sign not exceeding 0.2 square metre in area to the satisfaction of the Chief Executive Officer being provided on-site and clearly visible from the right of way stating that the car parking for unit 3 is for the exclusive use of the occupiers of unit 3;*

- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *the maximum number of people being accommodated shall be limited to two (2) adults and one (1) child or one (1) adult and two (2) children at any one time; and*
- (iv) *this approval for short term accommodation is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Council prior to continuation of the use.*

Landowner:	P E Bolland & G A Taylor & S J Bolland
Applicant:	P E Bolland & G A Taylor
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Single Bedroom Dwelling
Use Class:	Unlisted Use (Short Term Accommodation)
Use Classification:	"SA"
Lot Area:	557 square metres
Access to Right of Way	South Eastern Side, 4 metres wide, Sealed, Town owned

BACKGROUND:

26 September 2006 The Council at its Ordinary Meeting conditionally approved the application for demolition of existing single house and construction of two (2) grouped dwellings and one (1) single bedroom dwelling at the subject site.

DETAILS:

The proposal involves the change of use from single bedroom dwelling to short term accommodation at the subject property.

ASSESSMENT:

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

* 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 proposal is considered acceptable given its limited scale, nature and impact on the amenity of the surrounding area. It is also noted that no objections were received by the Town in relation to the proposal during the community consultation period. The facility will operate similar to a home occupation, as the applicants own and reside at the front unit on the site, resulting in a high level of supervision of the short term accommodation facility. The proposal complies with the car parking requirements for a single bedroom short term accommodation facility.

A one year restriction will be placed on the business in order to control the operation of the short term accommodation.

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

The Chief Executive Officer advised that Cr Messina declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is a director and shareholder of the North Perth Community Bendigo Bank in which the Town has shares.

The Chief Executive Officer also advised that Cr Burns and Cr Messina had declared a financial interest in Item 9.3.1. They departed the Chamber at 7.07pm and did not speak or vote on this matter.

9.3.1 Investment Report as at 31 October 2008

Ward:	Both	Date:	4 November 2008
Precinct:	All	File Ref:	FIN0033
Attachments:	001		
Reporting Officer(s):	B Wong		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 October 2008 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

MOTION PUT AND CARRIED (5-0)

(Mayor Catania was an apology for the meeting. Cr Doran-Wu on approved leave of absence. Cr Burns and Cr Messina were absent from the Chamber and did vote on this matter.)

Cr Messina returned to the Chamber at 7.09pm.

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 9.3.1.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.2.4.

DETAILS:

Total Investments for the period ended 31 October 2008 were \$17,473,156 compared with \$18,632,734 at 30 September 2008. At 31 October 2007, \$18,485,726 was invested.

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

	Budget	Actual	%
	\$	\$	
Municipal	650,000	190,763	29.35
Reserve	485,710	200,951	41.37

COMMENT:

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

The report comprises:

Investment Report
Investment Fund Summary
Investment Earnings Performance
Percentage of Funds Invested
Graphs.

9.4.1 Town of Vincent Town Planning Scheme No. 1 – Authorisation of Officers to Enter and Inspect Premises (Clause 52)

Ward:	Both	Date:	10 November 2008
Precinct:	All	File Ref:	ADM0018
Attachments:	-		
Reporting Officer(s):	N Wellington, R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) ***AUTHORISES the following officers of the Town of Vincent, pursuant to and for the purposes of Clause 52 of the Town of Vincent Town Planning Scheme No. 1:***

- (a) ***John Giorgi;***
- (b) ***Robert Boardman;***
- (c) ***Desmond Abel;***
- (d) ***Rasaratnam Rasiah;***
- (e) ***Remajee Narroo;***
- (f) ***Donald Bothwell;***
- (g) ***Daniella Pirone;***
- (h) ***Susannah Kendall;***
- (i) ***Emma Storm;***
- (j) ***Alice Reynolds;***
- (k) ***Janelle Pirone;***
- (l) ***Clare Roszak;***
- (m) ***Yolanda Millar;***
- (n) ***Helen Smith;***
- (o) ***Elyse Saraceni;***
- (p) ***Rachel Marie;***
- (q) ***Amanda Fox;***
- (r) ***Victoria Woodhouse;***
- (s) ***Ho Ping Au;***
- (t) ***Ba-Hoa Tran;***
- (u) ***Dennis Barrett;***
- (v) ***Paul Bennett; and***
- (w) ***Nadine Wellington; and***

(ii) ***APPROVES BY AN ABSOLUTE MAJORITY, pursuant to clause 49 of the Town of Vincent Town Planning Scheme No. 1 and Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, the following delegation of the exercise of its powers and duties to the Chief Executive Officer:***

<i>No.</i>	<i>Directorate/ Section</i>	<i>Description of Council Function Delegated to the Chief Executive Officer from Council</i>	<i>CEO delegates to:</i>	<i>Conditions</i>
10	<i>Chief Executive Officer</i>	<p><i>Authority to appoint to Authorise Persons or class of persons to perform functions under the following Acts, Regulations, Local Laws and Town Planning Scheme No. 1, including but not limited to the following:</i></p> <p><i>Local Government Act 1995; Local Government (Miscellaneous Provisions) Act 1960 including the appointment of authorised persons under section 245A of the Act; Dog Act 1976 and Regulations; Bushfire Act 1954 and Regulations; Control of Vehicles (Off Road Areas) Act and Regulations; Litter Act 1979 and Regulations. Health Act 1911. Town Planning Scheme No. 1 – clause 52.</i></p>	Nil	<ul style="list-style-type: none"> • <i>The following persons or classes of persons are authorised for this delegation;</i> <i>DDS MR&CSS MPBH MHS MPS MEDS MEO Co-ordinator-Prosecution Officer Co-ordinator-Ranger Services Co-ordinator-Statutory Processes Senior Ranger Rangers Environmental Health Officers Compliance Officer Co-ordinator Building Services Building Surveyors Planning Officers Parks Technical Officers Engineering Technical Officers Parks Supervisors/ Engineering Supervisors</i>

COUNCIL DECISION ITEM 9.4.1

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

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

(Mayor Catania was an apology for the meeting. Cr Doran-Wu on approved leave of absence. Cr Burns was absent from the Chamber.)

PURPOSE OF REPORT:

To seek authorisation for the Town's Officers to enter land and buildings within the Town, at reasonable times, for the purpose of ascertaining whether the provisions of the Town of Vincent Town Planning Scheme No. 1 (TPS No. 1) are being observed.

The authority to enter land is an essential part of the Officers duties to investigate and collect physical evidence if necessary which can then be admissible and enforceable in a court of law.

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

Clause 49 of the TPS No. 1 states:

“49 DELEGATION

The Council may, either generally or in a particular case or in a particular class of cases, by resolution passed by an absolute majority of the Council, delegate to –

(a) a Committee of the Council; or

(b) an officer of the Council,

any power conferred or duly imposed on the Council under this Scheme.”

Clause 52 of the TPS No. 1 states:

“52 AUTHORISED ENTRY

(1) An officer authorised by the Council may, with any assistance required, enter at any reasonable time any building or land to determine whether the provisions of this Scheme have been or are being observed.

(2) An authorised officer exercising the power of entry under subclause (1) or any other person accompanying an authorized officer who –

(a) finds a person committing; or

(b) on reasonable grounds suspects a person of having committed;

a breach of a provision of this Scheme, may ask that person for his or her name and address.

(3) A person who –

(a) in any way opposes the exercise of an authorised officer's power of entry; or

(b) when asked to do so under subclause (2), refuses to state his or her name or address or states a false name or address;

commits an offence.

(4) A person who gives or is suspected of giving a false name or address to the person making the enquiry under subclause (2) may, without any other warrant, be apprehended by the person making the demand and taken before a Justice to be dealt with according to law.”

STRATEGIC IMPLICATIONS:

This matter is in accordance with the Town’s Strategic Plan 2006-2011 – Action 4.1.2 “Manage the organisation in a responsible, efficient and accountable manner.”

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town has recently received advice from its lawyers that at present no Officer has been legally authorised for the purpose of clause 52 of TPS No. 1. Accordingly, it is recommended that the Council authorises the relevant Officers of the Town of Vincent pursuant to and for the purposes of clause 52 of TPS No. 1.

In addition, it is recommended that the Council, pursuant to clause 49 of TPS No. 1 and the Local Government Act 1995, delegates authority to the Chief Executive Officer to authorise a person or class of persons, such as new Officers of the Town, to lawfully enter and inspect land and buildings within the Town, at reasonable times, for the purposes of clause 52 of the Scheme.

9.4.4 Information Bulletin

Ward:	-	Date:	12 November 2008
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Radici		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 18 November 2008, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 9.4.4

Moved Cr Ker, Seconded Cr Youngman

That the recommendation be adopted.

Cr Burns returned to the Chamber at 7.10pm.

Debate ensued.

MOTION PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Doran-Wu on approved leave of absence.)

DETAILS:

The items included in the Information Bulletin dated 18 November 2008 are as follows:

ITEM	DESCRIPTION
IB01	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/281 of 2008 – Metropolitan Project Management Pty Ltd v Town of Vincent (No. 13 (Lot 15) Melrose Street, Leederville)

10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

12.1 WALGA Nominations – WA Local Government Grants Commission; Local Government Self Insurance Schemes Board; Local Government Standards Panel

Ward:	-	Date:	6 November 2008
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 Metropolitan Commissioner - WA Local Government Grants Commission (Approval by Minister) (Panel of 6 names);*
- (ii) _____ *be nominated as WALGA Metropolitan Deputy Commissioner - WA Local Government Grants Commission (Approval by Minister) (Panel of 6 names);*
- (iii) _____ *be nominated as WALGA Elected Member (of a Scheme Member Council) - Local Government Self Insurance Schemes Board (1);*
- (iv) _____ *be nominated as WALGA Senior Officer (of a Scheme Member Council) - Local Government Self Insurance Schemes Board (1);*
- (v) _____ *be nominated as WALGA Member - Local Government Standards Panel (Ministerial Appointment - Panel of 9 names requested); and*
- (vi) _____ *be nominated as WALGA Deputy Member - Local Government Standards Panel (Ministerial Appointment - Panel of 9 names requested).*

The Presiding Member, Deputy Mayor Steed Farrell called for nominations, however none were received.

COUNCIL DECISION ITEM 12.1

Moved Cr Ker, Seconded Cr Messina

That no nominations be made.

MOTION PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Doran-Wu on approved leave of absence.)

DETAILS:

Please see Appendix 12.1 for further details of this Committee.

N.B.:

NOMINATIONS CLOSE 4PM WEDNESDAY 19 NOVEMBER 2008

13. URGENT BUSINESS

Nil.

PROCEDURAL MOTION

At 7.23pm **Moved Cr Ker, Seconded Cr Burns**

That Council proceed “behind closed doors” to consider confidential item 14.1 as this matter affects an employee.

PROCEDURAL MOTION PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Doran-Wu on approved leave of absence.)

14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)

14.1 Confidential Report – Proposed Amendment to Policy 5.5.10 – Recognition of Employees and Retirement Payment to an Employee

Ward:	-	Date:	12 November 2008
Precinct:	-	File Ref:	ORG0023
Attachments:	-		
Reporting Officer(s):	A Smith, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) **APPROVES** the amendment to clause 5 of Policy No 5.5.10 – Recognition of Employees as shown below; and

“5.3 In the circumstances where an employee (who is entitled to a retirement presentation) deceases whilst in the employ of the Town, the Chief Executive Officer is authorised to apply clauses 5.1 and 5.2 of the Policy.”

(ii) **APPROVES BY AN ABSOLUTE MAJORITY** a retirement payment of \$1,870 to the wife of the late David Hoy; and

(iii) **NOTES** that the policy amendment will not be advertised, as it relates to Town employees only and does not involve the community.

At 7.23pm the Minutes Secretaries A. Radici and D. Kitson departed the Chamber and did not return to the Meeting.

COUNCIL DECISION ITEM 14.1

Moved Cr Maier, Seconded Cr Burns

That the recommendation be adopted.

MOTION PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Doran-Wu on approved leave of absence.)

The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.

PURPOSE OF REPORT:

The purpose of this report is to seek Council's approval to amend clause 5 of existing Policy No: 5.5.10 – Recognition of Employees to allow the Chief Executive Officer discretion to approve retirement payments to be paid for an employee in case of death and to approve of a payment to the late David Hoy.

BACKGROUND:

At the Ordinary Meeting of Council held on 21 December 2004, the Council resolved to adopt the Human Resources Policy Manual.

DETAILS:

As advised at the Ordinary Meeting of Council held on 4 November 2008, sadly, David Hoy, Co-ordinator Parks Services a long time employee (32 years) peacefully passed away on Saturday 1 November 2008, after suffering a long illness with cancer.

David was employed by the Town since its inception in 1994 as the Supervisor of Parks Services and previously was employed as a leading hand in the tree maintenance section of the City of Perth, since 1976.

David was a gentleman in the true sense of the word and was extremely well respected amongst his colleagues. As you are aware the Town's Parks and Gardens are of an extremely high standard and this can be attributed in part to the dedicated Park's team led by David.

David was the recipient of the Town's Employee of the Month Award on several occasions, which is a testament to his dedication to the Town in providing a high level of customer service and assisting wherever possible up until two weeks ago.

David chose to continue working, even though he was ill, as he "*loved his job*".

If David had retired, due to ill health, he would have been entitled to receive an amount of \$1,870, in accordance with the Town's Policy.

The Chief Executive Officer and Director Technical Services are also investigating the possible naming of BBQ facilities at the Town's Works Depot, in honour of David Hoy. (David was very passionate about the Depot BBQ.

CONSULTATION/ADVERTISING:

Policies are generally advertised for a period of twenty-one (21) days seeking comments from the public, however as this policy relates to employees only and does not involve the community. It is the normal practice for policies involving the Town Human Resources and employees not to be advertised.

LEGAL/POLICY:

Policies are not legally enforceable, they provide guidance to the Town's Administration and Council Members when considering various matters.

The Town has a policy concerning this matter, Policy 5.5.10 – "Recognition of Employees".

The current policy does not allow for the retirement payment to be paid to an employee who may pass away whilst still being employed by the Town and who would have retired if they had survived.

The current policy states:

Retirement Presentation

"5.1 The following scale applies with effect from July 2008:

- (i) 10 to 30 years of completed service - \$44.35 per year;*
- (ii) 31 years or more of completed service - \$58.45 per year for each year after completion of the 30th year;*
- (iii) in the case of a Senior Employee (CEO/Directors), the presentation be calculated in accordance with (i) or (ii) above, whichever is applicable, plus an additional \$1,045;*

the rate be indexed annually by Consumer Price Index movements. Should the employee elect to receive payment in lieu of a gift, the Town will pay for the tax incurred as a result of that payment;

5.2 Any permanent employee who transferred direct from the City of Perth to the Town when the Town was created on 1 July 1994, will have their years of service calculated from their commencement date at the City of Perth;"

The proposed amendment is to add a new subclause 5.3 and renumber the remaining subclauses as follows:

"5.3 In the circumstances where an employee (who is entitled to a relevant presentation) deceases whilst in the employ of the Town, the Chief Executive Officer is authorised to apply clauses 5.1 and 5.2 of the policy."

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 - Key Result Area 4 – Leadership, Governance and Management –

"4.1.2 – Manage the organisation in a responsible, efficient and accountable manner".

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$1,870 is involved. This money will be paid from the Town's Park Services Operating Budget.

Cost savings will be achieved as part of the filling of the position, therefore there will be no additional expense to the Town.

COMMENTS:

It is recommended that the Council approve of the Officer recommendation.

PROCEDURAL MOTION

At 7.24pm **Moved Cr Burns, Seconded Cr Ker**

That an "open meeting" be resumed.

PROCEDURAL MOTION PUT AND CARRIED (7-0)

(Mayor Catania was an apology for the meeting. Cr Doran-Wu on approved leave of absence.)

15. CLOSURE

The Presiding Member, Deputy Mayor Steed Farrell, declared the meeting closed at 7.24pm with the following persons present:

Cr Steed Farrell (Acting Mayor)	Presiding Member, North Ward
Cr Anka Burns	South Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward

John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

No Members of the Public.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 18 November 2008.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2008