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(21 FEBRUARY 2006)**

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Minutes of the Special Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 21 February 2006, commencing at 6.02pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.02pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Helen Doran-Wu	North Ward
Cr Maddalena Torre	South Ward

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	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 6.16pm)

Nil Members of the Public

(c) Members on Leave of Absence:

Nil.

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

Nil.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Nil.

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

Nil.

8. DECLARATION OF INTERESTS

8.1 Mayor Catania declared a financial interest in Item 10.4.2 - 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 10.4.2 - 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.

The Chief Executive Officer advised that as this Item was carried forward from the Ordinary Meeting of Council held on 14 February 2006 due to the lateness of the hours that all Declarations made by Elected Members relating to Item 10.4.2 - 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, made at that meeting are still valid.

The Chief Executive Officer further advised that approval had not yet been received from the Minister.

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

Nil.

10. REPORTS

The Chief Executive Officer advised that as the majority of the reports were carried over from the Ordinary Meeting of Council held on 14 February 2006 and were indicated at that meeting for discussion, the reports would be considered in the order of the Agenda.

10.1.1 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 40 per cent of the frontage, namely being a maximum of 4.05 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.*

Moved Cr Lake, Seconded Cr Chester

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr Ker

That clause (iv)(b) be amended to read as follows:

(iv) (b) *the driveway not occupying more than 40 per cent of the frontage, namely being a maximum of 4.05 metres in width and demonstrating the retention of the street tree;*"

AMENDMENT CARRIED (5-1)

For
Cr Chester
Cr Ker
Cr Lake
Cr Maier
Cr Messina

Against
Mayor Catania

(Crs Doran-Wu, Farrell and Torre were apologies.)

MOTION AS AMENDED CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

COUNCIL DECISION ITEM 10.1.1

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 40 per cent of the frontage, namely being a maximum of 4.05 metres in width and demonstrating the retention of the street tree;*
- 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 40 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.

10.1.2 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 portion of the rear balcony on the southern elevation which overlooks within the 7.5 metres cone of vision 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.

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That clause (iv)(a) be amended to read as follows:

"(iv) (a) the overall height of the dwelling western parapet wall being a maximum of 7.0 metres as measured from the natural ground level;"

AMENDMENT CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

Journalist - Giovanni Torre left the meeting at 6.16pm

Moved Cr Maier, Seconded Cr Lake

That:

1. *the preamble be amended to read as follows:*

"That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES 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 and 10 February 2006 (elevation plans), subject to the following conditions:"

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

"(iv) (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 2005. The southern elevation of the rear balcony is not required to be screened if written consent is obtained from the owners of No. 165 Harold Street stating no objections to the southern elevation of the rear balcony being unscreened;"

Debate ensued.

AMENDMENT CARRIED (4-2)

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

(Crs Doran-Wu, Farrell and Torre were apologies.)

Moved Cr Ker, Seconded Cr Chester

That a new clause (iv)(f) be added as follows:

"(iv) (f) a corrected overshadowing diagram demonstrating compliance with requirements;"

AMENDMENT CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

Moved Cr Lake, Seconded Cr Messina

That clause (iv)(a) be amended to read as follows:

"(iv) (a) the overall height of the dwelling being a maximum of ~~7.0~~ 7.3 metres as measured from the natural ground level;"

AMENDMENT CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

MOTION AS AMENDED CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

COUNCIL DECISION ITEM 10.1.2

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 and 10 February 2006 (elevation plans), 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 western parapet wall being a maximum of 7.3 metres as measured from the natural ground level;*
 - (b) *the windows to the retreat on the southern and northern elevations, the portion of the rear balcony on the southern elevation which overlooks within the 7.5 metres cone of vision 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. The southern elevation of the rear balcony is not required to be screened if written consent is obtained from the owners of No. 165 Harold Street stating no objections to the southern elevation of the rear balcony being unscreened;*
 - (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;*
 - (e) *the first floor main dwelling being setback a minimum of 6.0 metres from the front Harold Street boundary; and*
 - (f) *a corrected overshadowing diagram demonstrating compliance with requirements.*

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

ADDITIONAL INFORMATION:

The applicant has since submitted 3D perspectives amended elevation plans which in summary, reduces the wall height on the western side from 7.615 metres to 7.3 and relocates and reduces the size of the 'metal roof' above bedroom one. The amended plans and the applicant's justification, including further details of the amendments are attached for the Council's consideration.

It is considered that that the height variation sought will still cause an undue impact on the streetscape. Accordingly, the Office Recommendation remains unchanged.

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.

10.1.3 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.

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Ker, Seconded Cr Messina

That clause (iv)(b) be amended to read as follows:

- "(iv) (b) *the main dwelling and eastern boundary wall on the upper floor being setback a minimum of 6.0 metres and the balcony being setback a minimum of 5.0 metres from the Woodstock Street boundary."*

AMENDMENT CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

MOTION AS AMENDED CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

COUNCIL DECISION ITEM 10.1.3

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 Cassetta 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 on the upper floor 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 Boundaries" on

- East (store)	1.0 metre	Nil	Supported- as above.
- East (main dwelling)	1.5 metres	Nil	Supported- as above.
First Floor			
- North (front)	6.0 metres	4.0 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).
- East	2.4 metres	Nil-2.5 metres	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.

10.1.4 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.*

COUNCIL DECISION ITEM 10.1.4

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (4-2)

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

(Crs Doran-Wu, Farrell and Torre were apologies.)

ADDITIONAL INFORMATION:

The setback between the WIR of bedroom two and the 'zero lot wall' on the southern elevation should read 950 millimetres and not 1000 millimetres as stated in the plans contained in the Agenda (additional plans have been attached). This does not result in any variations to the relevant development requirements and, therefore, the Officer Recommendation remains unchanged.

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.

10.1.5 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.*

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr Lake

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

"(iv) the street verge tree located on the Egina Street verge adjacent to the subject property shall not be removed."

Debate ensued.

AMENDMENT CARRIED (4-2)

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

(Crs Doran-Wu, Farrell and Torre were apologies.)

MOTION AS AMENDED CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

COUNCIL DECISION ITEM 10.1.5

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by 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;*
- (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; and*
- (iv) *the street verge tree located on the Egina Street verge adjacent to the subject property shall not be removed.*

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.

10.1.6 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:	-

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 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.*

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr Ker

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

- "(ix) the first floor conference room as shown on the plans stamped dated 3 February 2006 shall only be used for office purposes, and shall not be used as an eating house or shop use."*

Debate ensued.

AMENDMENT CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

Debate ensued.

MOTION AS AMENDED CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

COUNCIL DECISION ITEM 10.1.6

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by 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;*
- (viii) *the automatic sliding gate to the car park shall be visually permeable, with a minimum 50 per cent transparency; and*
- (ix) *the first floor conference room as shown on the plans stamped dated 3 February 2006 shall only be used for office purposes, and shall not be used as an eating house or shop use.*

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	1 space
1 space per 200 square metres for visitors (class 3)	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	2 spaces
2 spaces plus 1 per 100 square metres for visitors (class 3)	4 spaces	4 spaces
Office: 1 space per 200 square metres (proposed floor area 316 square metres) for employees (class 1 or 2)	2 spaces	1 space
1 space per 750 square metres over 1000 square metres (class 3)	N/A	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.

10.1.7 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.

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

Moved Cr Ker, Seconded Cr Chester

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

- "(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 subject to the Policy being amended as follows:
 - (a) clause 2 being amended to read as follows:

"2) *The amalgamation condition is to be imposed on a Planning Approval in the following instances:*

(i) *where new dwellings and new buildings straddle a lot boundary or are closer to the lot boundary than would be allowed under the Residential Design Codes; or*

~~(iii)~~ (ii) *where no portion of the existing building straddles a lot boundary, however the proposed new development will subsequently straddle a lot boundary or are closer to the lot boundary than would be allowed under the Residential Design Codes; or*

(iii) *where car parking bays and car parking manoeuvring areas straddle a lot boundary. Alternatively, the car parking bays and car parking manoeuvring area can be dealt with as a grant of easement in favour of the Town registered on the certificate of title. This provision does not apply to carports and garages in instances contained in clause 3)." and*

(b) *clause 3(i) being amended to read as follows:*

"3) (i) *where the existing building or proposed new development does not straddle a lot boundary and is not closer to the boundary than would be allowed under the Residential Design Codes."*

AMENDMENT CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

MOTION AS AMENDED CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

COUNCIL DECISION ITEM 10.1.7

That the Council;

(ii) *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 subject to the Policy being amended as follows;*

(a) *clause 2 being amended to read as follows:*

"2) *The amalgamation condition is to be imposed on a Planning Approval in the following instances:*

(i) *where new dwellings and new buildings straddle a lot boundary or are closer to the lot boundary than would be allowed under the Residential Design Codes; or*

- ~~(iii)~~ **(ii)** *where no portion of the existing building straddles a lot boundary, however the proposed new development will subsequently straddle a lot boundary or are closer to the lot boundary than would be allowed under the Residential Design Codes; or*
- (iii)** *where car parking bays and car parking manoeuvring areas straddle a lot boundary. Alternatively, the car parking bays and car parking manoeuvring area can be dealt with as a grant of easement in favour of the Town registered on the certificate of title. This provision does not apply to carports and garages in instances contained in clause 3)." and*
- (b)** *clause 3(i) being amended to read as follows:*
- "3)** **(i)** *where the existing building or proposed new development does not straddle a lot boundary and is not closer to the boundary than would be allowed under the Residential Design Codes."*
- (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.*

ADDITIONAL INFORMATION:

The draft Policy relating to Amalgamation Condition on Planning Approvals is proposed to be amended to include the requirement for development that is closer to the lot boundary than would be allowed under the Residential Design Codes to have the subject condition imposed on Planning Approval issued by the Town.

The above clause 2) (ii) was incorrectly stated in the Policy as 2) (iii) and has been amended accordingly.

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.

10.1.8 No. 306 (Lot 98 D/P: 1823, Lot Y99 D/P: 1823, Lot 100 D/P: 1823) Charles Street, North Perth and No. 24 (Lot 20 D/P: 1823) Daphne Street, North Perth - Municipal Heritage Inventory Nominations

Ward:	North	Date:	16 February 2006
Precinct:	Charles Centre; P07 Smith's Lake; P06	File Ref:	PRO2109 PRO3258
Attachments:	001 , 002		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *the Council AUTHORIZES the Chief Executive Officer to ADVERTISE the proposed inclusion of the places at No. 306 (Lot 98 D/P: 1823, Lot Y99 D/P: 1823, Lot 100 D/P: 1823) Charles Street, North Perth and No. 24 (Lot 20 D/P: 1823) Daphne Street, North Perth on the Municipal Heritage Inventory in accordance with the Town's Policy No.3.6.5 relating to Heritage Management - Adding/Deleting/Amending Places listing on the Municipal Heritage Inventory, including:*
 - (a) *advertising for public comment the proposed inclusion of the places on the Municipal Heritage Inventory for a period of 28 days in the local newspaper; and*
 - (b) *notifying the owners of the proposed inclusion of the places on the Municipal Heritage Inventory and to provide 28 days for the owners to comment; and*
- (ii) *a FURTHER REPORT be presented to the Council to consider any submissions received and whether to approve the proposed inclusion of the subject places on the Municipal Heritage Inventory after considering the submissions.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

BACKGROUND:

14 February 2006

The Council at its Ordinary Meeting resolved to refuse an application for the demolition of the single storey residence at No.306 Charles Street, North Perth. At this time, the Council also resolved to nominate the place for consideration onto the Heritage Council's State Register of Heritage Places.

14 February 200 The Council at its Ordinary Meeting resolved to refuse an application for demolition of the single storey house at No.24 Daphne Street, North Perth.

DETAILS:

In response to demolition applications received by the Town in relation to No.306 Charles Street, North Perth and No.24 Daphne Street, North Perth, Heritage Assessments were undertaken by the Town's Officers.

In accordance with the Heritage Management Policy No.3.6.2, a place will be considered to be significant to the locality and worthy of inclusion into the Town's Municipal Heritage Inventory (MHI) if one or more of the criteria are found to have at least some significance under the headings Aesthetic, Historic, Scientific/Research or Social Values.

The place at No. 24 Daphne Street, North Perth was 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. In addition to this, the place as a weatherboard dwelling 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.

The place at No.306 Charles Street, North Perth was considered to have *considerable historic value* for its association with the Browne family, founders of Browne's Dairy whose business and products have become a household name within Western Australia. The place has *some aesthetic and rarity values* 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.

COMMENTS:

Detailed Heritage Assessments for both the places at No.306 Charles Street, North Perth and No. 24 Daphne Street, North Perth are contained in an attachment to this report.

In light of the above, it is recommended that the Council proceed with the listing of the subject places on the MHI in accordance with the Officer Recommendation.

10.1.9 Further Report - 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:	16 February 2006
Precinct:	Hyde Park; P12	File Ref:	PRO2041; 5.2005.3265.1
Attachments:	001		
Reporting Officer(s):	B McKean, R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by 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, subject to the following condition:

- (i) *within 60 days of this Planning Approval notification, a significant appropriate design feature shall be incorporated into the solid 1.543 metres high 'red face brick infill panel' along Vincent Street, and landscaping shall be provided along the colorbond fencing adjacent to the south-eastern boundary from the Vincent Street boundary to the 'electric vehicle access opening gates' pillar, to reduce the visual impact of this fencing. Details of the design feature and landscaping shall be submitted to and approved by the Town within 28 days of this Planning Approval notification.*

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

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

- "(i) *within 60 days of this Planning Approval notification, a significant appropriate design feature shall be incorporated into the solid 1.543 metres high 'red face brick infill panel' along Vincent Street, and ~~landscaping shall be provided along the~~ height of the colorbond fencing adjacent to the south-eastern boundary from the Vincent Street boundary to the 'electric vehicle access opening gates' pillar, to reduce the visual impact of this fencing shall be reduced to a maximum of 1.2 metres. Details of the design feature ~~and landscaping~~ shall be submitted to and approved by the Town within 28 days of this Planning Approval notification."*

AMENDMENT CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

MOTION AS AMENDED CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

COUNCIL DECISION ITEM 10.1.9

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 Labirynt 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, subject to the following condition:

- (i) *within 60 days of this Planning Approval notification, a significant appropriate design feature shall be incorporated into the solid 1.543 metres high 'red face brick infill panel' along Vincent Street, and the height of the colorbond fencing adjacent to the south-eastern boundary from the Vincent Street boundary to the 'electric vehicle access opening gates' pillar, shall be reduced to a maximum of 1.2 metres. Details of the design feature shall be submitted to and approved by the Town within 28 days of this Planning Approval notification.*

FURTHER REPORT:

The subject application was considered at the Ordinary Meeting of Council held on 14 February 2006 at Item 10.1.27. The Officer Recommendation was for the refusal of the subject application for retrospective Planning Approval. The Officer Recommendation Motion was however lost, due to the areas of non-compliance being minor, the property being along a district distributor road and the fencing was issued a building licence. On that basis and to reflect the Council's intention on 14 February 2006 to approve the application, a favorable recommendation, subject to appropriate design features and landscaping is now proposed.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 14 February 2006.

"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 Labirynt 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.*

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

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:

<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>Noted</i>
<i>Street walls and fences</i>	<i>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.</i>	<p><i>North (primary street):</i></p> <ul style="list-style-type: none"> • <i>solid portions of wall varying from 1.543 metres - 1.8 metres in height;</i> • <i>5 metres of fence is solid to 0.257 metre high and visually permeable above that to 1.5 metres; and</i> • <i>solid red face brick mail box adjacent to footpath to 1.2 metres high.</i> <p><i>South east:</i></p> <ul style="list-style-type: none"> • <i>solid wall to 1.8 metres high within front setback.</i> <p><i>North west:</i></p> <ul style="list-style-type: none"> • <i>solid pillar to 1.714 metres high and solid wall to 1.581 metres high within front setback.</i> 	<p><i>Not supported - undue impact on streetscape and surrounding amenity.</i></p> <p><i>Not supported -</i></p> <ul style="list-style-type: none"> • <i>fence does not include two design features;</i> • <i>it would be difficult to incorporate two appropriate design features into the existing colourbond fence; and</i> • <i>undue impact on streetscape and surrounding amenity.</i> <p><i>Not supported - undue impact on streetscape and surrounding amenity.</i></p>
<i>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.</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 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."

10.2.1 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 as shown on attached A & B in Paddington Street, subject to Western Power agreeing to:*
 - (a) *Fund ALL costs associated with any service relocations and any APPROVED removals associated with the works; and*
 - (b) *Fund ALL costs associated with the preparation and lodgement of the required easement documentation, as required, associated with both transformers;*
- (iii) *REFUSES the request by Western Power to locate a Transformer in Hyde Park as this is not in keeping with the requirements of the 'Hyde Park Conservation Plan';*
- (iv) *REQUESTS that Western Power investigate alternative locations including co-locating the Transformer within a suitable proposed development site in the area or by utilising an existing installation in the vicinity of Hyde Park;*
- (v) *ADVISES Western Power of its decision; and*
- (vi) *RECEIVES a further report when the matter has been determined.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Chester, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

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 and B)

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.

10.2.2 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.

Moved Cr Lake, Seconded Cr Maier

That the recommendation be adopted.

Moved Cr Ker, Seconded Cr Lake

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

"(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 and expresses its deep regret that the Department of Planning and Infrastructure has been unwilling to countenance a sharing of a TravelSmart Officer with other organisations as proposed by the Town in discussions."

AMENDMENT CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

MOTION AS AMENDED CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

COUNCIL DECISION ITEM 10.2.2

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 and expresses its deep regret that the Department of Planning and Infrastructure has been unwilling to countenance a sharing of a TravelSmart Officer with other organisations as proposed by the Town in discussions.*
-

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.

10.3.1 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;

- (i) **APPROVES BY ABSOLUTE MAJORITY the adjustments of the 2005/06 Annual Budget as follows;**

<i>Item</i>	<i>Budget Adjustment</i>	<i>Funding Source</i>	<i>Amount Required</i>	<i>Net Impact</i>
<i>Beatty Park Split level Air conditioner for the gym</i>	<i>\$2,500</i>	<i>• Beatty Park Reserve Fund</i>	<i>\$2,500</i>	<i>0</i>
<i>Beatty Park upgrade to PA system</i>	<i>\$8,425</i>	<i>• Beatty Park Reserve Fund</i>	<i>\$8,425</i>	<i>0</i>
<i>Beatty Park Café replacement deep fryer</i>	<i>\$5,390</i>	<i>• Beatty Park Reserve Fund and savings from the refrigerated display cabinet item</i>	<i>\$5,390</i>	<i>0</i>
<i>Sound System Council Chambers</i>	<i>\$1,200</i>	<i>• Reallocation of funds from savings on purchase of laptops item</i>	<i>\$1,200</i>	<i>0</i>
<i>Drinking Fountain North Perth Primary School</i>	<i>\$3,579</i>	<i>• Reallocation of funds from Stirling & Parry St. Account</i>	<i>\$3,579</i>	<i>0</i>
<i>Tolcan Place Reserve</i>	<i>\$45,750</i>	<i>• Developers Contribution held in trust</i>	<i>\$45,750</i>	<i>0</i>
<i>Brisbane St Upgrade</i>	<i>\$25,201</i>	<i>• Increased revenue from Brisbane Street car park</i>	<i>\$25,201</i>	<i>0</i>
<i>Slab Footpath Programme</i>	<i>\$27,500</i>	<i>• Increased revenue from parking fines</i>	<i>\$27,500</i>	<i>0</i>
<i>Hyde Park Replacement Bore</i>	<i>\$18,700</i>	<i>• Emergency Maintenance Account</i>	<i>\$18,700</i>	<i>0</i>
<i>Queens Baton Relay</i>	<i>\$10,000</i>	<i>• Reallocation of funds from the Criterium Event Sponsorship Account to the Parades and Festivals Account</i>	<i>\$10,000</i>	<i>0</i>
<i>Sustainability Management System</i>	<i>\$1,650</i>	<i>• Increased revenue from parking fines</i>	<i>\$1,650</i>	<i>0</i>
<i>Municipal Heritage Review</i>	<i>\$53,900</i>	<i>• Increased Parking revenue</i>	<i>\$53,900</i>	<i>0</i>
<i>Vision of Vincent 2024</i>	<i>\$46,000</i>	<i>• Reallocation of funds from: Drainage Study - \$20,000 Election Expenses - \$20,000 Oxford Centre Study - \$6,000</i>	<i>\$46,000</i>	<i>0</i>
<i>Leederville Masterplan</i>	<i>\$125,000</i>	<i>• Reallocation of funds from Avenue Car Park resurfacing account</i>	<i>\$125,000</i>	<i>0</i>
<i>Interstate Planning Conference</i>	<i>\$3,360</i>	<i>• Increased revenue from parking fines</i>	<i>\$3,360</i>	<i>0</i>
<i>Health Services Salaries</i>	<i>\$48,300</i>	<i>• Funded from increased Health Service fees & additional parking revenue</i>	<i>\$48,300</i>	<i>0</i>
<i>Library Minor Assets</i>	<i>\$1,300</i>	<i>• Reallocation of funds from Stock Purchases Account Lost Books Revenue Account</i>	<i>\$1,300</i>	<i>0</i>
<i>Modified Penalties</i>	<i>-\$400,000</i>	<i>• Increased Revenue from Parking Fines</i>		<i>-\$400,000</i>

<i>Item</i>	<i>Budget Adjustment</i>	<i>Funding Source</i>	<i>Amount Required</i>	<i>Net Impact</i>
<i>Parking Ticket Machines</i>	<i>-\$135,000</i>	<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> 		<i>-\$135,000</i>
<i>Health Services Fees</i>	<i>-\$14,500</i>	<ul style="list-style-type: none"> <i>Increased revenue from fees and licences applied</i> 		<i>-\$14,500</i>

and

- (ii) **REQUESTS** a report from the Chief Executive Officer on the feasibility and impacts of placing all or part (but not less than \$100,000) of the remaining surplus funds to the Hyde Park Reserve funds.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Maier, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That;

- the allocation of \$125,000 for the Leederville Masterplan be removed from clause (i); and*
- a new clause (iii) be added as follows:*

"(iii) REQUESTS a further report from the Chief Executive Officer providing details of, and a justification for an increase in expenditure for the Leederville Masterplan."

Debate ensued.

AMENDMENT LOST (2-4)

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

(Crs Doran-Wu, Farrell and Torre were apologies.)

MOTION WAS PUT AND NOT CARRIED
AS AN ABSOLUTE MAJORITY WAS NOT ACHIEVED (4-2)

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

(Crs Doran-Wu, Farrell and Torre were apologies.)

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 increased parking revenue from the Brisbane Street Car Park.

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 increased revenue from parking fines.

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 from increased revenue from parking fines.

Funding Implication:

No impacts as these costs are to be funded from reallocation of existing funds.

Municipal Heritage Review - \$53,900

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 increased revenue from parking fines.

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.

10.4.1 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*)

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Messina, Seconded Cr Ker

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

"(ii) (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; and*
5. *Mr Carlo Pennone*''*

AMENDMENT CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

Debate ensued.

MOTION AS AMENDED CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

COUNCIL DECISION ITEM 10.4.1

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;**
 4. *Ms Catherine McCloy; and*
 5. *Mr Carlo Pennone**

(* *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) *AUTHORISES 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.

10.4.2 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 ABSOLUTE MAJORITY to amend and re-adopt the following Policies as shown in Appendix 10.4.2:**

- (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 ABSOLUTE 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.*

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

The Chief Executive Officer advised that the Mayor and Cr Messina had declared a financial interest in this Item relating to the Investment Policy. The Chief Executive Officer further advised that if the Mayor and Cr Messina departed the Chamber, there would not be a quorum.

Moved Cr Ker, Seconded Cr Messina

That the Item be considered without clause (i)(a) relating to the Investment Policy.

Debate ensued.

Cr Chester departed the Chamber at 7.04pm.

Moved Cr Ker, Seconded Cr Maier

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

- (ii) (c) *5.55 - Displaying of Offensive Material subject to the first paragraph of Guidelines and Policy Procedure being amended to read as follows:*

"Any employee wanting to display material in the work environment is advised to discuss the matter with ~~to~~ seek their direct supervisor's/manager's approval where there is a possibility that the material may be offensive in terms of this policy."

AMENDMENT CARRIED (5-0)

(Crs Doran-Wu, Farrell and Torre were apologies. Cr Chester was absent from the Chamber and did not vote.)

Cr Chester returned to the Chamber at 7.05pm.

MOTION AS AMENDED CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

SUBSEQUENT MOTION:

Moved Cr Ker, Seconded Cr Messina

That the Council REQUESTS the Chief Executive Officer to review all position statements of the Town's employees that currently require a Driver's Licence as a condition of employment to whether it is necessary to:

- (a) *carry out the duties; and*
- (b) *whether it may be discriminatory in terms of the Disability Discrimination Act.*

CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

COUNCIL DECISION ITEM 10.4.2

That the Council;

(i) ***APPROVES BY AN ABSOLUTE MAJORITY to amend and re-adopt the following Policies as shown in Appendix 10.4.2:***

- (a) *3.8.5 – Derelict Houses/Buildings: Securing and Cleaning Works;*
- (b) *3.9.9 – Introduction of Kerbside “ACROD 2.5” Parking Bays in Residential Areas; and*
- (c) *3.9.11 – Display of Items on a Footpath;*

(ii) ***APPROVES BY AN ABSOLUTE 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 5.55 - Displaying of Offensive Material subject to the first paragraph of Guidelines and Policy Procedure being amended to read as follows:*

"Any employee wanting to display material in the work environment is advised to discuss the matter with ~~to~~—seek their direct supervisor's/manager's approval where there is a possibility that the material may be offensive in terms of this policy;

- (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, while at the same time responding to the investment objectives and including a risk profile.

The guidelines have been amended to provide an expanded credit matrix, with increased reporting provisions.

This amended policy will provide the Town with the opportunity to obtain increased returns on their investment, whilst ensuring the security of their funds.

2. 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 appropriately 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.

10.4.3 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 10.4.3; 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

COUNCIL DECISION ITEM 10.4.3

Moved Cr Chester, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED BY AN ABSOLUTE MAJORITY (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

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 10.4.3. 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

Description	Amount
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.

10.4.4 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.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

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

ITEM	DESCRIPTION
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 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

10.4.5 Local Government Statutory Compliance Audit 2005

Ward:	-	Date:	16 February 2006
Precinct:	-	File Ref:	ADM0019
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	-

OFFICER RECOMMENDATION:

That the Council ADOPTS the Local Government Statutory Compliance Audit for 2005, as "Laid on the Table" and circulated separately to Elected Members and this be forwarded to the Department of Local Government and Regional Development.

COUNCIL DECISION ITEM 10.4.5

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

PURPOSE OF REPORT:

The purpose of this report is for the Council to consider and approve of the Local Government Statutory Compliance Audit 2005.

BACKGROUND:

The Department of Local Government and Regional Development has issued a "Local Government Statutory Compliance Audit" to all Local Governments throughout Western Australia. This return requires the Chief Executive Officer and Mayor to certify that the statutory obligations of the Local Government have been complied with. The Chief Executive Officer may delegate to a responsible person to complete part of the Return.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The completion of the Statutory Compliance Return is compulsory, in accordance with Section 7.13(1) of the Local Government Act 1995 and Local Government (Audit) Regulations (Regulation 13). A copy has been provided to all Elected Members and a copy is "Laid on the Table".

The Town has an Audit Committee. The Committee, comprising the Mayor, Deputy Mayor Cr Steed Farrell, Cr Helen Doran-Wu, S Menon (Auditors), the Chief Executive Officer and Executive Manager Corporate Services (ex officio and non-voting) met on 13 February 2006 to review this Audit and confirmed that all areas specified in the Return comply with the all legislative requirements.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

STRATEGIC IMPLICATION:

The Statutory Compliance Audit is most beneficial as it is an indication that the Local Government has internal control measures in place to ensure that all statutory obligations are complied with.

COMMENTS:

The Town of Vincent has complied with all statutory compliance provisions and accordingly it is recommended to the Council that the Local Government Statutory Compliance Audit 2005 be adopted.

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.*

Moved Cr Messina, Seconded Cr Ker

That the motion be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Messina

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

- "(iii) REVIEW the Minutes of Council Meetings over the past six (6) months (preferably twelve (12) months) to determine the types of development applications that are most likely to be considered without discussion or "en-bloc" and report the findings back to Council at the meeting specified in clause (ii)."*

Debate ensued.

AMENDMENT CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

Moved Cr Maier, Seconded Cr Lake

That new clause (ii) and (iii) be added as follows and the remaining clauses renumbered:

- "(ii) review staffing levels and pay rates for the Planning Services Section;*
- (iii) review alternative service delivery models for assessing planning applications;"*

Debate ensued.

AMENDMENT CARRIED (4-2)

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

(Crs Doran-Wu, Farrell and Torre were apologies.)

MOTION AS AMENDED CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

COUNCIL DECISION ITEM 11.1

That the Council AUTHORIZES 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;*
 - (ii) *review staffing levels and pay rates for the Planning Services Section;*
 - (iii) *review alternative service delivery models for assessing planning applications;*
 - (iv) *provide a report on the above review to the Council for its consideration at an Ordinary Meeting of Council in March 2006; and*
 - (v) *review the Minutes of Council Meetings over the past six (6) months (preferably twelve (12) months) to determine the types of development applications that are most likely to be considered without discussion or "en-bloc" and report the findings back to Council at the meeting specified in clause (ii).*
-

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.*

COUNCIL DECISION ITEM 11.2

The Chief Executive Officer advised that he had received a request from Cr Helen Doran-Wu to defer this matter to the 28 February 2006 Council Meeting.

Moved Cr Chester, **Seconded** Cr Ker

That the motion be DEFERRED to the Ordinary Meeting of Council to be held on 28 February 2006.

CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

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.*

COUNCIL DECISION ITEM 11.3

Moved Cr Chester, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

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).

COUNCIL DECISION ITEM 12.1

Moved Cr Maier, Seconded Cr Chester

That nil nominations be made

CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

BACKGROUND:

Please see Appendix 12.1 for details.

N.B.:

NOMINATIONS CLOSE COB FRIDAY 3 MARCH 2006

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.

COUNCIL DECISION ITEM 12.2

Moved Cr Maier, Seconded Cr Chester

That nil nominations be made.

CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

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.

At 7.40pm **Moved Cr Lake, Seconded Cr Messina**

That the meeting proceed "behind closed doors" to consider Confidential Item 14.1

CARRIED (6-0)

(Cr's Doran-Wu, Farrell and Torre were apologies.)

14. CONFIDENTIAL REPORTS (*Behind Closed Doors*)

14.1 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:	-

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council, as part of the State Administrative Tribunal Review Matter DR 644 of 2005 for the alterations, and garage with loft and carport additions to existing single house at No.516 (Lot 5) Fitzgerald Street, North Perth, ADVISES the State Administrative Tribunal as follows:*

- (a) *the Council SUPPORTS the deletion of Condition (i)(b);*
- (b) *the Council SUPPORTS the deletion of Condition (ii)(e), subject to the western facing window being non-openable for a height of 1.6 metres from the upper floor finished floor level, and that the obscure film be of the same material as stated in the information brochure and quote dated 16 January 2006 from Eclipse Window Tinting and maintained thereafter as required to prevent any undue overlooking into No. 514 Fitzgerald Street, North Perth; and*
- (c) *the Council DOES NOT SUPPORT the deletion of Condition(ii)(d) and further AMENDS Condition (ii)(d) to read as follows:*

"(ii)(d) the existing wall of the garage with loft addition on the southern elevation being modified to provide a parapet wall to the southern boundary within 90 days of notification, and subject to first obtaining the consent of the owners of No.514 (Lot 6) Fitzgerald Street, North Perth, if access over No.514 Fitzgerald Street is needed to construct this parapet wall;" and

(ii) *the Council AUTHORISES the Chief Executive Officer to make the information available to the public, after the review application has been determined and finalised by the State Administrative Tribunal.*

COUNCIL DECISION ITEM 14.1

Moved Cr Lake, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

At 7.41pm Moved Cr Ker, Seconded Cr Messina

That an "open" meeting be resumed.

CARRIED (6-0)

(Crs Doran-Wu, Farrell and Torre were apologies.)

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

PURPOSE OF REPORT:

The purpose of this report is for the Council to reconsider conditions of Planning Approval and revised plans for the above development submitted as part of Review Matter No. DR 644 of 2005 to the State Administrative Tribunal (SAT). The matter is currently being mediated at the SAT, and the Town is represented by its Officers.

Landowner:	L A Ingram
Applicant:	L A Ingram
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:	630 square metres
Access to Right of Way	East side, 5 metres wide, unsealed, privately owned

BACKGROUND:

- 29 May 2003 Development Application received by the Town for Partial Demolition of and Alterations, Additions, Triple Garage with Cellar and Loft to Existing Single House.
- 12 August 2003 Conditional approval granted at the Ordinary Meeting of Council (OMC) for Partial Demolition of and Alterations, Additions, Triple Garage with Cellar and Loft to Existing Single House.
- 20 August 2003 Approval to Commence Development issued to applicant.
- 15 December 2003 Building Licence application received by the Town.

- 17 December 2003 Planning Officer requested Planning Approval conditions (i), (iii), (iv), (v), (vi), (vii), (viii), (ix) and (x) be included on the Building Licence. Clearance given for issue of Building Licence. Building Licence granted.
- 22 March 2005 Licensed Surveyors certification received from Brook Marsh Licensed Surveyors confirming that the boundary walls and gutters are clear of the boundary from 0.21 metre to 0.26 metre.
- 22 March 2005 The Council, at its Ordinary Meeting, resolved the following:
- "(i) RECEIVES the report relating to variations to Planning Approval and Building Licence for partial demolition of and alterations, additions, triple garage with cellar and loft to existing single house at No. 516 (Lot 5) Fitzgerald Street, North Perth;*
 - (ii) REQUESTS the owners of No. 516 (Lot 5) Fitzgerald Street, North Perth to submit the following information to the satisfaction of the Town, within 28 days of the date of notification:*
 - (a) planning application, including relevant plans and payment of the relevant fees, for the existing development and all amendments made to the Planning Approval issued on 20 August 2003;*
 - (b) structural engineers certification confirming the structural adequacy of the existing development; and*
 - (c) licensed surveyors certification confirming the existing development is located entirely on the subject lot; and*
 - (iii) REGARDS as unacceptable the internal administrative processes and practices that provided the Building Licence approval dated 17 December 2003 for alterations and additions to 516 Fitzgerald Street, North Perth with significantly greater variations than the conditional planning approval provided by Council dated 12 August 2003."*
- 12 May 2005 Structural Surveyors certification received from Andreotta Cardenosa Consulting Engineers that the structures are structurally adequate.
- 12 May 2005 Application for alterations, and garage with loft and carport additions to existing single house (application for retrospective approval), received by the Town.
- 11 October 2005 The Council, at its Ordinary Meeting, conditionally approved alterations, and garage with loft and carport additions to existing single house (application for retrospective approval).
- 21 December 2005 State Administrative Tribunal (SAT) direction hearing.
- 18 January 2006 Further direction hearing at SAT, inviting respondent (Town) to reconsider its decision under review.

DETAILS:

The application involves alterations, and garage with loft and carport additions to existing single house (application for retrospective approval). The owners/applicant have sought the review by SAT of the following conditions imposed by Council at its Ordinary Meeting held on 11 October 2005, including the applicant's justification for the conditions to be deleted.

- Condition (i)(b) states as follows:

"(i)(b) the street/front wall, fence and gate between the Fitzgerald Street boundary and the main building, including along the side boundaries within this front setback area, shall be modified within 90 days of notification to 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; 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*
- (6) the solid portion adjacent to the Fitzgerald 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 conditional Planning Approval granted by the Town on 20 August 2003 was for a new 2.1 metres high front fence (DWG.No.A3/DA2). The Building Licence issued on 17 December 2003 included a new 2.1 metres high front fence, which was never built. What was built was a brick fence ranging from 1.82 metres to 1.85 metres, allowing for a 30 millimetres slope at the front of the site along Fitzgerald Street. On the above basis, the owner/applicant has requested the Council to reconsider the minor variation, as the fence substantially complies with condition (i) (b).

- Condition (ii)(d) states as follows:

"(ii)(d) the existing wall of the garage with loft addition on the southern elevation being modified to provide a parapet wall to the southern boundary within 90 days of notification; and"

The wall on the southern boundary and the roof has been constructed in accordance with the Building Code of Australia. At the time of construction, there was an "irretrievable" breakdown in communication between the owner/applicant with the southern neighbour. The wall was finally built from inside out, without the need to go inside the southern neighbours' property. If a parapet wall were to be added, it is considered that the aesthetics and the roof symmetry would be affected, resulting in additional overshadowing, bulk and scale on all the southern boundary owners. To build the parapet wall may further inflame conflict with the southern neighbour. On the above basis, the Council is requested to reconsider the above condition.

- Condition (ii)(e) states as follows:

"(ii)(e) the entire area of the windows to the garage with loft addition on the upper level on the western elevation shall be screened with a permanent obscure material and be non-openable, within 90 days of notification. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;"

The window has been constructed as per the Building Licence dated 17 December 2003, and supported by the Town's Officer as stated in the Report to the Ordinary Meeting of Council held on 11 October 2005. The owners/applicant is prepared to screen the window to 1.6 metres from the upper floor level with permanent obscure material. The obscure material is frosted decorative film, which allows for daylight penetration, but is designed not to be removed once applied, other than by a professional glazier.

The supplier of this material, Eclipse Window Tinting, has advised as follows:

- that the material is considered acceptable as a privacy solution for the Councils of Belmont, Claremont, Cottesloe, Fremantle, Melville and Nedlands;
- that the obscure film can only be removed by a registered tinter, as special equipment needs to be used. This equipment can only be purchased by a registered tinter. It involves scrapping of the film and removal of the chemical used; and
- the material and its obscure qualities would last 15 years, however, the coefficient level of shading is guaranteed for 5 years.

The applicant/owners, therefore, request the Council to consider accepting the above screening in the interest of resolving Condition (ii) (e) and to satisfy the concerns of the neighbour on the southern property.

The applicant's submission stamp-dated 27 January 2006, Building Licence issued on 17 December 2003, and letter to the adjoining landowners at No.514 Fitzgerald Street are circulated separately as part of this report.

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			
<p>No consultation was required as this matter relates to a review by SAT of the planning conditions for alterations, and garage with loft and carport additions to existing single house which is being referred to the Council for consideration. The adjoining landowners to the southern boundary at No.514 Fitzgerald Street, North Perth has been advised by the Town in letter dated 3 February 2006 of the above review application to SAT, which was placed in the letter box on the same date by the Town's Officers.</p> <p>It is to be noted that one of the two (2) owner's of No.514 Fitzgerald Street has viewed the proposed plans submitted as part of this review application at the Town's Administrative Offices on 6 February 2006, and that their further request for copies of the plans was not granted by the owner of No.516 Fitzgerald Street.</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:

Condition (i) (b)

The variation to the minimum fence height of 1.8 metres along Fitzgerald Street and along the sides within the 4 metre front setback line, in this instance, is considered minimal and acceptable. The fencing is similar in height to the front fence to the adjoining lot to the south at No.514 Fitzgerald Street. On the above basis, the deletion of condition (i) (b) of the Council resolution at its Ordinary Meeting held on 11 October 2005, is supported.

Condition (ii) (d)

The current wall on the southern boundary complies with the provisions of the Building Code of Australia. The above condition was imposed by the Council at its Ordinary Meeting held on 11 October 2005. It is recommended that the condition for the parapet wall be slightly modified to include obtaining consent from the owners of No.514 Fitzgerald Street allowing legal access onto No.514 Fitzgerald Street, for the owners of No.516 Fitzgerald Street to build the proposed parapet wall.

Condition (ii) (e)

The existing window has been built as per the Building Licence issued on 17 December 2003. The Town's Officers have spoken to the manufacturers who have advised that the film can only be removed with specialised equipment, which is only available if a person was a registered tinter. The film is an alternative solution, that does not specifically comply with the condition as currently imposed by the Town. However, the film is considered acceptable in this instance, based on the technical advice provided by the tinter. The above condition was imposed by the Council at its Ordinary Meeting held on 11 October 2005.

15. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 7.42pm with the following persons present:

Cr Simon Chester	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	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 Special Meeting of the Council held on 21 February 2006.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2006