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(14 FEBRUARY 2006)

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 14 February 2006, commencing at 6.03pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Simon Chester	North Ward (from 6.05pm)
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward (from 6.14pm)
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary
Giovanni Torre	Journalist – Perth Voice (until 9.02pm)
Dan Hatch	Journalist – Guardian Express (until 8.40pm)

Approximately 35 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

Cr Chester entered the meeting at 6.05pm.

1. Mr Richard Polodna of 173 Vincent Street, West Perth - Item 10.1.27 - Stated that he is willing to make the suggested modifications to gain approval. Advised that at the final inspection they were advised that the fence in question was within the scope of the policy as it applied to the project on Vincent Street however, it constituted a change to the original DA therefore required a Council vote. Stated that the reason for screening into the outdoor living area ensures the security, privacy and some noise reduction for our family. Thanked the Councillors for taking the time to discuss the situation with him, and working towards a practical resolution.

2. Ms Pamela Whittaker of 83 Marlow Street, Wembley - Item 10.1.39 - Provided an update on the Department of Health's actions to date. Advised Department of Health has agreed to several changes such as the number of residents reduced from 20 to 16, no more than 2 people per room down from 4, minimum staffing levels, operational limit of 3 years only from occupation as a condition of planning approval, establishment of a Community Advisory Committee, construction of new fencing, creation of a designated smoking and non-smoking area, curfew on areas immediately adjacent to residential properties. Hopes that the Department's compliance including additional community consultation and the scaling down of the project will allow the Town to retain its original endorsement of the whole Mt Hawthorn house proposal.
3. Mr Jeff Pow, Coordinator of the Residents Advocacy Group, of 77 Fairfield Street, Mt Hawthorn - Item 10.1.39 - Believes that the public Forum was long overdue. Questioned why Mental Health consumers had a place on this committee but no local community representation. Stated that the community did get to voice its diversity opinion and concerns, but as the forum ran out of time, many questions did not get answered and no written questions were read out. Advised that the Residents Advocacy Group proposed the immediate formation of a stakeholder committee of some form at the Forum and requested the Office of Mental Health and the Health Department to halt the current process of seeking approval for their proposal whilst this committee is formed, and until it makes its recommendations. Expressed the Group's gratitude and thanks to those Councillors who have listened to them, shared their vision and supported them. Looks forward to a just process going forward with a common agenda of mental health care excellence.

Cr Chester departed the Chamber at 6.12pm.

Cr Chester returned to the Chamber at 6.13pm.

Cr Torre entered the meeting at 6.14pm.

4. Dr Ann Hodge, Clinical Director for Mental Health in the Adult Program, from Osborne Park Hospital Campus - Item 10.1.39

Stated that Hawthorn House is not a home nor is it permanent accommodation. Advised that it is a transition phase which will allow people to get back on their feet and with an intense program, move forward to their own accommodation. Referred to the Clinical Advisory Group and advised that she welcomes an opportunity to work with the community as she has worked with the community before and has found it a very useful experience. Believes that collaboration involves an equal partnership in what we believe as a community and as people employed because of their expertise in health matters to give good advice to Minister and the Government as to what should happen in terms of service delivery. Welcomes the opportunity to have both the Town of Vincent and the local community to be partners with them.
5. Ms Noreen Flynn from Carers WA, Mt Lawley - Item 10.1.39 - Advised that she had been asked by family carers to attend the meeting to express the importance of this facility to them in terms of community facilities for families. Stated that most of us will have to look after somebody with an illness or a disability at some point in our lives, and these people are part of our community and asked that there be no further delays so that this facility can go ahead.

6. Mr George Ilias of 79 Fairfield Street, Mt Hawthorn - Item 10.1.39 - Stated that he lives right next door to the hospital. Stated that they have never asked what they want, but rather told what they are going to do with it. Stated that this is not consultation.
7. Ms Deborah Nelson of 26 Shan Street, Floreat - Item 10.1.39 - Advised that she is the Nursing Director, North Metropolitan Area Health Service and the Chair of the Hawthorn House Project Working Group. Provided Council with information regarding the service model to be used at Hawthorn House and detail around comparable services. Advised that Residents at Hawthorn House will have already been treated for the acute part of their illness and will be receiving assistance with the final stages of their recovery and will include symptom management, budgeting and promotion at purposeful occupation including constructive use of recreational time. Stated that Hawthorn House will also have an extremely high staff ratio to residents, including trained day nurses, a full time physiatrist, a medical officer, social worker, welfare officer and occupational therapist. Advised that Staff will be on site 24 hours and can be contacted at any time by local community members. Further advised that tailored plans will be developed for each resident that will meet their needs and ensure the greatest possible opportunity for their full recovery. Urged Council to support Hawthorn House and the much needed services it will provide.
8. Mr Duncan Paton, 24 Daphne Street, North Perth - Item 10.1.28 - Stated that the existing house is not practical for a family and that it is effectively at the end of its design life. Advised that the property is not listed on the Council's Municipal Inventory, is not listed on the State Register of Heritage Places, is not classified by the National Trust and the Council has not notified the owner of any intentions to add the place to the Municipal Inventory or Town Planning Scheme. Believes that the only objections have been about the demolition of the building on some civil matters to do with fencing. Advised that the new development will be in keeping with the existing house, eg gables, corrugated iron roof, finials and look of the existing area.
9. Mr Brian McGillivray of 59 French Street, Joondanna - Item 10.1.8 - Believes the lot size quoted in the report is partially correct, the block is actually comprised of two lots, lot 4, 5, 6 and lot 4 - the combined size of the lot is 817 sq metres, not the figure shown in the agenda. Referred to the building height and the concealed roof and as the height of the wall is much less than 7 metres, therefore qualifies under the R codes height limits. Advised that the proposed roof is significantly lower than a traditionally angular pitched roof, it is significantly less bulky from the street than an angular pitched roof, it is less bulky from the street elevation than a standard concealed roof would be with walls of 7 metres and it is visually lower than the roof of the adjoining property to the south.

10. Mr Charlie Garreffa of 49 Swanview Terrace, Maylands - Item 10.1.7 - Advised that they have revised the plans to meet the initial concerns of the neighbour regarding the parapet wall being too high, the garage being too long, too big and too high. Stated that the neighbour has again raised concerns with regards to the garage. Advised that the reason the garage is 0.6 longer than normal is because the floor level of the main house is four steps higher than the garage floor level and the steps protrude into the garage. Further advised that the existing 2 metre high side boundary brick wall has a 2.2 metre cyclone fence above it, total height being 4.2 metres and has been in place for over 20 years and Mr Okley who is a current neighbour has planted vines along it creating shade. Stated that this wall is to be reduced 1.2 metres over the entire length which will give our neighbours a much more open look and sunlight. Requested that Council approve the application.
11. Mr S Verma of 239 Beaufort Street, Perth - Item 10.1.6 - Advised that his property adjoins 241 Beaufort Street and the owner of the property wishes to build a conservatory on the roof terrace. State that his main objection is once it is built there is no way it can be cleaned and as they use that area as their only entertaining area, there has to be some sort of requirement that it can be cleaned. Believes that it would not be possible to use a cherry picker as the total height will be about 13-14 metre high and the pavement is approximately 14 metres away, therefore a huge crane would be required to clean the glass. Believes it would impair their visual amenity if it is unclean all the time. Stated that they are not objecting to the conservatory providing that it can be built in such a way that it can be cleaned.
12. Mr Michael Spartalis, Pharmacy, North Perth Shopping Centre - petition - Referred to a petition that has been submitted to Council regarding a proposed pharmacy at 4/12 Fitzgerald Street. Believes that with the already very stressed parking scenario in the North Perth Shopping Precinct, this would simply add a greater stress on parking in the area, particularly because there is no timed or ticketed parking. Advised that a video store originally occupied the site and the proposed pharmacy site will create a different level of traffic congestion. Believes that given there are three other pharmacies within 750 metres, there is going to be a compromising services to the elderly as they already provide delivery and general services.
13. *Personal information has been deleted from this page following a request from that person and in accordance with Policy 4.1.31 and therefore does not appear in the public on-line version of these minutes.*

Advised that he is very concerned about privacy. Requested Council to consider the compliance to the plot ratio, the set backs and the items detailed in his submission. Requested that should the proposal be approved, that the laneway not be blocked during development and that any windows facing his property be of frosted glass and non openable. Requested the opportunity for further consultation should this proposal be resubmitted. Further requested that Elected Members inspect the site and visit his house to look over how the current development would impact.

14. Ms Sophie Ognenis of 6 Doris Street, North Perth - Item 10.1.18 - Advised that their house is on a corner block and that there is a single crossover which begins 6 metres from the corner at the moment. Requested special consideration due to the odd triangular shape of the block. Advised that to comply, it would require the verge tree to be relocated or removed as well as having to relocate the carport to the position in front of the home, thus obscuring the view as well as diminishing the character appeal of the house. Requested that they be permitted to use the current single crossover but taper from the carport to the crossover as they currently do as this would mean the existing crossover can remain unchanged and the verge tree can be retained.
15. Ms Doc Hoa Chau of 22 Daphne Street, North Perth - Item 10.1.28 - Stated that they have concerns with overshadowing. Believes the development should comply with the residential design codes which require 1.5 metre side setback from the southern boundary for the ground floor, and 1.7 metre for the upper floor. Also believes that a retaining wall should be built to support the existing fence from leaning into No 24.
16. Mr Don Barba of 15 Daphne Street, North Perth - Item 10.1.31 - Stated that the residents of Daphne Street are surprised that this proposal would go ahead considering that the Town of Vincent encourages the use of ROW's for parking. Believes that the proposal would lead to increased traffic and Daphne Street is very narrow and parking on both sides is very difficult. Is concerned that the Morton Bay fig, which forms part of a feature in Daphne Street would be removed. Requested, as part of a group of residents in Daphne Street (15) that Council consider this matter very closely because of the amenities that are going to be lost and the also the beautification of the street.
17. Mr Jerry Strano, 80 Angove Street, North on behalf of his mother - Item 10.1.25 - Advised that his mother did not realise that a planning permission was required. Stated that Mrs Strano's husband of 38 years passed away last year and since then she has lived on her own, not speaking very good English and being housebound, Italian television has been a great comfort to her and made a great difference to the quality of her life. Advised the satellite dish is situated at the back of the property on the low slope and is not visible from Pansy Street. Stated that this matter has caused his mother a great deal of upset and distress and hopes the Council takes these matters into account when considering the application.
18. Mr Anthony Rechichi of 218 William Street, Northbridge - Item 10.1.17 - Advised that the four neighbours that are affected by this fence are all in support of what has been constructed and also they have gone out of their way to modify portions of the fence so that it is now more compliant than the Town standards. Believes there is no undue impact on the amenity to the streetscape. Stated that the performance criteria of the fence, as constructed, complies with the Town's policies. Requested the Council's consideration in accordance with the Officer's recommendation.

19. Mr Ben Dudley of 159 Palmerston Street, Perth - Item 10.1.30 - Believes that the proposal is consistent for a number of reasons, in particular it provides adequate parking screen from streets in adjacent residences and uses on-site parking that is to be accessed from a ROW. Stated that the Planning Officer's report notes that the locality plan states a limited number of non-residential uses are also appropriate and where they are not likely to cause any significant disturbance to adjacent residences. Believes the proposal is in fact consistent with many of the general objectives listed at the front of the Town Planning Scheme. Stated that 'undesirable precedent' is not legally relevant to the Council assessment of a proposal as each application is unique and must be assessed on its merits.
20. Mr Glen Zampatti of 69 Barlee Street, Mt Lawley - Item 10.1.30 - I lodged the application in August 2005. We undertook to satisfy the advertising requirements during January 2006 and by letter dated 14 December 2005 from the Town of Vincent we were advised that the proposed advertising period was acceptable. On this basis it would appear that this was acceptable that the process would be included some 5 months after we had lodged the application. We were only notified by a Planning Officer last Friday that the matter would be discussed at the Council meeting tonight. So after 5 months of no action, giving the public 21 days period in which to make their submissions, I am surprised that I am effectively only given 2 working days to reply. If the Council cannot support our application I would like the Council to defer their consideration of this matter in order to apply, so that I am given the same period as the public, 21 day period, during this time I would like to invite Council officers and Councillors to the premises to observe the office activities, the subject of the change use for this application and make their own decisions on the merits of the application with sufficient time to consider it.
21. Mr Terry Bush, ACB Consulting, representing the tenant of 6 London Street, North Perth - petition London Street - Advised that there are 372 signatures on the petition which is requesting that Council give due consideration to a current non-conforming use being continued. Stated that this item is due for the next Council meeting or the first in March and would like for the Councillors to take on board the thoughts of these 372 community members.
22. Ms Sandra Klarich on behalf of the owners of 306 Charles Street, North Perth - Item 10.1.32 - Requested the Council's consideration for this application for demolition which is based on a number of restricting factors clearly identifying the unsuitability of the property for single residential use, particularly by its physical and capital constraints. Believes that the officer's assessment has made no consideration for these constraints which have and will significantly affect the owner's ability to sell or utilise the property as zoned. Believes the historical significance of the property is predominately considered to be historical in association with the Browne's family, which should not impact upon the development of the site as considered by Robert Browne, who himself applied for the demolition of the original family home at 40 Albert Street, which has subsequently been granted demolition approval from the Council. Stated that the association with the Browne's family can be more appropriately dealt with by detailed on-site heritage interpretation feature and/or artwork that is visible from public domain which recognises the history of the site. Believes the retention of the building along with the application of a

density bonus will significantly affect the development of the site and the ability to provide suitable parking and setbacks required on a limited area as the house is centrally located on the site. Stated that the subject house is not listed on the Municipal Heritage Inventory and considering this the owner is requesting demolition of the building.

23. Ms Lynette Ingram of 516 Fitzgerald Street, North Perth - Item 14.2 - Addressed the following issues:

- Street front wall, Stated that they were under the impression the conditional planning approval granted in August 2003 was for a new 2100mm high faced brick fence indicated on the planning application drawing. Advised it was built the nearest 1800mm high brick coursing above the adjacent level footpath and apologised for any confusion that has arisen on this issue. Requested the Council reconsider this item and allow the existing, as constructed wall, to remain as it substantially complies with conditions as noted.
- Window to the games room - Advised that in the interests of resolution of this issue, they are prepared to screen the entire window to the games room on the upper level on the western elevation with a permanent obscure material and be non opening.
- The boundary wall to the games room garage - Advised that at the time of the wall construction they were experiencing an irretrievable breakdown in communication with the southern neighbour. Stated that the neighbour would not recognise the licensed surveyors boundary peg locations and raised potential damage to his nearby asbestos garage and to avoid further conflict, they built the boundary wall from the inside out without the need for scaffolding inside the neighbours property. Advised that t that time they moved the games room wall away from the contested boundary with a reasonable clearance being 210mm. Apologised for not seeking Council resolution and variation approval.

24. Mr Brian Callaghan of 69 Bourke Street, Leederville - Item 10.1.29 - Advised that this is an old corner shop, 100 years old, with a lot of potential and needs to be made useful and modernised to stop it from being bulldozed in the future. Stated that there are large windows on the front boundary which would compromise privacy if they were used for a living area and that he plans to make the living area at the rear of the house. Advised that the alfresco area flows into the courtyard, which flows into the car parking area which will double up as an entertainment area when the cars are removed and this will provide a feeling of openness. Stated that the neighbouring lot already has a parapet wall along this boundary and he thought it would be aesthetically okay to match it as this ROW services one single garage from 73 Bourke Street. Advised that moving the garage northward would impact on the size of the proposed courtyard and create some dead space.

25. Mr Martin Morgan of 514 Fitzgerald Street, North Perth - Item 14.2 - Stated that the Council supported the rectification of the building, in particular the parapet wall and the sealed obscured windows issue on the building in October 2005. Advised that the owners of 516 Fitzgerald Street have had three opportunities to come to the Council and speak to you, yet they chose not to and ignored you. Believes that the issues of a non-compliant parapet wall will have long term financial and building impacts for future buildings including maintenance issues and water damage from guttering that cannot be maintained. Stated that their request was for privacy and a parapet wall that ensures water is retained on 516 Fitzgerald Street. Requested that Council maintain what they supported in October 2005 and that they be given their rights, their privacy and limit the financial impacts of what has been done to them.
26. Mr Andrew Greenfield of 69 Barlee Street, Mt Lawley - Item 10.1.30 - Urged Council to support the recommendation of the Planning Officers as he has heard that they may seek another deferral. Advised that there has already been one deferral in 2003 regarding another planning application that came in at the eleventh hour and urged Council not to keep on deferring this matter, as a resolution is needed for once and for all.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania closed Public Question Time at 7.10pm.

Cr Farrell departed the Chamber at 7.10pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Ian Ker for Ordinary Meeting of Council to be held on 28 February 2006 for work reasons.

Moved Cr Chester, Seconded Cr Torre

That Cr Ker be granted leave of absence for the Ordinary Meeting of Council to be held on 28 February 2006 for work reasons.

CARRIED (8-0)

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

Cr Farrell returned to the Chamber at 7.12pm

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 The Chief Executive Officer advised that a petition had been received from Mr Joe Maio, Australian Lifestyle by Design, London Street, North Perth with 372 signatures supporting the retention of the existing non-conforming use as "Showroom/Open Air Display area" at Lot 22, 6 London Street, North Perth being a business selling and displaying gardening merchandise.

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

- 5.2 The Chief Executive Officer advised that a petition had been received from Dr Helen Vu, c/- Bulwer Medical Centre with 12 signatures supporting the development application for a Doctor's Surgery at No 28 Monger Street, Perth.

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

- 5.3 The Chief Executive Officer advised that a petition had been received from Mr Elias Oostveen and owners of properties in Eton Street, North Perth with 5 signatures supporting the front / street fences at 2, 4b, 4a and 6 Eton Street, North Perth

The Chief Executive Officer advised that Item 10.1.17 on tonight's Agenda relates to this matter.

- 5.4 The Chief Executive Officer advised that a petition had been received with 205 signatures objecting to the proposed ChemMart Pharmacy to be located at 412-414 Fitzgerald Street, North Perth for the following reasons:

- North Perth Shopping Precinct is already adequately served by three pharmacies, which have provided services to the area for many years.
- The additional pharmacy will result in increased congestion in the area.

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

Moved Cr Farrell, Seconded Cr Ker

That the petitions be received.

CARRIED (9-0)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Torre, Seconded Cr Farrell

That the Minutes of the:

- Ordinary Meeting of Council held on 17 January 2006 be confirmed as a true and correct record; and*
- Special Meeting of Council held on 1 February 2006 be confirmed as a true and correct record.*

CARRIED (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 QUEENS BATON RELAY

Mayor Catania advised that the Queens Baton Relay came through the Town on Saturday 11 February, stopping at Beatty Park Leisure Centre. The organisers reported that it was the biggest crowd they had received along the way. Mr Percy Oliver, the oldest living Olympian in Western Australia carried the Baton to Beatty Park. Beatty Park celebrated with an Open Day and a sausage sizzle. The Mayor thanked everyone for their contribution for a most successful event.

7.2 CELEBRATION OF THE 90TH ANNIVERSARY OF ANZAC COTTAGE AND CONCERT IN THE PARK

Mayor Catania advised that there were two particular events held on the weekend to celebrate this anniversary. Anzac Cottage was built in one day on April 16, 1916. The anniversary was celebrated at Anzac House on Saturday evening.

There was a "Concert in the Park" held at Braithwaite Park and James Blundell performed. The event was very well attended with over 1,000 people attending. There was also a dramatic presentation about Anzac Cottage.

8. DECLARATION OF INTERESTS

8.1 Mayor Catania declared a financial interest in Item 10.4.3 - Policies - Amendments and Proposed New Policies - Clause (i)(a) - Investment Policy. The nature of his interest being that he is the Chairperson of the North Perth Community Bank.

8.2 Cr Messina declared a financial interest in Item 10.4.3 - Policies - Amendments and Proposed New Policies Clause (i)(a) - Investment Policy. The nature of his interest being that he is a Director and Shareholder of the North Perth Community Bank.

8.3 All Elected Members declared a financial interest in Item 10.4.3 - Policies - Amendments and Proposed New Policies - Clause (iii) relating to proposed Policy 4.2.8 - Acknowledgement of Service and Purchase of a Gift Upon Retirement - Elected Members. The nature of their interest being that they may be a recipient of a gift in the future.

The Chief Executive Officer advised that he would be writing to the Minister for Local Government to seek approval for Elected Members to participate in debate and vote at the meeting where this matter is considered and at any subsequent meeting.

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

Nil.

10. REPORTS

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

The Agenda Items were categorised as follows:

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

Items 10.1.27, 10.1.39, 10.1.28, 10.1.8, 10.1.7, 10.1.6, 10.1.5, 10.1.9, 10.1.18, 10.1.31, 10.1.25, 10.1.17, 10.1.30, 10.1.32 and 10.1.29

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

Items 10.3.2 and 10.4.6

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

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

Cr Chester	Items 10.1.3, 10.1.11, 10.1.12, 10.1.19, 10.2.1, 10.2.2 and 10.4.2
Cr Ker	Items 10.1.4, 10.1.10, 10.1.35 and 10.2.4
Cr Doran-Wu	Nil
Cr Torre	Item 10.1.1
Cr Lake	Nil
Cr Messina	Item 10.4.8
Cr Maier	Item 10.1.22
Mayor Catania	Nil

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

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

Item 10.4.3

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

Items 10.1.2, 10.1.13, 10.1.14, 10.1.15, 10.1.16, 10.1.20, 10.1.21, 10.1.23, 10.1.24, 10.1.26, 10.1.33, 10.1.34, 10.1.36, 10.1.37, 10.1.38, 10.2.3, 10.3.1, 10.3.3, 10.3.4, 10.4.1, 10.4.4, 10.4.5 and 10.4.7

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

Items 14.1 and 14.2

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

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

Items 10.1.2, 10.1.13, 10.1.14, 10.1.15, 10.1.16, 10.1.20, 10.1.21, 10.1.23, 10.1.24, 10.1.26, 10.1.33, 10.1.34, 10.1.36, 10.1.37, 10.1.38, 10.2.3, 10.3.1, 10.3.3, 10.3.4, 10.4.1, 10.4.4, 10.4.5 and 10.4.7

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

Items 10.1.27, 10.1.39, 10.1.28, 10.1.8, 10.1.7, 10.1.6, 10.1.5, 10.1.9, 10.1.18, 10.1.31, 10.1.25, 10.1.17, 10.1.30, 10.1.32 and 10.1.29

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

Moved Cr Maier, Seconded Cr Ker

That the following unopposed items be moved en bloc;

Items 10.1.2, 10.1.13, 10.1.14, 10.1.15, 10.1.16, 10.1.20, 10.1.21, 10.1.23, 10.1.24, 10.1.26, 10.1.33, 10.1.34, 10.1.36, 10.1.37, 10.1.38, 10.2.3, 10.3.1, 10.3.3, 10.3.4, 10.4.1, 10.4.4, 10.4.5 and 10.4.7

CARRIED (9-0)

10.1.2 No. 169 (Lot 14 D/P: 672) Harold Street, Highgate - Proposed Two-Storey (2) Single House

Ward:	South	Date:	6 February 2006
Precinct:	Hyde Park; P12	File Ref:	PRO3370; 5.2005.3260.1
Attachments:	001		
Reporting Officer(s):	B McKean		
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 K Broom on behalf of the owner B & S Busslinger for proposed Two-Storey (2) Single House, at No. 169 (Lot 14 D/P: 672) Harold Street, Highgate, and as shown on plans stamp-dated 4 November 2003, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Harold Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) first obtaining the consent of the owners of No. 171 Harold Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 171 Harold Street in a good and clean condition; and*

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

(a) *the driveway occupying a maximum of 40 per cent of the frontage of the property; and*

(b) *the eastern window to bedroom 1 on the southern 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. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002.*

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

COUNCIL DECISION ITEM 10.1.2

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	B & S Busslinger
Applicant:	K Broom
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:	407 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

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

The planning application for the proposed two storey single house at No. 167 Harold Street is designed and submitted concurrently by the same architect, and is the subject of a separate report on the Agenda. It is noted that the two properties at No.167 and No. 169 Harold Street are under different ownership.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Setbacks: Ground Floor- East	1.5 metres	1 metre - 1.6 metres	Supported - variation is considered minor, do not have an undue impact on affected neighbour and no objections received.
West	1.5 metres	Nil - 1.5 metres - 2 metres	Supported - variation is not considered to have an undue impact on affected neighbour and no objections received.
Upper Floor- East	2.2. metres	1.6 metres	Supported - variation is considered minor, do not have an undue impact on affected neighbour and no objections received.
West - Ensuite	1.2 metres	Nil	Supported - variation is not considered to have an undue impact on affected neighbour and no objections received.
-Home Theatre	1.2 metres	1 metre	Supported - as above.
Building on Boundary	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	West: Garage - compliant with boundary wall requirements of the Residential Design Codes (R Codes). Alfresco - wall height is 5.8 metres.	Noted. Supported - variation is not considered to have an undue impact on affected neighbour and no objections received.

Vehicular Access	Driveways not to occupy more than 40 per cent of the frontage of a property.	Driveway occupies 43 per cent of the frontage of the property.	Not supported - undue impact on streetscape and has been addressed in the Officer Recommendation.
Privacy Setback: Upper Floor-North Balcony	7.5 metres	1.8 metres to western boundary.	Supported - not considered to have an undue impact on affected neighbour as overlooking is into adjacent neighbour's front garden.
East - Balcony	7.5 metres	5 metres to eastern boundary.	Supported - as above.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

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

10.1.13 No. 57 (Lots: 94 and 217 D/P: 1237 and 32580), Raglan Road, Mount Lawley- Proposed Partial Demolition of and Alterations and Additions to Existing Single House

Ward:	South	Date:	7 February 2006
Precinct:	Norfolk; P10	File Ref:	PRO3333; 5.2005.3193.1
Attachments:	001		
Reporting Officer(s):	J Barton		
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 Bathgate Holdings Pty Ltd on behalf of the owners P B & R Burr for proposed Partial Demolition of and Alterations and Additions to Existing Single House, at No. 57 (Lot: 94 and 217 D/P: 1237 and 32580) Raglan Road, Mount Lawley, and as shown on plans stamped 21 December 2005, subject to the following conditions:

- (i) *any new street/front wall, fence and gate between the Raglan Road boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *the finished floor level of the lower portion of the deck highlighted on the plans shall not be greater than 0.5 metre above the natural ground level;*

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

(a) *the entire eastern side of the deck being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed; and*

(b) *design features being provided to the rear/ southern carport wall (which abuts the dwelling) to provide visual interest to the front elevation.*

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

(v) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the main dwelling at the rear.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	P B & R Burr
Applicant:	Bathgate Holdings Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	698 square metres
Access to Right of Way	Southern side, 3 metres wide, sealed, Crown owned

BACKGROUND:

On 11 January 2006, the Town conditionally approved the proposed development under delegated authority. Given that one objection was received, the application was required to go before the Chief Executive Officer for a determination as there were no Ordinary Meetings of Council during the period of 21 December 2005 to 16 January 2006. The Minutes of the delegated authority report are as follows:

“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 Bathgate Holdings Pty Ltd on behalf of the owner P B & R Burr for proposed Partial Demolition of and Alterations and Additions to Existing Single House, at No. 57 (Lots: 94 and 217 D/P: 1237 and 32580) Raglan Road, Mount Lawley, and as shown on plans stamp-dated 21 December 2005, subject to the following conditions:

- (i) *any new street/front wall, fence and gate between the Raglan Road boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *the finished floor level of the lower portion of the deck highlighted on the plans shall not be greater than 0.5 metre above the natural ground level;*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the entire ~~western~~ eastern side of the deck being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed; and*
 - (b) *design features being provided to the rear/ southern carport wall (which abuts the dwelling) to provide visual interest to the front elevation.*

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

- (v) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the main dwelling at the rear; and*

- (vi) *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).*

<i>Landowner:</i>	<i>P B & R Burr</i>
<i>Applicant:</i>	<i>Bathgate Holdings Pty Ltd</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>698 square metres</i>
<i>Access to Right of Way</i>	<i>Southern side, 3 metres wide, sealed, Crown owned</i>

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the partial demolition of and alterations and additions to the existing Single House.

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Setbacks: Eastern side</i>	<i>1.5 metres</i>	<i>1 metre</i>	<i>Supported-the minor setback variation is supported as the applicant has bought the setback of the carport into compliance with the Residential Design Codes (R-Codes) and the neighbouring dwelling is setback 1 metre from the side boundary. Furthermore, the proposal does not result in an undue impact on the amenity of the adjoining property in terms of overlooking or overshadowing.</i>

<i>Vehicular Access and Location</i>	<i>Parking to be provided, where available, solely from a right of way.</i>	<i>Carport located at the front of dwelling.</i>	<i>Supported-although there is sufficient room at the rear to provide two car parking bays in tandem, the carport within the front setback area is considered acceptable as there is already an existing single carport with access to the primary street. Refer to 'Comments' below.</i>
<i>Consultation Submissions</i>			
<i>Support</i>	<i>Nil</i>		<i>Noted</i>
<i>Objection (1)</i>	<ul style="list-style-type: none"> • <i>Overlooking from the deck.</i> • <i>Setback variation of 0.75 metre in lieu of 1.5 metres will impact on light into the neighbouring property.</i> • <i>Setbacks should be the same as adjoining properties in the area.</i> 		<ul style="list-style-type: none"> • <i>Not supported-the owner has amended the plans by stepping the deck down at the rear and screening the entire deck along the western side. Given this, the proposal complies with the R-Codes' privacy requirements.</i> • <i>Not supported- the setback variation was inadvertently advertised at 0.75 metre, however, the building is actually setback a minimum of one (1) metre from the eastern side. This minor variation is considered acceptable as the proposal does not result in an undue impact on the amenity of the adjoining property in terms of overlooking or overshadowing. It is noted that the applicants have amended the shadow diagram as the incorrect lot orientation was depicted on the original plans.</i> • <i>Not supported- the proposed setback to the eastern side is the same as the adjoining objecting properties setback on its western side.</i>

	<ul style="list-style-type: none"> • <i>Objects to the scale and size of the additions and a possible future semi-commercial use operating from the property.</i> 	<ul style="list-style-type: none"> • <i>Not supported- the objector's concerns regarding a cooking school operating from the premises are unsubstantiated and the owner has advised that the large cool room and kitchen are merely for residential, and not commercial purposes.</i>
<i>Other Implications</i>		
<i>Legal/Policy</i>		<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>		<i>Nil</i>
<i>Financial/Budget Implications</i>		<i>Nil</i>

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

COMMENTS:

The carport within the front setback area is considered acceptable as there is already an existing single carport within the front setback area and other dwellings in the street gain vehicular access via the primary street. Furthermore, the adjoining property has a carport within the front setback area, and there is limited opportunity to provide vehicular access to car parking from the right of way at the rear.

In light of the above, the variations sought by the applicant are supportable as they do not have an undue impact on the adjoining properties or surrounding streetscape, as addressed above.

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

10.1.6 No. 57 (Lots: 94 and 217 D/P: 1237 and 32580), Raglan Road, Mount Lawley- Proposed Partial Demolition of and Alterations and Additions to Existing Single House

(To be completed by Chief Executive Officer)

UNDER DELEGATED AUTHORITY THE OFFICER RECOMMENDATION IS:

APPROVED

(Subject to Clause (iv) (a) being amended by deleting the word "western" and inserting the word "eastern".)

**MIKE ROOTSEY
A/CHIEF EXECUTIVE OFFICER**

11/01/2006"

DETAILS:

The proposal is identical to the previous application, approved by the Town on 11 January 2006. The purpose of this report is to delete amalgamation condition (vi) of the previous approval, as the applicant/owner has requested a reconsideration of the condition as the applicant/ owner considers the condition onerous, expensive and time consuming as the proposal is only for minor alterations and additions.

COMMENTS:

In light of the above, the existing building already straddles the boundary, and the Town is considering adopting a Policy so that the amalgamation requirement is not applied to such applications in the future, it is considered appropriate to delete the previous amalgamation condition (vi).

10.1.14 No. 187 (Lots 11 and Pt 12, D/P: 2848) Anzac Road, Mount Hawthorn - Proposed Partial Demolition of and Alterations and Two-Storey (2) Addition to Existing Single House

Ward:	North	Date:	3 February 2006
Precinct:	Mount Hawthorn; P01	File Ref:	PRO1116; 5.2005.3215.1
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Dale Alcock Home Improvement on behalf of the owner P G Counsel for proposed Partial Demolition of, and Alterations and Two-Storey (2) Addition to Existing Single House, at No. 187 (Lots 11 and Pt 12 D/P: 2848) Anzac Road, Mount Hawthorn, and as shown on plans stamp-dated 14 October 2005, subject to the following conditions:

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

- (iii) *prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the windows to the sitting room on the western and northern elevations, 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. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002 . The windows to the sitting room on the northern elevation, on the first floor are not required to be screened if they are setback a minimum of 6.0 metres from the western boundary. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (iv) *the proposed timber deck to the rear of the site is not part of this approval; a separate Planning Approval and Building Licence may be required and, if this is the case, a separate planning application and Building Licence application shall be applied to and obtained from the Town prior to the construction of the subject timber deck.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	P G Counsel
Applicant:	Dale Alcock Home Improvement
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	511 square metres
Access to Right of Way	South side,5 metres wide, .unsealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves partial demolition of, and alterations and two-storey (2) addition to the existing single house. The additions include a retreat, sitting room, main bedroom and ensuite primarily located along the eastern elevation. The timber deck shown on plan 3 of 7 is not included as part of this application.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Building Height:			
East - first floor	6 metres to top of external wall (roof above)	6.4 metres	Supported - no undue impact, no objection, existing floor to ceiling height of ground floor is 3.185 metres, and roof cavity and proposed floor to ceiling height of first floor to BCA requirements.
West - first floor	6 metres to top of external wall (roof above)	6.8 metres	Supported - no undue impact, no objection, existing floor to ceiling height of ground floor is 3.185 metres, and roof cavity and proposed floor to ceiling height of first floor to BCA requirements.
South - first floor	6 metres to top of external wall (roof above)	6.6 metres	Supported - no undue impact, no objection, existing floor to ceiling height of ground floor is 3.185 metres, and roof cavity and proposed floor to ceiling height of first floor to BCA requirements.
Privacy:			
First Floor			
West (Sitting Room)	6 metres	5.85 metres to western neighbour boundary	Not supported – undue impact on affected neighbour and conditioned to comply.
North (Sitting Room)	6 metres	3.3 metres to eastern neighbour boundary	Not supported – undue impact on affected neighbour and conditioned to comply.

Consultation Submissions		
Support	Nil	Noted
Objection (1)	<ul style="list-style-type: none"> • Overlooking 	Supported – undue impact on affected neighbour and conditioned to comply.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

COMMENTS:

The variations sought by the applicant, except in relation to privacy, are supportable, and do not have an undue impact on the adjoining properties or surrounding streetscape, as addressed above.

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

10.1.15 No.68 (Lot 255 D/P: 3642) The Boulevarde, Mount Hawthorn - Proposed Demolition of Single Storey House and Associated Outbuildings

Ward:	North	Date:	6 February 2006
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3381; 5.2005.3278.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Optima Designs on behalf of the owner M G Jackson for proposed Demolition of Single Storey House and Associated Outbuildings, at No. 68 (Lot 255 D/P: 3642) The Boulevarde, Mount Hawthorn, and as shown on plans stamp-dated 17 November 2005, subject to the following conditions:

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

COUNCIL DECISION ITEM 10.1.15

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	M G Jackson
Applicant:	Optima Designs
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	470 square metres
Access to Right of Way	East side, 6 metres wide, sealed, crown owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single storey single house and associated outbuildings at No 68 The Boulevard, Mount Hawthorn.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Comments (1)	The northern wall of the garage at No.68 The Boulevard makes up a section of the boundary fence between the subject dwelling and No.70 The Boulevard. The patio roof at No.70 The Boulevard is attached to the northern boundary wall. Concerns raised that removal of this wall would have implications on the patio.		Noted – These are civil matters to be addressed by the owners of the affected properties.
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies and Residential Design Codes (R Code)
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

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

The dwelling at No.68 The Boulevarde, Mount Hawthorn is a single storey brick and iron residence in the Interwar Bungalow Style. Constructed circa 1928, the place remains substantially unchanged from its date of construction. Some alterations to the dwelling have been made, including the addition of the rear sleep out, however, this is not considered to have affected the significance of the place as the dwelling retains its original floor plan and architectural detailing.

The subject dwelling contributes to the streetscape in terms of traditional setbacks, building style and proportion. However, the dwelling is not rare, it has little historic, scientific, aesthetic or social value. The place is not considered to meet the threshold for consideration of entry to the Town's Municipal Heritage Inventory and is not listed on the Interim Heritage Database. As such, it is considered reasonable that the application for the demolition of the subject dwelling be approved, subject to a quality archival record and other standard conditions.

10.1.16 No.393 (Lot 3 D/P: 6812) Charles Street, North Perth - Patio and Deck Additions to Existing Single House (Application for Retrospective Approval)

Ward:	North	Date:	7 February 2006
Precinct:	North Perth; P8	File Ref:	PRO3395; 5.2005.3288.1
Attachments:	001		
Reporting Officer(s):	L Mach		
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 R L Radici on behalf of the owners C E & R L Radici for Patio and Deck Additions to Existing Single House (Application for Retrospective Approval), at No.393 (Lot 3 D/P: 6812) Charles Street, North Perth, and as shown on plans stamp-dated 21 November 2005, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (ii) any new street/front wall, fence and gate between the Charles Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
 - (f) the solid portion adjacent to the Charles Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence.*

COUNCIL DECISION ITEM 10.1.16

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	C E & R L Radici
Applicant:	R L Radici
Zoning:	Metropolitan Region Scheme (MRS): Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	673 square metres
Access to Right of Way	West side, 4.8 metres wide, sealed, privately- owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
<u>Setbacks</u>			
- South	1.5 metres	1.1 metres	Supported- minor variation, patio maintains existing side setback, no undue impact and affected neighbour has indicated no objections.
Consultation Submissions			
Support	Nil		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		

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

COMMENTS:

In light of the above, the planning application is recommended for approval subject to standard conditions.

10.1.20 No. 35 (Lot 21 D/P: 1657) Camelia Street, North Perth- Patio Addition to Existing Single House (Application for Retrospective Approval)

Ward:	South	Date:	7 February 2006
Precinct:	Smith's Lake; P06	File Ref:	PRO1949; 5.2006.1.1
Attachments:	001		
Reporting Officer(s):	J Barton		
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 Custom Airconditioning & Patio Systems on behalf of the owner S Kalyniuk & D Ridgwell for Patio Addition to Existing Single House (Application for Retrospective Approval), at No. 35 (Lot 21 D/P: 1657) Camelia Street, North Perth, and as shown on plans stamp-dated 4 January 2006, subject to the following conditions:

- (i) the outstanding planning application for retrospective approval fee of \$300 shall be paid within 14 days of the date of notification of this approval;*
- (ii) any new street/front wall, fence and gate between the Camelia Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive.*

COUNCIL DECISION ITEM 10.1.20

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	S Kalyniuk & D Ridgwell
Applicant:	Custom Airconditioning & Patio Systems
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	637 square metres
Access to Right of Way	Northern and eastern sides, 3.5 metres wide, unsealed, privately owned.

BACKGROUND:

5 April 2002 The Council conditionally approved an application for alterations and two-storey additions to the existing single house.

20 April 2004 Letter of compliant received regarding the unauthorised patio structure.

DETAILS:

The application involves retrospective approval for an existing patio to existing single house.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Consultation Submissions			
The proposal was not advertised as the subject patio complies with the requirements of the Residential Design Codes and the Town's Policies.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

Given that the subject patio complies with the requirements of the Residential Design Codes 2002 and the Town's Policies, and the patio has no undue impact on the adjoining properties or surrounding streetscape, approval is recommended, subject to standard and appropriate conditions.

10.1.21 No. 419 (Lot 247 D/P: 2672) Walcott Street, Coolbinia- Proposed Alterations, Additions and Garage to Existing Single House

Ward:	North	Date:	7 February 2006
Precinct:	North Perth; P08	File Ref:	PRO3346; 5.2005.3214.1
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners M A and S L Marissen for proposed alterations, additions and garage to existing single house, at No. 419 (Lot 247 D/P: 2672) Walcott Street, Coolbinia, and as shown on plans stamp-dated 13 October 2005, subject to the following conditions:

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

- (f) *the solid portion adjacent to the Walcott Street boundary can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence.*

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

- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the decking/patio on the northern elevation, being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. OR the finished floor level of the Decking/Patio shall be no greater than 500 millimetres above the natural ground level. The revised plans shall not result in an greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (iv) *first obtaining the consent of the owners of No. 417 Walcott Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 417 Walcott Street in a good and clean condition.*

COUNCIL DECISION ITEM 10.1.21

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	M A and S L Marissen
Applicant:	M A and S L Marissen
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	455 square metres
Access to Right of Way	Western side, 4.6 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves alterations, additions and garage to existing single house. The garage is accessed from the right of way and the alterations and additions are single storey and follow the existing building line of the house.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	0.65 - 295.75 square metres	0.34 - 156 square metres	Supported - compliant with R Code requirements.
Street Walls and Fences	The solid portion of the wall and/or fence may increase to a maximum height of 1.8 metres, provided that the wall and/or fence has at least two (2) appropriate design features.	No design features shown.	Not supported – undue impact on streetscape and conditioned to comply.
Privacy: Patio	 Decking with floor level more than 0.5 metre above natural ground level to be setback 7.5 metres from the adjoining property.	 0.9 metre to northern boundary.	 Not supported – undue impact on affected neighbour and conditioned to comply.
Setbacks: North - Patio	 3.3 metres	 0.9 metre	 Supported - no objection received, no undue impact on adjoining property and following main building line.
South - Kitchen and Dining	 3.1 metres	 0.8 metre	 Supported - no objection received, no undue impact on adjoining property and following main building line.

Garage	1 metre	Nil	Supported - compliant with buildings on boundary provisions of the R Codes and no undue impact.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The variations sought by the applicant (except those relating to street walls and fences and privacy which are addressed in the Officer Recommendation) are supportable, and do not have an undue impact on the adjoining properties or surrounding streetscape.

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

10.1.23 Nos. 419-421 (Lot 5 D/P: 7426) William Street, Perth - Proposed Alterations and Two-Storey (2) Warehouse Addition to Existing Shop

Ward:	South	Date:	7 February 2006
Precinct:	Beaufort; P13	File Ref:	PRO0912; 5.2005.3182.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J L Silbert & Associates Pty Ltd on behalf of the owner V Q Hong for proposed Alterations and Two-Storey (2) Warehouse Addition to Existing Shop, at Nos. 419-421 (Lot 5 D/P: 7426) William Street, Perth, and as shown on plans stamp-dated 29 September 2005, subject to the following conditions:

- (i) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ii) the floor areas shall be limited to;*
 - (a) 232 square metres of gross floor area for the shop component; and*
 - (b) 202 square metres of gross floor area for the warehouse component;*

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;
- (iii) prior to the first occupation of the development, one (1) class 1 or 2 and one (1) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (iv) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (v) doors, windows and adjacent floor areas fronting William Street shall maintain an active and interactive relationship with this street;*
- (vi) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (vii) the applicant/owner shall pay a cash-in-lieu contribution of \$3,016 for the equivalent value of 1.16 car parking spaces, based on the cost of \$2,600 per bay as set out in the Town's 2005/2006 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements.*

COUNCIL DECISION ITEM 10.1.23

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	V Q Hong
Applicant:	J L Silbert & Associates Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shop
Use Class:	Shop
Use Classification:	"P"
Lot Area:	455 square metres
Access to Right of Way	N/A

BACKGROUND:

25 February 1998 Conditional approval was granted for additions (patio enclosure) to existing shop under delegated authority from the Council at the subject property.

DETAILS:

The proposal involves alterations and two-storey warehouse addition to existing shop.

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
Consultation Submissions			
No advertising was required as shop and warehouse are 'P' uses.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car Parking Requirement (nearest whole number)			
-Existing shop: 1 car bay per 15 square metres of gross floor area (existing 232 square metres).			15 car bays
-Warehouse: 3 spaces for the first 200 square metres of gross floor area and thereafter 1 space per 100 square metres of gross floor area or part thereof (proposed 202 square metres).			3 car bays
Total			18 car bays

Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces) 	(0.7225) 13 car bays
Minus car parking on-site	5 car bays
Minus the most recently approved on-site parking shortfall	6.8375 car bays
Resultant shortfall	1.16 car bays
Bicycle Parking	
Shop <ul style="list-style-type: none"> • 1 space per 300 square metres of gross floor area for employees (class 1 or 2)- 0.77 space • 1 space per 200 square metres of gross floor area for visitors (class 3)- 1.16 spaces 	Nil facilities indicated on plans, has been conditioned to comply.

* 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:

Car Parking

The total floor space for the extensions will result in a car parking shortfall of 1.16 car bays, after the application of adjustment factors. This shortfall can be addressed as a cash-in-lieu contribution.

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

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

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

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

1. No land value component is to be included in the cash-in-lieu of car parking contribution until the draft amended Parking and Access Policy is finally adopted by the Council.
2. Planning applications received prior to and on 12 July 2005 (date of formal adoption of 2005/2006 Budget and Fees and Charges) - the cash-in-lieu contribution is to be based on \$2,500 per car bay.
3. Planning application received after 12 July 2005 - the cash-in-lieu contribution is to be based on \$2,600 per car bay.

SUMMARY:

The proposal is supported as it is not considered to unduly impact the amenity of the adjacent or surrounding properties and is compliant with the Town's Beaufort Precinct and Parking and Access Policies.

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

10.1.24 No. 23 (Lot 4 D/P: 11538) Green Street, Mount Hawthorn - Proposed Change of Use from Eating House and Caretaker's Residence to Office Building and Single House and Associated Alterations

Ward:	North	Date:	6 February 2006
Precinct:	Mount Hawthorn; P01	File Ref:	PRO0556; 5.2005.3281.1
Attachments:	001		
Reporting Officer(s):	B McKean		
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 Solar Dwellings on behalf of the owner M Mullin for proposed Change of Use from Eating House and Caretaker's Residence to Office Building and Single House and Associated Alterations, at No. 23 (Lot 4 D/P: 11538) Green Street, Mount Hawthorn, and as shown on plans stamp-dated 17 November 2005, subject to the following conditions:

- (i) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ii) the gross floor area of the office shall be limited to 157 square metres. 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;*
- (iii) prior to the first occupation of the development, one (1) class 1 or 2 and one (1) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances of the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (iv) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (v) doors, windows and adjacent floor areas fronting Green Street shall maintain an active and interactive relationship with this street; and*
- (vi) the hours of operation of the office shall be limited to 8:30am - 5:30pm Monday to Friday, inclusive.*

COUNCIL DECISION ITEM 10.1.24

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	M Mullin
Applicant:	Solar Dwellings
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Local Centre
Existing Land Use:	Eating House and Single House
Use Class:	Office Building and Caretakers Residence
Use Classification:	"P" and "P"
Lot Area:	658 square metres
Access to Right of Way	South side, 5 metres wide, sealed, dedicated road.

BACKGROUND:

- 3 June 1993 The City of Perth Council resolved to refuse the application for proposed retail outlet for a catering service at the subject property.
- 24 July 1995 The Council resolved to refuse the application for the construction of two retail shops on the subject property.
- 14 August 1995 The Council at it Ordinary Meeting conditionally approved the construction of two retail shops at the subject property.
- 13 July 1998 The Council at its Ordinary Meeting conditionally approved the development of a two storey eating house and caretaker's residence at the subject property.
- 17 November 2004 Conditional approval was granted under delegated authority from the Council for patio additions to existing eating house at the subject property.

DETAILS:

The proposal involves the change of use from eating house and caretaker's residence to office building and single house and associated alterations 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
Consultation Submissions			
No advertising was required as Office Building and Single House are 'P' uses.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

Car Parking - Office Component	
Car Parking Requirement (nearest whole number) -Office: 1 car bay per 50 square metres of gross floor area (proposed 157 square metres). Total	3 car bays
Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (within 50 metres of one or more public car parks in excess of 50 spaces) 	(0.68) 2.04 car bays
Minus car parking on-site for office component	2 car bays
Minus the most recently approved on-site parking shortfall	23.5 car bays
Resultant surplus	23.46 car bays
Bicycle Parking	
Office <ul style="list-style-type: none"> • 1 space per 200 square metres of gross floor area for employees (class 1 or 2)- 0.78 space • 1 space per 200 square metres of gross floor area for visitors (class 3)- 0.785 space 	Nil facilities indicated on plans, has been conditioned to comply.

* 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 supported as it is not considered to unduly impact the amenity of the adjacent or surrounding properties and is compliant with the Town's Mount Hawthorn and Parking and Access Policies.

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

10.1.26 No. 114 (Lot 194) Shakespeare Street, Mount Hawthorn - Proposed Carport Addition to Existing Single House

Ward:	North	Date:	7 February 2006
Precinct:	Mount Hawthorn; P1	File Ref:	PRO3086; 5.2005.3353.1
Attachments:	001		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owner CW Rice for proposed Carport Addition to Existing Single House, at No. 114 (Lot 194) Shakespeare Street, Mount Hawthorn, and as shown on plans stamp-dated 22 December 2005, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the Town's Policies relating to Vehicular Access and Street Setbacks.*

COUNCIL DECISION ITEM 10.1.26

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	CW and HM Rice
Applicant:	C Rice
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	453 square metres
Access to Right of Way	East side, 4.6 metres wide, sealed, Town owned

BACKGROUND:

On 14 June 2005, the Council approved the partial demolition of and alterations and two-storey additions to the existing single house and refused the proposed addition of a double carport from Shakespeare Street due to its non-compliance with the Town's Vehicular Access and Street Setback Policies.

DETAILS:

The proposal involves the addition of a double carport to the existing single house. The carport is proposed to be located within the front setback area.

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
Setback to northern side	1.5 metres	1.36 metres	Supported – minor setback variation sits in line with the existing building line and does not have an undue impact on the amenity of the area.
Vehicular Access:	Access to on-site car parking, where available, solely from a right of way (ROW).	Access from Shakespeare Street (not ROW) to proposed carport.	Not supported – non-compliant with Town's Vehicular Access and Street Setback Policies, as there is sufficient room for two car parking bays at the rear with access from the ROW.
Consultation Submissions			
The proposal was not advertised as refusal is recommended.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The variation to the Town's Vehicular Access and Street Setback Policies is not supported, as it is considered that there is sufficient room for a new carport or garage at the rear of the property, or for one covered bay in the existing garage/ workshop and one open bay next to the garage, with access from a Town-owned sealed right of way. Compliance with the provisions of the Town's Policies will be a positive contribution to the adjoining streetscape along Shakespeare Street and the locality in general.

In light of the above, the proposal for a carport addition to the existing single house is not supported and, therefore, refusal is recommended.

10.1.33 No. 226 (Lot 1 D/P: 956) Oxford Street, corner Richmond Street, Leederville - Access Ramps to Alterations and Additions to Existing Shop

Ward:	South	Date:	7 February 2006
Precinct:	Oxford Centre; P4	File Ref:	PRO0860; 5.2006.20.1
Attachments:	001		
Reporting Officer(s):	L Mach, G Snelling		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Studio Di Architettura on behalf of the owner Firestar Enterprises Pty Ltd for Access Ramps to Alterations and Additions to Existing Shops, at No. 226 (Lot 1 D/P: 956) Oxford Street, corner Richmond Street, Leederville and as shown on plans stamp-dated 18 January 2006, for the following reasons:

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) *the non-compliance with the Objectives and Intentions of the Town's Town Planning Scheme No.1, including:*
 - 6(3)(a) *to cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices in housing, business, employment, education, leisure, transport and access opportunities;*
 - 6(3)(b) *to protect and enhance the health, safety and general welfare of the Town's inhabitants and the social, physical and cultural environment; and*
 - 6(3)(d) *to promote the development of a sense of local community and recognise the right of the community to participate in the evolution of localities; and*
- (iii) *the non-compliance with the requirements of the Building Code of Australia and the Australian Standard (AS) 1428.1, including:*
 - (a) *the non-compliance with the required ramp gradient of 1:14; and*
 - (b) *the non-compliance with the required level landing area in front of the entrance door.*

COUNCIL DECISION ITEM 10.1.33

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	Firestar Enterprises Pty Ltd
Applicant:	Studio Di Architettura
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shop
Use Class:	Shop
Use Classification:	"P"
Lot Area:	936 square metres
Access to Right of Way	N/A

BACKGROUND:

24 June 2003 The Council at its Ordinary Meeting held on 24 June 2003 approved the planning application for alterations and additions to existing shops at No. 226 (Lot 1) Oxford Street, corner Richmond Street, Leederville.

9 July 2004 Building Licence No. 20/2363 was issued on 9 July 2004, for proposed alterations and additions to existing shops at No. 226 (Lot 1) Oxford Street, corner Richmond Street, Leederville. Condition (13) of the Building Licence stated:

"(13) Provide access for people with disabilities in accordance with BCA D3".

This condition requires that facilities including an access ramp for people with disabilities, comply with the Building Code of Australia (BCA) and the Australian Standard (AS) 1428.1 ramp gradients.

4 March 2005 During construction, a site inspection was carried out by an Officer of the Town, and in a letter dated 4 March 2005, the Town wrote to Brighton Constructions (the Builder) expressing the following concerns of non-compliance:

"It was noticed during the site inspection that the new floor levels are significantly higher than the existing footpath level consequently, access for people with disabilities into the building may be restricted. In accordance with the Building Code of Australia Part D3 and as required in Condition No. 13 on the approved Building Licence 20/2363, access must be provided for people with disabilities into the building.

You are requested to provide the Town with details showing how access in accordance with Australian Standard 1428.1 will be achieved prior to any further works commencing."

17 March 2005 Site meeting with the Builder, Architect and the Town's Officers, discussed providing access for people with disabilities in to the building.

6 April 2005 The builder provided a diagram of proposed alterations to the footpath levels adjacent to Richmond Street, Leederville. However, after consultation with the Town's Officers, it was confirmed to the Builder by telephone on 24 May 2005, that the Town can only raise the footpath paving by 100 millimetres above kerb level, to assist the Builder to construct the required access for people with disabilities for this development.

22 June 2005 The Town received a report entitled "*Access for People with Disabilities Report*" dated 14 June 2005 by Bluefish Design. This report outlined a case requesting that this building be exempt from the requirements of the BCA Part D3 and the AS 1428.1.

4 July 2005 In response to the above mentioned report dated 14 June 2005, the Town's letter dated 4 July 2005 to the applicant, expressed the following concerns of non-compliance:

"I refer to the "Access for People with Disabilities Report" dated 14 June 2005 by Bluefish Design in regard to the commercial development under construction at the above mentioned property.

Please be advised that the Town has considered all the issues raised in the report; however, it is the Town's opinion that in accordance with the Building Regulations 1989 Clause 5, the alterations and additions to the existing commercial building are significant and Building Code of Australia (BCA) Part D3 must be applied. Therefore, access for people with disabilities is required to Shops 2, 3, 4 and 5 as stated in the approved Building Licence No. 20/2363 issued on 9 July 2004. It should be noted that access to Shop 1 in accordance with Part D3 will not be required as there is no significant change to the existing shop.

As you are aware, the Town has liaised with the Brighton Constructions in regard to increasing the existing footpath levels to assist in providing compliant access into the shops. It has been agreed by the Town's Technical Services Section that the existing footpath may be raised to a maximum of 100 millimetres in height above kerb level (to be confirmed pending a further site inspection), which should facilitate in providing compliant access into Shop 2. This work would only be done at the Developer's expense. However, it would appear that changes to the existing footpath level alone will not achieve compliant access into Shops 3, 4 and 5. An alternative means of access into these shops will need to be considered and details submitted to the Town for approval.

It should be noted that any changes to the original Planning Approval may require a new Planning Application to be submitted to and approved by the Town."

26 July 2005 On 26 July 2005 and 8 August 2005, the applicant provided facsimiles and diagrams of proposed alterations to the footpath levels adjacent to Richmond Street, Leederville. In response to the applicant, the Town's letter dated 18 August 2005 expressed the following concerns of non-compliance:

"Please be advised that the Town's Technical Services Division has reviewed the proposals and the following response is provided for your information.

Facsimile dated 26 July 2005

As stated previously the Technical Services Division will allow a greater cross fall than the standard 2 percent on the footpaths adjacent to the above shops to assist with access for people with disabilities. However, this is limited to 100mm, above the top of kerb height, at the property boundary line. In terms of longitudinal grade this should vary as little as possible and reflect the grades of the road side kerb. This is to allow for stormwater runoff and to facilitate the safe movement of all pedestrians with or without disabilities. Therefore, the Technical Services Division is unable to approve the extension of the 1: 14 (7 percent) grade ramp into the footpath.

Facsimile dated 8 August 2005

In respect of the proposed ramps being constructed in the road reserve, the road reserves are used for the distribution of many services such as water, power and telephone. Therefore, the road verges must remain accessible for maintenance and installation of these services by the various Service Providers. It is for this reason that the Technical Services Division will not approve the installation of these ramps within the road reserve."

23 August 2005 The Town issued a Notice under the Local Government (Miscellaneous Provisions) Act 1960 Section 401 (1) (b), for the following non-complying step structures:

- (i) a concrete step measuring approximately 180 millimetres high at the front entrance to shop 2;
- (ii) a concrete step measuring approximately 250 millimetres high at the front entrance to shop 3; and
- (iii) concrete steps measuring approximately 320 millimetres high at the front entrance to shop 4 and shop 5;

at No. 226 (Lot 1 Deposited Plan 956) Oxford Street, Leederville, Western Australia ('Property').

The above Notice for the non-complying step structures was issued for the following reasons:

- (1) the non-compliance with the Local Government (Miscellaneous Provisions) Act 1960 Section 401 (1) (b), which states that:

"A local government may, during or after the erection of a building in its district, give to the builder or owner of the building, written notice of anything in the construction of the building -

- (b) *which is not in compliance with, or is a departure from, the plans and specifications for the building, of which plans and specifications the approval of the local government has been obtained as required by this Act, or which is a contravention of this Act."*

- (2) the non-compliance with the Building Code of Australia (BCA) and the Australian Standard (AS) 1428.1.
- 8 September 2005 Application lodged with the State Administrative Tribunal to review the Town's Notice issued 23 August 2005, under the Local Government (Miscellaneous Provisions) Act 1960.
- 4 October 2005 State Administrative Tribunal (SAT) directions hearing held.
Order 1 of the SAT directions hearing states as follows:
"The matter listed for hearing at 9.30am on Thursday 10 November 2005."
Order 2 of the SAT directions hearing states as follows:
"The matter will begin at 9.30am with a site visit at the corner of Richmond and Oxford Street, Leederville."
- 10 November 2005 State Administrative Tribunal (SAT) site visit held.
On application heard before Members from SAT, Order 1 of the SAT site visit states as follows:
"At a site visit prior to the matter on 10 November 2005, the parties agreed to adjourn the hearing to a later date."
Order 2 of the SAT site visit states as follows:
"The hearing of the 10 November 2005 is therefore relisted for Wednesday 21 December 2005 at 10am."
- 6 December 2005 The Council at its Ordinary Meeting considered and determined a Confidential Report (Item 14.3) relating to this matter.
- 21 December 2005 State Administrative Tribunal (SAT) directions hearing held.
Order 1 of the SAT directions hearing states as follows:
"This matter has been listed for directions hearing at 2.15pm on Thursday 23 February 2006."
- 28 December 2005 The Town granted conditional Planning Approval for change of use from 'retail' to shop (hairdressing salon) and associated internal alterations to shop 4, under delegated authority.
- 6 February 2006 The Town issued a notice under the Local Government (Miscellaneous Provisions) Act 1960 Section 401 (1) (c), for the unauthorised occupation of Shop 4 at No. 226 (Lot 1 Deposited Plan 956) Oxford Street, corner Richmond Street, Leederville, Western Australia ('Property').
- The above Notice for the unauthorised occupation of the building was issued for the following reasons:
- (1) the non-compliance with the Local Government (Miscellaneous Provisions) Act 1960 Section 401 (1) (c), which states that:
"A local government may, during or after the erection of a building in its district, give to the builder or owner of the building, written notice of anything in the construction of the building -

(c) *which, where permission of the local government is required for carrying it out, has been carried out without that permission;" and*

(2) the non-compliance with the Building Regulations 1989 Part 5 Certificate of Classification, Regulation 19 which states that *"Every building shall be classified by the local government in accordance with Part A3 of Volume One of the Building Code,"* and Regulation 20(4) which states that *"A person shall not occupy any portion of a building until a certificate of classification has been issued in accordance with these regulations".*

DETAILS:

The application consists of constructing two new entrance ramps to the existing shop 4 and shop 5 at No. 226 (Lot 1) Oxford Street, corner of Richmond Street, Leederville.

This matter was referred to the State Administrative Tribunal (SAT) on 4 October 2005, and was the subject of a comprehensive confidential report to the Council at its Ordinary Meeting held on 6 December 2005 (Item 14.3).

The applicant is seeking a concession from providing complying access ramps for people with disabilities to shop 4 and shop 5 at No. 226 (Lot 1 D/P: 956) Oxford Street, corner Richmond Street, Leederville.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1, and the Building Code of Australia Part D3
TPS 1 Objectives and Intentions	6(3)(a) to cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices in housing, business, employment, education, leisure, transport and access opportunities; 6(3)(b) to protect and enhance the health, safety and general welfare of the Town's inhabitants and the social, physical and cultural environment; and 6(3)(d) to promote the development of a sense of local community and recognise the right of the community to participate in the evolution of localities.	Concrete access ramps at a gradient of 1:8 with no level landing area in front of the entrance door.	Not supported - the Town's Officers consider that the increased gradient and no landing provision, does not allow for reasonable safe access opportunities for people with disabilities, and does not promote and recognise the right of the whole community to participate in every day activities.

BCA Maximum Ramp Gradient	1:14	1:8	Not supported - the Town's Officers consider that the increased gradient and no landing provision, does not provide safe and compliant access for people with disabilities.
Consultation Submissions			
No consultation was required as this application relates to a SAT Review matter of the non-compliance with the objectives of TPS 1, the BCA and AS 1428.1 with respect to the subject shop development, involves no greater variations to the development application which was previously advertised, and is being referred to Council for determination.			
Other Implications			
Legal/Policy		TPS 1, the Local Government (Miscellaneous Provisions) Act 1960 Section 401 (1) (b), the Building Code of Australia, and Australian Standard 1428.1.	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

COMMENTS:

The Town of Vincent is committed to universal access within the Town, and this includes people with disabilities, seniors and mothers with prams. The Town has a challenge to make the community accessible and inclusive to all. The Town undertakes specific projects which assist residents and visitors to the Town to access services, buildings, facilities, public spaces, parks and reserves and businesses. This is re-enforced by the appointment of a fulltime Disability Services Officer and a Universal Access Advisory Group.

The Town considers that the above requirements should be enforced to ensure the building conforms to the Town's Town Planning Scheme No.1, the Building Code of Australia and the Australian Standard 1428.1.

The construction of a non-complying public access to a shop will create an undesirable and negative precedence for future developments in the general area, and have an undue negative impact on the Town of Vincent.

Additionally, the Town's Officers are of the view that it would be in conflict with the Disability Discrimination Act 1992, if it was to support something that is discriminatory and not in the public interest.

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

10.1.34 Application for Approval to Demolish Existing Buildings, Creation of New Laneway (Washing Lane) and Streetscape Works to West of Lindsay Street – Lot 112, Lot 9019, Lot 508 & Lot 117 Newcastle Street, between Money Street and Lindsay Street, Northbridge

Ward:	South	Date:	7 February 2006
Precinct:	Beaufort, P13	File Ref:	PRO2980
Attachments:	001 , "Laid on the Table"		
Reporting Officer(s):	K Batina, S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the letter dated 24 January 2006 and associated documentation relating to the application for approval to demolish existing buildings, creation of new laneway (Washing Lane) and streetscape works to the west of Lindsay Street at Lot 112, Lot 9019, Lot 508 and Lot 117 Newcastle Street, between Money Street and Lindsay Street, Northbridge as 'Laid on the Table' and shown in Attachment 001; and*
- (ii) *ADVISES the East Perth Redevelopment Authority (EPRA) that the Council DOES NOT OBJECT to the application for approval to demolish existing buildings, creation of new laneway (Washing Lane) and streetscape works to the west of Lindsay Street at Lot 112, Lot 9019, Lot 508 and Lot 117 Newcastle Street, between Money Street and Lindsay Street, Northbridge subject to the following condition:*
 - (a) *a quality archival documented record for the warehouse at No.8 (Lot 9019) Money Street, Perth 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.*

COUNCIL DECISION ITEM 10.1.34

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The East Perth Redevelopment Authority (EPRA) has referred a development application for consideration and comment by the Town of Vincent, in accordance with Section 42(3) of the East Perth Redevelopment Act which states that the Authority shall not make a decision on the proposed development until the expiration of 42 days after all notices have been given or until all comments have been received.

DETAILS:

The Town has received a letter originally dated 17 January 2006 and a subsequent letter dated 24 January 2006 and the associated documentation and plans requesting the Town's comments in regard to an application for approval to undertake development on Lot 112, Lot 9019, Lot 508 and Lot 117 Newcastle Street, between Money Street and Lindsay Street, Northbridge.

The application proposes:

- The demolition of 2 toilet blocks and a shed;
- The creation of a rear laneway (referred to as Washing Lane); and
- Streetscape works on the western side of the Lindsay Street road reserve.

The associated documentation is "*Laid on the Table*" and can be summarised as follows:

"Approval is sought to undertake demolition and civil works for the construction of road is sought over the land described as 180 Newcastle Street (Lot 112), 164 Newcastle Street (Lot 9019), 160 Newcastle Street (Lot 508), 158 Newcastle Street (Lot 117).

This development application proposes the demolition of 3 buildings, being:

- Toilet Block at rear of Lot 112 (closest to Money Street)
- Toilet Block at the rear of Lot 117 (closest to Lindsay Street)
- Shed on Lot 9019 located being the House at 8 Money Street

It is proposed to demolish the 2 toilet blocks in order to facilitate the creation of Washing Lane, which will provide vehicle and pedestrian access to the rear of existing lots along Newcastle Street, and to existing and proposed future allotments intended to be created along Washing Lane. It is also proposed to demolish the shed structure in order to facilitate the redevelopment of existing Lot 9019 and allow the subdivision of this allotment at a later date to create small lots fronting onto Washing Lane (identified as Lots 513, 514 & 515), as illustrated in the Lindsay Street Precinct Plan.

Preferred Uses

.....The proposed demolition works do not compromise the intent of the Lindsay Street Precinct and the laneway creation works and streetscape works directly further the identified preferred development layout for the precinct.... Given the demolition, laneway creation and streetscape upgrade works do not propose a change in land use, the development does not trigger the need for assessment against the scheme or precinct design criteria, such as car parking or plot ratio.

.....

Lindsay Street Precinct

The site is located in the Lindsay Street Precinct under the Village Northbridge Design Guidelines and therefore the proposal is subject to the performance standards identified for that precinct. The Lindsay Street Precinct Plan specifically identifies the creation of Washing Lane to provide access to adjoining allotments. Accordingly, the proposed demolition and civil works will contribute to the envisaged outcomes for the precinct.

....

Precinct Planning Policies

...The proposed demolition, laneway creation and streetscape works further the intent of the precinct as they provide opportunity for redevelopment of the area for a range of residential building forms.

.....

General Planning Policies

Planning Policy 1.14 – Heritage is applicable to the proposed development as it is proposed to demolish buildings located in proximity to Heritage Places identified on the EPRA Heritage Inventory..... None of the three buildings proposed to be demolished have been identified on the EPRA Heritage Inventory. Accordingly demolition of these buildings does not compromise the intent of the Heritage Planning Policy.

HERITAGE ARCHITECT REVIEW

This application proposes the demolition of 3 existing buildings located in proximity to identified Heritage Places on the EPRA heritage inventory.....The application has been referred to Palassis Architects for review and comment.

Conclusion

...The proposed works will not have an adverse impact on the surrounding environment and can be controlled through reasonable and relevant conditions. We therefore believe that demolition of the identified structures, construction of Washing Lane and the Lindsay Street streetscape works be approved subject to conditions."

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 – Key Result Area: 1.2 “Recognise the value of heritage in providing a sense of place and identity”; and Key Result Area: 1.3 “Develop, implement and promote sustainable urban design.”

COMMENTS:

Given that the structures proposed to be demolished are located within proximity to Heritage Places on the EPRA Heritage Inventory, the development application was referred to the Town’s Heritage Officers for comment. The comment received with respect to this matter is as follows:

Heritage Comments

The East Perth Redevelopment Authority's development proposal has been reviewed in context with the Heritage Assessment for the Money and Lindsay Streets Precinct Study, which was prepared for the Town of Vincent, in 2002. Following are comments relating to each specific structure:

1) The toilet block at the rear of No.178 (Lot 112 D/P:613) Newcastle Street, Perth

The property at No.178 (Lot 112 D/P:613) Newcastle Street, features single and double storey commercial units, constructed from asbestos and steel. Showing characteristics of the late twentieth century stripped commercial architecture style these units were built in 1973. The toilet block located at the rear of this subject lot is a partially rendered brick and iron structure, which was built at the same time as the commercial units in 1973. The toilet block is a small structure and accommodates one toilet.

The Heritage Assessment documentation for the property at No.178 (Lot 112 D/P:613) Newcastle Street, Perth undertaken as part of the Money and Lindsay Street Precinct Study, found the commercial units and associated toilet structure to have no cultural significance to the Town of Vincent. In addition to this, the place is not included on the Town's Municipal Heritage Inventory or Interim Heritage Database and, therefore, there is no objection to the demolition of the toilet block.

2) The toilet block at the rear of Nos.158-160 (Lot117 D/P: 613) Newcastle Street, Perth

The property at No.158-60 (Lot 117 D/P:613) Newcastle Street features a pair of single story brick and iron semi-detached dwellings. Built circa 1897, the dwellings show characteristics of the federation bungalow and immigrant nostalgic styles. The toilet block at the rear of subject lot is a partially cement rendered brick and iron structure, which is in a poor condition. Adjacent to the south facing wall of No.5 Lindsay Street, the toilet structure is visually shielded from the street by a high fence.

The Heritage Assessment documentation for the property at Nos.158-160 (Lot 117 D/P:613) Newcastle Street, Perth undertaken as part of the Money and Lindsay Streets Precinct Study, found the place to have little cultural significance to the Town of Vincent. It is considered that the retention of the toilet block is not integral in providing an understanding of the places significance. The place is not included on the Town's Municipal Heritage Inventory or Interim Heritage Database and, therefore, there is no objection to the demolition of the toilet block.

3) The large shed at the rear of No.8 (Lot 9019) Money Street, Perth

The application states that the large shed proposed for demolition is located at the rear of No.8 (Lot 9019) Money Street, Perth. However, the Heritage Assessment undertaken as part of the Money and Lindsay Street Precinct Study identifies the place as a warehouse at the rear of No. 6 (Lot 100 D/P 610) Money Street. For the purposes of this report, the property is referred to as No. 8 Money Street.

No.8 Money Street, Perth comprises of two buildings; a single storey brick dwelling, constructed in 1924 and a single storey brick warehouse, which was constructed in 1918 and occupies the entire rear half of the property. The dwelling replaced the original timber dwelling built in 1899. It is understood that the dwelling, in front of the warehouse, will be retained and not demolished as part of this proposal.

The warehouse is constructed from brick and has three main walls forming parapets on the respective boundaries. The roof is constructed from iron, with skylight sheets, and is hipped with vented gambrel on the north-west and south-east facing roof portions. The roof is supported by a series of substantial timber trusses that provide a large open floor workspace. The floor is concrete and the main interior walls are face brickwork with engaged piers forming bays along the three walls. Some of the engaged piers have parallel timber posts with decorative wrought iron brackets, which assist in carrying the load of the trusses. The warehouse is accessed by a 10-15 metre opening at the end of the driveway on the north-east side. There is evidence of more recent additions on the north-west side of the structure.¹

The subject place is credited significance for its contribution to the inner city streetscape of mixed residential and commercial buildings, which represents the history and contributes to the character of the area. The Heritage Assessment documentation for the property at No.8 (Lot 9019) Money Street, Perth undertaken as part of the Money and Lindsay Streets Precinct Study, found the place to be of little significance. As part of this Assessment, the place was allocated as a category three listing, which encourages the retention and conservation of the place and states that an archival record for the place should be prepared prior to any development taking place.

¹ Gray, L and Sauman, J (2002) *Heritage Assessment Money/Lindsay Street Study Group*, Volume No. 5, House and Factory No.6 Money Street.

The place is considered to be of little aesthetic, historic, scientific and social value and is not considered to meet the threshold for consideration for entry into the Town's Municipal Heritage Inventory. The place is not listed on the Interim Heritage Database. As such, there is no objection to the demolition of the subject warehouse being approved, subject to a quality archival record and other standard conditions.

Streetscape Works on Western Side of Lindsay Street

The proposed demolition of the two toilet blocks, as referred to above, will facilitate the creation of Washing Lane, which will provide vehicle and pedestrian access to the rear of existing lots along Newcastle Street and to existing and proposed future allotments intended to be created along Washing Lane. As part of these works, it is also proposed to undertake streetscape improvement works on the western side of Lindsay Street.

The proposed demolition of the two toilet blocks will enable the formal creation of Washing Lane, which will include the grading and bituminising of Washing Lane for vehicular and pedestrian use. In addition, as detailed in the documentation provided, the western side of Lindsay Street will also be upgraded, with the insertion and provision of crossovers and driveways to lots abutting Lindsay Street, between Washing Lane and Little Parry Street.

The streetscape works and the creation of a new laneway is considered to be necessary and appropriate for the location. The Town has no objection to these proposed works.

Technical Services Comments

Technical Services have no further comments on the proposed application for approval, as detailed in EPRA's letter dated 24 January 2006.

Summary

In light of the above and on the basis of the Heritage Assessment provided and the EPRA Planning Report accompanying the development application documentation provided by the EPRA, it is recommended that the Council advise the East Perth Redevelopment Authority that the Council has no objection to the application for the proposed development.

10.1.36 State Library of Western Australia – Draft Strategic Direction 2006-2008

Ward:	Both Wards	Date:	19 January 2006
Precinct:	All Precincts	File Ref:	
Attachments:	-		
Reporting Officer(s):	E Scott		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the State Library of Western Australia Draft Strategic Direction 2006-2008 attached as Appendix 10.1.36; and*
- (ii) *ADVISES the Western Australian Local Government Association that the State Library Draft Strategic Direction 2006-2008 is not acceptable in the current form;*
 - (a) *the Council approves the Manager Library and Information Services to specify the areas of concern as listed in this report; and*
 - (b) *forwards a copy of this report to Western Australian Local Government Association to State Library of Western Australia and outlines the areas of concern detailed in this report.*

COUNCIL DECISION ITEM 10.1.36

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

To inform the Council about the proposed State Library's Draft Strategic Direction for 2006-2008, and to obtain the Council's approval to forward the recommended comments to the Western Australian Local Government Association (WALGA) and to the State Library of Western Australia (SLWA).

BACKGROUND:

SLWA is a statutory authority, which works in partnership with Local Governments to provide stock and services to Western Australia's 238 Public Libraries. This is enacted under the *Library Board of Western Australia Act 1951*. As such, SLWA is obliged to consult with stakeholders to prepare a Strategic Plan that addresses the future needs and requirements of all concerned, in an appropriate and timely manner.

SLWA has written a new strategic direction for the next three years (2006 to 2008). The document states that it represents a significant shift in focus for the State Library, and in the manner in which they will deliver their services in response to a changing information world.

SLWA has consulted with Local Government staff and Elected Members in creating this plan, however there was limited consultation with public librarians prior to a meeting held on Tuesday January 17, 2006.

The Western Australian Local Government Association (WALGA) has invited Councils to submit comments, which will form the basis of the Association's response to the State Library. WALGA has also invited the Council to make an individual response to the State Library.

LEGAL/POLICY:

The Town of Vincent and SLWA has co-signed the Public Library Framework Agreement, in which service levels, and Local Government and SLWA obligations are quantified.

COMMENTS:

There is some confusion about where public libraries fit under the heading '*State Library of Western Australia*'. Whilst it is generally accepted that State Library of Western Australia refers to all the various functions and services performed in the Alexander Library Building, statements such as this which appears on page one - "*The State Library is more than simply the physical confines of the Alexander Library Building. It is an integral part of a network of public libraries spread throughout Western Australia with our services and resources also forming part of that network*". This implies that when the document refers to the "State Library" it includes the public library network. Further into the document, on page three the statement that - "*The State Library will continue to acquire resources for use in public libraries*" - implies that public libraries sit outside the State Library. If this second interpretation is correct, it suggests that the plan does not address public libraries very well. The document should clearly identify the State Library, and should include a definition of shared responsibilities.

On page three, "*The State Library will continue to acquire resources for use in public libraries*" appears to be a clear commitment to this and is welcome as such. However, it makes no reference to the minimum standards articulated in the Framework Agreement, nor SLWA's commitment to the Public Library Framework Agreement.

This document does not identify and recognise work that is being done in Local Government in areas such as Local History, and ignores possibilities for co-ordination or leadership at a State level to maximise usage and avoid duplication.

The priority areas that are listed on page five are not used as the framework for the document; and are not referred to throughout the document.

The timeframe for comment does not allow some Local Government Authorities the opportunity to present the document at a Council Meeting due to the Christmas "*shut down*". WALGA has granted approval to the Town of Vincent to submit a report subject to its Council endorsement, or after 2 February when the WALGA Council meets.

This document does not address to the leadership role that the State Library is expected to take in relation to public library services in Western Australia. In fact, this document suggests that SLWA has a merely reactive and supportive role, which is unacceptable. Their leadership role should be clearly and positively enunciated, lending a more positive and insightful tone to the whole document. Similarly, their national and international roles need to be identified in this document.

It is recommended that the comments detailed in this Agenda Report form the basis of the Council's submission to WALGA and SLWA.

10.1.37 No. 345 (Lot 31, Strata Lots 11-20 STR: 6033) Stirling Street, Highgate - Proposed Carport and Shed Additions to Existing Multiple Dwellings

Ward:	South	Date:	8 February 2006
Precinct:	Forrest; P14	File Ref:	PRO1529; 5.2005.3267.1
Attachments:	001		
Reporting Officer(s):	L Mach, E Saraceni		
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 MH Enterprises on behalf of the owners Myra Pty Ltd and Decisive Holdings P/L for proposed Carport and Shed Additions to Existing Multiple Dwellings, at No. 345 (Lot 31, Strata Lots 11-20 STR: 6033) Stirling Street, Highgate, and as shown on plans stamp-dated 9 November 2005, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Stirling Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the removal of all the garden sheds. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (iv) all portions of the carport within the front setback area shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted).*

COUNCIL DECISION ITEM 10.1.37

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	Myra Pty Ltd and Decisive Holdings P/L
Applicant:	MH Enterprises
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Multiple Dwelling
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	1239 square metres
Access to Right of Way	N/A

BACKGROUND:

7 November 2000 At its Ordinary Meeting, the Council resolved to conditionally approve the development of three (3) two-storey grouped dwellings and alterations and additions to the existing multiple dwellings at the subject property.

27 August 2002 At its Ordinary Meeting, the Council resolved to conditionally approve the development of three (3) additional two-storey grouped dwellings to the existing ten (10) single bedroom multiple dwellings at the subject property.

11 May 2004 At its Ordinary Meeting, the Council resolved to conditionally approve the development of proposed additional three (3) two-storey grouped dwellings to existing ten (10) single bedroom multiple dwellings- reconsideration of carparking condition.

DETAILS:

The proposal involves carport and shed additions to existing multiple dwellings.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
<u>Setbacks</u> South	1.5 metres	0.75 metre	Supported- minor variation, no undue impact and no objections received.
Carport Setback	Located behind the street setback line.	Located within front street setback line.	Supported- existing car bays and as above.

Consultation Submissions		
Support (2)	<ul style="list-style-type: none"> • Two of the adjacent neighbours have indicated no objections to the proposal. 	Noted.
Objection	Nil	Noted.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

* The 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.

COMMENTS:

The Town's Technical Services have advised that the garden sheds are required to be removed as the car parking requires overhang into the area of the proposed sheds. In light of this and the above, the planning application is recommended for approval, subject to standard and appropriate conditions to address this matter.

**10.1.38 Nos. 492, 494, 496, 498 and 500 (Lots 143, 144, 145, 146 and 147)
Charles Street, North Perth - Non-Conforming Use as a Vehicle Sales
Premises**

Ward:	North	Date:	8 February 2006
Precinct:	North Perth; P 8	File Ref:	PRO1071; PRO2961
Attachments:	-		
Reporting Officer(s):	R Rasiah, D Abel		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, DOES NOT ACKNOWLEDGE vehicles sales premises as a non-conforming use on Nos. 492, 494, 496, 498 and 500 (Lots 143, 144, 145, 146 and 147) Charles Street, North Perth;*
- (ii) *ADVISES the owners and occupiers of Nos. 492, 494, 496, 498 and 500 (Lots 143, 144, 145, 146 and 147) Charles Street, North Perth, that it is investigating the land use of these lots;*
- (iii) *DEFERS the commencement of legal proceedings until the Council has further considered the report in April 2006;*
- (iv) *AUTHORISES the Chief Executive Officer to consider the appropriateness or otherwise of allowing vehicle sales premises on Nos. 492, 494, 496, 498 and 500 (Lots 143, 144, 145, 146 and 147) Charles Street, North Perth, as a scheme amendment to list on additional use in Schedule 3 of the Town of Vincent Town Planning Scheme No. 1 and as part of the Town Planning Scheme review process; and*
- (v) *REQUESTS a report be provided on the above review to the Council for its consideration at an Ordinary Meeting of Council in April 2006.*

COUNCIL DECISION ITEM 10.1.38

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

To establish whether the subject properties have non-conforming-use rights as vehicle sales premises under the Town of Vincent Town Planning Scheme No.1 (TPS No.1).

Landowner:	C Kapinkoff and V Tomsic
Applicant:	C Kapinkoff and V Tomsic
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Lots 143 - 146 - Vehicle Sales Premises Lot 147 - Art Gallery
Use Class:	Lots 143 - 146 - Vehicle Sales Premises Lot 147 - 'Unlisted Use' (Art Gallery)
Use Classification:	Vehicle Sales Premises - 'X' (Prohibited) Use Art Gallery - 'Unlisted Use'
Lot Area:	Each lot - 460 square metres
Access to Right of Way	East side, 5.03 metres wide, sealed, Town-owned

BACKGROUND:

- June 1956 The City of Perth issued a Building Licence for a "*SP Betting Shop*" on Lot 147. This development building was constructed and exists on-site. A "*SP Betting Shop*" is classified as a shop use, which is permitted in this zoning subject to Council approval.
- 1973 The City of Perth approved vehicle sales premises on Lots 143 and 144.
- 23 November 2004 The Council at its Ordinary Meeting resolved to defer the matter for a proposed change of use on the subject site to vehicle sales premises at No.500 (Lot Y147) Charles Street, North Perth. The application was subsequently withdrawn by the applicant.

DETAILS:

The owners of the above properties seek the approval of the Town to continue using the above properties as non-conforming vehicle sales premises.

The owner has provided the following two (2) statutory declarations:

- (i) 22 October 2004
'I am the owner of the 500 Charles S North Perth for the last 40 years. The above premises were always used as a business. We leased the premises to a number of tenants over the years. The shop was leased to a TAB-agency then to tropical fish shop to limousine hire and to a fishing tackle shop.'
- (ii) 10 December 2005
'To the best of my knowledge as owner of the property situated at 496-498 Charles Street, North Perth WA 6006, the following information is correct:
- *I have owned the property since 1972.*
 - *It has been continued to be occupied and used for a variety of purposes.*
- I therefore seek that the property retain its non-conforming rights.'*

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Town Planning Scheme No.1 and associated Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

The purpose of the Zone Table contained within TPS No. 1 is to indicate the uses permitted in the TPS No. 1 area in the various zones. An 'X' means that the use is not permitted by TPS No. 1. A Note contained in the Scheme also states: "*Council shall refuse to approve any "X" use of land. Approval of an "X" use may only proceed by way of a scheme amendment.*"

Therefore, the Council does not have the discretion to approve an 'X' (prohibited) use under TPS No. 1.

A 'X' (prohibited) use in the current Residential zoning of the subject properties, can operate on the subject site only if it is a non-conforming use.

In order to determine whether an 'X' (prohibited) use is non-conforming, the Town is required to be satisfied that the use was lawful (that is, previously approved by the determining authority at that time) prior to the promulgation of TPS 1 on 4 December 1998.

The subject properties are not registered on the adopted Non-Conforming Use Register contained within the Town's Planning and Building Policy Manual. There is a registered non-conforming use adjoining the northern boundary of the subject site at Nos. 502-506 (Lots 148, 149 and 150) Charles Street. The registered non-conforming use is for vehicle sales premises and showroom. There are no other properties within the vicinity of the subject site on the adopted Town's Non-Conforming Use Register.

A non-conforming use is defined in TPS No. 1 as follows:

"means any use of land or building which was lawful immediately prior to the coming into operation of the Scheme, but is not now in conformity with the provisions of the Scheme."

Clause 16 of TPS 1 states as follow:

"(1) Except as otherwise provided in this Scheme, no provision of the Scheme shall be deemed to prevent:

(a) the continued use of any land or building for the purpose for which it was being lawfully used at the Gazettal date of the Scheme; or

(b) the carrying out of any development thereon for which, immediately prior to that time, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current.

- (2) *A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the planning approval of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme. All applications for planning approval under this clause will be subject to notice under Clause 37 and the Council shall have special regard to the impact of the proposed erection, alteration or extension of the building on the preservation of the amenity of the locality.*
- (3) *Notwithstanding anything contained in the Zone Table, the Council may grant its planning approval to the change of use of any land from a non-conforming use to another non-conforming use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the original non-conforming use and is, in the opinion of the Council, closer to the intended purpose of the zone or reserve.*
- (4) *When a non-conforming use of any land or buildings has been discontinued for a period of six consecutive months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.*
- (5) *The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.*
- (6) *When a building used for a non-conforming use is destroyed to 75% or more of its value, the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the planning approval of the Council."*

A site inspection by the Town's Officers on 10 February 2005 indicated that the above subject properties were vacant and not being used as Vehicle Sales Premises. The Town's Officers have carried out extensive investigations of files and records to ascertain the previous approval of a non-conforming use. No such records could be found for vehicles sales premises on Lots 145, 146 and 147.

In letter dated 16 November 2005, the Town advised the owners as follows:

'... the Town is prepared to refer the matter of the non-conforming use as a vehicle sales premises at the subject properties to Council for consideration at an Ordinary Meeting of Council ...

No. 492 (Lot(s) 143 & 144) Charles Street, North Perth

To enable the Town to prepare a report to Council it will be necessary for you to submit a statutory declaration detailing all supporting information and documentation to substantiate that the non-conforming use as vehicle sales premises has not been discontinued for a period of six (6) consecutive months. It would be appropriate for the statutory declaration to include all relevant supporting information such as site listings, approvals, occupation uses and dates, bills from power and utility companies etc. which will enable Council to fully consider your submission...

Nos. 496 - 500 (Lot(s) 145, 146 & 147) Charles Street, North Perth

To enable the Town to prepare a report to Council it will again be necessary for you to submit a statutory declaration detailing all supporting information and documentation to substantiate that the property has been approved by the City of Perth or the Town of Vincent for use as a vehicle sales premises and also to substantiate that this vehicle sales premises use has not been discontinued for a period of six (6) consecutive months. It would be appropriate for the statutory declaration to include all relevant supporting information such as site listings, approvals, occupation uses and dates, bills from power and utility companies etc. which will enable Council to fully consider your submission...'

The submitted statutory declarations do not appear to adequately address the above matters.

The Council had a similar situation at No. 181 (Lot 8) Carr Place, Leederville where notwithstanding that there was no evidence or proof of lawful approval for a car wrecking yard use on the property, the Council at its Ordinary Meeting held on 21 November 2000 resolved to *'acknowledge the existing use of the building/site for a Car Wreckers Yard at No.181 (Lot 8) Carr Place, Leederville as being a non-conforming use in accordance with the Town of Vincent Town Planning Scheme No.1 and may lawfully continue to operate'*.

On 26 March 2001, the then Acting Director of the Minister for Planning and Infrastructure's Planning Appeals Office advised the Town that an Inquiry under Section 18 (2) of the Town Planning and Development Act 1928 had been established following allegations that the above Council resolution was ultra vires. The Town Planning Appeal Committee Member to the Minister for Planning and Infrastructure concluded that the Minister is advised that the Town failed to enforce effectively the observance of its Scheme by allowing an unauthorised existing 'X' use to continue in a Residential zone; the Town be required to enforce the observance of the Scheme; and a suitable solution is via a scheme amendment to list an additional use in Schedule 3 of TPS 1 (the listing should very specifically describe the use and contain appropriate conditions dealing with matters such as (but restricted to) expiry of the additional use after a period of discontinuation, hours of operation, limited or no vehicle access to Carr Place, health issues and visual appearance from Carr Place).

In accordance with the above Inquiry outcomes, the Council initiated Amendment No. 8 to TPS 1, which the Minister of Planning and Infrastructure subsequently upheld the objections received during the submission period and refused to grant final approval of the Scheme Amendment.

It is considered that if the Council acknowledges vehicles sales premises as a non-conforming use on the subject properties, it is ultra vires, and will place the Town and Council in a position whereby the Minister for Planning and Infrastructure can intervene and take action against the Town/Council.

In light of the above, there is insufficient documentary evidence or proof to demonstrate that vehicles sales premises are a non-conforming use on the subject properties. The existing vehicle sales premises on the subject properties are therefore considered unauthorised.

It is recommended that the Council does not acknowledge vehicles sales premises as a non-conforming use on the subject properties.

It is further recommended that the Council authorise the Chief Executive Officer to consider the appropriateness or otherwise of allowing vehicle sales premises on the subject properties, as part of the Town Planning Scheme review process and defer serving any notices for non-compliance and/or institute legal proceedings until the Council has further considered the report in April 2006.

10.2.3 Further Report on Proposed Time Restricted Parking in Portions of Smith, Wright and Lincoln Streets, Perth

Ward:	South	Date:	05/01/06
Precinct:	Forrest (P14)	File Ref:	PKG0050/PKG0147 PKG0142
Attachments:	001:		
Reporting Officer(s):	A Munyard		
Checked/Endorsed by:	R Lotznicher	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the proposed introduction of parking restrictions in portions of Smith, Wright and Lincoln Streets;*
- (ii) *APPROVES the introduction of three (3) hour parking restrictions on the eastern side of both Wright and Smith Streets, between Bulwer and Lincoln Streets, and on the northern side of Lincoln Street between Smith and Lord Streets, as shown on attached plan 2381-PP-03, for a trial period of three (3) months;*
- (iii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs;*
- (iv) *RECEIVE a further report at the conclusion of the trial period; and*
- (v) *ADVISES all adjacent residents and service organisations of the Council's decision.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

FURTHER REPORT

At its Ordinary Meeting held on 20 December 2005, the Council decided "*That the Item be DEFERRED to allow for further consultation with Silver Chain regarding the proposed restrictions.*"

In accordance with the Council's decision, on 9 January 2006 the Town's Officers met with a representative of Silver Chain and their appointed Town Planning professional. Silver Chain's needs were discussed and options considered. A decision was made to continue with the introduction of the restrictions, with some amendments.

Silver Chain advised that there are a number of volunteers amongst their staff who are encouraged to attend the centre for vocational development sessions, often lasting up to three hours and, on some occasions, longer. As Silver Chain is concerned that these volunteers will not be prepared to pay for parking in Pier Street, they have requested that the Town consider trialling an extended time restriction of three (3) hours on one side of the road only, while leaving the other side unrestricted.

The Town's Officers have no objection to the trial of an amended time restriction of three (3) hours as this would prevent the all day parking on at least one side of the street which is of concern to residents, while accommodating the needs of Silver Chain and the Salvation Army.

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

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed introduction of parking restrictions in portions of Smith, Wright and Lincoln Streets;*
- (ii) *APPROVES the introduction of two (2) hour parking restrictions on the east sides of Wright and Smith Streets between Bulwer and Lincoln Streets and on the north side of Lincoln Street between Smith and Lord Streets, as shown on attached plan 2381-PP-02;*
- (iii) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (iv) *ADVISES all adjacent residents and service organisations of the Council's decision.*

COUNCIL DECISION ITEM 10.2.5

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted subject to clause (ii) being amended to read as follows:

“(ii) APPROVES the introduction of ~~two (2)~~ three (3) hour parking restrictions on the east sides of Wright and Smith Streets between Bulwer and Lincoln Streets and on the north side of Lincoln Street between Smith and Lord Streets, as shown on attached amended plan 2381-PP-03;”

Debate ensued.

Moved Cr Lake, Seconded Cr Ker

That the Item be DEFERRED to allow for further consultation with Silver Chain regarding the proposed restrictions.

CARRIED (7-2)

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

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the outcome of the recent public consultation and to recommend the introduction of a modified restriction proposal.

BACKGROUND:

In 2003, the Council decided to introduce ticket parking in Pier and Brewer Streets, as well as a number of other locations. This measure was implemented to dissuade commuters from outside the Town who were not patrons of local businesses from parking free all day in these streets.

The introduction of the paid parking has driven all-day parkers further a field, into Smith and Wright Streets, where residents have requested measures be implemented to ensure they are able to park in the street. Time restrictions are an effective means of discouraging all-day parkers, with residents entitled to apply for exemptions (where applicable).

DETAILS:

At the time the paid parking was introduced, it was proposed that time restrictions would be required in surrounding streets to combat the "domino" effect which is often the result of time restricted or paid parking. Residents and business proprietors of each street subject to the proposal were canvassed for comment.

Smith Street

Although predominantly residential, this section of Smith Street is also the location of the Salvation Army Women's Centre, which houses approximately 25 women with intellectual disabilities and also families escaping domestic violence. The facility operates 24 hours per day, and is attended by specialist medical service providers, nursing staff, families and friends of the residents.

Previous Action

The Officer's recommendation following this initial survey was as follows:

"As respondents showed considerable resistance to the introduction of parking restrictions and there are special circumstances in the street with regard to welfare agencies who may be detrimentally affected by a change to the current status of parking, it is recommended that no restrictions be implemented at this time, with further review being undertaken following the introduction of the paid parking."

This recommendation was adopted by the Council at its meeting held on 18 November 2003.

The introduction of ticket machines in Pier and Brewer Streets has resulted in those who parked there previously moving to unrestricted, free parking in surrounding streets, with Pier Street in particular, all but empty every day. Parking congestion in Smith Street has increased considerably since the introduction of the ticket machines.

Current Action

One particular resident of Smith Street approached the Town, urging a review of its previous decision. The initial proposal put to residents was for a two (2) hour parking restriction to be in place from 8.00am until 5.30pm Monday to Friday and 8.00am and 12noon Saturdays on both sides of the street (see attached plan 2381-PP-01).

On 18 November 2005, 34 letters were delivered to residences and the management of the Salvation Army facility, drawing nine (9) responses (26%). Of these, seven (7) were in favour of the restriction and three (3) were not.

The Salvation Army's submission asked that consideration be given to their needs, being a not for profit organisation which has operated from the premises for 107 years. Their concern is that visitors, volunteers and attendees of courses they run would be discouraged from participating if parking was not available.

In recognition of the requirements of both residents and the Salvation Army, it is recommended that the time restriction be applied only to the east side of the road, which is entirely residential (as shown on attached Plan No. 2881-PP-02).

Wright Street

Wright Street has similar circumstances to Smith Street, being both residential and also the home to Silver Chain's main centre on the west side and Silver Chain's Cottage Homes on the east side.

Silver Chain has 30 nurses, 60 care aids, 90 home helpers, 15 administrators and allied health professionals attending their centre each week. Although they provide some parking on site they depend on kerbside parking as well, and cannot predict how long each visit will be.

Silver Chain's aged care facility houses 46 residents and between 8 and 15 staff.

In the 2003 consultation, 56 letters were distributed, drawing 8 responses (14%). Of these, 2 were in favour of the restriction and 4 were not (2 were undecided). The Officer's recommendation was as follows:

"It is recommended that Wright Street be treated similarly to Smith Street, and no restriction be implemented at this time. A further review should be undertaken once the impact of the ticket parking can be assessed."

Although there have been no further parking related complaints from residents of Wright Street, it is apparent that the introduction of time restrictions in Smith Street would inevitably result in an increased parking burden for Wright and Lincoln Streets, from Smith Street to Lord Street. Therefore it was proposed that these sections of the streets be included in the time restriction proposal.

Current Action

The same restriction proposed for Smith Street was also proposed for Wright Street, i.e. to be in place on both sides of the street. Of the 50 consultation letters delivered in Wright Street, only 4 responses were received (8%). 3 were opposed to the introduction of time restricted parking and 1 supported it. Although the majority were not in favour of the proposal, the response rate was poor and strong sentiment is not evident. Silver Chain was strongly opposed to the parking restrictions.

It is therefore recommended that time restrictions be applied to the east side (mostly residential) of Wright Street, as in Smith Street. This will ensure that there will be a regular turnover of at least half of the vehicles parked in Wright Street, protecting the amenity of residents while still providing some accommodation of longer term parking for non residents (refer attached Plan No. 2881-PP-02).

Lincoln Street

Lincoln Street was not included in the initial consultation as it was considered that Pier Street parkers would be unlikely to walk the additional distance to the city or public transport. This still appears to be the case, with little interest apparent in all day parking in Lincoln Street.

As with Wright Street though, those who have now become accustomed to parking in Smith Street are likely to accept the additional distance and park all day around the corner in Lincoln Street. In anticipation of this occurrence, Lincoln Street between Lord Street and Smith Street was included in the restriction proposal.

Current Action

It was proposed that the time restriction in Lincoln Street be on both sides of the road. Of the 26 consultation letters distributed in Lincoln Street, 11 responses were received (42%). Of these 6 were against the proposal and 5 were in favour.

It is recommended that time restricted parking be introduced on the north side only of Lincoln Street between Smith Street and Lord Street. As with Smith Street and Wright Street this will ensure that kerbside parking remains available in Lincoln Street, and will protect the amenity of both residents and visitors, staff and consultants of the service organisations located in the area.

CONSULTATION/ADVERTISING:

As detailed above.

LEGAL/POLICY:

There is no legal impediment to the introduction of the parking restrictions.

STRATEGIC IMPLICATIONS:

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

- parking facilities that are appropriate to public needs;*
- a clear indication that it is the developer's responsibility to provide on-site parking;*
- protection of the rights of local residents in their streets where limited off road parking is available."*

FINANCIAL/BUDGET IMPLICATIONS:

Installation of poles and signage is estimated to be approximately \$1,000.

COMMENTS:

Free parking in close proximity to the city is always keenly sought. The Town must balance the needs of residents, businesses and organisations which all form part of its community. The proposed restrictions endeavour to address the requirements of all of these groups and it is recommended that the Council approve the proposal as presented.

10.3.1 Financial Statements as at 31 December 2005

Ward:	Both	Date:	27 January 2006
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	Bee Choo Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVE the Financial Reports for the month ended 31 December 2005 as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 31 December 2005.

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports financial reports to be submitted to Council. The Financial Statements attached are for the month ended 31 December 2005.

DETAILS:

The Financial Statements comprise:

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

Operating Statement and Detailed Summary of Programmes/Activities

The Operating Statement shows revenue and expenditure by Programme whereas the Summary of Programmes/Activities provides detail to Programme/Sub Programme level. Both reports compare actual results for the period with the Budget. The Operating Statement and the Summary of the Programmes Activities reports are in a new format providing a comparison between the year to date actual revenue and expenditure with the year to date budget.

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

Operating Revenue

Operating revenue is currently 104.91 % of the year to date Budget estimate.

General Purpose Funding (Page 1)

General Purpose Funding is showing 101.76% of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 101.23% of the budgeted amount for the rates income. In addition interim rates for the year are 13% over the budgeted expectations.

Governance (Page 2)

Governance is showing 138.74 % of the budget received to date. This can be attributed to the receipt of higher than expected revenue from vehicle contributions and sale of electoral rolls.

Law Order & Public Safety (Page 3)

Revenue is showing an unfavourable variance of 62.36 %. This is due to the timing on the receipt of budget grants not yet received.

Health (Page 4)

Health is showing a favourable variance of 113.97 %. This is due to over 310 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining as well as an increase in the fees charged. This has resulted in an increase over budgeted revenue.

Education & Welfare (Page 5)

Education & Welfare revenue is close to budget amount at 97.28%.

Community Amenities (Page 6)

Community Amenities is 127.48 % of the year to date budget. This is as a result of Refuse Charges for non-rated properties being higher than budget and over 381 planning applications have been processed year to date; this has resulted in an increase in the budgeted revenue for this area at this time.

Recreation & Culture (Page 9)

The total revenue for Recreation and Culture shows a variance of 101.84 % of their revenue budget. As Beatty Park Leisure Centre Budget Phasing has been adjusted to better reflect expected timings of relevant revenues and expenditures, the operating results are at 101% against budget projections.

Transport (Page 10)

Total Transport revenue is a favourable 157.00 % against the year to date revenue budget. This may be attributed to the favourable increase in parking income as well as modified penalties being significantly higher than budget due to increased fees and vigilant enforcement action.

Economic Services (Page 12)

Economic Services is 137.89 % over budget which is mainly due to more than 264 building licences issued to the end of December which has resulted in a higher than estimated revenue being received.

Other Property & Services (Page 13)

At 101.68 % against budget, Other Property & Services is operating in line with Budget Projections.

Operating Expenditure

Operating expenditure for the month of December is just over budget at 100.98 %.

Health (Page 4)

The expenditure is currently 123.65 % over budget attributable to the employment of a temporary Health Officer required for the increased work load and leave cover. There has also been an increase in after hour attendances which attract overtime payments.

Other Property & Services (Page 13)

This program is currently 147.44 % over budget because of the low recovery rate for the plant charges in the section. It is envisaged that this position should improve as the financial year progresses and the scheduled larger Capital Works Projects are undertaken.

Capital Expenditure Summary (Pages 18 to 25)

The Capital Expenditure summary details projects included in the 2005/06 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for December amount of \$2,346,972 which is 6 % of the budget of \$40,388,796.

	Budget	Actual to Date	%
Furniture & Equipment	166,300	46,385	28%
Plant & Equipment	1,252,040	461,337	43%
Land & Building	32,651,460	134,756	1%
Infrastructure	6,318,996	1,704,494	27%
Total	40,388,796	2,346,972	6%

Capital Expenditure - Variance Comments

Comments have been made on completed work with a variance greater than 10%.

Land and Buildings

Beatty Park Administration

	Budget	Actual to Date	%
Upgrade of family disabled Changeroom	9,500	11,013	116%

Over expenditure due to additional work required to complete the job from original scope of the works.

Plant and Equipment

Major Plant Replacement Program

	Budget	Actual to Date	%
Rough cutter	9,500	16,244	171%

The rough cutter tractor implement was purchased in the year 2000 and was the basic model. The model traded was the galvanised version. However there has been a significant price increase and in hindsight the budget allocation of the Plant Replacement Program should have been reviewed.

Beatty Park Leisure Centre

	Budget	Actual to Date	%
Lane Rope Reel	1,600	1,890	118%

A significant increase in price since the original estimate for provision of the rope reel provided at the time of the budget preparation accounts for the over expenditure.

Infrastructure Assets**Right of Ways (ROW)**

	Budget	Actual to Date	%
Scarborough Beach Road- Faraday Street	18,000	24,213	134%
Elna Street - Doris Street	40,000	46,919	117%

The funds allocated in the budget is estimated on a per linear metre rate. An estimate is not prepared for each individual ROW. In the construction of ROW's there can be a number of variables, e.g. adjustment for services retaining and additional drainage. While two of the ROW line items are over budget estimates, the ROW programme overall is within budget.

Parks Services**Fencing**

	Budget	Actual to Date	%
Ellesmere Street Reserve	7,000	10,240	146%

Original budget estimates did not allow for the extension of the new fencing to the apex of the park where Selden and Eton Streets meet. The community has previously requested that this section be fenced. The new fence was removed just after installation by contractors replacing the existing slab footpath, the bollards had then to be replaced, this contributed to the over expenditure.

Car Parking

	Budget	Actual to Date	%
Mary Street angle parking	30,000	37,618	125%

The presence of an existing cast iron water main required a sensitive approach to the box out and compaction which took longer. Also additional service relocation and reticulation costs were incurred. Furthermore this was a difficult site involving weekend work as local businesses were complaining about the effect on their trade.

Statement of Financial Position and Changes in Equity (Pages 26 & 27)

The statement shows the current assets of \$20,844,495 less current liabilities of \$5,564,102 for a current position of \$15,280,393. The total non current assets amount to \$115,250,076 less non current liabilities of \$11,010,874 with the total net assets of \$119,519,595.

Restricted Cash Reserves (Page 28)

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

Debtors and Rates Financial Summary

General Debtors (Page 29)

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

Sundry Debtors of \$322,296.72 are outstanding at the end of December, a significant improvement of 23% from November balances due to improved booking process and vigorous debt collection. Of the total debt \$42,230.70 (13%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue. Finance has been following up with debt recovery by issuing reminders when it is overdue.

Rate Debtors (Page 30)

The notices for rates and charges levied for 2005/06 were issued on the 2 August 2005.

The Local Government Act 1995 provides for ratepayers to pay rates by four instalments.

The due dates for each instalment are:

First Instalment	6 September 2005
Second Instalment	7 November 2005
Third Instalment	5 January 2006
Fourth Instalment	7 March 2006

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

Instalment Administration Charge	\$4.00
(to apply to second, third, and fourth instalment)	
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

Pensioners registered with the Town for rate concessions do not incur the above interest or charge.

Rates outstanding are \$3,010,555 which represents 20.84 % of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 31)

As at 31 December 2005 the operating deficit for the Centre was \$178,243 in comparison to the budgeted year to date deficit of \$302,216 and annual deficit of \$581,324.

The cash position showed a current cash surplus of \$77,445 in comparison to the year to date budget of cash deficit of \$69,544 and an annual budget estimate of a cash deficit of \$126,359. The cash position is calculated by adding back depreciation to the operating position.

The Swim school is continuing to return better than budgeted results due to the increased attendances at the school. The revenue for Term 1 has been received in December, this accounts for the current significant surplus, this will however reduce through the term until the start of Term 2 when revenue for that term is received.

The Café deficit has been reduced this month and this trend would be expected to continue over the busy summer months.

The Retail Shop continues to perform with higher than expected figures partly attributable to the increase in swim school patronage, and school holidays.

Health and Fitness performance is better than budget with increased revenue due to a membership drive at the centre, which attracted overlap memberships.

10.3.3 Capital Works Program 2005/2006 - Progress Report No 2 as at 31 December 2005

Ward:	Both	Date:	31 January 2006
Precinct:	All	File Ref:	FIN0025
Attachments:	001		
Reporting Officer(s):	M Rootsey, R Lotznicher, R Boardman		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Progress Report No 2 for the period 1 July - 31 December 2005, for the Capital Works Program 2005/2006, as detailed in Appendix 10.3.3.

COUNCIL DECISION ITEM 10.3.3

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the Council's Capital Works Program 2005/06 for the period 1 July 2005 to 31 December 2005.

BACKGROUND:

The Council adopted the Capital Works Program at the Ordinary Meeting of Council held on 9 August 2005. Quarterly reports will be presented to Council to advise of the schedule and progress of the Capital Works Program. This is the second Progress Report for this financial year covering the period ending 31 December 2005.

DETAILS:

The report focuses on the work that was due to be completed up to the end of the second quarter. Comments on the report relate only to works scheduled to be carried out in the period up to 31 December 2005.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

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

1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

FINANCIAL/BUDGET IMPLICATIONS:

The progress of the Capital Works Program is in the main proceeding according to funding in the Annual Budget 2005/2006, however two major projects have been deferred or delayed as listed. The second phase of the redevelopment of the Members Equity Stadium will not take place in this financial year, this will be reflected in the mid year budget review.

The redevelopment of the Loftus Centre has been delayed and it is now unlikely that work will commence in this financial year. An adjustment for this will also be included in the mid year budget review.

COMMENTS:

The Capital Works Program is progressing according to the Council approved schedule, however the two major projects mentioned above will now not occur in this financial year.

10.3.4 Application to Sublease Office Space at 180 Charles Street, North Perth by WA Volleyball Association

Ward:	North	Date:	7 February 2006
Precinct:	North Perth	File Ref:	RES0005
Attachments:	001		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the application by the WA Volleyball Association to sub-lease office space to WA Cycling Inc at 180 Charles Street, Perth subject to the completion of the sub-lease negotiations to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.3.4

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

Report to Council on the application by the WA Volleyball Association to sub-lease office space at 180 Charles Street, North Perth to WA Cycling Inc.

BACKGROUND:

WA Volleyball Association currently lease the premises at 180 Charles Street, North Perth from the Town (see attached plan). The lease is for the period from 1 August 1999 to 31 July 2009 with two further five year options.

The WA Volleyball Association have last year in May and June 2005, made two separate applications to sub-lease part of the office in the premises to other organisations. However the applications have not been accepted as the sub-leases have been to commercial operations which do not meet the criteria for land use of premises which is designated for parks and recreational purposes.

Royal Park, including Western Australian Volleyball Association premises, at the corner of Vincent Street and Charles Street is reserved "Town of Vincent Reserves - Parks and Recreation - Restricted" under the Town Planning Scheme No 1 (TPS 1).

In accordance with TPS 1 the Town's Hyde Park Precinct Policy, uses permitted on the subject property are only those which are incidental to and associated with parks and recreation purposes, such as Volleyball WA.

DETAILS:

On 18 January 2006 the WA Volleyball Association submitted a letter that requested that the Town consider an application from the Association to sub-lease offices 3 and 4 (on the attached plan) in the premises to WA Cycling Inc. The proposed sub-lease to WA Cycling Inc meets the criteria for the use of the land as the organisation is associated with recreational purposes.

Part of the offices will be sub-leased to WA Cycling Inc for \$70 per week and other costs for the utilities will be pro-rata between the WA Volleyball Association and WA Cycling Inc. The WA Volleyball Association currently pays \$7,665 per annum.

The current lease states the following in regard to sub-leasing of the premises:

General Clause (g):

Assignment or Sub-letting -

The Lessee must not assign or sublet the premises or give any other person the right to possess or occupy the premises without the prior written approval of the Lessor.

That approval may be given or withheld at the sole discretion of the Lessor.

Sections 80 and 82 of the Property Law Act are excluded and do not apply to the lease.

The Association has been keen to secure a sub-lease as it requires the extra funding to grow the use and facilities at Royal Park. This sub-lease will enable the WA Volleyball Association to secure a steady cash flow for the organisation.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

General Clause (g) of the current lease states:

Assignment or Sub-letting -

The Lessee must not assign or sublet the premises or give any other person the right to possess or occupy the premises without the prior written approval of the Lessor.

That approval may be given or withheld at the sole discretion of the Lessor.

Sections 80 and 82 of the Property Law Act are excluded and do not apply to the lease.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005 - 2010 Key Result Area Three: Economic Development

3.1 Identify the needs and expectations of the business community, promote business development and facilitate outcomes in the Town.

(a) *Develop and implement an Economic Development Strategy to promote economic vitality, the attractive features, strengths and opportunities of businesses in the Town.*

3.2 Develop business strategies that provide a positive triple bottom line return for the Town.

(a) *Review leases and commercial contracts to ensure the best return for the Town.*

FINANCIAL/BUDGET IMPLICATIONS:

The Town currently charges the WA Volleyball Association \$7,665 per annum.

There are no financial implications to the Town as the sub-lessee will pay the WA Volleyball Association.

COMMENTS:

WA Cycling Inc meets the criteria for the usage of land which is for recreational purposes. The Town Administration therefore recommends that the application by WA Volleyball Association for the sub-lease of office space at 180 Charles Street, North Perth is supported.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	3 February 2006
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ENDORSES the use of the Council's Common Seal on the documents listed in the report.

COUNCIL DECISION ITEM 10.4.1

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
12/01/05	Withdrawal of Caveat	3	Town of Vincent and Haskins Settlements on behalf of owner, Interwest Pty Ltd of 4/16 Milligan St, Perth 6000 re: Nos 315-323 (Lots 7 & 712) Bulwer Street and Nos. 264-266 (Lot 12) Fitzgerald Street, Perth
16/01/06	Establishment Agreement	9	Towns of Vincent, Cambridge, Victoria Park and Cities of Perth, Stirling, Joondalup and Wanneroo and Tamala Park Regional Council re: Lot 118 Mindarie
16/01/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Members Equity of L1, 111 St Georges Terrace, Perth 6000 re: Staff Meeting - Grandstand - 22 February 2006

Date	Document	No of copies	Details
23/01/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Perth Glory Sponsors Sun Downer - Gareth Naven Room, Change Rooms and Pitch - 25 January 2006
24/01/06	Transfer of Land	1	Town of Vincent and Vietnam Veterans Association of Australia WA Branch Inc of 219 Railway Parade, Maylands re: Lot 15 on Plan 1659 being the whole of the land comprised in the Certificate of Title Volume 1918 Folio 578 (Anzac Cottage, No. 38 Kalgoorlie Street, Mount Hawthorn)
24/01/06	Lease	2	Town of Vincent and Vietnam Veterans Association of Australia WA Branch Inc of PO Box 8108, Warnbro, WA re: Anzac Cottage, No. 38 Kalgoorlie Street, Mount Hawthorn - Lot 15 on Plan 1659, being the whole of the land comprised in the Certificate of Title Volume 1918 Folio 578
25/01/06	Easement in Gross	1	Town of Vincent and Western Power of 363 Wellington Street, Perth re: Lot 11 Shakespeare Street Reserve, Mount Hawthorn - Padmount Transformer Kiosk (Lot 11 on Diagram 11538 and being the whole of the land contained in Certificate of Title Volume 39, Folio 265A)
25/01/06	Transfer of Land	1	Town of Vincent and State of Western Australia, c/o Department for Planning and Infrastructure of PO Box 1575, Midland WA 6939 re: Proposed Dedication of the Right of Way being the extension of Sholl Lane, North Perth (Lot 181 in Certificate of Title Volume 2219, Folio 417)
25/01/06	Application for a New/Balance Title	1	Town of Vincent and Department of Land Information re: Registration of Deposited Plan 48424 and the subsequent issue of new Certificate of Title the subject of the said Deposited Plan - (Lots 3000, 3001, 3002 and 3003 Leake Street, North Perth)

10.4.4 Statutory Review of Local Laws – Progress Report No 1

Ward:	Nil	Date:	2 February 2006
Precinct:	Nil	File Ref:	LEG0019
Attachments:	001		
Reporting Officer(s):	A Smith/John Giorgi		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) *RECEIVES the report relating the Statutory Review of Local Laws – Progress Report No 1; and*

(ii) *NOTES:*

(a) *that no submissions were received from the public regarding the Town’s intention to review its Local Laws;*

(b) *the timeline for the review and consideration of the Town’s Local Laws as shown in Appendix 10.4.4.*

COUNCIL DECISION ITEM 10.4.4

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an update on the statutory review of the Town’s Local Laws.

BACKGROUND

At the Ordinary Meeting of Council held on 26 July 2006 the Council resolved as follows:

“That the Council;

(i) *RECEIVES the report relating the Statutory Review of Local Laws;*

(ii) *pursuant to Sections 3.16 of the Local Government Act 1995 the Council AUTHORISES the Chief Executive Officer to advertise, for a period of six (6) weeks, its intention to review the following Local Laws;*

• <i>Airconditioning Units</i>	• <i>Alfresco Dining</i>
• <i>Beatty Park Leisure Centre</i>	• <i>Display of Items on a Footpath</i>
• <i>Dogs</i>	• <i>Fences, Floodlights and Other External Lights</i>
• <i>Halls and Centres</i>	• <i>Parking Facilities</i>
• <i>Parks and Public Reserves</i>	• <i>Property Numbers</i>
• <i>Removal and Disposal of Obstructing Animals or Shopping Trolleys</i>	• <i>Removal of Refuse, Rubbish and Disused Materials</i>
• <i>Street Lawns and Gardens</i>	• <i>Street Trading</i>
• <i>Streets and Footpaths</i>	• <i>Verandahs and Awnings Over Streets</i>

(iii) *GIVES Statewide public notice that:*

- (a) *the local government proposes to review the local laws;*
- (b) *a copy of the local laws may be inspected or obtained at any place specified in the notice; and*
- (c) *submissions about the local laws may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given; and*

(iv) *RECEIVES a further report at the conclusion of the advertising period.*

In accordance with the procedure for the reviewing of Local Laws, Statewide and Local notice was given that the Town intends to review its Laws.

Advertisements were placed in “*The West Australian*” newspaper and the “*Perth Voice*”. At the close of the consultation period, no submissions had been received. This now enables the actual review of the Local Laws to proceed.

DETAILS:

The Town recently purchased the WALGA Model Local Laws and these will be used as a basis for the review.

It is considered the using the Model Local Laws has many advantages including:

- the Laws have been legal vetted.
- greater consistency with wording and format;
- saving of costs and time in preparing the new local laws;
- reducing the number of local laws as these will be consolidated.

These Model Laws have been approved by the Joint Standing Committee on Delegated Legislation.

The Town’s Officer are now in the process of reviewing the existing Local Laws and a timeline has been prepared (refer to Appendix 10.4.4). A Working Group has been formed comprising the relevant Section Managers.

It is proposed that the reviewed Local Laws will be submitted for the Council’s consideration in April/May 2006.

ADVERTISING/CONSULTATION

N/A.

FINANCIAL/BUDGET IMPLICATIONS

An amount of \$5,000 has been included in the Budget 2005-2006 for this project.

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

The cost of advertisements will be approximately \$1,000. The new local laws are required to be printed in the Government Gazette by the State Law Publisher which will cost approximately \$1,500. All other copying will be carried out in-house and will cost approximately \$500. (Employee costs have not been included.)

LEGAL/POLICY

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

The eight year period is taken to be from either when the local law commenced or when the last review of the local law (using section 3.16) was completed.

The local laws are required to be advertised in their current status for a period of six (6) weeks. At the close of the submission period the Town may make any proposed changes and consider any submissions received and then readvertise for a further six week period.

STRATEGIC IMPLICATIONS

The matter is in keeping with the Council's Strategic Plan 2005-2010 (Amended) – *Key Result Area 4.2 – 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.*

COMMENTS

The statutory review of the Town's Local Laws will be carried out by the Town's Administration and not by an external consultant. As such, the work will be accommodated within current workload and competing priorities. A staged program has been prepared to reflect this.

10.4.5 Proposed Stage 2 Redevelopment – Members Equity Stadium, 310 Pier Street, Perth – Progress Report No 8

Ward:	South	Date:	3 February 2006
Precinct:	Beaufort, P13	File Ref:	RES0085
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the Progress Report No 8 concerning the proposed redevelopment of Members Equity Stadium for the period 15 November 2005 to 3 February 2006.

COUNCIL DECISION ITEM 10.4.5

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to update the Council on the progress of the redevelopment project from the period of 15 November 2005 to 3 February 2006.

BACKGROUND:

At the Ordinary Meeting of Council held on 22 November 2005, the Council considered this matter and resolved as follows;

"That the Council;

- (i) RECEIVES the Progress Report No 7 concerning the proposed redevelopment of Members Equity Stadium for the period 7 July 2005 to 14 November 2005;*
- (ii) AUTHORIZES the Chief Executive Officer to write to the Premier and the Acting Minister for Sport and Recreation to express strong concerns that the \$25 million allocated by the State Government in December 2004 for the upgrade of Members Equity Stadium should remain allocated for the upgrade of this facility;*
- (iii) AUTHORIZES the Chief Executive Officer to write to the Western Australian Football Commission to express strong concerns at their actions to divert the \$25 million for the upgrade of Members Equity Stadium to the upgrade of Subiaco Oval;*
- (iv) AUTHORIZES the Chief Executive Officer to write to Rugby WA to advise it of the Council's view in this matter;*
- (v) NOTES the shortfall in funding required for the redevelopment of Stages 2, 3 and 4 of Members Equity Stadium, as shown in Confidential Appendix 10.4.8; and*

- (vi) *AUTHORISES the Mayor and Chief Executive Officer to meet with the Premier, Acting Minister for Sport and Recreation, Department of Sport and Recreation, the Western Australian Football Commission, Rugby WA, Major Stadia Taskforce and other interested persons to pursue the Town's position in this matter, including the identified need for additional funds required for the redevelopment of Stages 2, 3 and 4 of Members Equity Stadium."*

Previous Progress Reports

Progress reports have been submitted to the Ordinary Meeting of Council held on 22 November, 12 July and 26 April, 22 March 2005 and 21 December and 26 October 2004.

Meetings and Correspondence

The following action has been taken since 15 November 2005;

Date	Action
DSR:	
25 November 2005	<ul style="list-style-type: none"> • Email from DSR seeking clarification of Heads of Agreement
5 December 2005	<ul style="list-style-type: none"> • Letter to DSR regarding Stage 2 Redevelopment
31 January 2006	<ul style="list-style-type: none"> • Letter received concerning possible postponement of Stage 2 Redevelopment. Information requested concerning Heads of Agreement. Meeting requested with Town's CEO.
Major Stadia Taskforce:	
28 November 2005	<ul style="list-style-type: none"> • Letter received inviting Town to Stakeholders' meeting on 9 December 2005
9 December 2005	<ul style="list-style-type: none"> • Attendance at Stakeholders' Meeting
15 December 2005	<ul style="list-style-type: none"> • Letter from Taskforce seeking information on various sites in the Town
30 December 2005	<ul style="list-style-type: none"> • Letter to Taskforce advising of Stage 2 details
Rugby WA:	
5 December 2005	<ul style="list-style-type: none"> • Letter advising of Stage 2 Redevelopment details

Letters have been sent to the former Premier of Western Australia, former Minister of Sport and Recreation, Chairman and Chief Executive Officer of the Western Australian Football Commission and Chairman of the West Coast Eagles, advising of the Town's position concerning Stage 2 Redevelopment.

Perry Lakes Redevelopment Bill 2005

On 2 December 2005, the Perry Lakes Redevelopment Bill was passed by Parliament. This Bill gives the government ownership and control of the Perry Lakes land and A-K Reserve land and gives authority to the State Government to provide sporting facilities on A-K Reserve for Rugby, Basketball and Athletics. The Bill was proclaimed on 3 February 2006.

DRAFT PRELIMINARY AGREEMENT

The Preliminary Agreement was approved at the Ordinary Meeting of Council held on 26 April 2005 and signed on 28 April 2005. An amount of \$500,000 was paid to the Town on 3 May 2005. These funds are currently in the Perth Oval Stage 2 Redevelopment Reserve Fund.

Town's Requirements, Conditions and Expectations

At the Ordinary Meeting of Council held on 22 March 2005, the Council determined its requirements, conditions and expectations. These were sent to the Department of Sport and Recreation. No further meetings have been held to progress this matter.

Deed of Licence Agreement

On 9 November 2005, the Town's Chief Executive Officer forwarded a Deed of Licence Agreement to Rugby WA. Several discussions have been held with Rugby WA. They have advised that the Deed has been referred to their solicitors.

Perth Glory Football Club - Deed of Licence

Since November 2005, there has been considerable media publicity about the sale of Perth Glory Football Club (PGFC). The media have reported that the current Chairman, Mr Nick Tana, is keen to sell the Club, that losses of up to \$6 million have been incurred over several years, that there has been interest from several business consortiums, including; Paul Afkos Consortium (former Director), David Schrandt Consortium and David Rodwell Consortium (current Director).

PGFC have a Deed of Licence to use the Stadium and a lease with the Town for office space in the Stadium Grandstand.

The Deed of Licence requires any sale of the Club to be considered and approved by the Town. The Town must consider the matter and give its decision (which cannot be unreasonably withheld) within 45 days of being notified.

The Deed requires any prospective purchaser to be *"a respectable, responsible and solvent person, capable of adequately carrying out the Permitted Use and capable of complying with all of the obligations contained in the Licence."* The person must be of *"good standing in the community."*

Whilst the media has reported that discussions are well advanced and that the sale will occur in the 2005/06 Financial Year, at the time of writing this report the Town has not received any formal communication about the possible sale.

It is considered that any sale of PGFC will not materially affect the Town.

FINANCIAL/BUDGET IMPLICATIONS:

The Town has included an amount of \$25 million in the Draft Budget 2005/2006. It is envisaged that the State Government will allocate the \$25 million for the Stadium upgrade, upon signing of another Financial Assistance Agreement.

The \$500,000 received from the DSR has been placed in the "Perth Oval - Stage 2 Redevelopment Reserve Fund".

LEGAL/POLICY IMPLICATIONS:

Not applicable, at this stage, however it will be required when details become more available.

ADVERTISING/COMMUNITY CONSULTATION:

Not applicable, at this stage, however it will be required when details become more available.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2005-2010, Key Result Area 3.2(g) - *"Implement and upgrade Perth Oval in liaison with all stakeholders"*.

COMMENT:

There has been little development in progressing the Stage 2 Redevelopment for the following reasons;

1. The Major Stadia Taskforce has been formed and this will consider the Rectangular Stadium needs in Perth.
2. Rugby WA have not responded to the Town's offer for a Deed of Licence.
3. There have been several changes for the Minister of Sport and Recreation over the previous months.

It is considered that until the Major Stadia Taskforce hands down its findings/recommendations, very little progress will occur with the Stage 2 upgrade of Perth Oval (Members Equity Stadium).

**10.4.7 Strategic Plan 2005-2010 (Amended) – Progress Report for the Period
1 October 2005 – 31 December 2005**

Ward:	Both	Date:	3 February 2006
Precinct:	All	File Ref:	ADM0038
Attachments:	001		
Reporting Officer(s):	Managers, Executive Managers, R Boardman		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the progress report on the Strategic Plan 2005-2010 (Amended) for the period 1 October 2005 – 31 December 2005 as shown in Appendix 10.4.7.

COUNCIL DECISION ITEM 10.4.7

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly update on the Strategic Plan for the period 1 October to 31 December 2005.

BACKGROUND:

At the Ordinary Meeting of Council held on 21 December 2004, the Council considered the matter of its Strategic Plan and resolved *inter alia* as follows:

“That the Council;

- (i) *ADOPTS the Council's Strategic Plan 2003-2008 as amended at the workshop held on 11 December 2004 ...*
- (ii) *USES the amended Strategic Plan as an Interim Plan for the period December 2004 until it is reviewed in mid to late 2005;*
- (iv) *REVIEWS its Strategic Plan in mid to late 2005 and considers an amount of \$10,000 in the draft Budget 2005/06 for this matter.”*

DETAILS:

Progress reports are reported to Council for each quarter as follows:

Period	Report to Council
1 January - 31 March	April
1 April - 30 June	July
1 July - 30 September	October
1 October - 31 December	February

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

It is not a legal requirement to have a Strategic Plan, however, it is considered "*Best Practice*" management that a Strategic Plan be adopted to complement and be linked and aligned to both the Principal Activities Plan and Annual Budget.

STRATEGIC IMPLICATIONS:

The Strategic Plan provides the elected Council and administration with its aims, goals and objectives (key result areas) for the period 2005 – 2010.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The progress report for the Strategic Plan indicates that the Town's administration is progressing the various strategies in accordance with the Council's adopted programs and adopted budget.

10.1.27 No. 173 (Lot 4 D/P: 2730) Vincent Street, West Perth - Front/Street Fence Additions to Existing Grouped Dwelling (Application for Retrospective Approval)

Ward:	South	Date:	7 February 2006
Precinct:	Hyde Park; P12	File Ref:	PRO2041; 5.2005.3265.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Labirynth Design & Development on behalf of the owner R Polodna & J McDonald for proposed Front and Boundary Fence Additions to Existing Grouped Dwelling - Retrospective Application, at, No. 173 (Lot 4 D/P: 2730) Vincent Street, West Perth, and as shown on plans stamp-dated 9 November 2005, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the Town's Policies relating to Street Walls and Fences; and*
 - (c) *the street walls and fences requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
- (ii) *the Council ADVISES the owners that the unauthorised fence shall be removed within twenty-eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to proceed with legal proceedings should the above works not be completed and the unauthorised street/front fence remains after this twenty-eight (28) days period.*

COUNCIL DECISION ITEM 10.1.27

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

LOST (0-9)

Reasons:

1. **Areas of non-compliance are considered minor and the owner has indicated that he is willing to bring these areas into compliance.**
 2. **The property is along a district distributor road.**
 3. **The Fencing has a valid Building Licence.**
-

Landowner:	R Polodna & J McDonald
Applicant:	Labirynt Design & Development
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	951 square metres
Access to Right of Way	South side, 4.1 and 5 metres wide, sealed, privately owned

BACKGROUND:

- 28 May 2002 The Council at its Ordinary Meeting resolved that the application for proposed demolition of existing dwelling and construction of five (5) three-storey with loft grouped dwellings at the subject property '*Lie on the Table*'.
- 11 June 2002 The Council at its Ordinary Meeting conditionally approved proposed demolition of existing dwelling at the subject property.
- 9 July 2002 The Council at its Ordinary Meeting refused an application for proposed construction of five (5) three-storey grouped dwellings at the subject property.
- 19 November 2002 The Council at its Ordinary Meeting conditionally approved proposed four (4) two-storey grouped dwelling at the subject property. Condition (vii) of the subject approval states as follows:

"no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of the front fences and gates adjacent to Vincent Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;".

DETAILS:

The application seeks retrospective approval for front/street and boundary fence addition to existing grouped dwelling.

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
Street walls and fences	Walls and fences to district distributor road - the solid portion of the wall and/or fence may increase to a maximum height of 1.8 metres, provided that the wall and/or fence has at least two (2) appropriate design features to reduce the visual impact.	North (primary street): <ul style="list-style-type: none"> • solid portions of wall varying from 1.543 metres - 1.8 metres in height; • 5 metres of fence is solid to 0.257 metre high and visually permeable above that to 1.5 metres; and • solid red face brick mail box adjacent to footpath to 1.2 metres high. 	Not supported - undue impact on streetscape and surrounding amenity.
		South east: <ul style="list-style-type: none"> • solid wall to 1.8 metres high within front setback. North west: <ul style="list-style-type: none"> • solid pillar to 1.714 metres high and solid wall to 1.581 metres high within front setback. 	Not supported - <ul style="list-style-type: none"> • fence does not include two design features; • it would be difficult to incorporate two appropriate design features into the existing colourbond fence; and • undue impact on streetscape and surrounding amenity. Not supported - undue impact on streetscape and surrounding amenity.
No consultation required as development involves a variation to development requirement specified in the Town's Policy - Non-Variation of Specific Development Standards and Requirements.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The development is not supported on the basis that it is considered to have an undue impact on the streetscape and surrounding amenity and it proposes variations outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements. It is Further Recommended that the Council require the unauthorised fence to be removed and authorise the Chief Executive Officer to proceed with legal proceedings should this fence remain.

10.1.39 Further Report - Motion to Revoke or Change a Council Decision Relating to Nos.14-16 (Lots 99 D/P: 2503, 100 D/P: 2503, 101 D/P: 2503, 102 D/P: 2503, 103 D/P: 2503 and 104 D/P: 2503), Woodstock Street, Corner Flinders Street, Mount Hawthorn - Proposed Change of Use from Hospital to Institutional Building and Associated Additions and Alterations to Existing Premises

Ward:	North	Date:	9 February 2006
Precinct:	Mount Hawthorn; P1	File Ref:	PRO3321; 5.2005.3175.1
Attachments:	001 002 003 004		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel , R Boardman,	Amended by:	John Giorgi

That;

- (i) *as required by the Town of Vincent Local Law relating to Standing Orders, Clause 3.21(3), the Council CONSIDERS the Statement of Impact prepared by the Chief Executive Officer, as detailed in this report, before voting on a Motion to revoke or change a decision of the Council;*
- (ii) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to Section 5.25(e) of the Local Government Act 1995, the Council resolves to REVOKE the resolution adopted by the Council at its Ordinary Meeting held on 22 November 2005 (Item 10.1.7);*
- (iii) *Councillor MOVES a motion to REVOKE the decision by deleting the following:*

"That;

in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission of the application submitted by North Metropolitan Area Health Service on behalf of the owner Crown for proposed Change of Use from Hospital to Institutional Building and Associated Additions and Alterations to Existing Premises, at No(s)14-16 (Lots 99 D/P: 2503, 100 D/P: 2503, 101 D/P: 2503, 102 D/P: 2503, 103 D/P:2503 and 104 D/P:2503) Woodstock Street, corner Flinders Street, Mount Hawthorn and as shown on plans stamp-dated 21 September 2005, subject to:

- (i) *this approval for Institutional Building is for a period of 3 years only;*
- (ii) *prior to the first occupation, a community reference group, comprising residents and representatives from the Health Department and the Town of Vincent, be formed to manage/deal with any community concerns or complaints;*
- (iii) *no patients with a recent history of substance abuse, a criminal record or a history of violence shall be housed at the facility;*
- (iv) *a management plan shall be prepared and submitted to the satisfaction of the Town and be implemented as from the first occupation of the development and thereafter maintained;*

- (v) *the outdoor living area to the north of the building shall be designated a smoke free zone and have an 8pm curfew;*
- (vi) *detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the commencement of works;*
- (vii) *any new street/front wall, fence and gate between the Woodstock Street and Flinders Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (viii) *a maximum of fourteen (14) staff members and twenty(20) patients are permitted to be at the premises at any one time;*
- (ix) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Woodstock Street and Flinders Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (x) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (xi) *prior to the first occupation by a resident of the facility, the Health Department undertakes community information and discussion session to respond to community concerns and to inform the community as to the nature and scope of the facility;*

- (xii) *any overlooking issues with adjoining neighbours to the north of the facility are adequately addressed prior to the occupation of the facility; and*
- (xiii) *there being a minimum of four (4) staff members on site at all times."*
- (iv) *in accordance with Regulation 10 of the Local Government (Administration) Regulations 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Councillors Chester, Doran-Wu and Farrell, being one third of the number of offices of members of the Council, SUPPORT this motion; and*
- (v) *the Council APPROVES BY AN ABSOLUTE MAJORITY of the following:*
- "(a) *DEFERS the application submitted by North Metropolitan Area Health Service on behalf of the owner Crown for proposed Change of Use from Hospital to Institutional Building and Associated Additions and Alterations to Existing Premises, at No(s)14-16 (Lots 99 D/P: 2503, 100 D/P: 2503, 101 D/P: 2503, 102 D/P: 2503, 103 D/P:2503 and 104 D/P:2503) Woodstock Street, corner Flinders Street, Mount Hawthorn and as shown on plans stamp-dated 21 September 2005; and*
- (b) *REQUESTS the Department of Health to carry out further community consultation and provide further information to the community, to the satisfaction of the Town's Chief Executive Officer, prior to the matter being reconsidered by the Council."*

The following motion was circulated to Elected Members prior to the Meeting and copies were made available for the public.

"That clause (v) as shown in the Agenda be deleted and the revocation motion be DEFERRED to the Ordinary Meeting of Council to be held on 28 March 2006 for the following reasons:

- (i) *to REQUEST the Department of Health in conjunction with the Town to form a Consultative Committee, as follows:*

"Terms of Reference/Role of the Consultative Committee

1. To clarify and make recommendations on the proposal including:

- Numbers of consumers to be housed;*
- Consumer entry and exit criteria;*
- the levels and appropriateness of services provided to consumers;*
- Minimum acceptable living conditions for the facilities to ensure they would meet the stated goals of Intermediate Care Facilities (ICF), reflect a humane and home-like environment and also meet the needs for privacy, security and amenity of surrounding residents;*
- appropriate staffing levels;*
- the exact legal tenure for the facility;*

2. Consideration, review and recommendation for the proposed Hawthorn House Community Advisory Committee Draft Terms of Reference (including management authority, governance, independent auditing and reporting requirements), Procedures for the Response to any incidents (Crisis Response Incidents) relating to the residents of Hawthorn House;

3. *To consider and develop strategies to promote and enhance the integration of Hawthorn House into the community and minimise any impact on the local community and amenity of the area;*
4. *To consider and recommend the need for provision of further information to the community including ensuring Cultural and Linguistic Diversity (CALD) community needs are met;*
5. *To consider and reach consensus on the implementation timeline, meeting procedures and rules;*
6. *To consider and recommend a process for media comment;*
7. *To consider the transition of the Consultative Committee to the Community Advisory Group.*

COMPOSITION

The Consultative Committee to comprise:

<i>Composition of the Committee</i>	<i>No.</i>	<i>Deputy/ Proxy</i>
<i>Independent Chairperson</i>	<i>1</i>	<i>1</i>
<i>Department of Health - Office of Mental Health</i>	<i>1</i>	<i>1</i>
<i>Town of Vincent representative</i>	<i>1</i>	<i>1</i>
<i>Association of Relatives and Friends of the Mentally Ill (ARAFMI) representative</i>	<i>1</i>	<i>1</i>
<i>A representative of local residents</i>	<i>1</i>	<i>1</i>

ROLE OF INDEPENDENT CHAIRPERSON

The Chairperson, at the request of the committee, may invite other persons to attend meetings to attend in relation to a specific agenda item(s) or to provide presentations and/or advice on relevant matters.

TERM

The Consultative Committee to meet as required and provide a report to the Department of Health and the Town no later than Monday 20 March 2006.

TENURE AND MEETING CONVENTIONS

*Members are appointed for a maximum period of two (2) months.
Members will have the option for a subsequent twelve (12) months in the OMH's proposed Hawthorn House Community Advisory Committee on the proviso they retain their current representative position.*

COMMITMENT OF GOVERNMENT

Administrative support to the committee be provided by the Department of Health.

REPORTING AND ACCOUNTABILITY

- (a) *The Hawthorn House Consultative Committee will provide direct debriefing and electronic copies of its proposal recommendations/minutes/actions to the WA Health Department, North Metropolitan Area Mental Health Service, the Executive Director of the Office of Citizens and Civics and the Town of Vincent.*

- (b) *Committee meeting minutes to be made available to the community;"*;
- (ii) *for the Town to contact Mr Keith Wilson Chair of the Mental Health Council and request he act as the Independent Chair of the proposed Consultative Committee;*
- (iii) *for the Town to seek independent advice from the Mental Health Council of Australia for proposed the facility, including:*
- *specific scope and function;*
 - *Numbers of consumers to be housed;*
 - *Consumer entry and exit criteria;*
 - *the levels and appropriateness of services provided to consumers;*
 - *Minimum acceptable living conditions for the facilities to ensure they would meet the stated goals of Intermediate Care Facilities (ICF), reflect a humane and home-like environment and also meet the needs for privacy, security and amenity of surrounding residents;*
 - *appropriate staffing levels;*
- (iv) *for the Town to request the Department of Health to prepare a legal agreement (at their cost) between the Town and the Health Department, to the satisfaction of the Town's Chief Executive Officer, including such matters as;*
- *term of the facility to be limited to a maximum of three (3) years;*
 - *specify scope and function of the facility;*
 - *specify the admission criteria of the Consumer;*
 - *specify role and responsibility of the proposed Community Advisory Group;*
 - *specify a mechanism for any renegotiations of the agreement if requested by either party;*
 - *the function, role and power of the Community Advisory Group should be defined in the legal agreement;*
- (v) *for the Town to request the Department of Health provide further information to the community (including ensuring cultural and linguistic diversity needs are met), to the satisfaction of the Town's Chief Executive Officer, prior to the matter being reconsidered by the Council;*
- (vi) *for the Council (in view of the time constraints pertaining to the Consultative Committee) to AUTHORISE the Mayor to select the Community Representative and Deputy/Proxy Representative, in the event that there is more than one (1) nomination from the community; and*
- (vii) *the Chief Executive Officer be the Town's representative on the Consultative Committee (Executive Manager, as nominated, to act as Deputy/Proxy)."*

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted.

Cr Ker raised a point of order regarding which part of the recommendation requires an absolute majority.

The Presiding Member advised that he would not accept Cr Ker's point of order.

The Chief Executive Officer provided verbal advice that he had received from the Town's Solicitors, which indicated that the Motion as shown on the Agenda was legally and correctly formatted.

Debate ensued.

Moved Cr Ker, Seconded Cr Maier

That the Presiding Member's ruling be disagreed with.

MOTION OF DISSENT LOST (3-6)

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

Cr Ker requested that his strong objection to the ruling be recorded in the Minutes on the basis that he believes the motion is flawed.

Moved Cr Doran-Wu, Seconded Cr Messina

That clauses (i) to (vii) be moved to allow for debate and consideration of the motion.

Debate ensued.

The Chief Executive Officer advised that Cr Torre had been speaking for 5 minutes and would need approval to continue.

Cr Torre spoke.

Moved Cr Messina, Seconded Cr Lake

That Cr Torre be permitted to continue speaking for a further 5 minutes.

CARRIED (9-0)

Debate ensued.

Moved Cr Lake, Seconded Cr Maier

That the number of "local residents" representatives on the Consultative Committee be increased to two.

Debate ensued.

AMENDMENT LOST (4-5)

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

Moved Cr Maier, Seconded Cr Torre

That a "mental health consumer" representative be included on the Consultative Committee.

Debate ensued.

AMENDMENT CARRIED (5-4)

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

Moved Cr Maier, Seconded Cr Ker

That clause (vi) be amended as follows:

"(vi) for the Council (in view of the time constraints pertaining to the Consultative Committee) to AUTHORISE the ~~Mayor~~ Council to select the Community Representative and Deputy/Proxy Representative, in the event that there is more than one (1) nomination from the community; and"

Debate ensued.

AMENDMENT LOST (4-5)

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

Debate ensued.

The Chief Executive Officer advised that the Mayor had been speaking for 5 minutes and would need approval to continue.

Mayor Catania spoke.

Moved Cr Torre, Seconded Cr Doran-Wu

That the Mayor be permitted to continue speaking for a further 5 minutes.

CARRIED (8-1)

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

Moved Cr Doran-Wu, Seconded Cr Farrell

That the motion as amended be adopted.

CARRIED (6-3)

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

COUNCIL DECISION ITEM 10.1.39

That clause (v) as shown in the Agenda be deleted and the revocation motion be DEFERRED to the Ordinary Meeting of Council to be held on 28 March 2006 for the following reasons:

- (i) *to REQUEST the Department of Health in conjunction with the Town to form a Consultative Committee, as follows:*

"Terms of Reference/Role of the Consultative Committee

- 1. To clarify and make recommendations on the proposal including:*
 - Numbers of consumers to be housed;*
 - Consumer entry and exit criteria;*
 - the levels and appropriateness of services provided to consumers;*
 - Minimum acceptable living conditions for the facilities to ensure they would meet the stated goals of Intermediate Care Facilities (ICF), reflect a humane and home-like environment and also meet the needs for privacy, security and amenity of surrounding residents;*
 - appropriate staffing levels;*
 - the exact legal tenure for the facility;*
- 2. Consideration, review and recommendation for the proposed Hawthorn House Community Advisory Committee Draft Terms of Reference (including management authority, governance, independent auditing and reporting requirements), Procedures for the Response to any incidents (Crisis Response Incidents) relating to the residents of Hawthorn House;*
- 3. To consider and develop strategies to promote and enhance the integration of Hawthorn House into the community and minimise any impact on the local community and amenity of the area;*
- 4. To consider and recommend the need for provision of further information to the community including ensuring Cultural and Linguistic Diversity (CALD) community needs are met;*
- 5. To consider and reach consensus on the implementation timeline, meeting procedures and rules;*
- 6. To consider and recommend a process for media comment;*
- 7. To consider the transition of the Consultative Committee to the Community Advisory Group.*

COMPOSITION

The Consultative Committee to comprise:

<i>Composition of the Committee</i>	<i>No.</i>	<i>Deputy/ Proxy</i>
<i>Independent Chairperson</i>	<i>1</i>	<i>1</i>
<i>Department of Health - Office of Mental Health</i>	<i>1</i>	<i>1</i>
<i>Town of Vincent representative</i>	<i>1</i>	<i>1</i>
<i>Association of Relatives and Friends of the Mentally Ill (ARAFMI) representative</i>	<i>1</i>	<i>1</i>
<i>A representative of local residents</i>	<i>1</i>	<i>1</i>
<i>Mental Health Consumer</i>	<i>1</i>	<i>1</i>

ROLE OF INDEPENDENT CHAIRPERSON

The Chairperson, at the request of the committee, may invite other persons to attend meetings to attend in relation to a specific agenda item(s) or to provide presentations and/or advice on relevant matters.

TERM

The Consultative Committee to meet as required and provide a report to the Department of Health and the Town no later than Monday 20 March 2006.

TENURE AND MEETING CONVENTIONS

*Members are appointed for a maximum period of two (2) months.
Members will have the option for a subsequent twelve (12) months in the OMH's proposed Hawthorn House Community Advisory Committee on the proviso they retain their current representative position.*

COMMITMENT OF GOVERNMENT

Administrative support to the committee be provided by the Department of Health.

REPORTING AND ACCOUNTABILITY

- (a) The Hawthorn House Consultative Committee will provide direct debriefing and electronic copies of its proposal recommendations/minutes/actions to the WA Health Department, North Metropolitan Area Mental Health Service, the Executive Director of the Office of Citizens and Civics and the Town of Vincent.*
- (b) Committee meeting minutes to be made available to the community;'';*
- (ii) for the Town to contact Mr Keith Wilson Chair of the Mental Health Council and request he act as the Independent Chair of the proposed Consultative Committee;*
- (iii) for the Town to seek independent advice from the Mental Health Council of Australia for proposed the facility, including:*
 - specific scope and function;*
 - Numbers of consumers to be housed;*
 - Consumer entry and exit criteria;*
 - the levels and appropriateness of services provided to consumers;*
 - Minimum acceptable living conditions for the facilities to ensure they would meet the stated goals of Intermediate Care Facilities (ICF), reflect a humane and home-like environment and also meet the needs for privacy, security and amenity of surrounding residents;*
 - appropriate staffing levels;*

- (iv) *for the Town to request the Department of Health to prepare a legal agreement (at their cost) between the Town and the Health Department, to the satisfaction of the Town's Chief Executive Officer, including such matters as;*
- *term of the facility to be limited to a maximum of three (3) years;*
 - *specify scope and function of the facility;*
 - *specify the admission criteria of the Consumer;*
 - *specify role and responsibility of the proposed Community Advisory Group;*
 - *specify a mechanism for any renegotiations of the agreement if requested by either party;*
 - *the function, role and power of the Community Advisory Group should be defined in the legal agreement;*
- (v) *for the Town to request the Department of Health provide further information to the community (including ensuring cultural and linguistic diversity needs are met), to the satisfaction of the Town's Chief Executive Officer, prior to the matter being reconsidered by the Council;*
- (vi) *for the Council (in view of the time constraints pertaining to the Consultative Committee) to AUTHORISE the Mayor to select the Community Representative and Deputy/Proxy Representative, in the event that there is more than one (1) nomination from the community; and*
- (vii) *the Chief Executive Officer be the Town's representative on the Consultative Committee (Executive Manager, as nominated, to act as Deputy/Proxy).*

REPORT

At the Ordinary Meeting of Council held on 6 December 2005, the Council considered the matter and resolved;

That the motion be DEFERRED to the Ordinary Meeting of Council to be held on 14 February 2006 for the following reasons:

1. *to allow for the Department of Health to carry out further consultation with the local community;*
2. *to request the Department of Health to submit a revised and scaled down proposal to the Town; and*
3. *to allow all Councillors to be present when the matter is further considered.*

CARRIED (5-2)

Statement of Impact:

In accordance with the Town's Standing Orders, the Chief Executive Officer is required to prepare a "Statement of Impact" of the legal and financial consequences of the proposed revocation or change.

The following Statement of Impact was provided at the 6 December 2005 meeting:

“1. *Legal Consequences*

There are no legal implications which may result from the change of the Council decision.

2. *Financial Consequences*

There are no financial implications that may result from this decision.

The Minutes for the Ordinary Meeting of Council held on 22 November 2005 were not finalised until Tuesday 29 November 2005 and as such, implementation of the decision has not been actioned prior to this time.”

BACKGROUND:

- | | |
|----------------------------|--|
| 21 September 2005 | The Town received an application from the Department of Health (DOH) to redevelop the hospital at the above site into Hawthorn House – a step down intermediate care facility for people managing mental health issues. |
| 28 September 2005 | The development proposal was forwarded to the Western Australian Planning Commission who is the determining authority. The Town is required to process an application within 42 days: i.e. by 10 November 2005. The WAPC can determine the application with or without the Town’s comments, after expiry of the 42 day period. |
| 28 September 2005 | Meeting organised by the Mount Hawthorn Precinct Group at the Menzies Park Pavilion, Mount Hawthorn to discuss the above proposal. |
| 4 October 2005 | Information session organised by the DOH at the Mount Hawthorn Community Centre. |
| 6 October 2005 | Officers of the Department of Health formally presented the proposal at an Elected Members Forum. It was also attended by members of the public who were invited in writing by the Town to attend the Forum. |
| 11, 14 and 18 October 2005 | Proposal advertised in the local newspaper the "Guardian Express". |
| October 2005 | Letter sent out to the residents living within the area south of Green Street, west of London Street, north of Hobart Street, north of Scarborough Beach Road and east of Egina Street, 3 schools and P/C's' in the area, precinct group and the management of the Mount Hawthorn Shopping Centre. |

- 22 November 2005 The Town's Officers prepared a report to the Ordinary Meeting of Council, with a recommendation for refusal. At this meeting the Officer Recommendation was not supported and an Alternative Recommendation was approved, in that the Council conditionally supported the application.
- 28 November 2005 The DOH wrote to the Town and advised "*that it accepts the conditions outlined in the alternative recommendation, which was approved on 22 November 2005 and it is their intention to undertake a comprehensive extended community information program. It offered the Town a formal briefing outlining the project, proposed changes to the proposal and the planned community information program.*"
- 29 November 2005 The DOH wrote to the Town seeking advice on the nomination of members to the proposed committee.
- 30 November 2005 Mayor and CEO met with DOH (Dr Wynn-Owen and Project Manager Ms Morris) to discuss the matter.
- 6 December 2005 Subsequently the Council at its Ordinary Meeting considered a Notice of Motion to revoke or change the decision made at its Ordinary Meeting held on 22 November 2005, with the matter deferred to the Ordinary Meeting of Council to be held on 14 February 2006.
- 9 December 2005 The Town wrote to DOH and advised of the Council's decision of 6 December 2005.
- 22 December 2005 The DOH wrote to the Town seeking a re-assurance that the Council will promptly treat the matter.
- 30 December 2005 The Town wrote to the DOH and advised as follows:
*"The Council decision of 14 February 2006, whatever it may be, will be acted upon as a matter of priority...
the Town has not received a response to items 1 and 2 of the Council decision of 6 December 2005. It is strongly recommended that items 1 and 2 be undertaken as soon as possible in close liaison with the Town ...
The Town's Administration will be required to report to the Ordinary Meeting of Council to be held on 14 February 2006 on what action, if any, has been taken by the Department of Health to implement the requirements specified in the 'Deferral Motion'...
the Town is of the view that it is not in a position to nominate representatives to the proposed management committee, as the matter is still required to be further considered and determined by the Council.
Please also advise the Town whether any further progress has been undertaken in relation to the 'Schedule of Community Information Program' as outlined in the Department's letter dated 29 November 2005, which had an implementation timeline of 3 weeks, as this letter was sent prior to the 'Rescission Motion' being considered by the Council on 6 December 2005. If you would still like to provide a formal briefing to the Town of Vincent Elected Members and Officers, I would be happy to make the necessary arrangements."*

- 10 January 2006 The DOH wrote to the Town and invited the CEO and Elected Members to the Community Forum on 30 January 2006.
- 17 January 2006 The DOH wrote to the Town in response to the Town's letter of 30 December 2005. It advised of the further consultation and indicated that it was premature to make any revised submission.
- 23 January 2006 The DOH wrote to the Town advised that the additional information and revised plans would be submitted after the community forum on 30 January 2006.
- 30 January 2006 Community forum at Menzies Park Pavilion organised by the DOH.
- 31 January 2006 The Town's Officers requested from the DOH the following additional information pertaining to the community forum held on 30 January 2006:
- New floor plans, elevation if additional changes are proposed and written details of revised proposal (5 sets of each document to scale) and one (1) A3 copy for the Council Agenda report.
 - Copy of the transcript of the community forum held on 30 January 2006.
 - List of names of attendees at the community forum, including DOH staff and facilitators.
 - Details to be forwarded by close of business 1 February 2006. This was further extended to early Monday morning, 6 January 2006, at the request of DOH staff.
- 1 February 2006 Email response from the Coordinator Mount Hawthorn Residents Advocacy Group, which is detailed below in the Comments section.
- 6 February 2006 The Town wrote to DOH acknowledging the letters dated 10, 17 and 23 January 2006 from the DOH, and also advising the DOH that the details requested on 31 January 2006 had not been received by the Town.

On 7 February 2006, the Town received a revised scaled down proposal for 16 beds, and accompanying letter outlining the changes proposed and a list of attendees at the community forum held on 30 January 2006. A preliminary assessment has been undertaken and the following is proposed:

- a reduction in the number of beds from 20 to 16 (attached).
- a maximum of 2 beds per room (7 bedrooms with 2 beds each and 2 bedrooms with one bed each).
- includes a kitchen, lounge rooms, computer room, utility rooms, offices, lobby and reception.
- new privacy fencing along the Flinders Street frontage.
- courtyard for smokers adjacent to the Flinders Street frontage, shade structure at the rear including an outdoor area with a non-smoking area, and an 8 pm curfew.
- new partial fence along the rear of the lot.
- a total of 17 car bays as per previous plans.

No new details as to staffing levels have been submitted.

Transcript and Responses to Community Forum Written Questions

The transcript of the community forum held on 30 January 2006 and the written questions taken on notice from the public was received by the Town, as requested, on 9 February 2006. These documentation are included as Attachments 2 and 3 to this report, "*Laid on the Table*", and copied separately to Elected Members.

COMMENTS:

The letter dated 7 February 2006 from the DOH is verbatim as follows:

"Dear Mr Giorgi

As part of the WA Mental Health Strategy 2004-2007, the Department of Health plans to redevelop the former Mt Hawthorn Hospital to provide short-term accommodation for people with a manageable mental illness. The existing building, which has been used to provide health services to the local community for the past 70 years, is located at 100 Flinders Street, Mt Hawthorn.

CEO's Comment:

A copy of the WA Mental Health Strategy 2004-2007 is show in Attachment 1, "*Laid on the Table*" and copied separately to Elected Members.

This project was publicly announced on 14 September 2005 and a development application lodged with the Town of Vincent on 21 September 2005.

On 22 November 2005, the Town of Vincent passed a recommendation of approval, subject to certain conditions, including additional community consultation.

On 6 December 2005, the Mayor of the Town of Vincent proposed a rescission motion of the recommendation of approval. A decision on this motion was deferred until the Council meeting of 14 February 2006. This deferral included requests that the Department of Health:

- 1. Undertake additional community consultation; and*
- 2. Submit a revised and scaled down proposal to the Town.*

In line with these recommendations, I am pleased to provide you with the following documentation outlining the Department of Health's compliance with these requirements.

CEO's Comment:

The comments are noted.

ADDITIONAL COMMUNITY CONSULTATION

Following the Town of Vincent meeting of 22 November 2005, the Department of Health commenced an extended and on-going community consultation program.

A copy of this program was provided to the Town of Vincent and other stakeholders on 29 November 2005. Since that time, a number of community consultation initiatives have been undertaken.

CEO's Comment:

The comments are noted.

Community advisory committee

Draft Terms of Reference for a community advisory committee were prepared in late 2005, following the recommendation of the Town of Vincent of 22 November 2005.

CEO's Comment:

The Terms of Reference have been progressed by the DOH, in liaison with the Office of Citizens and Civics. These have been sent to the Town's Chief Executive Officer for information only – and not for distribution until they have been finalised. Once they have been formally submitted to the Town, they will need to be considered and approved by the Council.

As you may be aware, the Town of Vincent was contacted at this time for nominations for community and local government committee representatives. The Department of Health has subsequently been advised by the Chief Executive Officer that these nominations are subject to Council procedures.

CEO's Comment:

Nominations to the Committee can be made, once the Terms of Reference have been submitted. It is considered that the Town's Administration will be represented by the Chief Executive Officer and/or the Executive Manager, Environmental and Development Services. The Council will need to nominate an Elected Member(s).

The Department of Health has advised that, given the high level of community interest in this project, "a community advisory committee will shortly be established to provide an on-going mechanism for consultation during the development and operation of the Hawthorn House. The Department of Health has sought the advice of the Office of Citizens and Civics and plans to establish the committee as soon as possible."

The Office of Citizens and Civics has been consulted with regard to the establishment of this committee. The Department would also appreciate the Town of Vincent's advice in the selection of the Council and community representatives.

As such, I would like to arrange a meeting as soon as possible to ensure that calls for nominations are consistent with Town of Vincent procedures.

CEO's Comment:

The comments are noted. It is suggested that the advisory committee be addressed in conjunction with the requirements of the Office of Citizens and Civics, once the Terms of Reference of the committee have been submitted to the Town and determined by the Council.

Provision of additional information

On 2 December 2005, additional information regarding the proposal and amendments agreed to by the Department of Health was distributed to more than 200 residents and stakeholders, with 36 immediate residents doorknocked.

This included distribution of a revised fact sheet and offers of one-on-one briefings. In response to this offer, five personal briefings were undertaken with local residents by the community liaison officer.

CEO's Comment:

The comments are noted, however details of this information was not provided to the Town's Administration.

Community forum

A community forum was held at Menzies Park Pavilion in Mt Hawthorn on 30 January 2006.

Written invitations were sent to more than 1400 residents and representatives from State, Federal and local governments, local schools and police, GPs, the Mount Hawthorn Precinct Group and the Residents' Advocacy Group. In addition, the forum was advertised in the local newspapers, The Guardian and The Voice.

Advice was also sought from the Office of Citizens and Civics on the format and running of the forum. The Office, part of the Department of Premier and Cabinet, promotes a consultative approach to government policy and fosters community engagement.

An independent facilitator, chosen from the Office of Citizens and Civics' recommended facilitator list, was appointed to seek feedback on the proposed agenda. The agenda included presentations by the Town of Vincent, the Department of Health, the Residents' Advocacy Group and ARAFMI, as well as a question and answer session. Attendees were also given the options of providing written questions for discussion.

The forum was attended by approximately 100 people and was chaired by the independent facilitator.

Issues considered by the meeting included the number of residents to be accommodated, the need for an open dialogue with the community through an advisory committee and confirmation of the Department's commitment to previous amendments.

At the forum, the Department of Health confirmed:

- Commitment to previous amendments as recommended by the Town of Vincent on 22 November 2005;*
- The number of residents to be accommodated at the facility will be reduced to 16;*
- The rooms will be reconfigured to ensure a maximum of two people per bedroom (reduced from four); and*
- A community advisory committee will be established as soon as possible.*

Although time constraints restricted the answering of written questions, the Department of Health will be providing written responses to those received. All forum attendees will also be contacted in writing as part of on-going community liaison.

CEO's Comment:

The comments are noted. The above information was received by the Town at 4.30 pm on 7 February 2006. A copy of the forum transcript is shown at Attachment 2. A copy of the public's written questions and DOH response is shown at Attachment 3. These are "Laid on the Table" and copied separately to Elected Members.

Formal briefings

Additional formal briefings have been undertaken since 22 November 2005, including:

- Hon Peter Collier MLC- Hon Giz Watson MLC- Hon Graham Giffard MLC- Hon Ray Halligan MLC- Senator Ruth Webber- John Hyde MLA- Mayor Nick Catania- Cr Torre - Cr Lake- Cr Doran-Wu- Cr Chester- Cr Messina- Cr Maier- Cr Kerr- Ms Ann White (WA Association for Mental Health) - Ms Maxine Drake (Health Consumers' Council)- Ms Michelle Kosky (Health Consumers' Council) Other stakeholders have been provided with detailed information and offered a briefing, including:- Hon George Cash MLC- Hon Ed Dermer MLC- Hon Ken Travers MLC - Cr Steed- Mount Hawthorn Precinct Group- Town of Vincent

Community inquiry line

The dedicated community inquiry line has been maintained, with approximately 40 calls received since 22 November 2005. The community liaison officer has responded to all inquiries received through this line. It is intended that the line remain operational.

On-going community liaison

The Department of Health is committed to on-going liaison with the community regarding the Hawthorn House proposal during its further development and operation. This will include the establishment of the community advisory committee, retention of the inquiry line and the position of community liaison officer and distribution of information on the progress of the project.

CEO's Comment:

The comments are noted. Additional details are required relating to such matters as response time frames for calls logged, action process and how the community inquiry line is to be managed and operated, and for how long.

REVISED AND SCALED DOWN PROPOSAL

The Town of Vincent's deferral motion of 6 December 2005 requested the provision of a "revised and scaled down" proposal.

Following community consultation, including the recommendations of the Town of Vincent, the Department of Health has agreed to several amendments to the original proposal, both in terms of structural and operational aspects.

On 22 November 2005, the Town of Vincent endorsed the Hawthorn House proposal, dependent on a number of conditions that were developed in response to community feedback.

On 29 November 2005, the Department of Health agreed in writing to these conditions, including:

- Additional community consultation, including a community forum;*
- Minimum staffing levels;*
- Establishment of a community advisory committee;*
- Construction of new fencing;*
- Imposition of curfews;*
- Creation of designated smoking and non-smoking areas; and*
- Implementation of a strict exclusion policy for residents with a history of violence, drug and/or alcohol abuse or a criminal record.*

CEO's Comment:

The prior history of persons proposing to use the facility has been raised as a concern by a number of members of the public.

The Town's condition stated;

"no patients with a recent history of substance abuse, a criminal record or a history of violence shall be housed at the facility."

Information provided at the community forum was conflicting. The DOH has clarified this matter in their letter dated 9 February 2006.

As previously stated, details of these revisions to the proposal were then distributed to more than 200 residents and stakeholders.

On 30 January 2006, the Department of Health held a public forum to provide additional information on the project, as well as receive feedback from the community, as per above. At this forum, the following additional amendments to the proposal were confirmed:

- A reduction in the number of accommodated residents to 16; and*
- Reconfiguration of the floor plan to change rooms to a maximum of two beds per room; and*
- Establishment of a community advisory committee.*

A revised floor plan, incorporating the above-mentioned changes, is attached.

CEO's Comment:

A copy of the revised plan is shown at Attachment 4. This reveals the following changes;

1. A 4 bed bedroom facing Woodstock Street has been converted to a 2 bed bedroom.
2. A quiet lounge group room fronting Woodstock Street has been converted to a 2 bed bedroom.
3. A 4 bed bedroom (alongside the right of way) has been converted to a 2 bed bedroom.
4. The quiet lounge group room has been relocated to a previous 2 bed bedroom fronting Flinders Street.
5. The central garden court is now non-smoking.
6. The northern outdoor living is now non-smoking and 8pm curfew.
7. The northern screen wall is deleted.

The reduction in the capacity from 20 to 16 is supported and addresses concerns of a number of the members of the public: - The DOH advises that any reduction below 16 persons makes the proposal unviable - This is noted, however no documentation to support this view has been provided.

You will note that this proposal, as stated by the Town of Vincent Chief Executive Officer at the community forum, is substantially different to the original proposal.

I trust that the Department of Health's compliance with the Town of Vincent's motion of 6 December 2005, including additional community consultation and the scaling down of the project, will allow the Town to recommend proceeding with the Hawthorn House proposal.

On behalf of the Department of Health, I would also like to offer the Town of Vincent and elected Councillors a formal briefing on the revised proposal prior to the Council meeting of 14 February 2006.

I appreciate your co-operation in this matter Please do not hesitate to contact either myself of Ms Pamela Whittaker on 9224 7054 or 0437 472702 for any further assistance or information.

Yours sincerely

Dr Peter Wynn-Owen

A/DIRECTOR

OFFICE OF MENTAL HEALTH

cc. Mayor Nick Catania, Councillor Simon Chester, Councillor Helen Doran-Wu, Councillor Dudley Maier, Councillor Steed Farrell, Councillor Ian Ker, Councillor Sally Lake, Councillor Izzi Messina, Councillor Maddalena Torre."

CEO's Comment:

The comments are noted. The DOH's letter was received at 4.30 pm on 7 February 2006, which left limited opportunity for an Elected Members Forum to be held prior to the Ordinary Meeting of Council to be held on 14 February 2006.

On 10 February 2006, the Town received a further letter (dated 9 February 2006) (together with responses to written questions by the public), which stated the following;

"Dear Mr Giorgi

Thank you for attending and addressing the community forum regarding the Hawthorn House proposal, held at Menzies Park Pavilion on 30 January 2006, on behalf of the Town of Vincent.

The forum was a key element of the Department of Health's extended consultation program and was developed in recognition of requests from community members for further information on Hawthorn House.

I would like to take this opportunity to recognise your comments in terms of the processes undertaken by the Town of Vincent to date and to thank you for your on-going cooperation on this issue.

Guided by the independent facilitator, I believe that the forum was successful in providing an opportunity for further community input and feedback on the proposal.

Issues identified thorough this forum included:

- Need for an open and trusting dialogue on the project;*
- Number of residents to be accommodated;*
- Admission criteria;*
- Access to information;*

- *Longer term use of the facility; and*
- *Establishment of volunteer groups to assist integration.*

As you will be aware, time constraints restricted the written Question and Answer session of the evening. The Department of Health, however, has provided written responses to the issues raised, which are attached.

As a next step, the Department of Health has provided the Town of Vincent with a revised proposal for consideration at the Council meeting of 14 February 2006, incorporating all amendments agreed to following community consultation initiatives.

These amendments include:

- *A reduction in the number of accommodated residents to 16;*
- *Reconfiguration of the floor plan to change rooms to a maximum to two beds per room;*
- *Minimum staffing levels;*
- *Establishment of a community advisory committee;*
- *Construction of new fencing;*
- *Imposition of curfew;*
- *Creation of designated smoking and non-smoking areas; and*
- *Implementation of a strict exclusion policy for residents with a history of violence, recent drug and/or alcohol abuse or a criminal record.*
- *Three year maximum occupancy.*

As you acknowledged at the forum, this constitutes a significantly amended proposal. This revised proposal will also be made available to all local residents and relevant stakeholders if requested.

Additionally, a community advisory committee will shortly be established to provide an ongoing mechanism for consultation during the development and operation of the Hawthorn House. The Department of Health has sought the advice of the Office of Citizens and Civics and plans to establish the committee as soon as possible.

The Department of Health will also be continuing other consultation initiatives, including retention of the community inquiry line, on-going liaison with residents and the development of non-English communications.

I would again like to thank you for your comments and look forward to working with you on this important initiative.

Please do not hesitate to contact Ms Whittaker on 0437 472 702 or 92247054 for further information or assistance.

Yours sincerely

DR PETER WYNN-OWEN
A/DIRECTOR, OFFICE OF MENTAL HEALTH

**Response received from the Coordinator Mount Hawthorn Residents Advocacy Group
(Email dated 1 February 2006)**

"Impressions of the Forum

1. *The forum was long overdue but it should be noted that took the residents to make it happen. It was a first step that should have started 12 months ago when WA Health formed its planning committee. Mental Health consumers had a place – why not local community representation?*
2. *The community got to voice its diversity of opinion and numerous concerns but as the forum ran out of time, many questions did not get answered and no written questions were read out.*

"Where to now?

1. *The Residents Advocacy Group proposed the immediate formation of a Steering Group. OMH should halt the current process of seeking approval for their proposal while this group is formed and until it makes its recommendations.*
2. *The Office of Mental Health has intended to form an advisory group once the facility is up and running. We see the "Steering Group" as distinct from an "Advisory Group". A Steering Group would have a mandate to make changes as appropriate.*
3. *We are still awaiting answers from the Health Department including:*
 - *When will this group be formed?*
 - *What influence do its recommendations have?*
 - *What is its scope? "*

CEO's Comment:

The comments are noted. It is suggested that the advisory committee be addressed in conjunction with the requirements of the Office of Citizens and Civics, and that the terms of reference of the committee be determined by Council and established prior to the first occupation of the development.

SUMMARY

1. Community Opinion
 - 1.1 It is obvious that the Hawthorn House proposal has caused considerable concern in the community.
 - 1.2 It has polarised some sections, with some "in favour", others "opposed" and some remaining "undecided".
2. Longer Term of Use for the Facility

In view of the Council's determination in this matter and subject to the outcome of the Motion to REVOKE or CHANGE A COUNCIL DECISION, it is strongly recommended that the Council require the DOH to enter into a Legal Agreement which specifies the term of the proposed facility to a maximum period of three (3) years.

This should be prepared by the DOH (at their cost) and approved by the Council. This condition will overcome the concern that this facility will remain in the longer term.

3. Proposed Number of Residents to be Accommodated

The revised proposal, reducing the number of persons from 20 to 16 is supported – and addresses a number of the community’s concerns (i.e. 2 persons per room).

It is acknowledged that to further reduce the number may make the proposal unviable, however the Town has not been provided with any information to justify this comment.

4. Admission Criteria Prior History

The prior history of persons proposing to use the facility is a concern of the number of members of the public.

The Town’s conditions stated;

“no patients with a recent history of substance abuse, a criminal record or a history of violence shall be housed at the facility.”

Information provided at the public forum was conflicting. The DOH has clarified this matter in the letter of 9 February 2006, which states;

“implementation of a strict exclusion policy for residents with a history of violence, recent drug and/or alcohol abuse or criminal record.”

This condition should also be included in the proposed Legal Agreement.

5. Community Advisory Committee

The DOH has agreed to a Community Advisory Committee. It has prepared revised Terms of Reference, in liaison with the Office of Citizens and Civics.

The final version to the Terms of Reference have not been provided to the Town; as these were still being finalised by the DOH (as of 10 February 2006).

The Residents Advisory Group proposes a Steering Group with a mandate to make changes as appropriate.

The Terms of Reference should be considered and approved by the Council.

6. Community Consultation

It is acknowledged that the community consultation for this proposal has been unsatisfactory and flawed – this has no doubt contributed to the community’s opinion.

The DOH has attempted to address this matter over the previous months as detailed in the DOH letters dated 7 and 9 February 2006.

The issues for this proposal have now been identified and further consultation is not expected to identify new issues. However, there appears to be a need for further information to be provided and clarification of previously identified issues and a need for “open and trusting dialogue on the project.”

7. Access to Information

IN the DOH letter dated 9 February 2006, the following is stated;

“This revised proposal will also be made available to all residents and relevant stakeholders if requested.”

“The Department of Health will also be continuing other consultation initiatives, including retention of the community inquiry line, on-going liaison with residents and the development of non-English communications.”

8. Elected Member Forum

In the DOH’s letter dated 7 February 2006, a further offer to the Town and Elected Members for a formal briefing on the revised proposal prior to the Ordinary Meeting of Council on 14 February 2006.

As the DOH letter was not received until late in the afternoon of 7 February 2006, there has been insufficient time to arrange this. A forum will enable the matters requiring clarification to be addressed.

On Friday afternoon, 10 February 2006, the DOH contacted Mayor Catania to arrange a briefing.

The CEO amended this report by inserting the CEO’s Comments, the SUMMARY and the Department of Health letter dated 9 February 2006, which was received at approximately midday on 10 February 2006.

10.1.28 No. 24 (Lot 20 D/P: 1823) Daphne Street, North Perth - Proposed Demolition of Existing Single House and Construction of a Two-Storey Single House

Ward:	North	Date:	6 February 2006
Precinct:	North Perth; P08	File Ref:	PRO3258; 5.2005.3285.1
Attachments:	001		
Reporting Officer(s):	B McKean, T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by APG Homes Pty Ltd on behalf of the owners D Paton and L Moore for proposed Demolition of Existing Single House and Construction of a Two-Storey Single House, at No. 24 (Lot 20 D/P: 1823) Daphne Street, North Perth, and as shown on plans stamp-dated 18 November 2006, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the existing place has cultural heritage significance in terms of its historic and rarity value;*
- (iii) the non-compliance with the streetscape requirements of the Residential Design Codes and the Town's Policy relating to Street Setbacks; ~~and~~*
- (iv) ~~consideration of the objections received.~~*

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

Moved Cr Maier, Seconded Cr Farrell

That the recommendation be adopted.

Journalist - Dan Hatch departed the meeting at 8.40pm.

Debate ensued.

Cr Torre departed the Chamber at 8.41pm.

Cr Torre returned to the Chamber at 8.43pm.

CARRIED (6-3)

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

COUNCIL DECISION ITEM 10.1.28

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by APG Homes Pty Ltd on behalf of the owners D Paton and L Moore for proposed Demolition of Existing Single House and Construction of a Two-Storey Single House, at No. 24 (Lot 20 D/P: 1823) Daphne Street, North Perth, and as shown on plans stamp-dated 18 November 2006, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the existing place has cultural heritage significance in terms of its historic and rarity value; and*
- (iii) the non-compliance with the streetscape requirements of the Residential Design Codes and the Town's Policy relating to Street Setbacks.*

ADDITIONAL INFORMATION:

Clause (iv) of the previous Officer Recommendation should be deleted as the objections received were not supported by the Town's Officers and, therefore is not a valid reason to refuse the subject development application.

The Heritage Assessment completed on the subject place in August 2005 revealed that the place did have *some heritage value* and thus according to Policy 3.6.2 - Assessment, the subject place meets the threshold for entry onto the Municipal Heritage Inventory.

During the assessment process in August 2005, the owner, Mr Duncan Paton, was provided with a copy of the Draft Heritage Assessment and encouraged to comment on the assessment compiled. A further site visit was conducted with the responsible Heritage Officer and a Planning Officer (Statutory), in which the various options available to the owner were discussed, including maintaining the facade and front two rooms of the dwelling, whilst encouraging development to the rear. Provisions in relation to being eligible for a density bonus were also discussed.

Landowner:	D Paton and L Moore
Applicant:	APG Homes Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	334 square metres
Access to Right of Way	North side - 3.5 metres wide, unsealed, privately owned East side - 3.5 metres wide, unsealed, privately owned

BACKGROUND:

23 August 2005 The Council at its Ordinary Meeting refused an application for proposed demolition of existing single house at the subject property.

DETAILS:

The proposal involves demolition of the existing single house and construction of a new two-storey dwelling 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
Setbacks: Ground Floor-South	1.5 metres	1.28 metres	Supported - variation is considered minor and does not have an undue impact on affected neighbour.
Upper Floor-South	1.7 metres	1.28 metres - 1.76 metres	Supported - variation is considered minor and does not have an undue impact on affected neighbour.
Carport	The total width of any carport within the front setback area does not exceed 50 per cent of the lot frontage at the building line.	Total width of carport within the front setback occupies 57 per cent of the lot frontage at the building line.	Not Supported - additional length of carport would have an undue impact on streetscape; however, in the event of approval would be conditioned to comply.
Privacy Setbacks: Upper Floor-Bedroom 1	4.5 metres	4.1 metres to southern boundary.	Supported - no undue impact as overlooking is into adjacent neighbour's front setback.

Vehicular Access	Provided from a right of way if legally available.	Provided from street.	Supported - the right of way is not programmed to be sealed in the current and next financial year, therefore, vehicular access from the right of way is considered acceptable as determined by the Council at its Ordinary Meeting held on 27 April 2004.
Consultation Submissions			
Support	Nil		Noted
Objection (2)	<ul style="list-style-type: none"> • Dividing fence • Setback • Overlooking 		<p>Not supported - dividing fences are a civil matter.</p> <p>Not supported - addressed above.</p> <p>Not supported - addressed above.</p>
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

Demolition

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

The subject dwelling is dated 1903 and represents part of the timber housing stock that was common to the North Perth locality during its development in the late nineteenth and early twentieth century. The dwelling is a single storey weatherboard cottage with a hipped iron roof. Various alterations have been made to the dwelling, however, the general form and style of the weatherboard cottage typical of the Gold Boom period remains intact.

The place is considered to have *some historic value* as it demonstrates the growth of suburban areas in Perth that occurred as a direct result of the Gold Boom and the associated increase in the population.

As a weatherboard dwelling the place has *some rarity value* as it represents the use of a building material that is no longer widely practiced in the construction of residential buildings in Perth.

Redevelopment

The redevelopment is non compliant with the streetscape requirements of the R Codes and the Town's Policy relating to Street Setbacks.

In light of the above, it is recommended that the proposed demolition of the existing dwelling and proposed redevelopment be refused.

10.1.8 No. 29 (Lot 456 D/P: 2334) Edinboro Street, Mount Hawthorn - Proposed Additions and Alterations to Existing Two Storey Single House

Ward:	North	Date:	7 February 2006
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3384; 5.2005.3282.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Monteleone on behalf of the owner J McGillivray for proposed Additions and Alterations to Existing Two Storey Single House, at No. 29 (Lot 456 D/P: 2334) Edinboro Street, Mount Hawthorn, and as shown on plans stamp-dated 18 November 2006, subject to the following conditions:

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

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

(a) *the maximum height of the concealed roof shall be 7 metres from the natural ground level; and*

(b) *the windows to bedroom 1 and bedroom 3 and kitchen on the southern and northern elevations respectively, 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. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002.*

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

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Messina

That clause (iii)(a) be deleted and the remaining clause renumbered.

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.8

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Monteleone on behalf of the owner J McGillivray for proposed Additions and Alterations to Existing Two Storey Single House, at No. 29 (Lot 456 D/P: 2334) Edinboro Street, Mount Hawthorn, and as shown on plans stamp-dated 18 November 2006, subject to the following conditions:

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

- (ii) *any new street/front wall, fence and gate between the Edindoro Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the windows to bedroom 1 and bedroom 3 and kitchen on the southern and northern elevations respectively, 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. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002.*

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

Landowner:	J McGillivray
Applicant:	A Monteleone
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	663 square metres
Access to Right of Way	West side, 5 metres wide, sealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves additions and alterations to two-storey existing 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
Setbacks Upper Floor- North	4.2 metres	1.9 metres - 2.5 metres	Supported - building wall is existing and no undue impact on affected neighbour.
East/Front	6 metres	Balcony setback 5 metres	Supported - not considered to have an undue impact on streetscape or surrounding amenity.
South	3.2 metres	2.4 metres	Supported - building wall is existing and no undue impact on affected neighbour.
Building Height: East	7 metres	8.7 metres	Not supported - undue impact and addressed in the Officer Recommendation.
North	7 metres	8.7 metres	Not supported - as above.
South	7 metres	8.1 metres	Not supported - as above.
Privacy Upper Floor: South- (Balcony)	7.5 metres	7 metres to southern boundary.	Supported - overlooking is into adjacent neighbours front garden and is not considered to have an undue impact on the affected neighbour.

Bedroom 1 (south facing windows)	4.5 metres	2.4 metres to southern boundary.	Not supported - undue impact on the affected neighbour addressed in the Officer Recommendation.
North-Bedroom 3 (north facing windows)	4.5 metres	2.5 metres to northern boundary.	Not supported - undue impact on the affected neighbour and addressed in the Officer Recommendation.
Kitchen	6 metres	2.5 metres to northern boundary.	Not supported - undue impact on affected neighbour and addressed in the Officer Recommendation.
Balcony	7.5 metres	1.8 metres to northern boundary.	Supported - overlooking is into adjacent neighbours front garden and is not considered to have an undue impact on the affected neighbour.
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> • Stated no objection 		Noted
Objection (1)	<ul style="list-style-type: none"> • Building Height • Overlooking 		Supported - addressed in Officer Recommendation. Supported - addressed in the above Assessment Table and Officer Recommendation.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

In light of the above, the planning application is considered to be acceptable and is recommended for approval, subject to standard and appropriate conditions to address the matters raised in the report.

10.1.7 No. 1 (Lot 319 D/P: 2001) Leslie Street, Mount Lawley - Proposed Alterations and Additions to Existing Single House

Ward:	South	Date:	7 February 2006
Precinct:	Banks; P15	File Ref:	PRO3401; 5.2005.3307.1
Attachments:	001		
Reporting Officer(s):	B McKean		
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 G Braccia on behalf of the owners G & R Braccia for proposed Alterations and Additions to Existing Single House, at No. 1 (Lot 319 D/P: 2001) Leslie Street, Mount Lawley, and as shown on amended plans stamp-dated 19 January 2006, subject to the following conditions:

- (i) first obtaining the consent of the owners of No. 3 Leslie Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 3 Leslie Street in a good and clean condition;*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) the subject approved storeroom structure shall be used for storage purposes only; and*
- (iv) any new street/front wall, fence and gate between the Leslie Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

COUNCIL DECISION ITEM 10.1.7

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Cr Doran-Wu departed the Chamber at 8.49pm.

CARRIED (8-0)

(Cr Doran-Wu was absent from the Chamber and did not vote.)

Landowner:	G & R J Braccia
Applicant:	G Braccia
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	736 square metres
Access to Right of Way	South side - 4 metres wide, sealed, dedicated road. East side - 4.69 metres wide, unsealed, dedicated road.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves alterations and additions to existing single house at the subject property.

The Department for Land Information's Plan 2001(2) indicates that the ROW running along side of No. 1 (Lot 319) Leslie Street, Mount Lawley is a dedicated road, gazetted on 14 March 1986. The portion of the road adjacent to the lot has been fenced into the lot, apparently for some time. The Town will need to seek the advice of Land Asset Management Section of the Department for Planning and Infrastructure to ascertain how this matter can best be resolved.

The above fenced in dedicated road will not have any implications on this application as the development is compliant with the setback and open space requirements of the R Codes and the Town's Policies in relation to Lot 319 and the dedicated road (if it is sealed and used as a public road in the future).

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
Setbacks West	1.5 metres	Nil - 1.1 metres - 3.5 metres	Supported - <ul style="list-style-type: none"> • boundary wall is compliant with building on boundary requirements of the Residential Design Codes (R Codes); • extension follows the existing main building line; and • variation is considered minor and does not have an undue impact on neighbour.
Consultation Submissions (Only one submission was received, however, some aspects of the proposed alterations and additions were supported and some were a concern)			
Support (1)	<ul style="list-style-type: none"> • No objection to the alterations to the laundry. 		Noted
Objection (1)	<ul style="list-style-type: none"> • Storeroom may be better located on the other side of the garage. • The proposed parapet wall is too high. • The garage length is too long. • The garage door is too large. • Concern the storeroom may be used as a workshop. 		<p>Not supported - storeroom is compliant with the R Codes.</p> <p>Not supported - boundary wall is compliant in terms of height and length with the building on boundary requirements of the R Codes.</p> <p>Not supported - garage is compliant with the R Codes and Town's Policies and is not considered to have an undue impact on neighbour.</p> <p>Not supported - as above.</p> <p>Supported in part - has been conditioned accordingly.</p>

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

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

COMMENTS:

In light of the above, the planning application is considered to be acceptable and is recommended for approval, subject to standard and appropriate conditions to address the matters raised in the report.

10.1.6 No. 241 (Lots 100 and 101 D/P: 63744) Beaufort Street, Perth- Proposed Conservatory Addition to Existing Single House

Ward:	South	Date:	7 February 2006
Precinct:	Beaufort; P13	File Ref:	PRO3344 5.2005.3211.1
Attachments:	001		
Reporting Officer(s):	J Barton		
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 Glasshouse Conservatories Pty Ltd on behalf of the owner R A Sala for proposed Conservatory Addition to Existing Single House, at No. 241 (Lots 100 and 101) Beaufort Street Perth, and as shown on plans stamp-dated 12 October 2005, subject to the following conditions:

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

COUNCIL DECISION ITEM 10.1.6

Moved Cr Messina, Seconded Cr Farrell

Cr Doran-Wu returned to the Chamber at 8.50pm.

Debate ensued.

That the recommendation be adopted.

CARRIED (8-1)

<p><u>For</u> Mayor Catania Cr Chester Cr Farrell Cr Ker Cr Lake Cr Maier Cr Messina Cr Torre</p>	<p><u>Against</u> Cr Doran-Wu</p>
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CORRECTED CONSULTATION SUBMISSIONS TABLE:

Consultation Submissions		
Support	Nil	Noted
<p>Objection (1)</p>	<p>.....</p> <ul style="list-style-type: none"> • The question whether the glass house as a new visual intrusion would adversely affect and be detrimental to the architecture of these historic buildings should also be addressed. <p>.....</p>	<p>.....</p> <ul style="list-style-type: none"> • Not supported-the Town's Senior Heritage Officer advised that the proposal is considered acceptable from a heritage perspective, as no significant modifications are proposed to the fabric of the existing building. Also, the proposal is not highly visible from the street and, therefore, does <u>not</u> create an undue impact on the amenity of the streetscape. <p>.....</p>

Landowner:	R A Sala
Applicant:	Glasshouse Conservatories Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial (R80)
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	304 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the construction of a glass house conservatory on top of the existing balcony at the rear of the existing dwelling.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Setbacks:			
North-eastern side	7.5 metres	Nil	Supported- the setback variations are considered acceptable as the proposed structure is not considered to be visually bulky, as it will be constructed predominantly out of glass, and the proposal does not create an undue impact on the adjoining property in terms of overshadowing.
North-western side	7.5 metres	2.240 metres	
Visual Privacy:			
North-eastern side	7.5 metres	Nil	Supported- the existing balcony currently overlooks the neighbouring properties and the proposed addition does not result in any greater overlooking of the adjoining properties.
North-western side	7.5 metres	2.240 metres	

Consultation Submissions		
Support	Nil	Noted
<p>Objection (1)</p>	<ul style="list-style-type: none"> • The glass house should be in keeping with the general design of the building and it should not project beyond the existing terrace chimneys. The glass house should be reduced in length to five (5) panels of 942 millimetres each and not six (6) panels. • The question whether the glass house as a new visual intrusion would adversely affect and be detrimental to the architecture of these historic buildings should also be addressed. • There is no indication of how the glass house facing my part of the terrace shall be cleaned. I will be faced with panels of dirty glass which would be detrimental to my visual amenity. 	<ul style="list-style-type: none"> • Not supported- the proposal is not considered to create an undue impact on the amenity of the adjoining properties, in terms of excessive visual bulk and scale, as the structure is to be constructed predominantly with glass. Setting the structure back an additional 1.2 metres from the rear, in line with the existing chimney, will not create a significant reduction in visual bulk and scale, yet it will create a significant alteration of the design of the structure and the applicants are not willing to redesign the proposal. • Not supported-the Town's Senior Heritage Officer advised that the proposal is considered acceptable from a heritage perspective, as no significant modifications are proposed to the fabric of the existing building. Also, the proposal is not highly visible from the street and, therefore, does create an undue impact on the amenity of the streetscape. • Not supported- this is not a valid planning objection, however, the applicant advised that the landowners propose to employ professional cleaners to clean the glass house. This can possibly be done with the use of a cherry picker which can access the property from the rear.

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

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

COMMENTS:

In light of the above, the variations sought by the applicant are supportable as they are not considered to have a significant undue impact on the amenity of the adjoining properties, the streetscape or the design of the existing building. Approval is therefore recommended subject to standard and appropriate conditions.

10.1.5 No. 313 (Lot 5 D/P: 2600) Walcott Street, North Perth- Proposed Additional Two-Storey Grouped Dwelling to Existing Single House

Ward:	North	Date:	6 February 2006
Precinct:	North Perth; P8	File Ref:	PRO2609; 5.2005.3309.1
Attachments:	001		
Reporting Officer(s):	L Mach		
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 Summit Projects on behalf of the owner Q N Feng & N L Wang for proposed Additional Two-Storey Grouped Dwelling to Existing Single House, at No. 313 (Lot 5 D/P:2600) Walcott Street, North Perth, and as shown on plans stamp-dated 1 December 2005, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Walcott Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
 - (f) the solid portion adjacent to Walcott Street from the above truncation can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*

- (iii) *first obtaining the consent of the owners of No. 315 Walcott Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 315 Walcott Street land in a good and clean condition; and*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the pedestrian access way/service corridor from Walcott Street to the proposed rear dwelling being a minimum width of 1.5 metres; with a width of 0.974 metre being acceptable only adjacent to the existing dwelling. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

That the existing recommendation be renumbered to clauses (i)(a) to (d) and a new clause (ii) inserted as follows::

- "(ii) *the Council ADVISES the applicant that the Town has received previous advice from service authorities that services will not be provided to rear lot/dwellings with a pedestrian access way/service corridor width less than 1.5 metres, therefore the applicant should liaise with the relevant service authorities in relation to the subject pedestrian access way/service corridor being less than 1.5 metres adjacent to the existing dwelling.*"

AMENDMENT CARRIED (9-0)

Mayor Catania departed the Chamber at 9.00pm. Deputy Mayor - Cr Farrell assumed the Chair.

MOTION AS AMENDED CARRIED (6-2)

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

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

COUNCIL DECISION ITEM 10.1.5

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 Summit Projects on behalf of the owner Q N Feng & N L Wang for proposed Additional Two-Storey Grouped Dwelling to Existing Single House, at No. 313 (Lot 5 D/P:2600) Walcott Street, North Perth, and as shown on plans stamp-dated 1 December 2005, subject to the following conditions:*

- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (b) *any new street/front wall, fence and gate between the Walcott Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
 - (6) *the solid portion adjacent to Walcott Street from the above truncation can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (c) *first obtaining the consent of the owners of No. 315 Walcott Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 315 Walcott Street land in a good and clean condition; and*
- (d) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the pedestrian access way/service corridor from Walcott Street to the proposed rear dwelling being a minimum width of 1.5 metres; with a width of 0.974 metre being acceptable only adjacent to the existing dwelling. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*

- (ii) *the Council ADVISES the applicant that the Town has received previous advice from service authorities that services will not be provided to rear lot/dwellings with a pedestrian access way/service corridor width less than 1.5 metres, therefore the applicant should liaise with the relevant service authorities in relation to the subject pedestrian access way/service corridor being less than 1.5 metres adjacent to the existing dwelling.*

Landowner:	Q N Feng & N L Wang
Applicant:	Summit Projects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	455 square metres
Access to Right of Way	South side, 4.8 metres wide, sealed, Town-owned

BACKGROUND:

The Council at its Ordinary Meeting held on 25 October 2005 resolved to refuse an application for proposed additional two-storey grouped dwelling to existing single house at the subject property, mainly due to non-compliance with the vehicular access and outdoor living area requirements.

DETAILS:

The proposal involves an additional two-storey grouped dwelling to existing single house at the subject property.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2 dwellings R 60	2 dwellings R 60	Supported- no variation.
Plot Ratio	<u>Proposed Unit</u> 0.65 - 113.5 square metres <u>Overall</u> 0.65 - 296 square metres	<u>Proposed Unit</u> 0.75- 130.5 square metres <u>Overall</u> 0.57 - 257.5 square metres	Supported- bulk and scale (as controlled by setbacks and height) of development is considered acceptable in this instance, site constraints due to the retention of the existing dwelling, the abutting right of way reduces the site's confinement, overall plot ratio is compliant and not considered to have an undue impact on streetscape or adjoining neighbours.

Privacy Setbacks	Bedrooms- 4.5 metres.	Bedroom 3 is 3.3 metres to the east boundary.	Supported- overlooks corner of adjoining property and owner owns affected property.
Pedestrian Accessway/Service Corridor	1.5 metres	0.974 metre	Supported- site constraints due to retention of existing dwelling and pedestrian accessway has been conditioned to be widened to 1.5 metres where it does not abut the existing dwelling.
Consultation Submissions			
Support	Nil		Noted.
Objection (1)	<ul style="list-style-type: none"> • Plot Ratio • Privacy • Outdoor Living Area • Vehicles in the laneway preventing access to garage facilities • Rear setbacks 		<p>Not supported- refer to above.</p> <p>Supported- refer to above.</p> <p>Not supported- proposed outdoor living area is compliant with relevant requirements and considered to be acceptable.</p> <p>Noted- will be addressed via standard Technical Services requirements.</p> <p>Not supported- proposed setbacks is compliant with relevant requirements and considered to be acceptable.</p>
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

COMMENTS:

It is noted that the reversing area for the car bays for the exiting dwelling encroaches the pedestrian access way/service corridor. This is supported in this instance, due to the site constraints relating to the retention of the existing dwelling and the unlikelihood that this area will be used concurrently on a frequent basis.

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

10.1.9 No. 311 (Lot 4 D/P: 2600) Walcott Street, North Perth- Proposed Additional Two-Storey Grouped Dwelling to Existing Single House

Ward:	North	Date:	6 February 2006
Precinct:	North Perth; P8	File Ref:	PRO2608; 5.2005.3308.1
Attachments:	001		
Reporting Officer(s):	L Mach		
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 Summit Projects on behalf of the owners Q N Feng & N L Wang for proposed Additional Two-Storey Grouped Dwelling to Existing Single House, at No.311 (Lot 4 D/P:2600) Walcott Street, North Perth, and as shown on plans stamp-dated 1 December 2005, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Walcott Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
 - (f) the solid portion adjacent to Walcott Street from the above truncation can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*

- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the window to bedroom 3 on the south-western elevation, on the upper floor, screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees, OR the subject window not exceeding one square metre in aggregate in the respective subject wall, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iv) *first obtaining the consent of the owners of No. 313 Walcott Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 313 Walcott Street land in a good and clean condition; and*
- (v) *prior to the first occupation of the development, a new crossover for the existing dwelling shall be installed. The new crossover to the lot is subject to a separate approval by the Town's Technical Services Division and shall be constructed in accordance with the Town's Standard Crossover Specification/s which, in particular, specify that the portion of the existing footpath traversing the proposed crossover, subject to the existing footpath being in a good condition as determined by the Town's Technical Services Division, must be retained such that it forms a part of the proposed crossover and the proposed crossover levels shall match the level/s of the existing footpath. Crossovers may be constructed by a private contractor provided they are constructed in accordance with the above specifications and a security bond of \$275 is paid prior to crossover approval. Application for the refund of the bond must be submitted in writing.*

COUNCIL DECISION ITEM 10.1.9

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (6-2)

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

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

Landowner:	Q N Feng & N L Wang
Applicant:	Summit Projects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	455 square metres
Access to Right of Way	South side, 4.8 metres wide, sealed, Town-owned

BACKGROUND:

The Council at its Ordinary Meeting held on 25 October 2005 resolved to refuse an application for proposed additional two-storey grouped dwelling to existing single house, mainly due to non-compliance with the vehicular access and outdoor living area requirements.

DETAILS:

The proposal involves an additional two-storey grouped dwelling to existing single house at the subject property.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2 dwellings R 60	2 dwellings R 60	Supported- no variation.
Plot Ratio	<u>Proposed Unit</u> 0.65 - 119.6 square metres <u>Overall</u> 0.65 - 296 square metres	<u>Proposed Unit</u> 0.70- 130.5 square metres <u>Overall</u> 0.54 - 246 square metres	Supported- bulk and scale of development is considered acceptable in this instance- site constraints due to the retention of the existing dwelling, the abutting right of way reduces the site's confinement, overall plot ratio is compliant and not considered to have an undue impact on streetscape or adjoining neighbours.
Privacy Setbacks	Bedrooms windows - 4.5 metres.	Bedroom 3 window is 3.4 metres to the south-western boundary.	Not supported- undue impact on neighbour and it is recommended that this matter be conditioned accordingly.

Consultation Submissions		
Support	Nil	Noted.
Objection (1)	<ul style="list-style-type: none"> • Plot Ratio • Privacy • Outdoor Living Area • Vehicles in the laneway preventing access to garage facilities • Rear setbacks 	<p>Not supported- refer to above.</p> <p>Supported- refer to above.</p> <p>Not supported- proposed outdoor living area is compliant with relevant requirements and considered to be acceptable.</p> <p>Noted- will be addressed via standard Technical Services requirements.</p> <p>Not supported- proposed setbacks is compliant with relevant requirements and considered to be acceptable.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

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

COMMENTS:

The reversing area for the car bays for the existing dwelling encroaches the pedestrian access way/service corridor. This is supported in this instance, due to the site constraints relating to the retention of the existing dwelling and the unlikelihood that this area will be used concurrently on a frequent basis.

In light of the above, the planning application is recommended for approval, subject to standard and appropriate conditions, including a new crossover for the existing dwelling, as required by the Town's Technical Services.

10.1.18 No. 6 (Lot 99 D/P: 2630) Doris Street, Corner Bedford Street, North Perth - Proposed Carport, Additions and Alterations to Existing Single House

Ward:	North	Date:	6 February 2006
Precinct:	Norfolk; P10	File Ref:	PRO3313; 5.2005.3163.1
Attachments:	001		
Reporting Officer(s):	B McKean		
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 owner S Ognenis for proposed Carport, Additions and Alterations to Existing Single House, at No. 6 (Lot 99 D/P: 2630) Doris Street, corner Bedford Street, North Perth, and as shown on plans stamp-dated 13 September 2005, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the driveway being a minimum of 6 metres from the tangent point of the kerb to the intersection; and*
 - (b) *the carport being setback from Bedford Street at or behind the main building line.*

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

- (iii) *first obtaining the consent of the owners of No. 8 Doris Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 8 Doris Street in a good and clean condition;*
- (iv) *any new street/front wall, fence and gate between the Doris Street boundary and the Bedford Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*

- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (f) *the solid portion adjacent to the Bedford Street boundary from the above truncation(s), can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence; and*
- (v) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted).*

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

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Journalist - Giovanni Torre left the meeting at 9.02pm.

Moved Cr Messina, Seconded Cr Maier

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

"(v) the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted) except for the 1.8 metres high brick fence infill on the south-eastern elevation of the carport."

AMENDMENT CARRIED (5-3)

For

Cr Chester
Cr Lake
Cr Maier
Cr Messina
Cr Torre

Against

Cr Doran-Wu
Cr Farrell
Cr Ker

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

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

That clause (ii) be deleted and a new clause (ii) inserted as follows:

"(ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the retention of the existing street tree and utilisation of the existing crossover. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;"

AMENDMENT CARRIED (8-0)

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

MOTION AS AMENDED CARRIED (8-0)

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

COUNCIL DECISION ITEM 10.1.18

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 owner S Ogenis for proposed Carport, Additions and Alterations to Existing Single House, at No. 6 (Lot 99 D/P: 2630) Doris Street, corner Bedford Street, North Perth, and as shown on plans stamp-dated 13 September 2005, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the retention of the existing street tree and utilisation of the existing crossover. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iii) first obtaining the consent of the owners of No. 8 Doris Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 8 Doris Street in a good and clean condition;*
- (iv) any new street/front wall, fence and gate between the Doris Street boundary and the Bedford Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*

- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (f) *the solid portion adjacent to the Bedford Street boundary from the above truncation(s), can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence; and*
- (v) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted) except for the 1.8 metres high brick fence infill on the south-eastern elevation of the carport.*

Landowner:	S Ognenis
Applicant:	S Ognenis
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:	513 square metres
Access to Right of Way	East side, 4.6 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves carport, additions and alterations to 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

Setbacks: House Addition- North	1.5 metres	Nil - 1 metre	Supported - variation is considered minor, does not have an undue impact on affected neighbour and affected neighbour has signed stating no objection.
South (Secondary Street Setback)	1.5 metres	1 metre	Supported - awkward shape block, variation is considered minor and does not have an undue impact on streetscape or surrounding amenity as proposed development is single storey.
Building on Boundary: North	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Average wall height - 3.45 metres.	Supported - variation is considered to not have an undue impact on affected neighbour and affected neighbour has signed stating no objection.
Vehicular Access: Driveway	Provided from a right-of-way.	Provided from Doris Street.	Supported - <ul style="list-style-type: none"> • awkward shape block; • no feasible location for double carport accessed from the right of way as outdoor living areas would be compromised; • there is an existing carport accessed from Doris Street; and
			<ul style="list-style-type: none"> • open carport is not considered to have an undue impact on streetscape or surrounding amenity.

	No closer than 6 metres to an intersection.	5.2 metres	Not supported - unsafe vehicular manoeuvring, and addressed in Officer Recommendation
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> • Neighbour has signed stating no objection. 		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

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

COMMENTS:

In light of the above, the planning application is considered to be acceptable and is recommended for approval, subject to standard and appropriate conditions to address the matters raised in the report.

10.1.31 Nos. 14-16 (Lot 100 D/P: 53231) Daphne Street, North Perth - Proposed Additional Carparking & Alterations to Existing Multiple Dwellings

Ward:	North	Date:	6 February 2006
Precinct:	North Perth; P08	File Ref:	PRO3383; 5.2005.3279.1
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Metropolitan Region Scheme, the Council RECOMMENDS REFUSAL to the Western Australian Planning Commission of the application submitted by C Chaplin on behalf of the owner Department of Housing and Works for proposed Additional Carparking and Alterations to Existing Multiple Dwellings, at Nos. 14-16 (Lot 100 D/P: 53231) Daphne Street, North Perth, and as shown on plans stamp-dated 17 November 2005, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the access and car parking requirements of the Residential Design Codes, and the Town's Policies relating to Vehicular Access, Street Setbacks, and the Monastery Locality Plan, respectively; and*
- (iii) consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.31

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Doran-Wu departed the Chamber at 9.11pm.

Mayor Catania returned to the Chamber at 9.13pm and assumed the Chair.

CARRIED (8-0)

(Cr Doran-Wu was absent from the Chamber and did not vote.)

Landowner:	Department of Housing and Works
Applicant:	C Chaplin
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Multiple Dwelling
Use Class:	Multiple Dwelling

Use Classification:	"P"
Lot Area:	1343 square metres
Access to Right of Way	East side, 3.5 metres wide, unsealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves proposed additional carparking and alterations to existing multiple dwellings. The existing parking is accessed from the right of way.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Vehicle Access	Access provided solely from right of way where legally available.	Access from Daphne Street.	Not supported - considered to have an undue impact on streetscape and amenity of the surrounding area.
Design of Parking Spaces	In the case of Multiple Dwelling developments of 12 or more dwellings, all spaces except visitors' spaces fully concealed from the street or public place.	Car parking spaces visible from street.	Not supported - considered to have an undue impact on streetscape and amenity of the surrounding area.
Monastery Locality Statement: Landscaping	Landscaping is to continue as an important element in the environment of this area with the retention of mature, healthy trees encouraged.	Proposal includes hard surfaces over existing landscaping and mature trees within front setback.	Not supported - considered to have an undue impact on streetscape and amenity of the surrounding area.
Consultation Submissions			
Comment (1)	<ul style="list-style-type: none"> No objection to proposal but considers the rear to require upgrading. 		Noted.
Support	Nil		Noted.
Objection (9)	See below Schedule of Submissions as per clause 3.12.5 of Community Consultation Policy		

No.	Author Name	Affected Property	Date Received	Submission Type	Summary of Author Comments	Officer Comments
1	Withheld	Withheld	23/1/06	Non-Form (email)	Impact from increase in traffic. Impact on streetscape.	Not supported - proposed increase is well within road capacity. Supported – undue impact and refer to Officer Recommendation.
No.	Author Name	Affected Property	Date Received	Submission Type	Summary of Author Comments	Officer Comments
2	R Cahill	No. 10 Daphne Street	24/1/06	Form	Impact on streetscape. Create heat well in summer.	Supported – undue impact and refer to Officer Recommendation. Not supported - no evidence to suggest as such.
3	Withheld	Withheld	23/1/06	Form	Impact from increase in traffic. Impact on amenity (including effects from vehicles, reduction in landscaping and trees).	Not supported - proposed increase is well within road capacity. Supported – undue impact and refer to Officer Recommendation.
4	A van den Boom and J G Roe	17 Daphne Street	23/1/06	Form	Impact on amenity and streetscape (including effects from vehicles, reduction in landscaping and trees).	Supported – undue impact and refer to Officer Recommendation.

5	M Eisenstadt	20 Daphne Street	20/1/06	Form	Impact on amenity and streetscape (including effects from vehicles, reduction in landscaping and trees).	Supported – undue impact and refer to Officer Recommendation.
No.	Author Name	Affected Property	Date Received	Submission Type	Summary of Author Comments	Officer Comments
6	Withheld	Withheld	23/1/06	Form	Visual Impact. Impact from increase in traffic. Affect on street character.	Supported – undue impact and refer to Officer Recommendation. Not supported - proposed increase is well within road capacity. Supported – undue impact and refer to Officer Recommendation.
7	P McLoughlin and S Steensta	12 Daphne Street		Form	Impact from increase in traffic. Impact on amenity and streetscape (including effects from vehicles, reduction in landscaping and trees).	Not supported - proposed increase is well within road capacity. Supported – undue impact and refer to Officer Recommendation.
8	Withheld	Withheld	13/1/06	Form	Increase in traffic Impact on streetscape.	Not supported - proposed increase is well within road capacity.

9	Withheld	Withheld	27/1/06	Non-Form (letter)	Impact from increase in traffic. Impact on amenity and streetscape (including effects from vehicles, reduction in landscaping and trees).	Not supported - proposed increase is well within road capacity. Supported – undue impact and refer to Officer Recommendation.
Other Implications						
Legal/Policy					TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications					Nil	
Financial/Budget Implications					Nil	

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

COMMENTS:

It is noted that the submissions and subsequent concerns raised by local residents were of a similar nature and in some instances submissions were identical. There is a *Eucalyptus camaldalensis* tree on the subject site which is on the Town's Interim Significant Tree Data Base-Reference. The proposed development would see the removal of this tree.

The proposed development, by reason of its removal of landscaping in the front setback area, would result in an inappropriate development of the site and form an incongruous feature in the street scene to the detriment of the visual amenity and character of the area. The proposed development is, therefore, contrary to the provisions of the Town's Policies and the Residential Design Codes and is recommended for refusal.

10.1.25 No. 6 (Lot 76 D/P: 1823) Pansy Street, North Perth- Satellite Dish Addition to Existing Single House (Application for Retrospective Approval)

Ward:	North	Date:	6 February 2006
Precinct:	North Perth; P8	File Ref:	PRO3337; 5.2005.3208.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by S Gaglia on behalf of the owner V Strano for Satellite Dish Addition to Existing Single House (Application for Retrospective Approval), at No. 6 (Lot 76 D/P: 1823) Pansy Street, North Perth, and as shown on plans stamp-dated 11 October 2005, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the requirements of the Town's Policy relating to Domestic Satellite Dishes, Microwave Antennae and Tower Masts; and*
 - (c) *consideration of the objection received; and*
- (ii) *the Council ADVISES the applicant and the owner of No. 6 (Lot 76 D/P: 1823) Pansy Street, North Perth, that the unauthorised Satellite Dish at No. 6 (Lot 76 D/P: 1823) Pansy Street, North Perth, shall be removed within fourteen (14) days of notification, and the Council AUTHORIZES the Chief Executive Officer to continue legal proceedings to remove the unauthorised Satellite Dish should the Satellite Dish remain after this fourteen (14) days period.*

COUNCIL DECISION ITEM 10.1.25

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

LOST (0-8)

(Cr Doran-Wu was absent from the Chamber and did not vote.)

Reasons:

1. The satellite dish is not considered to unduly affect the streetscape.
2. The satellite dish is not considered to be in contravention of the Town's normal policy in respect of these types of fixtures.

Cr Doran-Wu returned to the Chamber at 9.15pm.

ALTERNATIVE RECOMMENDATION:

Moved Cr Ker, Seconded Cr Messina

That the following alternative recommendation be adopted.

"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 S Gaglia on behalf of the owner V Strano for Satellite Dish Addition to Existing Single House (Application for Retrospective Approval), at No. 6 (Lot 76 D/P: 1823) Pansy Street, North Perth, and as shown on plans stamp-dated 11 October 2005."

CARRIED (9-0)

Landowner:	V Strano
Applicant:	S Gaglia
Zoning:	Metropolitan Region Scheme (MRS): 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:	860 square metres
Access to Right of Way	North and east side, 3.0 metres wide, sealed, Town- owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The application involves satellite dish addition to existing single house (application for retrospective approval).The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Visual Impact	Consideration of the visual impact of the satellite dish on the subject site, the street and the general locality in terms of its design, scale, bulk, colour, height and general appearance.	Requirement not considered to be demonstrated.	Not supported - undue impact on the amenity of the neighbours and area in general.

Location	The location of the satellite dish does not have an adverse impact on the adjoining properties.	Requirement not considered to be demonstrated.	Not supported - undue impact on the amenity of the neighbours and area in general.
	Satellite dishes with a greater diameter than 1.5 metres are to be located at ground level, have a maximum height of less than 3 metres and be located so that they are not visible from any street.	Satellite dish approximately 2.3 metres in diameter, 1.6 metres in height, roof mounted and visible from right of way and adjoining residences.	
Consultation Submissions			
Support	Nil		Noted.
Objection (2)	<ul style="list-style-type: none"> • Size • Visual impact • Location • Height 		Supported- refer to above.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes)
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

In light of the above, it is recommended that the planning application be refused and the Council authorises the Chief Executive Officer to take appropriate action to remove the unauthorised Satellite Dish.

10.1.17 Nos. 4a, 4b and 6 (Lot 15 D/P: 43979, Lot: 16 D/P: 43979, Lot: 164 D/P: 2334) Eton Street, North Perth- Front/Street Fence Addition to Existing Single Houses (Application for Retrospective Approval)

Ward:	North	Date:	7 February 2006
Precinct:	North Perth; P10	File Ref:	PRO2076; 5.2005.3321.1
Attachments:	001		
Reporting Officer(s):	J Barton		
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 Greg Rowe & Associates on behalf of the owners E J Oostueen, N L Santich C Belcher and A & G Mirtsopoulos for Front/Street Fence Addition to Existing Single Houses (Application for Retrospective Approval), at Nos. 4a, 4b and 6 (Lot 15 D/P: 43979, Lot 16 D/P: 43979, Lot 164 D/P: 2334) Eton Street, North Perth, and as shown on plans stamped 6 December 2005, subject to the following condition;

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

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That the existing recommendation be numbered to clause (i) and (i)(a) and a new clause (ii) added as follows:

"(ii) this approval does not apply to the front fence of No 6 Eton Street, North Perth."

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (8-1)

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

COUNCIL DECISION ITEM 10.1.17

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 Greg Rowe & Associates on behalf of the owners E J Oostueen, N L Santich C Belcher and A & G Mirtsopoulos for Front/Street Fence Addition to Existing Single Houses (Application for Retrospective Approval), at Nos. 4a, 4b and 6 (Lot 15 D/P: 43979, Lot 16 D/P: 43979, Lot 164 D/P: 2334) Eton Street, North Perth, and as shown on plans stamp-dated 6 December 2005 , subject to the following condition;*

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

(ii) *this approval does not apply to the front fence of No 6 Eton Street, North Perth.*

Landowner:	E J Oostueen, N L Santich, C Belcher and A & G Mirtsopoulos
Applicant:	Greg Rowe & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
Existing Land Use:	Single Houses
Use Class:	Single House
Use Classification:	"P"
Lot Area:	562 square metres
Access to Right of Way	N/A

BACKGROUND:

On 29 July 2002, the Council conditionally approved an application for the demolition of the existing dwelling and the construction of two (2) two-storey single houses. Condition (ii) of the Planning Approval required all front/street fencing to comply with the Town's Street Walls and Fences Policy 3.2.5.

On 5 May 2005, the Town issued a Building Licence for the construction of two (2) two-storey single houses and associated fencing.

On 2 June 2005, the Town's Development Compliance Officer received a complaint regarding a non-compliant front/street fence at the above-mentioned properties.

On 29 June 2005, the Town advised the property owners in writing regarding the unauthorised works and requested that the fence be brought into compliance with the Town's requirements, or that an application be submitted for retrospective Planning Approval.

On 26 October 2005, the Town served Written Direction on the owners of the above properties in relation to the non-compliant front/street fence.

DETAILS:

This application is for retrospective planning approval for an existing front/street fence to Nos. 4a and 4b Eton Street (and No. 6 Eton Street as the fence straddles the boundary), which does not comply with the Town's Street Walls and Fences Policy 3.2.5.

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.
Street Walls and Fences- Policy 3.2.5.	The solid portion of the front fence, within the front setback area, to be 1.2 metres in height and the rest to be 50 per cent visually permeable to 1.8 metres in height. Decorative capping on pillars may extend to 2 metres.	Solid portions of wall over 1.2 metres in height within the front setback area.	Supported- The non-compliant solid portions of front fence are minimal and the fence is considered to compliment the design of the dwellings and the proposal is not considered to create an undue impact on the amenity of the streetscape. Refer to Comments.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

COMMENTS:

The front/street fence does not comply with the Town's Street Walls and Fences Policy as solid portions of front fence exist within the 4 metre front setback area. The specific areas of non-compliance are as follows:

- Portions of front fence on the northern and southern boundaries are solid to 1.8 metres in height for a length of 2.5 metres within the front setback area;
- A 1.6 metre wide solid portion of fence along the front, western boundary which contain the letter boxes; and
- A solid portion of fence directly behind the letter boxes, which is 1.5 metres in length and solid to 1.8 metres in height and contains the meter boxes.

The unauthorised fence was originally constructed without visual sightlines and the middle portion of cedar panelling between No 4a and No. 4b Eton Street did not comply with the Town's fifty per cent permeability requirements. The owners have since amended the fence to provide 1.5 metre visual truncations along the northern and southern elevations, and the cedar panelling behind the metre boxes has been made more open in nature and it now complies with the Town's visual permeability requirements.

The remaining non-compliant portions of front fence are considered minor in nature and the fence is considered to compliment the design of the existing dwellings and the streetscape. Also, the proposal meets the relevant performance criteria of the Town's Street Walls and Fences Policy, as the dwellings entrances are clearly identifiable from the street and the front/street fence does not interrupt the predominantly open streetscape as the solid portions of fence are not highly visible from the streetscape. Additionally, there are several solid front fences along the street and the immediate area.

In light of the above, and given that the Town's Technical Services raised no concerns regarding visual sightlines, the proposal is not considered to have an undue impact on the streetscape or amenity of the area generally and approval is recommended in this instance.

10.1.30 No. 69 (Lot 551 D/P: 92765) Barlee Street, Mount Lawley - Proposed Permanent Change of Use to Office (Property Developer, Financial Planning and Architects) Building

Ward:	South	Date:	7 February 2006
Precinct:	Forrest; P14	File Ref:	PRO1205; 5.2005.3183.1
Attachments:	001		
Reporting Officer(s):	B McKean, H Coulter		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Marchmont Group Pty Ltd on behalf of the owner Virium Pty Ltd for proposed Permanent Change of Use to Office (Property Developer, Financial Planning and Architects) Building, at No. 69 (Lot 551 D/P: 92765) Barlee Street, Mount Lawley, and as shown on plans stamp-dated 27 September 2005, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the Town's Policy relating to Brigatti Locality and the objectives of the Town's Town Planning Scheme No.1;*
 - (c) *approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas; and*
 - (d) *consideration of the objections received; and*
- (ii) *the Council ADVISES the applicant and owners that the Office use shall cease within twenty-eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to commence with legal proceedings should the above Office use remains after this twenty-eight (28) days period.*

COUNCIL DECISION ITEM 10.1.30

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 9.21pm.

Cr Farrell returned to the Chamber at 9.25pm.

Cr Torre departed the Chamber at 9.26pm.

Moved Cr Messina, Seconded Cr Chester

That the Item be DEFERRED to afford the applicant and owner the opportunity to address the areas of non-compliance and objection received and to ensure that advertising has been carried in accordance with the Town's Community Consultation Policy, and that the objector is aware that the proposed change of use is permanent and not temporary as advertised.

CARRIED (6-2)

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

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

Landowner:	Virium Pty Ltd
Applicant:	Marchmont Group Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R50
Existing Land Use:	Office Building
Use Class:	Office Building
Use Classification:	"SA"
Lot Area:	469 square metres
Access to Right of Way	East side, 3 metres wide, sealed, dedicated road. South side, 3 metres wide, sealed, dedicated road.

BACKGROUND:

18 June 1973 The Council of the City of Perth conditionally approved a change of use from Salvation Army church/hall to headquarters of Cracovia Soccer Club, specifically for the following uses;

- "(a) holding committee meetings;*
 - (b) display and storage of Club's trophies and movable property;*
 - (c) assembly of club juniors for purpose of voluntary youth work, such as screening of films, talks and similar activities;*
 - (d) conducting small socials for the players; and*
 - (e) holding various other meetings in relation to Club activities;*
- subject to the Club's activities being conducted in such a way that there is no cause for complaint from nearby residents."*

12 December 1977 The Council of the City of Perth resolved to refuse an application to the extension of the existing hall used by a sporting club, including a games/dining area, licensed bar and store, for the following reason:

"1. The proposed extension to the hall be refused under Clause 30 of the Metropolitan Region Scheme on the grounds that the general disturbance caused by its use and lack of parking facilities would prejudice both the orderly and proper planning of the locality and the amenities of the locality."

Use of the caretaker's residence for administration purposes was approved, subject to it being conducted in such a way that it does not prejudice interests of nearby residents.

14 June 1999 The Council at its Ordinary Meeting conditionally approved two storey additions and alterations to the existing dwelling. It would appear that these additions were not undertaken.

16 October 2003 Proposed partial demolition of and alterations and additions, including mezzanine level to existing single house and free standing garage was conditionally approved under delegated authority.

14 September 2004 The Council at its Ordinary Meeting granted conditional approval for temporary change of use from single house to office (property developer, financial planning and architects) building (application for retrospective Planning Approval). Condition (i) (f) of the approval stated as follows:

"this approval for a Change of Use 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 Town prior to continuation of the use."

DETAILS:

The proposal involves permanent change of use to office (property developer, financial planning, and architects).

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
Brigatti Locality Plan 27	Refer to 'Comments'	Refer to 'Comments'	Refer to 'Comments'
Consultation Submissions			
Support	Nil		Noted
Objection (1)	<ul style="list-style-type: none"> Commercial use is in conflict with residential zoning. 		Supported - refer to 'Comments'.
	<ul style="list-style-type: none"> Increase in traffic / street parking 		Supported - refer to 'comments'.

	<ul style="list-style-type: none"> Office was used beyond approved hours of operation. 	Noted.
	<ul style="list-style-type: none"> Building has a history of being used for unauthorised uses. 	Supported - the building has a history of being used for unauthorised uses.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil
Car Parking		
Car Parking Requirement (nearest whole number)		
<ul style="list-style-type: none"> Office: 1 car bay per 50 square metres gross floor area (185 square metres) 		4 car bays
Apply the adjustment factors		(0.85)
<ul style="list-style-type: none"> 0.85 (within 400 metres of one or more existing public car parking places with in excess of a total of 25 car parking spaces) 		3.4car bays
Minus car parking on-site		5 car bays
Resultant surplus		1.6 car bays
Bicycle Parking		
Office		
<ul style="list-style-type: none"> 1 space per 200 square metres of gross floor area for employees (class 1 or 2)- 0.925 space 		Nil facilities indicated on plans, would be conditioned to comply in the event of approval.

* 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:

Whilst it is recognised that the proposal will not unduly impact on the physical amenity of the area, and adequate car parking has been provided as per the Town's Policy relating to Parking and Access, the proposed use is not considered to be supportable on the following grounds:

- the relevant Brigatti Locality Plan states that *"a limited number of non residential uses which serve the day to day needs of local residents (such as local shops and child care facilities) are also appropriate where they are not likely to cause any significant disturbance to adjacent residences."* The future permanent continued use as an office (property developer, financial planning, and architects) is not considered to serve the day-to-day needs of the residents and, therefore, be more appropriate to be located in areas which have been appropriately zoned and developed for such uses, that is the District Centre and Commercial areas;
- while the application is compliant with the Town's Policy relating to Parking and Access, the on-site car parking provided for the office use is located at the rear of the property in a lockable garage. This garage appears to be used for private use and not for clients attending the office building. In light if this, the permanent change of use to office at this property may result in the increase of traffic and off street parking in Barlee Street; and

- the proposal is likely to encourage further commercial intrusion within the residential area and hence, considered to unduly affect the economic viability of the Town's District Centres and Commercial areas.

In light of the above, the objection received, and one of general objectives of the Town's Town Planning Scheme being *"to promote and safeguard the economic well-being and functions of the Town"*, it is recommended that the proposal be refused.

**10.1.32 No. 306 (Lot 98 D/P: 1823, Lot Y99 D/P: 1823, Lot 100 D/P: 1823)
Charles Street, North Perth - Proposed Demolition of Existing Single
House and Removal of Significant Tree**

Ward:	North	Date:	6 February 2006
Precinct:	Charles Centre; P07	File Ref:	PRO2109 5.2005.3263.1
Attachments:	001		
Reporting Officer(s):	S Kendall, T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by M Smith on behalf of the owner Fairlight Pty Ltd for proposed Demolition of Existing Single House, at No. 306 (Lot 98 D/P: 1823, Lot Y99 D/P: 1823, Lot 100 D/P: 1823) Charles Street North Perth, and as shown on plans stamp-dated 8 November 2005, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality by virtue of the demolition of the existing building;*
- (b) *the existing place has cultural heritage significance in terms of its aesthetic, historic and rarity value;*
- (ii) *the Council ADVISES the landowner of No. 306 (Lot 98 D/P: 1823, Lot Y99 D/P: 1823, Lot 100 D/P: 1823) Charles Street, North Perth that Council is prepared to give consideration to a development proposal that incorporates the retention of the existing single house and that such a proposal may attract development bonuses; and*
- (iii) *the Council further ADVISES the landowner of No. 306 (Lot 98 D/P: 1823, Lot Y99 D/P: 1823, Lot 100 D/P: 1823) Charles Street, North Perth, that the Sweet Gum (Liquidambar styraciflus) located at the rear of the subject property is not on the Town's Tree of Significance Tree Inventory and can be removed without attaining Planning Approval.*

Moved Cr Lake, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Cr Messina departed the Chamber at 9.29pm.

Crs Messina and Torre returned to the Chamber at 9.32pm.

Moved Cr Chester, Seconded Cr Messina

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

"(iv) the Council NOMINATES the place at No 306 (Lot 98 D/P: 1823, Lot Y99 D/P:1823, Lot 100 D/P:1823) Charles Street, North Perth for consideration onto the Heritage Council's State Register of Heritage Places."

Debate ensued.

AMENDMENT CARRIED (7-2)

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

Moved Cr Maier, Seconded Cr Messina

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

"(iv) the Council NOMINATES the place at No 306 (Lot 98 D/P: 1823, Lot Y99 D/P:1823, Lot 100 D/P:1823) Charles Street, North Perth for consideration onto the Heritage Council's State Register of Heritage Place and takes the necessary steps to expedite the assessments."

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.32

That;

(i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by M Smith on behalf of the owner Fairlight Pty Ltd for proposed Demolition of Existing Single House, at No. 306 (Lot 98 D/P: 1823, Lot Y99 D/P: 1823, Lot 100 D/P: 1823) Charles Street North Perth, and as shown on plans stamp-dated 8 November 2005, for the following reasons:

- (a) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality by virtue of the demolition of the existing building;*
- (b) the existing place has cultural heritage significance in terms of its aesthetic, historic and rarity value;*

(ii) the Council ADVISES the landowner of No. 306(Lot 98 D/P: 1823, Lot Y99 D/P: 1823, Lot 100 D/P: 1823) Charles Street, North Perth that Council is prepared to give consideration to a development proposal that incorporates the retention of the existing single house and that such a proposal may attract development bonuses;

- (iii) *the Council further ADVISES the landowner of No. 306 (Lot 98 D/P: 1823, Lot Y99 D/P: 1823, Lot 100 D/P: 1823) Charles Street, North Perth, that the Sweet Gum (Liquidambar styraciflus) located at the rear of the subject property is not on the Town's Tree of Significance Tree Inventory and can be removed without attaining Planning Approval; and*
- (iv) *the Council NOMINATES the place at No 306 (Lot 98 D/P: 1823, Lot Y99 D/P:1823, Lot 100 D/P:1823) Charles Street, North Perth for consideration onto the Heritage Council's State Register of Heritage Place and takes the necessary steps to expedite the assessments.*

ADDITIONAL INFORMATION:

The Heritage Council of Western Australia determines the cultural heritage significance of a place through its assessment of aesthetic, historic, scientific, social, rarity and/or representativeness value. It is possible for a place to be assessed as having only one of the above values to be entered on the State Register. The Town's Heritage Officers consider that the subject place meets the threshold for entry on the State Register of Heritage Places, as it satisfies the following criteria:

"1. Aesthetic Value

- 1.3 *Importance for its contribution to the aesthetic values of the setting demonstrated by a landmark quality or having an impact on the important vistas or otherwise contributing to the identified aesthetic qualities of the cultural environs or the natural landscape within which it is located.*

2. Historic Value

- 2.3 *Importance for close association with an individual or individual whose life, works or activities have been significant within the history of the nation, State or region."*

Landowner:	Fairlight Pty Ltd
Applicant:	M Smith
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	1215 square metres
Access to Right of Way	The rear access is a dedicated sealed road, which is unlit and is 4 metres wide.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single house and garage and the removal of a tree, which has been identified as having significance.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Requirements	Requirements	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> • The house being situated over three lots. • Under-utilisation of commercial land. • The house being along a primary road. • The house being subject to the 3.66 metre road widening proposal in accordance with the Charles Street Planning Control Area No.54. • The house is out of keeping and non-conforming with established streetscape. 		Not supported - an Assessment of the place has found that the dwelling is worthy of inclusion onto the Town of Vincent's Municipal Heritage Inventory.
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

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

The subject residence situated at No.306 Charles Street is a partially rendered brick and tile dwelling of the Interwar Arts and Crafts Bungalow Style, which was constructed in 1930. The subject residence is the former residence of Robert Irwin Browne, the eldest son of Mr Edward Browne, the founder of Brownes Dairy. Upon Edward Brownes death, in 1926, Robert Irwin became the joint manager of the Brownes operations in Perth, until his death in 1967.

The existing structure is symmetrical to the front, with a gambrel hipped roof with prominent eaves, exposed rafters and an aedicular entry porch. Minor internal alterations have occurred within the subject residence, however these are not considered to have affected the authenticity of the place, which retains its original floor plan and architectural detailing.

The place has been assessed in accordance with the Town's Policy relating to Heritage Management – Municipal Heritage Inventory. Based on the results of this assessment, it has been found to have local cultural significance for the following reasons:

- It is considered that the place has *considerable historic value* for its association with the Browne's family, founders of Browne's Dairy whose business and products have become a household name within Western Australia.
- The place has *some aesthetic value* as an exemplar of the Interwar Arts and Crafts bungalow style, it has an impact on significant vistas along Charles Street and it contributes to the aesthetic qualities of the cultural environment within which it is located.
- The place has *some aesthetic value* as it forms part of a cultural environment within close proximity to another former residence of the Browne's family at No. 40 Albert Street and the former Browne's dairy factory on the corner of Charles and Albert Streets, North Perth.
- The place has *some rarity value* through forming part of a cultural environment associated with the Browne's family, including No. 40 Albert Street and the former dairy factory on the corner of Charles and Albert Streets, North Perth.
- The place has *some rarity value* as it is an example of a building style of which there are only a few remaining examples within the locality.

In summary, the place is considered to be significant to the locality and worthy of inclusion into the Town's Municipal Heritage Inventory. It is therefore recommended that the proposed demolition of the existing dwelling be refused.

In addition to the demolition of the dwelling, the applicant proposes to remove a large tree, which is listed on the Town's Interim Significant Tree Data Base - *Possible Inventory Inclusion*. On 9 December 2005, the Parks Services Technical Officer inspected the subject tree, which was identified as a London Plane tree (*Platanus acerifolia*). The Town's Interim Significant Tree Data Base - *Possible Inventory Inclusion* includes trees that, on the basis of a preliminary assessment by the Town's officers, may warrant inclusion on the Town's Trees of Significance Inventory. Whilst there are no statutory conditions that require the applicant to retain the tree, which are listed on the Interim Database, maximum encouragement is given to facilitate its retention where possible.

The Parks Services Technical Officer advised that the London Plane tree, as listed on the Town's Interim Significant Tree Data Base - *Possible Inventory Inclusion* had been incorrectly identified. The large tree extant at the rear of the subject property is a Sweet Gum (*Liquidambar styraciflus*) approximately 40 to 50 years old. The tree, which appears to be in good health, is approximately 30 to 40 metres high with a canopy spread of fourteen metres. The Parks Services Technical Officer advised that this particular species of tree is a relatively common planting within the Town of Vincent and that its retention is not deemed necessary.

As it has been concluded that the Sweet Gum (*Liquidambar styraciflus*) does not warrant inclusion on the Town's Interim Significant Tree Data Base - *Possible Inventory Inclusion*, nor the Tree of Significance Inventory, Planning Approval is not required to be attained for its removal, as stipulated under the provisions of the Town of Vincent Town Planning Scheme No.1

10.1.29 No. 69 (Lot 1 D/P: 2322) Bourke Street, corner Scott Street, Leederville - Proposed Alterations, Additions and Garage to Existing Single House

Ward:	South	Date:	7 February 2006
Precinct:	Leederville; P03	File Ref:	PRO3291; 5.2005.3107.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owner B M Callaghan for proposed Alterations, Additions and Garage to Existing Single House, at, No. 69 (Lot 1 D/P: 2322) Bourke Street, corner Scott Street, Leederville, and as shown on amended plans stamp-dated 28 November 2005, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the open space requirements of the Residential Design Codes; and*
- (iii) the open space requirements proposed to be varied is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.*

COUNCIL DECISION ITEM 10.1.29

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

LOST (0-9)

Reasons:

- 1. Value of retaining the existing building.**
- 2. The usable open space may be more than that provided with a complying development.**

ALTERNATIVE RECOMMENDATION:

Moved Cr Ker, Seconded Cr Messina

That the following recommendation be adopted:

"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 B M Callaghan for proposed Alterations, Additions and Garage to Existing Single House, at No. 69 (Lot 1 D/P: 2322) Bourke Street, corner Scott Street, Leederville, and as shown on plans stamp-dated 28 November 2005, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Bourke Street boundary and the Scott Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
 - (f) the solid portion adjacent to the Scott Street boundary from the above truncation(s), can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence; and*
- (iii) first obtaining the consent of the owners of No. 71 Bourke Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 71 Bourke Street in a good and clean condition."*

CARRIED (9-0)

Landowner:	B M Callaghan
Applicant:	B M Callaghan
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	316 square metres
Access to Right of Way	South side, 2.5 metres wide, unsealed, privately owned.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves alterations, additions and garage to 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
Setbacks: Main Dwelling-East (Secondary Street)	1.5 metres	Nil	Supported - follows the existing building line and is not considered to have an undue impact on the streetscape or surrounding amenity.
West	1.5 metres	Nil	Supported - follows the existing building line and is not considered to have an undue impact on affected neighbour.
Garage-South	1 metre	Nil	Not supported - setback required for possible future right of way widening and would be conditioned to comply in the event of approval.

West	1 metre	Nil	Supported - not considered to have an undue impact on affected neighbour.
Building on Boundary	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	<p>Three boundary walls:</p> <p>East boundary wall - average building wall height is 3.5 metres.</p> <p>South boundary wall - boundary wall is for 81 per cent of southern boundary.</p> <p>West boundary wall - average wall height is 3.5 metres and boundary wall is for 81 per cent of the western boundary.</p>	<p>Supported - follows the existing main building and is not considered to have an undue impact on the streetscape or surrounding amenity.</p> <p>Not supported - setback required for possible future right of way widening and would be conditioned to comply in the event of approval.</p> <p>Supported - follows the existing main building and is not considered to have an undue impact on affected neighbour.</p>
Open Space	45 per cent	34 per cent	Not supported - non compliant with the open space requirements of the R Codes, is considered to be over development of the site and proposes variations outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.
Vehicular Access	Provided from a right of way	Provided from the secondary street	Supported - the right of way is not programmed to be sealed in this or the next financial year, therefore vehicular access from the right of way is considered acceptable as determined by the Council at its Ordinary Meeting held on 27 April 2004.

Consultation Submissions	
No advertising required as application is for a category three development and recommended for refusal, in accordance with the Town's Policy relating to Community Consultation.	
Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Financial/Budget Implications	Nil

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

COMMENTS:

The proposed development is not supported on the basis that it is not considered to provide adequate amenities for prospective residents and it proposes an open space variation outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.

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

Ward:	North	Date:	2 February 2006
Precinct:	North Perth; P8	File Ref:	PRO2448; 5.2005.3192.1
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by HT Tran on behalf of the owners H N Tran and H K Ha for Proposed Additional Two-Storey Single House to Existing Single House - Reconsideration of Carport Condition at No. 545 (Lot 1 D/P: 4027) Fitzgerald Street (corner Ruby Street), and as shown on plans stamp-dated 29 September 2005 (ground floor plan) and amended plans stamp-dated 16 January 2006 (elevations, floor plan and site plan) for the following reasons:

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

Moved Cr Torre, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Ker

That the recommendation be amended to read as follows:

"That;

- (i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by HT Tran on behalf of the owners H N Tran and H K Ha for Proposed Additional Two-Storey Single House to Existing Single House - Reconsideration of Carport Condition - Garage Door at No. 545 (Lot 1 D/P: 4027) Fitzgerald Street (corner Ruby Street), and as shown on plans stamp-dated 29 September 2005 (ground floor plan) and amended plans stamp-dated 16 January 2006 (elevations, floor plan and site plan) for the following reasons:*
 - (a) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
 - (b) the non-compliance with the garage street setback requirements of the Town's Policy relating to street setbacks; and*

(ii) 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 HT Tran on behalf of the owners H N Tran and H K Ha for Proposed Additional Two-Storey Single House to Existing Single House - Reconsideration of Carport Condition - Western Boundary (Parapet) Wall at No. 545 (Lot 1 D/P: 4027) Fitzgerald Street (corner Ruby Street), and as shown on plans stamp-dated 29 September 2005 (ground floor plan) and amended plans stamp-dated 16 January 2006 (elevations, floor plan and site plan), subject to the following conditions:

(a) this approval is only granted for the western boundary (parapet) wall of the carport to the additional two-storey single house on proposed western Lot 2;

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

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

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

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

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

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

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

(d) the owners of the subject land shall finish and maintain the surface of the western boundary (parapet) wall facing the right of way in a good and clean condition.

AMENDMENT CARRIED (8-1)

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

MOTION AS AMENDED CARRIED (7-2)

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

At 9.58pm **Moved** Cr Maier, **Seconded** Cr Ker

That the meeting be extended to allow for Items 10.1.12 and 14.2 to be determined.

CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.1

"That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by HT Tran on behalf of the owners H N Tran and H K Ha for Proposed Additional Two-Storey Single House to Existing Single House - Reconsideration of Carport Condition - Garage Door at No. 545 (Lot 1 D/P: 4027) Fitzgerald Street (corner Ruby Street), and as shown on plans stamp-dated 29 September 2005 (ground floor plan) and amended plans stamp-dated 16 January 2006 (elevations, floor plan and site plan) for the following reasons:*
 - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
 - (b) *the non-compliance with the garage street setback requirements of the Town's Policy relating to street setbacks; and*
- (ii) *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 HT Tran on behalf of the owners H N Tran and H K Ha for Proposed Additional Two-Storey Single House to Existing Single House - Reconsideration of Carport Condition - Western Boundary (Parapet) Wall at No. 545 (Lot 1 D/P: 4027) Fitzgerald Street (corner Ruby Street), and as shown on plans stamp-dated 29 September 2005 (ground floor plan) and amended plans stamp-dated 16 January 2006 (elevations, floor plan and site plan), subject to the following conditions:*

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

FURTHER REPORT:

The Council at its Ordinary Meeting held on 17 January 2006 resolved "*That the Item be DEFERRED at the request of the applicant*".

The applicant has submitted to the Town revised plans that are similar in nature to the previous plans referred to the Council for consideration and determination, except for walls to the garage on the western and northern elevations on the site plan, ground floor plan and elevation 3 is shown as rendered brickwork, where it was previously open.

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

The following is a verbatim copy of the Minutes for the item placed before the Council at its Ordinary Meeting held on 17 January 2006.

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by HT Tran on behalf of the owners H N Tran and H K Ha for Proposed Additional Two-Storey Single House to Existing Single House - Reconsideration of Carport Condition at No. 545 (Lot 1 D/P: 4027) Fitzgerald Street (corner Ruby Street), and as shown on plans stamp-dated 29 September 2005, for the following reasons:

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

COUNCIL DECISION ITEM 10.1.7

Moved Cr Chester, Seconded Cr Messina

That the recommendation be adopted.

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

Debate ensued.

Moved Cr Chester, Seconded Cr Messina

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

CARRIED (8-0)

(Cr Farrell was an apology.)

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

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

Moved Cr Chester, Seconded Cr Torre

That Items 10.1.14 and 10.1.15 be brought forward.

CARRIED (8-0)

(Cr Farrell was an apology.)

FURTHER REPORT:

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

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

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

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

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Ht Tran on behalf of the owners H N Tran and H K Ha for Proposed Additional Two-Storey Single House to Existing Single House - Reconsideration of Carport Condition at No. 545 (Lot 1 D/P: 4027) Fitzgerald Street (corner Ruby Street), and as shown on plans stamp-dated 29 September 2005, for the following reasons:

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

COUNCIL DECISION ITEM 10.1.14

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Torre, Seconded Cr Doran-Wu

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

CARRIED (4-3)

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

(Crs Ker and Messina on leave of absence.)

ADDITIONAL INFORMATION:

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

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

BACKGROUND:

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

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

DETAILS:

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

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

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

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

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

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

ASSESSMENT:

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

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

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

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

COMMENTS:

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

10.1.12 No. 59 (Lot 257 D/P: 2816) Dunedin Street, Mount Hawthorn- Proposed Demolition of Existing Single House and Construction of Two-Storey Single House

Ward:	North	Date:	7 February 2006
Precinct:	Mount Hawthorn; P01.	File Ref:	PRO2262; 5.2005.3251.1
Attachments:	001		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Michael on behalf of the owner D Limnios for proposed Demolition of Existing Single House and Construction of Two-Storey (2) Single House, at No. 59 (Lot 257 D/P: 2816) Dunedin Street, Mount Hawthorn, and as shown on plans stamp-dated 19 February 2003 (site plan and floor plan of existing dwelling) and 1 November 2005, subject to the following conditions:

- (i) first obtaining the consent of the owners of No. 61 (Lot 256) Dunedin Street, for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 61 (Lot 256) Dunedin Street, in a good and clean condition;*
- (ii) any new street/front wall, fence and gate between the Dunedin Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*
- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
 - (a) the two (2) windows to the retreat on the first floor level on the northern elevation; and*

(b) *the windows to bedroom 2 and bedroom 3 on the first floor level on the western elevation;*

shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. 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 a major opening as defined in the Residential Design Codes 2002;

(iv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*

(v) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*

(vi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*

(vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the boundary wall on the northern side being reduced to an average height of 3 metres and a maximum height of 3.5 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*

(viii) *prior to the issue of a Building Licence, a detailed Arboriculturist report justifying removal of the two (2) on-site mature jacaranda trees shall be submitted to and approved by the Town's Parks Services.*

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Cr Torre departed the Chamber at 9.59pm.

Cr Torre returned to the Chamber at 10.00pm.

Moved Cr Maier, Seconded Cr Chester

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

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

(a) the boundary wall on the northern side being reduced to an average height of 3 metres and a maximum height of 3.5 metres; and

(b) the garage being setback a minimum of 6 metres from the front/Dunedin Street boundary.

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

Debate ensued.

AMENDMENT CARRIED (6-3)

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

Moved Cr Maier, Seconded Cr Lake

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

"(viii) prior to the issue of a Building Licence, a detailed Arborculturist report justifying removal of the ~~two (2) on-site~~ mature jacaranda trees to the north west shall be submitted to and approved by the Town's Parks Services."

Debate ensued.

Cr Maier withdrew his amendment with the consent of the seconder.

Moved Cr Maier, Seconded Cr Messina

That clause (viii) be deleted.

AMENDMENT CARRIED (8-1)

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

MOTION AS AMENDED CARRIED (8-1)

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

COUNCIL DECISION ITEM 10.1.12

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Michael on behalf of the owner D Linnios for proposed Demolition of Existing Single House and Construction of Two-Storey (2) Single House, at No. 59 (Lot 257 D/P: 2816) Dunedin Street, Mount Hawthorn, and as shown on plans stamp-dated 19 February 2003 (site plan and floor plan of existing dwelling) and 1 November 2005, subject to the following conditions:

- (i) first obtaining the consent of the owners of No. 61 (Lot 256) Dunedin Street, for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 61 (Lot 256) Dunedin Street, in a good and clean condition;*
- (ii) any new street/front wall, fence and gate between the Dunedin Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*
- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
 - (a) the two (2) windows to the retreat on the first floor level on the northern elevation; and*
 - (b) the windows to bedroom 2 and bedroom 3 on the first floor level on the western elevation;*

shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. 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 a major opening as defined in the Residential Design Codes 2002;

- (iv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (v) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (vi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the boundary wall on the northern side being reduced to an average height of 3 metres and a maximum height of 3.5 metres; and*
 - (b) *the garage being setback a minimum of 6 metres from the front/Dunedin Street boundary.*

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

Landowner:	D Limnios
Applicant:	A Michael
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	455 square metres
Access to Right of Way	Western side, 4.6 metres wide, sealed, resumed and vested in the Town

BACKGROUND:

On 13 May 2003, the Council conditionally approved the demolition of the existing dwelling and the construction of a two-storey single dwelling, subject to standard and appropriate conditions. The planning application has since expired and the applicant has submitted a similar design for a two-storey single dwelling. The new dwelling is slightly smaller than the previously approved dwelling.

DETAILS:

Approval is sought for the demolition of the existing dwelling and the construction of a two-storey single house.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Setbacks:			
Northern side (first floor)	4.5 metres	1.5 metres-2.5 metres	Supported- as it is considered that the side setback variations do not present an unreasonable loss of amenity to the adjacent properties, as the setback variations on the southern side are minor in nature and they have already been approved by the Council on the previous expired application. Also, the variation on the northern side does not represent any undue impacts, in terms of overshadowing, as no shadow is cast on the north side. Also, overlooking of habitable room openings at first floor level have been conditioned to be screened in accordance with the requirements of the Residential Design Codes (R-Codes). Therefore, the setback variation are considered supportable.
Southern side (ground floor)	1.5 metres	1.0 metre	
Southern side (first floor)	1.9 metres	1.5 metres	
Building on boundaries	One boundary wall is permitted per property, 2/3 the length of the common boundary, with an average height of 3 metres and a maximum height of 3.5 metres.	Boundary wall on northern side averages 3.8 metres in height and has a maximum height of 3.915 metres from natural ground level.	Not supported- the height of the boundary wall will create an undue visual impact on the amenity of the adjoining property, as the garage protrudes in front of the main building line and the adjoining dwellings. Accordingly, a condition has been recommended to bring the proposed boundary wall into compliance with the R-Codes.

<p>Privacy Setbacks:</p> <p>Northern side-window to retreat</p> <p>Western side-window to bedroom two</p> <p>Western side-window to bedroom three</p>	<p>6 metres</p> <p>4.5 metres</p> <p>4.5 metres</p>	<p>2.5 metres</p> <p>3.6 metres</p> <p>3.8 metres</p>	<p>Not supported-with regard to the potential for unreasonable overlooking from the windows on the first floor northern and western elevations, it is considered necessary that relevant screening conditions are applied to these openings to comply with the privacy requirements of the Residential Design Codes.</p>
<p>Setbacks of garages</p>	<p>Garage to be setback 6 metres, or behind main building wall.</p>	<p>Garage setback 5.019 metres from street and in front of main building wall.</p>	<p>Supported-the Town's Policy relating to street setbacks requires the garage to be setback behind the main building wall. In this instance, the garage is proposed to be setback in front of the main building wall. This is considered acceptable as the garage setback has been approved previously by the Council. Also, the porch is positioned slightly in front of the garage, and the master bedroom, with a front major window for street surveillance, sits above the garage at 6.02 metres from the street, thus helping to slightly reduce the dominance of the garage on the street.</p>
<p>Vehicular Access</p>	<p>Use of right of way</p>	<p>Parking off Dunedin Street</p>	<p>Supported-the property has rear access off a right of way. In this instance, the vehicular access is proposed to/from Dunedin Street. This is supportable as there are only sixteen properties which have access from the right of way and the right of way has no through access with the end of the right of way</p>

			abutting a residential lot. Also, the majority of lots have limited subdivision potential, and use Dunedin Street for vehicular access. As such, access from Dunedin Street is supported in this instance.
Building Height	6 metres to eaves and 9 metres to ridge	6.298 metres to eaves at the highest point. Overall height less than 9 metres.	Supported-the height protrusion is minimal and remains the same as the previous application. Also, the proposal complies with the R-Codes' overshadowing requirements. Also, the overall height complies with the 9 metre requirement.
Consultation Submissions			
Part Support/ part Objection (1)	Concerns raised regarding the visual impact of the height of the proposed boundary wall on the northern side.		Supported- the height of the parapet wall is considered excessive and it will create an undue visual impact when viewed from the adjoining property as the garage protrudes forward of the adjoining properties building line. Given this, it is considered appropriate to impose a condition to require the wall to be brought into compliance with the requirements of the R-Codes.
	Concerns raised regarding the setback of the garage restricting the view and natural light into the neighbouring properties study.		Not supported-the concerns regarding the setback of the garage are noted, however, the previous application, which has recently expired, was approved by the Council with the reduced setback to the garage and the applicant is merely renewing the expired application. Given this, it is not

		considered appropriate to refuse the reduced setback of the garage. Also, the proposal does not create an undue impact on the amenity of the adjoining property, in terms of overshadowing, as the adjoining property is located on the north side.
Objection (1)	Concerns raised regarding the setback variations on the southern sides and the resultant reduction of light into the neighbouring dwelling. Concerns regarding the setback of the garage and the impact on the streetscape.	Not supported- the proposal complies with the Residential Design Codes' overshadowing requirements and setting the proposal back in compliance with the R-Codes setback requirements will do little to alleviate the impact of the shadow, as the proposal will still overshadow windows to habitable rooms on the northern side of the adjoining property. Not supported- see comments above.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

Demolition

The subject place is a brick and decramastic tiled dwelling that, according to the City of Perth Building Licence archive cards, was constructed in 1927. A number of alterations have been undertaken to the external fabric and these have impacted on the authenticity and integrity of the place. The place is a very basic dwelling of the Interwar period that has undergone significant alterations. Overall, it is considered to have little to no cultural heritage value and does not warrant a full heritage assessment. Dunedin Street is characterised by single-storey detached residences and the subject place makes a limited contribution to the street in terms of its detached, single-storey scale and massing. It is considered that its contribution to Dunedin Street is limited to these aspects and it otherwise contributes little to the amenity of the area.

In light of the above considerations, it is recommended that the proposal to demolish the place be approved, subject to standard conditions.

Existing Trees

The proposal involves removal of two (2) existing mature Jacaranda trees on-site in order to facilitate the subject development. These trees are listed on the Town's Interim Significant Tree Data Base – Possible Inventory Inclusion (List 2).

At present, a final review of the Trees of Significance Inventory is being undertaken. The completion of this review and the adoption of the Inventory is anticipated to be mid-2006.

In light of the previous condition requiring a detailed Arborculturist report justifying the removal of the two (2) on-site mature Jacaranda trees prior to the issue of the Building Licence, the same condition has therefore been recommended.

Summary

In light of the above, and given that the Council approved a similar proposal on 13 May 2003, the proposal is generally supportable as it is not considered to unreasonably adversely affect the amenity of the adjacent properties or the streetscape of the area. Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

At 10.06pm **Moved** Cr Ker, **Seconded** Cr Farrell

That the meeting proceed behind closed doors to consider Confidential Item 14.1 - Approval of Naming Rights for Leederville Oval, 246 Vincent Street, Leederville.

CARRIED (9-0)

14.1 Confidential Report - Approval of Naming Rights for Leederville Oval, 246 Vincent Street, Leederville

Ward:	South	Date:	8 February 2006
Precinct:	Oxford Centre, P4	File Ref:	TEN0312
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) *NOTES that;*

(a) *Medibank Private (via Wright Media) has made a revised submission for the Naming Rights of Leederville Oval as follows;*

<u>Year</u>	<u>Amount (excl GST)</u>
2006	\$50,000
2007	\$60,000
2008	\$70,000

with payments made annually at the start of the "agreed year"; and

(b) *East Perth and Subiaco Football Clubs have advised the Town that they strongly support acceptance for the reasons outlined in this report;*

(ii) *APPROVES of the revised submission from Medibank Private for the Naming Rights of Leederville Oval, on the following terms and conditions;*

(a) *a Legal Agreement specifying the terms and conditions being entered into by all parties, to the satisfaction of the Town;*

(b) *the Legal Agreement being for a period of three (3) years commencing on 1 March 2006 (or sooner, if agreeable) and ending on 31 December 2008, with Medibank Private being granted the first right to renew;*

(c) *the Legal Agreement specifying a total payment of \$180,000 (excluding GST) - (\$50,000 in 2006, \$60,000 in 2007 and \$70,000 in 2008) - for the period of the Agreement and the monies to be shared equally between the Town, Subiaco Football Club, East Perth Football Club and Wright Media; and*

(d) *all proposed signage, including purchase, installation and maintenance is the responsibility of the Medibank Private and is to be to the satisfaction of the Town;*

and advises East Perth Football Club, Subiaco Football Club and Wright Media accordingly;

- (iii) *AUTHORISES the Chief Executive Officer (in liaison with the Mayor);*
- (a) *to finalise the conditions to be included in the Naming Rights Agreement, subject to the costs for the Legal Agreement being shared equally between the Town, both Clubs and Wright Media; and*
 - (b) *subject to Council approval of (i) and (ii) above, to arrange the launch of the Oval's new name; and*
- (iv) *NOTES that a condition of the submission requires the details to remain strictly confidential until publicly announced by the applicant.*
-

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

CARRIED (8-1)

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

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

PURPOSE OF THE REPORT:

The purpose of the report is to advise the Council of a proposal submitted by Wright Media on behalf of Medibank Private for the Naming Rights of Leederville Oval.

BACKGROUND:

At the Ordinary Meeting of Council held on 23 August 2005, the Council considered a confidential report about Naming Rights and resolved as follows;

"That the Council;

- (i) *ADVISES East Perth Football Club (EPFC), Subiaco Football Club (SFC) (and Wright Media) that it approves of the Naming Rights Agreement for Leederville Oval, subject to the following conditions;*
 - (a) *a Legal Agreement specifying the terms and conditions being entered into by all parties, to the satisfaction of the Town;*
 - (b) *the Legal Agreement being for a period of three (3) years commencing on 1 January 2006 and ending on 31 December 2008, with Medibank Private being granted the first right to renew;*
 - (c) *the Legal Agreement specifying a total payment of \$231,000 (including GST) for the period of the Agreement and the final financial arrangements being to the satisfaction of the Town; and*

- (d) *all proposed signage, including purchase, installation and maintenance is the responsibility of the Medibank Private and is to be to the satisfaction of the Town;*
- (ii) *APPROVES of the new name for Leederville Oval to be "Medibank Stadium" for the term of the Naming Rights Agreement;*
- (iii) *AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to finalise and negotiate the conditions to be included in the Naming Rights Agreement and the final amount be circulated to Elected Members;*
- (iv) *AUTHORISES the Chief Executive Officer to prepare the necessary Naming Rights Legal Agreement and the Agreement to include matters as detailed in this report;*
- (v) *ADVISES Medibank Private that it is required to submit a separate Planning Approval and Sign Licence application demonstrating the details, including the form, size and siting, of any proposed signage, and the Planning Application shall be submitted to and approved by the Western Australian Planning Commission, prior to the erection of such signage;*
- (vi) *NOTES that a condition of the Agreement requires the Naming Rights Agreement details to remain strictly confidential until publicly announced by the applicant; and*
- (vii) *AUTHORISES the Chief Executive Officer to make public this report, or parts of this report at the appropriate time."*

Following the Council decision in August 2005, the Chief Executive Officer has carried out discussions with Wright Media on behalf of Medibank Private. The amount payable to the Town has been raised on each occasion and the Town's amount has been specified at \$20,000 per year.

Negotiations directly with Medibank Private have not occurred, as Wright Media are acting as an agent.

In December 2005, Medibank Private reviewed their proposal and on 23 January 2006, submitted a revised proposal. They engaged an independent organisation to value the submission and it is understood that the monetary component has been reduced for the following reasons;

1. Medibank Private are aware that they are the only serious Expression of Interest that has been received for the Naming Rights proposal (despite widespread canvassing by the Clubs);
2. The cash component of the submission is considered more appropriate (when benchmarked against other Western Australian Football League (WAFL) Ovals - such as Bassendean and Lathlain);
3. Medibank Private will be responsible for all signage and these costs are significantly higher than originally envisaged (to meet the Town's conditions);
4. The landscaping of the eastern bank is incomplete and the existing scoreboard at Leederville Oval is a poor condition - these have contributed to a reduced commercial value of the sponsorship rights.

East Perth (EPFC) and Subiaco Football Clubs' (SFC) Position

Both Chief Executive Officers of EPFC and SFC have contacted the Town and strongly urged approval of the amount. They are very concerned that if the revised proposal is not approved, Medibank Private will accept the alternative Subiaco Oval sponsorship deal for the electronic scoreboard. A letter was also received on 7 February 2006.

Both Clubs believe that once the initial three year term is concluded, Medibank Private will remain in the longer term and that there is a better chance to renegotiate the terms and conditions. They are also concerned that if the submission is not approved at a February meeting, Medibank Private will lose the benefit of the Naming Rights being in place prior to the 2006 WAFL season. (Medibank Private have also been approached for the Naming Rights of the scoreboard at Subiaco Oval, for the same monetary conditions - however, it is their preference for Leederville Oval due to their long associations with both Clubs.)

The Chief Executive Officer has advised Wright Media that the revised proposal may not be supported and requested Medibank Private to reconsider its proposal. Wright Media, on behalf of Medibank Private, have requested that their revised proposal be submitted to the Council for consideration, for the above reasons.

Revised Naming Rights Submission

The financial component is as follows;

Original Submission:

<u>Amount</u>	<u>GST</u>	<u>Total</u>
\$210,000	\$21,000	\$231,000

Revised Submission:

<u>Amount</u>	<u>GST</u>	<u>Total</u>
\$180,000	\$18,000	\$198,000

The total net difference (excluding GST) for the three years is \$30,000. This is \$7,500 less for each party over the three year period.

The money would now be paid at the beginning of the "agreed year".

All other conditions are identical to those considered at the Ordinary Meeting of Council held on 23 August 2005.

The revised submission should be balanced with the view that the Naming Rights sponsor is considered to be "blue chip" and if achieved, will most likely be the Naming Rights sponsor for many years.

Other Ovals

It should be noted that naming rights for Bassendean Oval have been sold for \$50,000 per year for the next three years (Blue Steel Oval). Naming rights for Perth Oval have been sold for \$50,000 per year for the next three years (F-Tel). The specific terms and conditions of these contracts are considered "commercial in confidence", however enquiries reveal that the monetary component is as follows;

Bassendean Oval:

Swan Districts Football Club	\$26,250 per annum	(25%)
Town of Bassendean	\$ 8,250 per annum	(25%)

and the balance is in "contra" sponsorship deals.

The Town of Bassendean expends approximately \$50,000-\$75,000 per annum for the upkeep of the Oval.

Lathlain Oval:

This is a combination of cash and contra deals. The cash component is approximately \$20,000 per annum. The Town of Victoria Park does not receive any monies.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

A legal agreement will be required for the Naming Rights. The Chief Executive Officer has prepared draft Legal Agreement and this would need to be vetted by the Town's solicitors prior to finalisation.

In view of the reduced amount, it is suggested that these legal costs should be shared between all four parties.

The lease between the Town and EPFC and SFC allows for the sale of naming rights for Leederville Oval.

STRATEGIC IMPLICATIONS:

This proposal is in keeping with the Town's Strategic Plan 2005-2010 (Amended), Key Result Area - Economic Development - 3.2 (a) - *"Review leases and commercial contracts to ensure the best return for the Town"*.

FINANCIAL/BUDGET IMPLICATIONS:

The income from the Naming Rights will be shared equally between the four parties.

Each party will receive \$45,000 (net) over the three years.

COMMENT:

The Chief Executive Officer and the Mayor are of the view that the latest proposal is "undervalued" and is below what was reported to the Council in August 2005, however this should be balanced by the fact that there have been no other Expressions of Interest received.

When compared to Bassendean and Lathlain Ovals, the revised submission appears reasonable.

As previously stated, both East Perth Football Club and Subiaco Football Club have indicated they strongly support the latest proposal, as they believe that if a high profile Naming Rights sponsor is secured, a higher amount can be renegotiated in subsequent years.

In view of the above, it is recommended that the matter be approved.

**Due to the lateness of the hour,
this Item was not considered or determined.**

10.1.3 No. 167 (Lot 15 D/P: 672) Harold Street, Highgate - Proposed Two-Storey Single House

Ward:	South	Date:	7 February 2006
Precinct:	Hyde Park; P12	File Ref:	PRO3197; 5.2005.3230.1
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by K Broom on behalf of the owners P Raja and S Juntak for proposed Two-Storey Single House, at No. 167 (Lot 15 D/P: 672) Harold Street, Highgate, and as shown on plans stamp-dated 20 October 2005, subject to the following conditions:

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

- (iii) *prior to the issue of a Building Licence, the removal and replacement of the street verge tree affected by the development, shall be organised through the Town's Parks Services and all costs associated with the removal and replacement shall be paid by the owner(s)/applicant;*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the height of the boundary (parapet) wall on the western boundary being a maximum of 3.5 metres above the natural ground level; and*
- (b) *the driveway not occupying more than 50 per cent of the frontage, namely being a maximum of 5.06 metres in width.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (v) *first obtaining the consent of the owners of No. 169 Harold Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 169 Harold Street in a good and clean condition.*

Landowner:	R Putrantonina and S Juntak
Applicant:	K Broom
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	407 square metres
Access to Right of Way	N/A

BACKGROUND:

27 June 2005 The Town issued a delegated conditional approval for a two-storey single house.

DETAILS:

The proposal involves the construction of a two-storey single house. The house is a mirrored plan of the previously approved two-storey single house, conditionally approved by the Town under delegated authority on 27 June 2005.

The planning application for the proposed two storey single house at No. 169 Harold Street is designed and submitted concurrently by the same architect, and is the subject of a separate report on the Agenda. It is noted that the two properties at No.167 and No. 169 Harold Street are under different ownership.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks:			
East - Ground floor	1.5 metres	1.22 to living, 1.72 to dining, kitchen and study	Supported - no undue impact on neighbour or streetscape and no objection to setback variations.
- First floor	2.3 metres	1.72 metres	Supported - see above.
West - Ground floor	1.5 metres	Nil to garage, family, alfresco, stairs	Supported - see above.
- First floor	1.5 metres to bedrooms 1 and 4 2.3 metres to bathroom	0.9 metre 1.4 metres	Supported - see above. Supported - see above.
Vehicular Access:			
Driveways	Not to occupy more than 50 per cent of frontage	49.4 per cent	Not supported – undue impact and conditioned to comply.
Boundary Wall:	3.0 metres average height to a maximum of 3.5 metres	4.5 metres	Not supported – undue impact and conditioned to comply.
Street Verge Trees:			
Clearance	1.5 metres	Nil	Noted - applicant/owner to remove and replace street tree at owner's cost and with approval from the Town's Parks Services section.

Consultation Submissions		
Support	Nil	Noted
Objection (1)	<ul style="list-style-type: none"> Impact from boundary wall on bulk, scale and access to sunlight. 	Supported in part - the subject wall is compliant with length provisions of Buildings on Boundary provisions of the R Codes and conditioned to be a maximum of 3.5 metres high.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

COMMENTS:

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

**Due to the lateness of the hour,
this Item was not considered or determined.**

10.1.4 No.163 (Lot 65 D/P: 44503) Harold Street, Highgate- Proposed Two Storey Single House

Ward:	South	Date:	6 February 2006
Precinct:	Forrest;P14	File Ref:	PRO2925; 5.2005.3305.1
Attachments:	001		
Reporting Officer(s):	L Mach		
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 S Teoh on behalf of the owner M C & K A Audrey for proposed Two Storey Single House, at No.163 (Lot 65 D/P: 44503) Harold Street, Highgate, and as shown on plans stamp-dated 29 November 2005, subject to the following conditions:

- (i) first obtaining the consent of the owners of No. 165 Harold Street and No.6 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 No. 165 Harold Street and No.6 Mary Street in a good and clean condition;*
- (ii) any new street/front wall, fence and gate between the Harold Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (iii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the overall height of the dwelling being a maximum of 7.0 metres as measured from the natural ground level;*
 - (b) *the windows to the retreat on the southern and northern elevations, the southern elevation of the rear balcony and the eastern elevation of the front balcony 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. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;*
 - (c) *all balconies being fully open on at least 2 sides. Where screening is required for privacy reasons, permanent obscure glazing at a height of 1.6 metres may be considered as an open side;*
 - (d) *the driveway width being a maximum of 40 per cent of the frontage of the property; and*
 - (e) *the first floor main dwelling being setback a minimum of 6.0 metres from the front Harold Street boundary.*

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

Landowner:	M C & K A Audrey
Applicant:	S Teoh
Zoning:	Metropolitan Region Scheme (MRS): Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	389 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves a two storey 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	0.65- 253 square metres	0.62- 241 square metres excludes balconies which are open on two sides or conditioned to be open on two sides (privacy screens which are 1.6 metres high and of obscure glazing are considered to be open).	Supported- no variation.
<u>Setbacks</u> Ground Floor - West	1.5 metres	Nil -1.8 metres	Supported- refer to 'Buildings on Boundaries'.
- South(shed)	1.0 metre	Nil	Supported- as above.
- East (shed)	1.0 metre	0.3 metre	Supported- as above.
- East (main dwelling)	1.5 metres	1.486-4.0 metres	Supported- minor variation and no undue impact.
First Floor - North (front)	6.0 metres	5.6-6.0 metres	Supported in part- balcony is open and therefore no undue impact. Main dwelling setback has undue impact and has been conditioned accordingly.
- East	6.4 metres	1.5-4.2 metres (or 2.8 metres if balcony is screened to full height)	Supported- minor variation in this instance, staggering of setbacks, no undue impact on neighbour and screening to full height would increase bulk of building.
- West	7.0 metres	Nil-1.5 metres	Supported in part - refer to 'Buildings on Boundaries'.
Driveways	Not to occupy more than 40 per cent of the frontage of the property	68 per cent	Not supported- undue impact and has been conditioned to comply.

Buildings on Boundaries	Walls built up to the boundary is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6% length of boundary.	Three walls up to the boundary proposed: Eastern and southern boundary walls (shed) are compliant in terms with average and maximum height. Western boundary wall height 3.26-7.7 metres, for 62.3 per cent of boundary.	Supported - no undue impact and makes effective use of site. Supported in part- subject to height being conditioned to comply with overall height requirement, no undue impact on existing varied streetscape and makes effective use of site.
Privacy Setbacks	Bedrooms- 4.5 metres Habitable rooms other than bedrooms- 6.0 metres Outdoor habitable spaces- 7.5 metres	Bedroom 2 is 1.6 metres to the west boundary. Retreat is 1.2 metres to the east boundary. Front balcony is 3.38 to east boundary. Rear balcony is 4.9 to west boundary.	Supported in part- overlooking from bedroom 2 and northern elevation of front balcony is supported as it overlooks front setback area of adjoining properties and provides casual street surveillance. All other privacy variations have undue impact and have been conditioned to comply.
Overall height	7.0 metres	6.6-8.7 metres	Not supported- has undue impact and has been conditioned to comply.
Consultation Submissions			
Support	Nil		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

In light of the above, the planning application is recommended for approval, subject to standard and appropriate conditions to address the matters raised in the report.

Due to the lateness of the hour,
this Item was not considered or determined.

10.1.10 No.98 (Proposed Lot 35 of Lot 50 D/P: 92618) Flinders Street, corner Woodstock Street, Mount Hawthorn- Proposed Two Storey Single House

Ward:	North	Date:	7 February 2006
Precinct:	Mount Hawthorn; P1	File Ref:	PRO2155; 5.2005.3311.1
Attachments:	001		
Reporting Officer(s):	L Mach		
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 Daniel Cassettai Designs on behalf of the owner Deville Nominees Pty Ltd for proposed Two Storey Single House, at No.98 (Lot 35 of Lot 50 D/P: 92618) Flinders Street, corner Woodstock Street, Mount Hawthorn, and as shown on plans stamp-dated 20 December 2005 and 27 January 2006 (dimensioned east and north elevations), subject to the following conditions:

- (i) first obtaining the consent of the owners of proposed Lots 34 and 36 of No. 98 Flinders Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing proposed Lots 34 and 36 of No. 98 Flinders Street in a good and clean condition;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Flinders Street boundary and the Woodstock Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*

- (f) *the solid portion adjacent to the Woodstock Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence.*

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

- (iii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the driveway being setback a minimum of 0.5 metre from the southern boundary; and*
- (b) *the main dwelling and eastern boundary wall being setback a minimum of 6.0 metres and the balcony being setback a minimum of 5.0 metres from the Woodstock Street boundary.*

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

Landowner:	Deville Nominees Pty Ltd
Applicant:	Daniel Cassettai Designs
Zoning:	Metropolitan Region Scheme (MRS): Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	Proposed Lot 35 -271 square metres; Lot 50-2913 square metres
Access to Right of Way	N/A

BACKGROUND:

- 27 November 2002 Conditional subdivision approval was granted by the Western Australian Planning Commission (WAPC) to subdivide the subject site into nine (9) lots.
- 1 December 2004 Conditional approval was granted under delegated authority from the Council for the demolition of existing place of public worship and single house and construction of one (1) single-storey and five (5) two-storey single houses, at the subject property.

DETAILS:

The proposal involves a two storey single house.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
<u>Setbacks</u> Ground Floor - South	1.0 metre	Nil -2.4 metres	Supported- refer to "Buildings on Boundaries". Supported- as above. Supported- as above.
- East (store)	1.0 metre	Nil	
- East (main dwelling)	1.5 metres	Nil	
First Floor - North (front)	6.0 metres	4.0 metres	
- East	2.4 metres	Nil-2.5 metres	Not supported- undue impact and has been conditioned to comply (balconies permitted at a 5.0 metres setback as open and no undue impact on streetscape). Supported- refer to "Buildings on Boundaries".
Driveways	No closer than 0.5 metre to side boundary.	0.4 metre	Not supported - undue impact and has been conditioned to comply.
Buildings on Boundaries	One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6% length of boundary.	Two external boundary walls proposed: Southern boundary wall is compliant in terms of height and length. Eastern boundary wall has a height of 3.0-6.0 metres (length compliant).	Supported - no undue impact and makes effective use of site. Supported in part- subject to clause/condition (iv)(b) of the Officer Recommendation, wall makes effective use of site and no undue impact on streetscape or neighbour and Woodstock Street is for the most part, a secondary street to nearby dwellings and the property is opposite a car park of a non-residential building.

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

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

COMMENTS:

In accordance with the Residential Design Codes (R-Codes), a primary street is defined as *"the sole or principal public road that provides access to a site"*. Notwithstanding this, while the subject plans proposes vehicular access and pedestrian access from Flinders Street, for the purpose of assessment in this instance, Woodstock Street was considered as the primary street due to the width and orientation of the lot.

With the above in mind, the variations proposed are considered acceptable and not to have an undue impact on the neighbours or general amenity of the area. Accordingly, the planning application is recommended for approval, subject to standard and appropriate conditions to address the matters raised in the report.

Due to the lateness of the hour,
this Item was not considered or determined.

10.1.11 No.101 (Lot 267 D/P: 2503) Coogee Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of a Single-Storey Single House

Ward:	North	Date:	6 February 2006
Precinct:	Mount Hawthorn ;P1	File Ref:	PRO3385; 5.2005.3303.1
Attachments:	001		
Reporting Officer(s):	L Mach, S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner R S Cash for proposed Demolition of Existing Single House and Construction of a Single-Storey Single House, at No.101 (Lot 267 D/P: 2503) Coogee Street, Mount Hawthorn, and as shown on plans stamp-dated 29 November 2005, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;***
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;***
- (iii) first obtaining the consent of the owners of No. 99 Coogee Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 99 Coogee Street in a good and clean condition;***
- (iv) any new street/front wall, fence and gate between the Coogee Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:***
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;***
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;***
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;***
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and***

- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (v) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive.*

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

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

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

ASSESSMENT:

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

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

COMMENTS:

Demolition

A detailed Heritage Assessment forms part of the attachment.

The subject dwelling located at No.101 Coogee Street, Mount Hawthorn is a weatherboard and iron dwelling in the Interwar Georgian style, which is dated circa 1928. The dwelling follows the standard four-roomed plan, with central hallway, rear skillion and front verandah extending the length of the facade.

As a weatherboard dwelling, the place has some rarity value as it represents a building material that is no longer widely used in the construction of residential buildings in Perth. However, the design of the place is typical of modest housing of the Interwar Period, whether constructed of brick or timber.

The subject dwelling is located in a highly intact streetscape of Inter-War dwellings, similar in scale and set back. However, the place is not rare and is considered to be of little aesthetic, historic, scientific and social value. The place is not considered to meet the threshold for entry in the Municipal Heritage Inventory and it is recommended that the application to demolish the place be approved, subject to a quality archival record and other standard conditions.

Redevelopment

The proposed redevelopment is considered to be fully compliant with the Town's Town Planning Scheme No. 1 and associated Policies, and the Residential Design Codes.

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

**Due to the lateness of the hour,
this Item was not considered or determined.**

10.1.19 No. 100 (Lot 247 D/P: 1791) Egina Street, Mount Hawthorn - Proposed Alterations, Additions and Carport to Existing Single House

Ward:	North	Date:	8 February 2006
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3282; 5.2005.3293.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Tomassone on behalf of the owner A & J Tomassone for proposed Alterations, Addition and Carport to Existing Single House, at No. 100 (Lot 247 D/P: 1791) Egina Street, Mount Hawthorn, and as shown on plans stamp-dated 23 November 2005 , subject to the following conditions:

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

- (iii) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted), except where it abuts the main dwelling.*

Landowner:	A & J Tomassone
Applicant:	A Tomassone
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	491 square metres
Access to Right of Way	N/A

BACKGROUND:

25 August 2005 Conditional approval for partial demolition of, and alterations, additions and loft to existing single house was granted under delegated authority from the Council.

DETAILS:

The proposal involves alterations and additions to existing 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
Setbacks: Ground Floor- North	1.5 metres	1 metre	Supported - variation is considered minor, do not have an undue impact on affected neighbour, affected neighbour has signed stating no objection and extension follows the existing main building setback.
Upper Floor- North	1.9 metres	1 metre - 2 metres	Supported - variation is considered minor, do not have an undue impact on affected neighbour and affected neighbour has signed stating no objection.

Privacy: Upper Floor- West Balcony	7.5 metres	1.4 metres to northern boundary.	Supported - overlooking is into adjacent neighbours front garden, is not considered to have an undue impact on affected neighbour and affected neighbour has signed stating no objection.
Activity room	6 metres	5.2 metres to southern boundary.	Supported - overlooking is into adjacent neighbours front garden, is not considered to have an undue impact on affected neighbour and affected neighbour has signed stating no objection.
South Balcony	7.5 metres	6.2 metres to southern boundary.	Supported - overlooking is into adjacent neighbours' front setback, is not considered to have an undue impact on affected neighbour and affected neighbour has signed stating no objection.
Building Height: North	6 metres	6 metres - 6.8 metres	Supported - <ul style="list-style-type: none"> • Upper floor addition has minimal ceiling height of 2.44 metres; • additional height is the result of the sloping site; • not considered to have an undue impact on affected neighbours; • affected neighbour has signed stating no objection.
West	6 metres	6.8 metres	Supported - as above.
South	6 metres	5.8 metres - 6.8 metres	Supported - as above.

Consultation Submissions		
Support (2)	<ul style="list-style-type: none"> • Adjacent neighbours have signed stating no objection. 	Noted
Objection	Nil	Noted
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

COMMENTS:

In light of the above, the planning application is considered to be acceptable and is recommended for approval, subject to standard and appropriate conditions to address the matters raised in the report.

Due to the lateness of the hour,
this Item was not considered or determined.

10.1.22 Nos. 99-101 (Lot 101 D/P: 99074) Oxford Street, Leederville - Proposed Two-Storey Office Addition to Existing Shop and Eating House

Ward:	South	Date:	7 February 2006
Precinct:	Oxford Centre; P4	File Ref:	PRO1104; 5.2006.44.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

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 Silver Thomas Hanley on behalf of the owner Kfm Superannuation Pty Ltd for proposed Two-Storey Office Addition to Existing Shop and Eating House, at Nos. 99-101 (Lot 101 D/P: 99074) Oxford Street, Leederville, and as shown on plans stamp-dated 3 February 2006, subject to the following conditions:

- (i) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (ii) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
- (iii) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$2288 for the equivalent value of 0.88 car parking space, based on the cost of \$2,600 per bay as set out in the Town's 2005/2006 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided or the car parking requirements have decreased as a result of the change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (iv) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (v) *the maximum floor space for the uses shall be limited as follows:*
 - *eating house - 205 square metres of public floor area;*
 - *shops - 104 square metres of gross floor area; and*
 - *office – 316 square metres of gross floor area;*

unless adequate car parking is provided for the changes in floor area use or floor space area;

- (vi) *prior to the first occupation of the development, one (1) additional class 1 or 2 and one (1) additional class 3 bicycle parking facilities shall be provided at a location within close proximity to the entrance of the site. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*

(vii) *doors, windows and adjacent floor areas fronting Leederville Parade and Oxford Street shall maintain an active and interactive relationship with this street; and*

(viii) *the automatic sliding gate to the car park shall be visually permeable, with a minimum 50 per cent transparency.*

Landowner:	Kfm Superannuation Pty Ltd
Applicant:	Silver Thomas Hanley
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Shop and Eating House
Use Class:	Shop, Eating House and Office Building
Use Classification:	"P", "P" and "P"
Lot Area:	991 square metres
Access to Right of Way	N/A

BACKGROUND:

10 February 2004 The Council conditionally approved the application submitted by T Kailis on behalf of Emgekay Investments Pty Ltd, for proposed alterations and additions to existing shop and eating house at Nos. 99-101 (Lot 101) Oxford Street, corner Leederville Parade, Leederville.

26 July 2005 The Council conditionally approved the application for proposed Two-Storey Office Addition to Existing Shop and Eating House at Nos. 99-101 (Lot 101) Oxford Street, corner Leederville Parade, Leederville.

DETAILS:

The proposal involves a second storey addition to the existing fish shop and eating house to accommodate administrative offices, a conference room kitchen, store, balcony and toilets. The proposed addition is to be located over the existing car park and service yard to the rear of the property. The proposal will result in a 98 square metres increase to the upper floor area, which was recently approved by the Council at its Ordinary Meeting held on 26 July 2005.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks rear - western side	9 metres	Nil	Supported - is not considered to create any undue effect on the adjoining property, as per existing building previously approved by Council.

Consultation Submissions		
No consultation was undertaken as the revised proposal relates to a minor increase in upper floor area, and that the matter is being referred to Council for determination.		
Other Implications		
Legal/Policy	TPS 1 and associated Policies.	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	
Car Parking		
Car parking requirement (nearest whole number) Existing retail - 1 car bay per 15 square metres gross floor area (104 square metres); Existing eating house - 1 car bay per 4.5 square metres of public floor area (205 square metres); Proposed office - 1 car bay per 50 square metres of gross floor area (316 square metres).	59 car bays	
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.80 (within 50 metres of one or more public car parks in excess of 50 spaces) • 0.80 (within 400 metres of a rail station) • 0.90 (proposed development is within a District Centre) • 0.90 (proposed development provides "end of trip" facilities) 	(0.441) 26.02 car bays	
Minus the car parking provided on-site	5 car bays	
Minus the most recently approved on-site car parking shortfall (after taking into account relevant adjustment factors) that is, 52 car bays x 0.441 = 22.93 car bays (5 car bays provided on-site) Previously: - existing shortfall of 6.87 car bays - 11.06 car bay cash in lieu contribution paid as approved by Council on 10 February 2004	17.93 car bays	
Resultant Shortfall	3.09 car bays	
Bicycle Parking		
Requirements	Required	Provided
Shop: 1 space per 300 square metres (current floor area 104 square metres) public area for employees (class 1 or 2) 1 space per 200 square metres for visitors (class 3)	1 space 1 space	1 space Nil
Restaurant: 1 space per 100 square metres (current floor area 205 square metres) public area for employees (class 1 or 2) 2 spaces plus 1 per 100 square metres for visitors (class 3)	2 spaces 4 spaces	2 spaces 4 spaces
Office: 1 space per 200 square metres (proposed floor area 316 square metres) for employees (class 1 or 2) 1 space per 750 square metres over 1000 square metres (class 3)	2 spaces N/A	1 space N/A

* 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 site falls within the Oxford Centre Precinct which encourages commercial buildings with an active and permeable interface.

The proposed development provides a two-storey addition to the existing single storey building, as required in the Town's Oxford Centre Policy. The two-storey addition is located over the existing car park and service yard along Leederville Parade. The building facade is more interactive with Leederville Parade with a balcony and floor to ceiling glazing proposed to the western and southern elevations, which further contributes to the visual appearance of the building.

The applicant has advised previously that the construction will be light weight using a structural steelwork frame, concrete slab on bondeck, steel studwork and dry lined cladding materials.

Car Parking

The existing 5 car bays on-site remain however, are proposed to be covered and secured by an automatic sliding gate. The total floor space for the extensions will result in a car parking shortfall of 3.09 car bays, after the application of adjustment factors.

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

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

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

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

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

In terms of the cash-in-lieu, it is to be noted that the owners have paid cash-in-lieu associated with the previous Planning Approval granted by the Council at its Ordinary Meeting held on 26 July 2005, as follows:

	Required Number of Car Bays	Amount Paid	Amount to be Paid
Current car shortfall for this application.	3.09 car bays	-	-
Car parking shortfall approved by Council at its Ordinary Meeting held on 26 July 2005.	2.21 car bays	\$5,525 based on \$2500 per car bay (2004/2005 budget)	-
Shortfall	0.88 car bay	-	\$2,288 based on \$2600 per car bay(2005/2006 Budget)

On the above basis, a cash-in-lieu contribution is supported for the proposed car parking shortfall.

Bicycle Parking

The Town's Parking and Access Policy requires the provision of bicycle parking facilities for relevant commercial uses. The proposed development, in addition to the existing uses, requires the provision of five (5) class 1 or 2 and five (5) class 3 bicycle parking facilities. The applicants have provided the four (4) class 1 or 2 spaces and four (4) class 3 spaces off the service yard area. The additional requirements are conditioned in the Officer Recommendation.

Summary

The proposal is supported, as it is considered not to cause undue impact on the amenity of the adjacent or surrounding properties. It is therefore recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters.

Due to the lateness of the hour,
this Item was not considered or determined.

**10.1.35 Amendment No. 33 to Planning and Building Policies - Draft Policy
Relating to Amalgamation Condition on Planning Approvals**

Ward:	Both Wards	Date:	7 February 2006
Precinct:	All Precincts	File Ref:	PLA 0170
Attachments:	001		
Reporting Officer:	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Draft Policy relating to Amalgamation Condition on Planning Approvals, as shown in Attachment 10.1.35;*
- (ii) *ADOPTS the Draft Policy relating to Amalgamation Condition on Planning Approvals, to be applied in the interim until the formal adoption of the Draft Policy;*
- (iii) *ADVERTISES the Draft Policy relating to Amalgamation Condition on Planning Approvals, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Draft Policy relating to Amalgamation Condition on Planning Approvals, having regard to any written submissions; and*
 - (b) *determines the Draft Policy relating to Amalgamation Condition on Planning Approvals, with or without amendment, to or not to proceed with them.*

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the draft Policy relating to Amalgamation Condition on Planning Approvals, and to seek initiation for advertising of the subject Policy.

BACKGROUND:

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

The Town's Officers, following feedback from residents and applicants, considers the existing practice of applying the subject amalgamation condition to be onerous in circumstances where development is considered minimal or when the existing building already straddles the lot boundary. In these instances the costs and/or timeframes involved in securing a caveat on the certificate of title or completing the amalgamation of a property with the Western Australian Planning Commission, renders the subject development economically unsustainable.

DETAILS:

The purpose of the draft Policy relating to Amalgamation Condition on Planning Approvals is to provide further clarification with respect to when the Town will require the amalgamation of land, as a condition on Planning Approval for a proposed development.

Furthermore, the intention of the draft Policy is to mitigate circumstances where the application of the amalgamation condition creates a disincentive for development of a minor nature or where the existing building already straddles two or more lots.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

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

**Due to the lateness of the hour,
this Item was not considered or determined.**

10.2.1 State Underground Power Program – Round Three (3) Major Residential Projects – Progress Report No 7

Ward:	Both	Date:	7 February 2005
Precinct:	All	File Ref:	TES0313
Attachments:	001;		
Reporting Officer(s):	R Lotznicher, M Rootsey, S Moodley		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the State Underground Power Program – Round Three (3) Major Residential Project – Progress Report No 7;*
- (ii) *ADOPTS the revised attached Underground Power Survey Form as shown in Appendix 10.2.1;*
- (iii) *CONDUCTS a survey of property owners in the Highgate East State Underground Power Project area as shown on the attached plan, giving ratepayers 21 days in which to respond;*
- (iv) *NOTES that should the proposal proceed, at least \$2,985,250 in loan funding will need to be listed for consideration in the 2006/2007 draft budget; and*
- (v) *RECEIVES a further report at the conclusion of the ratepayer survey outlining in detail the results of the survey and a recommended financial model.*

PURPOSE OF REPORT:

To update the Council on progress on the Detailed Submission Stage of the State Underground Project (SUPP) and seek endorsement of the Community Survey Brochure.

BACKGROUND:

At its Ordinary Meeting of 26 October 2004, the Council received a detailed report on the proposed Highgate East SUPP. The report outlined information presented to the Council Forum held on 5 October 2004, where Elected Members were given an overview of progress to date and were advised of the process still to be undertaken as part of the SUPP.

The Council subsequently made the following decision (in part):

- (ii) *NOTES the preferred funding options for the Highgate East State Underground Power Program project as detailed in the report and notes a further detailed report will be submitted, outlining estimated costs, the proposed financial model, and funding proposal once Western Power have completed a detailed project design;*
- (iii) *APPROVES the attached Underground Power Survey Form;*

- (iv) *CONDUCTS a survey of property owners in the Highgate East State Underground Power Project area as shown on the attached plan, giving ratepayers 21 days in which to respond;*
- (v) *RECEIVES a detailed report at the conclusion of the ratepayer survey outlining in detail the results of the survey; and*
- (vi) *further NOTES that to ensure the project cost, per lot, is maintained at a reasonable level, after taking into account the various discounts that are applicable as part of the project, contributory funding may need to be listed for consideration in the 2005/2006 draft budget."*

At its Ordinary Meeting held on 24 May 2005, the Council was advised of the revised Office of Energy timetable, which saw the project timetable change by at least eight (8) months.

At its Ordinary Meeting held on 11 October 2005, the Council was advised that extensive work had been undertaken by both the Town and Western Power in finalising the SUPP area boundaries, determining transformer and substation locations, determining the number and designation of households, businesses etc in the project area, developing a draft charging model, finalising the street light design and the underground power design.

The Council was advised that a further report would be prepared once Western Power had provided a final estimated cost of the project prior to the ratepayer survey being conducted.

DETAILS

Timetable

In May 2005 officers received an email from the Public Liaison Officer from the State Underground Power Program, advising of the revised timetable for the project:

Task	Estimated Date	Status
<i>Boundary issues</i>	<i>July 2005</i>	Completed – January 2006
<i>Equipment Location Sign off</i>	<i>July 2005</i>	Completed – December 2005
<i>Project Design Completed</i>	<i>October 2005</i>	Completed - February 2006
<i>Provision of Cost estimate</i>	<i>November 2005</i>	Completed – January 2006
<i>Community Survey</i>	<i>January 2006</i>	Not Commenced – Feb 2006
<i>Draft Agreement</i>	<i>February 2006</i>	Not Commenced – Mar 2006
<i>Tenders called</i>	<i>February 2006</i>	Not Commenced - Mar 2006
<i>Agreement Signed</i>	<i>April 2006</i>	Not Commenced
<i>Project Commencement</i>	<i>June/July 2006</i>	Not Commenced

Note: The first cash call is not likely to be until August 2006

Neighbouring Local Governments

As previously reported in November 2004, the Executive Manager Technical Services wrote to the Cities of Stirling and Bayswater. The project area has now been extended to incorporate part of these two neighbouring Local Governments (*refer plan on the back of the attached brochure outlining the project area*).

Estimated Cost of Project / Draft Financial Model

The Fixed Charge method is the preferred funding option for the following reasons:

- Recommended by SUPP Guidelines.
- Provides greater flexibility for charges
- More equitable
- Easier to explain to ratepayers
- Administratively easier to manage.

A draft financial model has been developed and the following information is provided as a guide:

Item	Cost \$
'Estimated' total cost of project*	5,750,000.00
'Estimated' (subsidised 50%) Cost of project	2,875,000.00
'Estimated' additional cost for lighting, powder coating and contingency.	110,250.00
Subtotal	2,985,250.00
No of Lots in project area	817
Subsidised 'estimated' cost per lot (<i>flat rate</i>)**	3,518.97
Add additional cost per lot (lighting, powder coating, contingency)	134.95
Total 'Estimated' cost per lot (<i>flat rate</i>)	3,653.92

Note* Received from Western Power and includes both the Network and Service charge.

Note** This is a straight division calculation. It does not take into account commercial, discounts, types of dwellings, etc. The estimated "cost per lot" for some lots would reduce when the following are included into the funding model, however, the cost would also increase when discounts are applied.

- 630 Strata units
- 223 Non Strata Units
- 78 Commercial (using KVA loading method)
- 21 Industrial/Hotel - as above

Charges could vary from as little as \$750 for a single flat to well over \$3,000 for a commercial property, however, as this figure could increase when the final costing model is determined, the costs published in the brochure and explanatory notes are as follows:

Fixed Charge method Residential Properties

There are two (2) separate components of the project costs as follows:

- Network Charge (road reserve)
- Service Connection Charge (private property)

Network Charge

This includes the cost of installing the new underground power network located in public streets, which will be owned and operated by Western Power. It includes all the high and low voltage distribution facilities including mains cables, transformers, switch gear, street lighting etc. This charge also includes a component to cover the dismantlement and removal of the old overhead network.

The estimated cost payable by property owners will be between \$2,500 and \$3,200 (*includes 50% State subsidy*).

Service Connection Charge

This is a standard charge of installing a new underground power service on the property, from the property boundary to the meter box location. This service will be owned and operated by the property owner. Once installed, Western Power has no ongoing responsibility for the owner's services.

The estimated cost payable by property owners will be \$500 for a typical residential property (*includes 50% State subsidy*).

Total Estimated Cost

Therefore the total *subsidised* average cost i.e. "Network Charge" plus "Service Connection Charge" is estimated to be between \$3,000 and \$3,700.

Scale of Charges

Options are currently being developed for establishing a scale of charges for the following categories of properties.

- Single Residential Property
- Multi unit Premises
- Flats
- Vacant Lot (single residential)
- Commercial

Following the survey and one all the above have been accurately quantified the recommended charges will be reported to the Council

Discount in Charges (that may apply):

Transmission Lines

A discount in the network charges will be considered for those properties in streets with transmission lines. These lines are not part of the project and will remain overhead in their current locations.

Properties with a Transformer or Switchgear adjacent

Some properties have a switchgear unit or transformer unit located on the street verge outside their properties. Depending upon the circumstances a discount in the network charge may be considered.

Properties with Transformers located on site

A small number of properties may have an existing transformer located on the property from which underground low voltage mains and services are already installed. These items can normally be readily integrated into the new system, and reduce costs by providing capacity to supply load in the new underground networks.

Residential Properties owned by Registered Pensioners

A discount in the network charges to assist with payment may be considered.

Existing Underground Services to the Property

A discount in the Service Charge may be applicable to properties which have an existing service pillar installed.

Existing Underground Area

A discount in the network Charge may be applicable to properties in streets which already have underground power

Fixed Charge Method Commercial Properties

This charging method is also referred to the Kilo Volt Amperes (KVA) method. KVA is a measurement used by Western Power and comprises Kilo Watts (*by which most appliances are measured*) and a "power loss" factor.

The power loss factor includes the power used to make the entire power network functional not just the actual power required to operate an appliance.

This charging method determines a fixed charge based on the actual average power usage of the property and included the following.

- Network cost relating to the power demand of the property
- Service cost component to relate to the type and size of the connection.

Updated Brochure

The attached brochure has been updated to reflect the revised project area and the estimated costs that will be applicable should the project proceed. The layout and descriptions have also been updated.

Community Survey

The Detailed Proposal stage requires that there is *clear evidence that the community in the SUPP area supports the proposal.*

Therefore, as part of the process ALL ratepayers in the SUPP area will be individually mailed a questionnaire, which will include a reply paid comments sheet, and given 21 days in which to provide a response.

A market research company has been engaged to conduct / report on results. The results of the survey will be considered by the Council at the conclusion of the twenty one (21) day consultation period and the Office of Energy will be advised of the Council's decision.

CONSULTATION/ADVERTISING:

Extensive consultation with affected ratepayers in the project area will need to be carried out as part of the Detailed Proposal stage of the SUPP process.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 - 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "j) *Develop a strategy for the staged implementation of underground power throughout the Town.*"

FINANCIAL/BUDGET IMPLICATIONS:

Town of Vincent Funding requirement

The Town will require funds at the commencement of the SUPP. The Town will need to borrow all the funds required of approx \$2,985,250 and recoup these funds (*plus interest*) from ratepayers in Highgate East SUPP area.

Payment Options

The following payment options may be considered:

- Annual instalment options will be provided over a ten (10) year period.
- The instalment option will include an interest component

Funding arrangements will need to be in place prior to the finalisation of the 2006/2007 budget to cover the projected cost of the project.

COMMENTS:

The Council will receive a further report at the conclusion of the ratepayer survey and this report will also include the final financial model and funding proposal.

At its ordinary Meeting held on 26 October 2004, the Council was advised as follows:

"The Highgate East Project Area comprises approximately 800 lots estimated to cost approximately \$4,700 per lot. The Total Estimated cost of the project would be \$3,760,000 with the State to fund 50% of the estimated cost or \$1,880,000, and the Town to contribute the other 50% or \$1,880,000 (\$2,350 per lot)."

As can be seen, the estimated cost per lot is now (approximately) \$3,625 (*over a 50% increase*) on the 2004 figures. Also, the total cost the Town would need to borrow is now approximately \$2,985,250 (*from \$1,880,000*).

The Detailed Proposal stage requires that there is *clear evidence that the community in the SUPP area supports the proposal*.

It is therefore recommended that the Council conducts a survey of property owners in the Highgate East State Underground Power Project area, giving ratepayers 21 days in which to respond and receives a further report at the conclusion of the ratepayer survey outlining in detail the results of the survey and a recommended financial model.

**Due to the lateness of the hour,
this Item was not considered or determined.**

10.2.2 Proposed Transformer Installations – Highgate and North Perth

Ward:	Both	Date:	7 February 2006
Precinct:	North Perth P8 Hyde Park P12	File Ref:	TES0552
Attachments:	001;		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) ***RECEIVES*** the report on a proposal from Western Power to locate one (1) transformer in the Paddington Street road reserve and one (1) transformer in Hyde Park;
- (ii) ***APPROVES*** the proposal to locate the transformers at the two (2) locations as outlined in clause (i) above and as shown on attached diagrams A & B in Hyde Park and C & D in Paddington Street, subject to Western Power agreeing to:
 - (a) *Provide evidence that they have liaised with the adjoining property owner in Paddington Street and that the property owner concurs with the proposed location;*
 - (b) *Submit the proposal to locate a transformer within Hyde Park to the Heritage Council of Western Australia for approval and provide a copy of any approval received to the Town PRIOR to proceeding with any installation works;*
 - (c) *Should approval to locate a transformer within the eastern boundary of Hyde Park be granted by the Heritage Council of Western Australia, PRIOR to commencing any installation works, liaises with the Town's Technical Services personnel to accurately determine the actual location and the most appropriate orientation for the proposed Transformer;*
 - (d) *Fund ALL costs, yet to be determined, of providing appropriate landscaping around the proposed transformer at Hyde Park for screening purposes and for the proposed landscaping to be in keeping with the requirements of the Hyde Park Conservation Plan;*
 - (e) *Fund ALL costs associated with any service relocations and any APPROVED removals associated with the works;*
 - (f) *Fund ALL costs associated with the preparation and lodgement of the required easement documentation, as required, associated with both transformers;*
 - (g) *Provide for the delivery and installation of two suitable (2) park benches to the satisfaction of the Town and in keeping with the requirements of the Hyde Park Conservation Plan to compensate the local community for the loss of park space;*

- (iii) *AUTHORISES the Chief Executive Officer to arrange installation of the benches in Hyde Park; and*
- (iv) *ADVISES Western Power of its decision.*

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to install two (2) transformers, one (1) in the Paddington Street road reserve in North Perth and one (1) at the eastern boundary of Hyde Park, as requested by Western Power.

BACKGROUND:

In January 2006 the Town received correspondence from Western Power advising that due to the number of new developments and aging power infrastructure in the Highgate and North Perth areas, there is a need to upgrade the existing networks in order to prevent power outages and protect the existing power infrastructure.

Western Power has requested that the Town give approval for the installation of two (2) ground mounted transformers, one (1) within the Paddington Street road reserve in North Perth, near the corner of Charles Street, and one (1) in Hyde Park, near the intersection of William and Lincoln Streets.

DETAILS:

When 'retrofitting' transformers in established areas, Western Power can either install a pole mounted transformer, of limited capacity, or a ground mounted transformer.

Western Power's recent experience indicates that there is greater community opposition to pole mounted transformers, particularly for aesthetic reasons and the perceived public health risk, than there is to the ground mounted transformers. Further, a ground mounted transformer has greater capacity and would form part of any future underground power project within the area, potentially saving the project, and by extension the Town and the community, up to \$20,000.

With regard to the specific proposals, residents within the immediate areas will benefit from an improved power infrastructure which will provide them with a more reliable power supply.

Council Policy

On 3 June 2005, the Town adopted a policy on "Electricity Supply - Development Guidelines for Installation of Substations" which concluded with the closing statement:

"Wherever possible the Town will minimise and discourage isolated placement of electrical infrastructure in public spaces."

Further the Policy requires that:

'Western Power Corporation and/or its sub contractors are to liaise with the Town as to the preferred location of the underground power infrastructure prior to finalising the design'

Proposed Hyde Park installation

Western Power has identified the area bounded by William Street, Bulwer Street, Bulwer Avenue and Lincoln Street as requiring an immediate power supply upgrade, resulting in their request to install a ground mounted transformer in Hyde Park.

When first approached by Western Power regarding the possibility of locating the transformer in Hyde Park, Technical Services officers advised Western Power to consider alternate locations.

The only other public open space, other than road reserve, in the immediate area is the Highgate Primary School, which was considered inappropriate.

Western Power considered other 'unobtrusive' sites within the road reserve. However, in view of the narrow width of the Bulwer and Knebworth Avenues road reserves, therefore lacking adequate room in which to accommodate a transformer, both were immediately eliminated. Similarly, the verges in William Street, opposite the park, and Bulwer Street, are also too narrow, leaving only Lincoln Street.

As a majority of the properties in Lincoln Street front the street, it could be expected that residents would object to a transformer being placed upon the verge. The last option was the side boundaries of the properties adjacent to the intersections of Cavendish and Harley Streets. Unfortunately for Western Power, existing services precluded them locating a transformer at either location.

As a consequence, Western Power reverted to their original request that the transformer be located in Hyde Park.

In order to make the park location more palatable to Council, Western Power have suggested that it could be positioned behind the existing Adshel bus shelter located on William Street between Glendower and Lincoln Streets, as shown on the attached diagrams A and B. Further, Western Power advised they would fund any screening vegetation and /or garden beds as deemed appropriate by the Town.

Proposed Paddington Street installation

The proposed Paddington Street installation is not dissimilar to that recently approved by the Council in Hawthorn Street, Mt Hawthorn, and the proposed transformer locations currently being considered as part of the Highgate East State Underground Power Program.

Further, only one property, 70 Paddington Street, North Perth, is directly affected and with the proposed transformer to be located well away from the existing dwelling, it is also unlikely to affect any future development potential of the property. As the proposed location is within the enlarged truncation of the Charles Street Planning Control Area (provisions for future road widening) this would effectively prevent the property owner from applying for an access point at this location.

Details of Installations (refer to attached diagrams A, B, C & D)

The proposed size of the structures would be 1.80m x 1.6m x 1.4m in height, painted green. In the case of the proposed Hyde Park installation, Western Power would require an easement area of 3.0m x 3.7m

CONSULTATION/ADVERTISING:

In respect of the Paddington Street site, Western Power is responsible for consulting with the adjoining property owner.

With regard to the Hyde Park site, Western Power is required to seek approval from the Heritage Council of Western Australia.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“(j) Develop a strategy for the staged implementation of underground power throughout the Town.”*

FINANCIAL/BUDGET IMPLICATIONS:

There will be no financial implications to the Town as the proposal will be fully funded by Western Power.

COMMENTS:

Whilst Council would prefer that transformers are not located in public spaces, it is extremely difficult to 'retrofit' them in established residential areas. Generally the only opportunity to setback or 'hide' a transformer is when a proposed development that is reliant upon the power supply upgrade can be requested to cede a portion of land for the transformer site.

However, in this instance, as there are no significant development applications pending in either vicinity and as the installation is intended to improve power supplies for the greater area, Western Power are limited to placing transformers either in the road reserves or public open spaces.

Therefore the proposal to locate the transformer in Paddington Street should be supported as it will provide some surety of power supplies for the residents of North Perth and should also result in cost savings for any future underground power proposals in the area.

However, in respect of the Hyde Park proposal, it is acknowledged that is a more sensitive issue and, while there will be obvious benefits for the nearby residents, the transformer will detract from the park and therefore Council is faced with the unenviable decision as to which need has the greater priority.

**Due to the lateness of the hour,
this Item was not considered or determined.**

10.2.4 Further Report - Approval for the Engagement of a TravelSmart Officer

Ward:	Both	Date:	8 February 2006
Precinct:	-	File Ref:	ORG0060/TES0524
Attachments:	-		
Reporting Officer(s):	R Lotznicher, C Wilson		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the Further Report on the Engagement of a TravelSmart Officer;
- (ii) **NOTES** that given the limited scope to share a Travel Smart Officer with other agencies, the Town would be required to allocate at least \$100,000 (part in this financial year) over the next two financial years to fund the Travel Smart Officer and this allocation of funds would need to be carefully considered and prioritised in the context of the current budget and the 2006/2007 and future budgets; and
- (iii) **ADVISES** the Department for Planning and Infrastructure that while the Town fully supports the TravelSmart Program and has committed funds for this program in the 2006/2007 financial year, it will not be possible to engage a Travel Smart Officer at this stage due to other funding priorities.

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the results of discussions held with adjoining local governments and other government agencies with a view to sharing the Travelsmart Officer resource.

BACKGROUND:

At its Ordinary Meeting held on 27 September 2005, the Council considered a report on the Town's proposed participation in Stage 3 of the Department for Planning and Infrastructure's (DPI) TravelSmart Household Program and for the possible engagement by the Town of a TravelSmart Officer where the Council authorised the submission of an Expression of Interest to participate in Stage 3 of the TravelSmart Household Program and for the Town to engage a TravelSmart Officer.

A further report was presented to Council at its Ordinary Meeting of 17 January 2006 advising of the Town's success in lodging an *Expression of Interest for the Engagement of a TravelSmart Officer*.

After considering the financial implications of engaging a full time officer, the Council decided that adjoining local governments and other government agencies should be approached with a view to sharing the TravelSmart Officer. The Council decision (in part) was as follows:

"That the Council;

(ii) *AUTHORISES the Chief Executive Officer to explore the potential of sharing the TravelSmart Officer with Central TAFE, the Western Australian Water Corporation, the Public Transport Authority, the Department for Sport and Recreation and adjoining Local Governments, to reduce the Town's funding contribution;*

(iii) *NOTES that should the proposal be approved;*

(a) *the Department for Planning and Infrastructure will provide a funding contribution of \$50,000 payable in three (3) milestone payments and provide ongoing network opportunities, professional development and support over a 29 month period;*

(b) *a commitment to allocate \$43,333 in the 2006/2007 budget and \$47,500 in the 2007/2008 budget as the Town's funding contribution for the engagement of the TravelSmart Officer will be required; and*

(c) *an amount up to \$9,000 for the purchase of office and ancillary equipment and salary oncost component will need to be allocated in the current (2005/2006) financial year; and"*

DETAILS:

Successful Expression of Interest

As previously reported to Council on 12 December 2005, the Town received advice from DPI advising that the Town had been successful in obtaining *a grant to employ a Local Government TravelSmart Officer.*

Sharing a TravelSmart Officer

In accordance with clause (ii) of the Council decision, as the TravelSmart program is funded and administered by DPI, the Town approached the program manager seeking advice on the criteria for sharing a TravelSmart Officer.

Advice from DPI

The Town was advised that, as the program is specifically directed at local government, DPI would NOT endorse the Town partnering with other state authorities.

Public Transport Authority

Agencies, such as the Public Transport Authority (PTA), are expected to, and already have, their own affirmative action plans for encouraging staff to use alternate modes of transport and CANNOT access TravelSmart funds for this purpose.

Water Corporation

Similarly, public corporations, such as the Water Corporation, are ineligible. The Water Corporation's Travelsmart workplace program was run by staff on a voluntary basis and there could be some scope for Water Corporation to 'sponsor' the Town's TravelSmart Officer, however, any such proposal would have to be vetted by DPI.

City of Stirling

With regard to other local governments, DPI were of the opinion that the City of Stirling, which also applied for both the TravelSmart Household Program and a TravelSmart Officer, yet to be considered by their Council, warranted a full time officer.

City of Perth

The City of Perth applied for the Household Program only, not the TravelSmart Officer Program.

Town of Cambridge

The Town of Cambridge participated in one of the early TravelSmart Household Programs but has not, to date, expressed an interest in engaging a TravelSmart Officer. When contacted, the Town (Cambridge) acknowledged there was merit in the idea but that they had other, more pressing, priorities and were not interested in sharing a TravelSmart Officer at this time.

City of Bayswater

The City of Bayswater advised, in part, that:

“we came to the conclusion that currently the City is not in a position to accommodate a TravelSmart Officer.”

Recreation Services is currently coordinating the TravelSmart mapping exercise with an expected completion date later this year. Once this project is completed Officers and Council may revisit its position in regards to the TravelSmart program.”

Other 'adjoining' local governments

The City of Subiaco, in conjunction with the City of Nedlands and Town of Cottesloe, has shared a TravelSmart Officer for the past four (4) years and is ineligible for further TravelSmart funding.

Officer Comments

It therefore appears that in light of the above, at this point in time there is limited opportunity for the Town to share the cost of engaging a TravelSmart Officer .

Funding

The Total cost of engaging a Travel Smart officer over a 29 month period is about \$150,000

DPI would provide a funding contribution of \$50,000 and the Town would be required to make up the funding shortfall estimated at \$100,000. (*refer financial Implications*).

Officer's Comments

Given the limited opportunity for sharing a travel Smart Officer with other agencies and the large funding commitment required by the Town (approximately \$100,000 over 29 months), and given the Town's other funding priorities over the next few financial years, it is considered that at this point in time the engagement of the Travel Smart officer should not be supported.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.1. Protect and enhance the environment and biodiversity. "a) Prepare and implement a Clean Air Program", "f) ...introduce measures to reduce greenhouse gases and raise public awareness through education programs on environmental issues".

FINANCIAL/BUDGET IMPLICATIONS:

As previously mentioned, as part of the proposed funding arrangement (*salary for the TravelSmart Officer*), DPI would provide a funding contribution of \$50,000 payable in three (3) milestone payments.

In addition, the Town would be required to fund the on cost salary component, purchase office and ancillary equipment and a substantial component of the salary.

A breakdown of costs of employing a TravelSmart Officer over 29 months is as follows:

Year	Equipment (TOV)	On Costs (TOV)	TOV (Salary component)	DPI (Salary component)	Total
2005/2006	\$5,000	\$4,000	nil	\$20,833	\$29,833
2006/2007	nil	\$10,000	\$33,333	\$16,667	\$60,000
2007/2008	nil	\$10,000	\$37,500	\$12,500	\$60,000
Total	\$5,000	\$24,000	\$70,833	\$50,000	\$149,833

COMMENTS:

While there are opportunities for the Town to engage a TravelSmart officer, the Council would need to commit to allocating funds of almost \$100,000 over three (3) financial years to take advantage of the \$50,000 State Government Grant.

As mentioned in the report, given the limited opportunity for sharing a Travel Smart officer with other agencies and the large funding commitment required by the Town, and given the Town's other funding priorities over the next few financial years, it is considered the engagement of the Travel Smart officer should not be further considered that at this point in time.

Due to the lateness of the hour,
this Item was not considered or determined.

10.3.2 Review of the 2005/2006 Annual Budget

Ward:	Both	Date:	16 February 2006
Precinct:	All	File Ref:	FIN0025
Attachments:	-		
Reporting Officer(s):	Bee Choo Tan / M Rootsey		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES BY ABSOLUTE MAJORITY the adjustments of the 2005/06 Annual Budget as detailed in this report.

Item	Budget Adjustment	Funding Source	Amount Required	Net Impact
Beatty Park Split level Air conditioner for the gym	\$2,500	• Beatty Park Reserve Fund	\$2,500	0
Beatty Park upgrade to PA system	\$8,425	• Beatty Park Reserve Fund	\$8,425	0
Beatty Park Café replacement deep fryer	\$5,390	• Beatty Park Reserve Fund and savings from the refrigerated display cabinet item	\$5,390	0
Sound System Council Chambers	\$1,200	• Reallocation of funds from savings on purchase of laptops item	\$1,200	0
Drinking Fountain North Perth Primary School	\$3,579	• Reallocation of funds from Stirling & Parry St. Account	\$3,579	0
Tolcan Place Reserve	\$45,750	• Developers Contribution held in trust	\$45,750	0
Brisbane St Upgrade	\$25,201	• Reallocation of funds from Oxford St. Pedestrian Refuge Islands Account	\$25,201	0
Slab Footpath Programme	\$27,500	• Reallocation of funds from Oxford St. Pedestrian Refuge Islands Account and savings from current footpath program	\$27,500	0
Hyde Park Replacement Bore	\$18,700	• Emergency Maintenance Account	\$18,700	0
Queens Baton Relay	\$10,000	• Reallocation of funds from the Criterium Event Sponsorship Account to the Parades and Festivals Account	\$10,000	0
Sustainability Management System	\$1,650	• Reallocation of funds from the Tree of Significant Inventory Review Account	\$1,650	0
Municipal Heritage Review	\$58,900	• Increased Parking revenue	\$58,900	0
Vision of Vincent 2024	\$46,000	• Reallocation of funds from: Drainage Study - \$20,000 Election Expenses - \$20,000 Oxford Centre Study - \$6,000	\$46,000	0
Leederville Masterplan	\$125,000	• Reallocation of funds from Avenue Car Park resurfacing account	\$125,000	0
Interstate Planning Conference	\$3,360	• Reallocation of funds from Strategic Heritage Publicity and Promotion	\$3,360	0
Health Services Salaries	\$48,300	• Funded from increased Health Service fees & additional parking revenue	\$48,300	0

<i>Library Minor Assets</i>	\$1,300	<ul style="list-style-type: none"> • <i>Reallocation of funds from Stock Purchases Account Lost Books Revenue Account</i> 	\$1,300	0
<i>Modified Penalties</i>	-\$400,000	<ul style="list-style-type: none"> • <i>Increased Revenue from Parking Fines</i> 		-\$400,000
<i>Parking Ticket Machines</i>	-\$135,000	<ul style="list-style-type: none"> • <i>Increased revenue from parking ticket machines</i> <i>Frame Court - \$20,000</i> <i>Avenue Car Park - \$10,000</i> <i>Brisbane St Car Park - \$35,000</i> <i>Kerbside Parking - \$70,000</i> 		-\$135,000
<i>Health Services Fees</i>	-\$14,500	<ul style="list-style-type: none"> • <i>Increased revenue from fees and licences applied</i> 		-\$14,500

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

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

The Town as part of its management procedures since its inception undertaken reviews of its Annual Budget on a regular basis. To date this has been on a quarterly basis as required. This is to make adjustments for any major variations, reallocations and additional requirements to the adopted Budget.

DETAILS:

A review has been undertaken as at 31st December 2005 to adjust for any major variances, funding reallocation, additional items required and the inclusion of previous decisions of the Council.

CAPITAL BUDGET - Land and Buildings:

Beatty Park Administration - Split System Air conditioner for gym - \$2,500

A new air conditioner was required in the health and fitness club as the existing one broke down and was not able to be repaired. To enable the gym to operate a new air conditioner was purchased.

Beatty Park Administration - PA System - \$8,425

A number of major faults arose with the current system during November and December. As part of the Asset Management Plan for the Centre it had been planned to extend the current life of the system and replace it when the future redevelopment occurred. It had not been expected that it would be required to replace core units of the PA system this financial year. Remedial work has been carried out to the system, but it is not expected to last, this project is considered urgent.

Beatty Park Café - Replacement Deep Fryer - \$5,390

The Café has two fryers that are in constant use. The older of the units has a number of major faults that require repairs in excess of \$2,000. The service company has recommended against repair due to the age of the fryer. The fryers are serviced regularly and it was not anticipated that either of them would require replacement during this financial year.

The funds for this additional expenditure will be found from savings from the monies budgeted for the refrigerated display cabinet, this had a budget of \$8,330, the cabinet has been refurbished at a cost of \$4,900 leaving a balance of \$3,430 to go towards the replacement of the fryer with \$1,960 being funded from the Beatty Park Reserve Account.

Funding Implication:

No implication on financial position as the expenditure is funded from the Beatty Park Reserve Fund.

CAPITAL BUDGET – Furniture and Equipment

Sound System – \$1,200

An additional microphone was needed to be installed in the Council Chamber.

To be funded from savings on the purchase of three laptop items which were \$1,500 under budget.

Funding Implication:

No impact on the financial position as this is to be funded from reallocation of funds from identified savings.

CAPITAL BUDGET - Infrastructure Assets

Drinking Fountain - North Perth Primary School:- \$3,579

At the OMC of 17 January 2006 Item 10.2.4 it was resolved that an amount of \$3,579 be listed for consideration in the February 2006 budget review for the installation of drinking fountain.

This item will be funded from the savings from the deferral of the works for the half seagull island at Stirling and Parry Streets \$5,000. Parry Street is a boundary road with the City of Perth and it has been agreed that the traffic device is no longer required.

Funding implication:

No funding implications as the project will be funded by re allocation of monies from the Capital account for the Stirling and Parry St - half Seagull Island.

Tolcon Place Reserve- \$45,750

This expenditure is as a result of a condition on the Monmouth/Burt Street redevelopment that public open space has to be developed to fulfil the conditions of the sub division this is being undertaken and being paid for from the developers contribution to the installation of public open space.

Funding Implication:

There is no funding implication as this expenditure is being funded out of the developer's contribution held in trust for the sub division for this purpose.

Brisbane St – Streetscape Upgrade - \$25,201

This project was started in May last year and was advised that it would be completed by the end of the financial year, however this did not materialise and some work was completed after the end of the financial year. No funds were advised to be carried over.

This expenditure is to be funded from the Oxford Street Pedestrian Refuge Islands budget item.

Funding Implication:

No funding implications as the funds have been internally reallocated.

Slab Footpath Programme - \$27,500

Four footpath projects, while completed last year, invoices were processed this year and funds were not carried forward. These included the following:

Hunter St – Clievedon to Waugh St - \$13,866

Lord St – Lincoln to Broome St. – \$5,924

Pennant St – Scarborough Beach Road to Kadina St. \$9,677

This expenditure will be funded from a combination of savings from the Pedestrian Refuge Island budget item and anticipated savings on the current footpath program.

Funding Implication:

No funding implications as the funds have been internally reallocated.

OPERATING BUDGET

Operating Expenditure:

Hyde Park Replacement Bore - \$18,700

At the OMC of 13 September the Council adopted the following resolution which in part stated "(iii) Considers listing an amount of \$18,700 in the next budget review to be reallocated to the Hyde Park Maintenance budget."

Funding Implication:

This expenditure can be funded from the Emergency Building Maintenance Account which has a \$60,000 allocated budget with only a minimal expense to date.

Queen's Baton Relay - \$10,000

At the OMC of 25 October Item 10.3.1, Council adopted a resolution to reallocate an amount of \$10,000 from the Criterium Event Sponsorship account to the Parades and Festivals account for the Queen's Baton Relay.

Funding Implication:

No funding implications as the funds have been internally reallocated.

Sustainability Management System - \$1,650

It is advised that insufficient funding was carried over from last year to finalise the project. An invoice for the above amount has been received.

This amount is to be funded by savings from the Trees of Significance Inventory review account.

Funding Implication:

No impacts as these costs are to be funded from reallocation of existing funds.

Municipal Heritage Review - \$58,900

At the OMC of 25 October 2005 Item 10.1.15 it was resolved that the Chief Executive Officer is to identify funds in the 2005/2006 Budget to undertake the new items at an amount of \$39,100 identified in Appendix 10.1.15.

Further at the OMC of 20 December 2005 Item 10.1.36 it was resolved that funds were to identify a further \$14,800 to undertake new items required to complete the implementation of the Municipal Heritage Review.

The new items in the Municipal Heritage Review are to be funded from the development application and building licence revenue that has been received over the budget expectations.

Funding Implication:

Increase in budgeted expenditure to be funded from a combination of development and building licence revenue and increased parking revenue.

Vincent Vision 2024 - \$46,000

At the OMC of 25 October 2005 Item 10.1.9 it was resolved by Absolute Majority that the amount of \$46,000 be reallocated to the Vincent Vision 2024 project and that this be funded by the following:

Drainage Study - \$20,000
Electoral Expenses - \$20,000
Oxford Centre Study - \$6,000

Funding implication:

No impact as funds reallocated from other internal accounts as stated above.

Leederville Master Plan - \$125,000

The budgeted item at the Avenue Car Park for the resurfacing Stage 1 of 2 will not now be undertaken due to the possible implications for the Car Park in the plan. It has been determined that the funds of \$90,000 will be utilised for the Leederville Masterplan. In addition funds of \$35,000 from the Avenue Car park redevelopment investigations items are to be reallocated to the Leederville Masterplan as the investigations will be included as part of the Masterplan.

Funding Implication:

No funding implication the funds are to be reallocated from the Avenue Car Park resurfacing account and Avenue Car park redevelopment investigations item.

New Zealand Planning Institute and Planning Institute Australia Congress 2006 - \$3,360

At the OMC of 17 January 2006 Item 10.1.22 it was resolved to allow the Manager Planning, Building and Heritage Services and Planning Officer (Strategic) to attend this Congress on the Gold Coast, Queensland, where the award winning Vincent Vision 2024 project is a finalist in the National Awards for Planning Excellence.

There is available funding of \$2,000 in the Town Planning conference account however it requires additional funding of \$3,360.

Funding Implication:

No funding implication as the expenditure will be funded from internal reallocations in the Town Planning Administration Account:

Strategic Planning & Heritage Publicity & Promotion - \$3,360

Health Service Salaries - \$48,300

An additional temporary Environmental Health Officer has been required to be employed to cover for the Manager Health Service's Long Service Leave and two lengthy periods of unexpected sick leave absences by the two for of the other Environmental Health Officers, whilst some of this expenditure was anticipated other expenditure including overtime required for call outs had not been covered.

The increase has been offset to some extent by an increase in revenue received from health licences and there is some potential savings been identified in the Operating Revenue section of this report.

Funding Implication:

The increase in the budgeted expenditure has been reduced by an increase in revenue in Health Services.

Library Minor Assets - Barcode Readers - \$1,300

The library need to urgently replace six bar code readers which are currently not operating to the required standard or have broken and not replaced. There is no provision in the budget to be able to replace the readers. The budget in the above account needs to be increased by \$1,300 to accommodate this expenditure.

This can be funded by the reallocation of funds from the Library Stock purchase account and the Lost and Damaged Books revenue account.

OPERATING REVENUE:

Modified Penalties - \$400,000

The current revenue as at the end of December 2005 is significantly over the budgeted estimates.

The increase in revenue is as a result of a significant increase in the penalty fees for the 2005/06 year and the increased vigilance in the enforcement of the penalties by the ranger service.

It is conservatively estimated that on current projections an additional \$400,000 will be received in modified penalties by the end of this financial year.

Funding Implication:

Increased budget revenue.

Parking Ticket Machine Revenue - \$135,000

The current revenue from parking ticket machines is over the budget projections for the year. This is due to the increase in the parking fees implemented this financial year and the increased use of the Car Parks in the Town, which reflects the popularity of the entertainment hubs in the a Town.

The following projections are made for the increase over budget estimates for the following major car parks.

Frame Court - \$20,000
Avenue Car Park - \$10,000
Brisbane St Car Park - \$35,000
Kerbside Parking - \$70,000

Funding Implication:

Increased budgeted revenue.

Health Services Revenue - \$14,500

The revenue in Health Services is over the budget estimations due to increased licence fees being received from Eating Houses and Alfresco Dining permits.

Funding Implication:

Increased budget revenue.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Local Government Act 1995 (Amended 2005) requires that a budget review be undertaken each financial year.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 - Key Result Area 4 – Governance and Management

- 4.2 *Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.*

FINANCIAL/BUDGET IMPLICATIONS:

At the end of the second quarter of the financial year, with the inclusion of the reported adjustments there is an estimated surplus on the 2005/06 Budget of \$442,300.

COMMENTS:

The Town reviews the budget at the end of each quarter, if required. It would therefore be anticipated that the next review will be conducted at the end of March 2006. A report would then be presented to Council in April 2006.

**Due to the lateness of the hour,
this Item was not considered or determined.**

10.4.2 Appointment of Community Representatives to Town of Vincent Heritage, Local Area Traffic Management and Seniors Advisory Groups

Ward:	-	Date:	30 January 2006
Precinct:	-	File Ref:	PRO0689/TES0334/ CMS0103
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES the further information relating to the Town of Vincent Heritage, Local Area Traffic Management and Seniors Advisory Groups; and*
 - (ii) *APPOINTS the following community representatives to these Advisory Groups for the 2005-2007 period;*
 - (a) *Heritage Advisory Group (up to 5 required)*
 - 1. *Ms Helen Griffiths; and*
 - 2. *Mr Vincent Sammut;*
 - (b) *Local Area Traffic Management Advisory Group (up to 5 required)*
 - 1. *Mr Dan Caddy;*
 - 2. *Mr Kinglsey Sullivan;*
 - 3. *Ms Lorraine Thomas;**
 - (c) *Seniors Advisory Group (up to 5 required)*
 - 1. *Ms Anna Chin;*
 - 2. *Ms Chris Costa;*
 - 3. *Ms Carmen Harrison;* and*
 - 4. *Ms Catherine McCloy;*
- (* *New nominations received*)

PURPOSE OF THE REPORT:

To provide the Council with further information relating to the Town's Heritage, Local Area Traffic Management and Seniors Advisory Groups and seek approval of nominations received.

BACKGROUND:

At the Ordinary Meeting of Council held on 13 May 2003, Council resolved that the Advisory Group community representatives' terms be for a period of two (2) years (to coincide with the Election cycle) and for nominations to be called to fill any vacant positions.

Advertisements calling for nominations were placed in the local newspapers on 2 August 2005 and nominations closed on 29 August 2005.

At the Ordinary Meeting of Council held on 13 September 2005, Council considered this matter and resolved inter alia as follows;

"That the Council;

- (i) APPROVES BY AN ABSOLUTE MAJORITY to amend the current Terms of Reference for all of the Town's Advisory Groups to allow "up to 5" community representatives; ...*
- (iii) AUTHORIZES the Chief Executive Officer to second interested persons to the Advisory Groups (where insufficient nominations have been received); ..."*

With regard to the Heritage, Local Area Traffic Management and Seniors Advisory Groups, Council moved an amendment as follows;

"That clause (ii)(c), (d) and (f) be deferred for further information and to allow persons to nominate for Advisory Groups where there are insufficient nominations from Community representatives."

(Note: Clause (ii)(c), (d) and (f) relating to the Heritage, Local Area Traffic Management and Seniors Advisory groups.)

LEGAL/POLICY IMPLICATIONS:

The Local Government Act 1995, Sections 5.8 to 5.25 allows local governments to appoint committees and prescribes the legal requirements for these.

Since its inception, the Town has been operating by having two Council meetings each month (except January) and no committee system. Since late 1995, it has used various Advisory Groups.

The Advisory Groups do not have any legal status and their prime role is to make recommendations for the consideration of the Council. Advisory Groups cannot perform the role of Committees. The Council has not delegated any of its powers.

FINANCIAL/BUDGET IMPLICATIONS:

The costs associated with the Advisory Groups is not specifically itemised in the Town's budget, they are absorbed within the administration costs and allocated to the various sections.

STRATEGIC IMPLICATIONS:

Nil, however, the use of Advisory Groups is in keeping with the Council's philosophy of involving the community in the decision making process.

COMMENT:

The Terms of Reference, roles and meeting frequency comply with statutory requirements, provide a more efficient and effective outcome and at the same time, ensure that the community has input into the various Advisory Groups.

**Due to the lateness of the hour,
this Item was not considered or determined.**

10.4.3 Policies – Amendments and Proposed New Policies

Ward:	-	Date:	6 February 2006
Precinct:	-	File Ref:	ORG0023
Attachments:	001		
Reporting Officer(s):	M Rootsey, D Brits, J MacLean, A Smith, M Gallagher		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) ***APPROVES BY AN ABSOLUE MAJORITY to amend and re-adopt the following Policies as shown in Appendix 10.4.3:***

- (a) ***1.2.4 – Investment Policy;***
- (b) ***3.8.5 – Derelict Houses/Buildings: Securing and Cleaning Works;***
- (c) ***3.9.9 – Introduction of Kerbside “ACROD 2.5” Parking Bays in Residential Areas; and***
- (d) ***3.9.11 – Display of Items on a Footpath;***

(ii) ***APPROVES BY AN ABSOLUE MAJORITY to adopt the following new Policies as shown in Appendix 10.4.3:***

- (a) ***4.2.9 – Council Meetings – Dealing with Disruptive Behaviour by the Public;***

Human Resources Policy Manual

- (b) ***5.2.4 – Employee Police Checks;***
- (c) ***5.5.5 – Displaying of Offensive Material;***
- (d) ***5.5.6 Internet and Email Use;***
- (e) ***5.5.7 – Loss of Driver’s Licence; and***
- (f) ***5.6.20 – Smoking in the Workplace; and***

(iii) ***NOTES that the following proposed policy may result in a financial/gain/loss/detriment for a person and as such they will be required to disclose a financial interest in the matter;***

- ***4.2.8 – Acknowledgement of Service and Purchase of a Gift Upon Retirement – Elected Members;***

- (iv) *REQUESTS the Chief Executive Officer to obtain the approval of the Minister for Local Government in accordance with Section 5.69 of the Local Government Act 1995 to seek approval for Elected Members to participate in that part of the meeting and any subsequent meetings and the Mayor to preside at the meetings, to consider the proposed policy 4.2.8 – Acknowledgement of Service and Purchase of a Gift Upon Retirement – Elected Members;*
- (v) *the proposed policy –Acknowledgement of Service and Purchase of a Gift Upon Retirement – Elected Members "LIE ON THE TABLE" until the approval of the Minister for Local Government has been received; and*
- (vi) *AUTHORISES the Chief Executive Officer to:*
- (a) *advertise the proposed amended and draft policies (other than the Human Resources policies) for a period of twenty-one (21) days, seeking public comment;*
 - (b) *report back to Council with any public submissions received; and*
 - (c) *include the amended/draft policies in the Council's Policy Manual if no public submissions are received.*

PURPOSE OF REPORT:

The purpose of this report is to seek Council's approval to re-adopt policies due for review and adopt several new policies.

BACKGROUND:

The Town's Policy Manual contains various policies which provide guidance to the Town's Administration for day to day management issues and also to Elected Members for decision making.

A major review of the Town's Policy Manual has been completed during 2003/2004 however, there are policies that were not due for review until 2005/2006.

DETAILS:

The following details are provided:

1. 1.2.4 – Investment Policy – Amended Policy

This Policy was considered at the Ordinary Meeting of Council held on 17 January 2006 and deferred to allow for minor changes to be incorporated.

The current Investment Policy was originally adopted on 24 February 1997 and subsequently amended on 27 March 2001. The policy and guidelines are being amended to provide a more comprehensive policy and guidelines and permit the Town to invest in some of the current investment vehicles used in the Local Government industry.

The objectives of the policy are currently general in scope and have been amended to be more specific.

The guidelines associated with the policy are proposed to be expanded to provide more details of credit ratings and the specific percentage allocation in the investment portfolio for individual investments and the total percentage of credit rating, together with increased reporting requirements.

The following amendments to the policy have been proposed.

The current policy has been amended to include the following:

1. An expansion of the investment objectives.
2. Inclusion of a risk profile for the Town's investments.
3. An expansion in the authorised investments that can be utilised by the Town:
 - The guidelines have been amended to include an expanded investment guideline matrix for Investment Credit Ratings to include increased credit rating categories and definitions for each rating level.
 - The Benchmark has been changed to UBSW Bank Bill Index which reflects the name of the company that now sponsors the Bank Bill Index.
 - The reporting requirements have been amended to ensure documentary evidence is maintained for investments, together with an annual report on the performance of the investment portfolio.

The Investment Policy has been amended to provide a more expansive policy to extend the authorised investments available for use, whilst at the same time responding to the investment objectives and including a risk profile.

The guidelines have been amended to provide an expanded credit matrix, with increased reporting provisions.

This amended policy will provide the Town with the opportunity to obtain increased returns on their investment, whilst ensuring the security of their funds.

2. 3.8.5 – Derelict Houses/Buildings: Securing and Cleaning Works

This policy has been substantially amended to include:

- legislative changes
- a broader scope of the policy to include substandard/derelict properties
- changes to complaint management and administrative procedures and practices.

3. 3.9.9 – Introduction of Kerbside “ACROD 2.5” Parking Bays in Residential Areas

The policy has been reviewed by the relevant departments and no changes are recommended.

4. 3.9.11 – Display of Items on a Footpath

Minor changes have been made which include:

- Providing the option of approval for an annual or three yearly renewable licence.
- The prohibiting of racist information being contained in signage.

5. 4.2.8 – Elected Members – Recognition of Service upon Retirement

This is a new policy recommended for adoption to formalise the Town's current practice to recognise the service of retiring Elected Members.

It should be noted that the approval of the Minister for Local Government for Elected Members to consider and determine this policy and for the Mayor to preside at these meetings.

Following discussions with the Department of Local Government, they have advised that the former Minister for Local Government - Mr Bowler, had issued a directive that the maximum amount for a gift for a retiring member is not to exceed \$500.

The Town's proposed policy reflects this amount, however, includes a clause which increases the amount by the Consumer Price Index. Whilst the Department supports the Consumer Price Index clause, this will need to be considered by the Minister.

6. 4.2.9 – Council Meetings – Dealing with Disruptive Behaviour by the Public

This is a new policy recommended for adoption by the Council.

Recently the Department of Local Government wrote to the Town with Guidelines to deal with this matter and recommended that a policy be adopted.

The Department's Guidelines have been used as a basis in formulating the proposed Policy.

For information, there have been several occasions in the past where members of the public have seriously disrupted Council meetings and these have been appropriated dealt with at the time, without incident.

The adoption of a policy is considered appropriate and in accordance with the Department's recommendation.

Human Resources Policy Manual

WALGA has recently updated its Model Human Resources Policy Manual (which the Town has adopted with amendments) and has recommended the introduction of the following new policies.

1. 5.2.4 – Employee Police Checks

This policy is considered necessary as it covers new legislation *"Working with Children (Criminal Record Checking) Act 2004*. This new legislation requires employers to carry out compliance with criminal record checking of their employees who provide services to youth, children, the disabled and the elderly.

This legislation is primarily applicable to the Town in the following areas:

- Beatty Park Leisure Centre Creche
- Library
- Community Development Section

2. 5.5.5 – Displaying of Offensive Material

This new policy supplements the existing policy covering Employee Relations - Policy No 5.5.1 - Violence, Harassment and Bullying and 5.5.2 - Equal Employment Opportunity.

It provides definitions for *displaying*" and *"offensive"* material.

3. 5.5.6 Internet and Email Use

This new policy supplements Policy No 1.3.1 - Information Technology Facilities including Internet Electronic Mail and Fax - Conditions of Use.

It is recommended that this policy be introduced into the Human Resources Policy Manual as it relates to employees.

4. 5.5.7 – Loss of Driver's Licence

This new policy is recommended as it provides guidelines for action to taken by an employer when an employee has a loss of their driver's licence.

It formalises the Town's current practice when dealing with such occasions.

5. 5.6.20 – Smoking in the Workplace

This policy is recommended as it specifically relates to employees and the workplace as prescribed by the Occupational Safety and Health Act 1984. It specifies conditions whereby employees may smoke, without contravention of legislation.

It should be noted that smoking in enclosed places and smoking by members of the public is already covered by State Health Act regulations.

CONSULTATION/ADVERTISING:

The policies will be advertised for a period of 21 days seeking comments from the public. It is proposed that the Human Resources policies will be advertised as they relate to employees only and do not involve the community.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan Amended 2005-2010 - Key Result Area 4 - Governance and Management

4.5 *Promote Financial Management and Information Technology*

(e) Adopt "Best Practice" to manage the financial resources and assets of the Town.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

It is recommended that the Council approve the amended and new policies as detailed in this report.

**Due to the lateness of the hour,
this Item was not considered or determined.**

10.4.6 Delegations for the Period 1 October 2005 to 31 December 2005

Ward:	Both	Date:	23 January 2006
Precinct:	All	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	J MacLean, S Beanland, R Lotznicher, M Rootsey, A Smith		
Checked/Endorsed by:	R Boardman; John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the delegations for the period 1 October to 31 December 2005 as shown in Appendix 10.4.6; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices/costs to the value of \$45,839 for the reasons as detailed below.*

<i>Description</i>	<i>Amount</i>
<i>Breakdown/Stolen (Proof Produced)</i>	<i>\$1,635.00</i>
<i>Details Unknown/Vehicle Mismatched</i>	<i>\$1,170.00</i>
<i>Dog Act</i>	<i>\$100.00</i>
<i>Equipment Faulty (Confirmed by Technicians)</i>	<i>\$1,910.00</i>
<i>Failure to Display Resident or Visitor Permit</i>	<i>\$18,825.00</i>
<i>Interstate or Overseas Driver</i>	<i>\$3,650.00</i>
<i>Litter Act</i>	<i>\$150.00</i>
<i>Other (Financial Hardship, Disability, Police On-duty, Etc)</i>	<i>\$5,125.00</i>
<i>Penalties Modified</i>	<i>\$2,395.00</i>
<i>Pound Fees Modified</i>	<i>\$74.00</i>
<i>Ranger/Clerical Error</i>	<i>\$3,445.00</i>
<i>Signage Incorrect or Insufficient</i>	<i>\$1,525.00</i>
<i>Ticket Purchased but not Displayed (Valid Ticket Produced)</i>	<i>\$5,835.00</i>
TOTAL	\$45,839.00

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the Town's administration for the period 1 October to 31 December 2005 and to obtain the Council's approval to write-off infringement notices.

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer and Executive Managers exercise the delegated authority in accordance with the Council's policies.

ADVERTISING/CONSULTATION:

Not applicable.

LEGAL/POLICY:

Section 5.42 of the Local Government Act 1995 gives power to a Council to delegate to the CEO the exercise of its powers and functions; prescribes those functions and powers which cannot be delegated; allows for a CEO to further delegate to an employee of the Town; and states that the CEO is to keep a register of delegations. The delegations are to be reviewed at least once each financial year by the Council and the person exercising a delegated power is to keep appropriate records.

It is considered appropriate to report to Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown in the attached Appendix 10.4.6. Quarterly reports are reported to the Council.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Council's Auditors recommend that infringement notices be reported to Council for a decision to write-off the value of the infringement notice. In these cases, it is the opinion of the Manager Ranger Services and Community Safety that infringement notices cannot be legally pursued to recover the money or it is uneconomical to take action as this will exceed the value of the infringement notice. The details of the infringement notices are as follows:

Description	Amount
Breakdown/Stolen (Proof Produced)	\$1,635.00
Details Unknown/Vehicle Mismatched	\$1,170.00
Dog Act	\$100.00
Equipment Faulty (Confirmed by Technicians)	\$1,910.00
Failure to Display Resident or Visitor Permit	\$18,825.00
Interstate or Overseas Driver	\$3,650.00
Litter Act	\$150.00
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$5,125.00
Penalties Modified	\$2,395.00
Pound Fees Modified	\$74.00
Ranger/Clerical Error	\$3,445.00
Signage Incorrect or Insufficient	\$1,525.00
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$5,835.00
TOTAL	\$45,839.00

COMMENTS:

It is recommended that the delegations be endorsed by the Council.

**Due to the lateness of the hour,
this Item was not considered or determined.**

10.4.8 Information Bulletin

Ward:	-	Date:	8 February 2006
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 14 February 2006 as distributed with the Agenda, be received.

DETAILS:

The items included in the Information Bulletin dated 14 February 2006 are as follows:

ITEM	DESCRIPTION
IB01	Proposed Northbridge Entertainment Zone – Letter from Dr Judy Edwards, Minister for the Environment; Science
IB02	Development Control Policy 1.6 “Planning to Enhance Public Transport Use”
IB03	Walton v Town of Vincent, Matter No. DR/320 of 2004 – State Administrative Tribunal (Published version of the reasons of decision)
IB04	No. 14 (Lot 204) Auckland Street, North Perth – Proposed Additional Two-Storey with Loft Grouped Dwelling to Existing Single House and Demolition of Existing Garage and Two (2) Outbuildings – Review Matter No. DR/598 of 2005 – Letter to the State Administrative Tribunal
IB05	No. 30 (Lot 8) Bulwer Street, Perth – Proposed Demolition of Existing Hostel and Construction of Twelve (12) Two-Storey with Loft Multiple Dwellings and Association Car Parking – Review Matter No. DR/576 of 2005 – Letter to the State Administrative Tribunal
IB06	No. 332-324 (Lot 50) Lord Street, Corner Marlborough Street, North Perth – Optus Low Impact Telecommunications Facility Notification – Letter to Mr Warren Phillips
IB07	Conservation of Australia's Historic Heritage Places - Productivity Commission Draft Report Written Submission (All Precincts) PLA0088
IB08	Rangers' Statistics for October, November and December 2005 (All Precincts) PER0018
IB09	Letter from the Minister for Health – Mr Rob Boardman Appointed to the Local Health Authorities Analytical Committee

- IB10 Planning Bulletin No 76 Planning and Development Act 2005 and Related Legislation.
- IB11 Letter from Minister for Police and Emergency Services; Community Safety – re Prostitution Control Bill
- IB12 Letter from Department of Justice – Split of Department of Justice from 1 February 2006
- IB13 East Perth Redevelopment Authority – Appointment of New Chairman
- IB14 Department of Local Government and Regional Development – Circular No 33-2005 – Lessons to be Learnt from the Inquiry into the City of Joondalup
- IB15 Department of Local Government and Regional Development – Circular No 3-2006 – Local Government Operational Guideline Number 6 – Disruptive Behaviour by the Public Council Meetings
- IB16 Register of Petitions - Progress Report - February 2006
- IB17 Register of Notices of Motion - Progress Report - February 2006
- IB18 Register of Reports to be Actioned - Progress Report - February 2006
- IB19 Register of Legal Action
- IB20 Register of State Administrative Tribunal Appeals
- IB21 Notice of Forum - 21 February 2006
- IB22 WALGA – Local Health Authorities Analytical Committee – Local Government Representation

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

**Due to the lateness of the hour,
this Item was not considered or determined.**

11.1 Notice of Motion – Mayor Nick Catania – Review of Planning Procedures, Processes, Delegations and Associated Policies in relation to Planning Applications and Approvals

That the Council AUTHORISES the Chief Executive Officer to:

- (i) undertake a review of the Town's current planning procedures, processes, delegations and associated Policies in relation to Planning Applications and Approvals, specifically:
 - (a) identifying and reporting any deficiencies in the current planning application procedures, processes, delegations and Policies, that are influencing time delays in the processing of applications; and*
 - (b) suggesting initiatives and actions, including consideration of the preparation of new Policies, to improve the current procedures and processes and reduce time delays in the processing of applications; and**
- (ii) provide a report on the above review to the Council for its consideration at an Ordinary Meeting of Council in March 2006.*

Due to the lateness of the hour,
this Item was not considered or determined.

11.2 Notice of Motion - Councillor Helen Doran-Wu - Mainstreet-Scape and Heritage Business Premises Assistance Funds Policy

That the Council;

- (i) *AUTHORISES the Chief Executive Officer to investigate and report on the following;*
 - (a) *the development of a Mainstreet-scape and Heritage Business Premises Assistance Funds Policy; and*
 - (b) *the allocation of \$100,000 to fund the application of the proposed Assistance Funds Policy;*
- (ii) *REQUESTS the report examine, but not be limited to, the following;*
 - (a) *similar programs in other Councils and the capacity to promote, conserve, restore, revitalise and improve Mainstreet-scapes and Heritage Business Premises;*
 - (b) *the funds allocation being based on a percentage of the development cost of the proposed development;*
 - (c) *identifying and recognising synergies between the existing relevant policies and initiatives of the Council, including the Economic Development Strategy, Heritage Assistance Fund and the Leederville Masterplan and the Assistance Funds;*
 - (d) *identifying the number of properties potentially benefiting from the Assistance Funds;*
 - (e) *the development of a promotional package for the Assistance Funds, targeting property and business owners and potential developers; and*
 - (f) *identifying a target date for completion of a policy; and*
- (iii) *REQUESTS the report be presented to Council by the second Ordinary Meeting of Council to be held in April 2006.*

Due to the lateness of the hour,
this Item was not considered or determined.

11.3 Notice of Motion - Councillor Simon Chester - Town of Vincent Local Histories Collection - Picture Book

That the Council AUTHORISES the Chief Executive Officer to;

- (i) prepare a report investigating whether a soft covered "coffee table" picture book of historic photos taken in the Vincent area would be an effective and appropriate vehicle to promote the Town's Local Histories Collection and the heritage of the Town;*
- (ii) investigate whether the Town's Local Histories Collection has sufficient photos, records and resources to produce a book as outlined in (i) above, in the 2006/2007 financial year;*
- (iii) investigate the cost to the Town of producing and printing the book outlined in (i) above;*
- (iv) prepare a briefing document for the book's production specifying the book's scope, presentation and appropriate print numbers; and*
- (v) provide a report to Council covering clauses (i), (ii), (iii) and (iv) and any other relevant information, so that the Council can consider a sum of money being allocated to the production of a book in the 2006/2007 Budget.*

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

**Due to the lateness of the hour,
this Item was not considered or determined.**

12.1 WALGA Nomination – National Packaging Covenant - Jurisdictional Projects Group (Local Government Officer)

Ward:	-	Date:	2 February 2006
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

RECOMMENDATION:

That _____ be nominated as WALGA Metropolitan Member - National Packaging Covenant - Jurisdictional Projects Group (One (1) Local Government Officer).

BACKGROUND:

Please see Appendix 12.1 for details.

N.B.:

NOMINATIONS CLOSE COB FRIDAY 3 MARCH 2006

Due to the lateness of the hour,
this Item was not considered or determined.

12.2 Swan Catchment Council - Natural Diversity Reference Group

Ward:	-	Date:	7 February 2006
Precinct:	-	File Ref:	ORG0045
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That _____ be nominated as the Local Government Officer Representative on the Natural Diversity Reference Group.

PURPOSE OF THE REPORT:

To seek a nomination from a Local Government Officer representative for the vacant position on the Natural Diversity Reference Group.

BACKGROUND:

The Swan Catchment Council (SCC) is a community-led regional group with responsibility for coordinating and delivering natural resource management (NRM) in the Swan Region. The SCC is comprised of an eighteen-member Council, which represents the interests of the community, State and Local Governments within the Swan Region.

The SCC developed the Swan Region Strategy for Natural Resource Management (2004), in response to the Australian and State Government expectations for accredited regional NRM plans and to guide the distribution of Natural Heritage Trust (NHT) funding in the Swan Region. The Strategy received accreditation in December 2004 and implementation has commenced.

As part of implementing the Strategy, the SCC established Reference Groups in the following regional delivery programs:

- Integrated Water Management;
- Natural Diversity;
- Sustainable Production; and
- Coastal and Marine.

The Integrated Water Management Program deals with issues of water quality and quantity, and covers wetlands, waterways and groundwater. The Natural Diversity Program covers protection of threatened species and communities as well as the extent of the CAR Reserve system and management of local biodiversity. The Sustainable Production Program focuses on best management practice for small to medium enterprises. The Coastal and Marine Program covers the tertiary dune system as well as the marine habitat up to three kilometres from the coast and the offshore islands.

DETAILS:

The Natural Diversity Reference Group currently has a vacant position for a Local Government Officer representative. All nominees will be required to demonstrate their capacity against the selection criteria. The position is required to also become a member of the Local Government Reference Group.

Current members of the Natural Diversity Reference Group are:

- Colin Heinzman, Friends of Attadale Foreshore (Chair)
- Janet Atkins, Wildflower Society
- Michelle Carey, Greening Australia
- Chris Dunne, Dieback Working Group
- Jon Holmes, City of Swan
- David Mitchell, Department of CALM
- Kat Miller, WWF Threatened Species Network
- Gary Whisson, Department of Environment

Representation by Local Government

Local Government is recognised as a key stakeholder, given their important role in the delivery of natural resource management throughout the region.

The SCC has also established a Local Government Reference Group, which comprises the Local Government representatives on the four reference groups (Integrated Water Management, Natural Diversity, Sustainable Production and Coastal and Marine) and two representatives from regional Local Government organisations.

Current members of the Local Government Reference Group are:

- Cr Clive Robartson, City of Melville (Chair)
- Julie Baker, City of Cockburn
- Cr Jon Holmes, City of Swan
- Keith Armstrong, City of Joondalup
- Eric Lumsden, City of Swan
- Cr Jeff Munn, SEMRC
- Martin Richardson, City of Swan
- Cr Mike Sabatino, City of Bayswater
- Cr Elizabeth Taylor, EMRC

Reference Group Meetings

The reference groups meet on a regular basis, at least six times per year, three weeks prior to scheduled Swan Catchment Council meetings. The Chairpersons of each of the reference groups will also serve on the Swan Catchment Council, which meets approximately every six weeks. Reference Group meetings will normally take place at the Swan Catchment Council.

N.B.:

NOMINATIONS CLOSE COB WEDNESDAY 15 MARCH 2006

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL REPORTS (*Behind Closed Doors*)

**Due to the lateness of the hour,
this Item was not considered or determined.**

14.2 CONFIDENTIAL REPORT - Alterations, and Garage with Loft and Carport Additions to Existing Single House - State Administrative Tribunal Directions Hearing

Ward:	South	Date:	8 February 2006
Precinct:	Norfolk; P10	File Ref:	PRO2368; 5.2005.2855.1
Attachments:	-		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for Alterations, and Garage with Loft and Carport Additions to Existing Single House - State Administrative Tribunal Directions Hearing.

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the Town's position regarding a review application to the State Administrative Tribunal. In accordance with the Town's Policy/Procedure for State Administrative Tribunal matters, it is to be kept confidential until determined by the Council to be released for public information.

LEGAL/POLICY:

The Town of Vincent Local Law Relating to Standing Orders states the following:

“2.15 Confidential business

(1) All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –

- (i) to be treated as strictly confidential; and*
- (ii) not, without the authority of Council, to be disclosed to any person other than–*
 - (a) the Members; and*
 - (b) Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*

prior to the discussion of that matter at a meeting of the Council held with open doors.

(2) Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –

- (i) then to be treated as strictly confidential; and*
- (ii) is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

COMMENTS:

The confidential report is provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

15. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 10.23pm with the following persons present:

Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 14 February 2006.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2006