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(9 AUGUST 2005)**

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 9 August 2005, commencing at 6.05pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania JP, declared the meeting open at 6.05pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Ian Torre advised that due to work commitments she would be late arriving.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward (from 6.55pm)
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
Fiona Willan	Journalist – Voice News (until 9.10pm)

Approximately 16 Members of the Public

(c) Members on Leave of Absence:

Cr Steed Farrell for the period 8 August to 31 August 2005 inclusive for personal reasons.

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

1. Mr Nick Aitken of 109 Gloucester Street, Subiaco – Item 10.1.2 – Stated that they have acted reasonably from day one, have tried to work co-operatively with Council and have always wanted to preserve and make a feature of the tree. Advised that the proposed development will now be a four unit subdivision if the pruning is allowed. Believes approval would deliver a down scaled development on the site and will preserve a significant tree.
2. Mr David Bonao of 200 Cambridge Street, Wembley – Item 10.1.1 – Stated that they had always been prepared to accept the first valuation, however, in an attempt to resolve the matter are prepared to accept an average of the three valuations. Requested that Council approves the recommendation.

3. Ms Sue Wells of 198 Anzac Road, Mt Hawthorn – Item 10.1.7 – Believes that the application is similar to previous application and therefore continues to strongly object to the proposal. Stated that the lot is too small to support subdivision. Requested that Council refuse the application.
4. Ms Tanya Martin of 71 Reserve Street, Wembley – Item 10.1.7 – Stated that adjacent neighbours and neighbours opposite agree that the development would enhance the Federation Street streetscape and have no objections to the plans. Thanked the Councillors who attended the site meeting to discuss the plans. Referred to the findings of the Town Planning Appeals Tribunal. Stated that the application fully meets the requirements of the Town's density bonus policy. Requested Council support the application
5. Mr Ken Adam, Planning Consultant – Item 10.1.7 – Stated that there has been a thorough process of dealing with legitimate problems arising from the previous application. Believes that the proposal is a modest development of the site and will be a great positive for the streetscape.
6. Ms L Tati of 1018 Beaufort Street, Inglewood – Item 10.1.12 – Advised that there had been two carparking bays at the rear of the building overlooked on the plans. Requested that the cash-in-lieu provision be withdrawn. Advised that there are two bicycle racks directly opposite the shop and hoped that these would suffice.
7. Mr Colin Cafarelli of 166 Chelmsford Road, North Perth – Property at 501 Fitzgerald Street, North Perth – Stated that this is the second time that he has submitted a planning application and it is the second time it will be refused under delegated authority. Believes that if he was to follow all of the rules he would only be able to build a house 2 metres by 10 metres wide. Does not understand why the proposal can not be brought before the Council. Asked the following question:

Q. I would like to know why, under delegated authority for the second time, the proposal is not allowed to come to the Council for the Council to vote on?

Advised of other similar developments that have been approved. Provided a CD with these proposals on it for all Elected Members.

The Presiding Member advised that his question would be taken on notice and a response forwarded as soon as practicable.

8. Dr Katrina Alexander of 124 Joel Terrace, Mt Lawley – Item 10.1.2 – Referred to the limbs to be removed, believes that there is some confusion as to exactly which limbs are to be removed. Queried the extent of the pruning stated in the application. Requested that the Council insist the applicant supplies the specific details of the limbs and the lower branches they are proposing to remove and mark them clearly prior to commencement of pruning. Further requested that Council impose a condition that no further pruning or disturbance of the tree will be accepted.

9. Ms Kay Liyanage of 307 Walcott Street, North Perth – Item 10.1.14 – Requested that the Council refuse the proposal as it does not meet many of the Council’s requirements and will impact on privacy. Further concerned about construction time and noise and possible structural damage to their property.
10. Ms Doreen Sonogo of 120 Joel Terrace, Mt Lawley – Item 10.1.2 – Believes that as there has been no development application for the lot has been included in the agenda there can be no justification for the pruning at this stage. Thanked the Council and the developers for the foresight in proposing a four lot subdivision and the cleaning of the lot.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.35pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Helen Doran-Wu for the period 26 August to 2 September 2005 inclusive for work reasons

Moved Cr Lake, Seconded Cr Ker

That Council APPROVES Leave of Absence for Cr Doran-Wu for the period 26 August 2005 to 2 September 2005 inclusive for work reasons.

CARRIED (7-0)

(Cr Farrell on leave of absence. Cr Torre absent until 6.55pm.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 The Chief Executive Officer that a petition had been received from Mr Glenn Howe of 22 London Street, North Perth with 17 Signatories supporting “in principle” the old Midland Brick showroom site cnr London and Haynes Street, North Perth being developed for mixed residential/commercial use such as café, offices and shops.

The Chief Executive Officer recommended that the petition be referred to Executive Manager Environmental and Development Services for investigation and report.

Moved Cr Ker, Seconded Cr Lake

That the petition be received and referred to the Executive Manager Environmental and Development Services for investigation and report.

CARRIED (7-0)

(Cr Farrell on leave of absence. Cr Torre absent until 6.55pm.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

6.1 Ordinary Meeting of Council held on 26 July 2005

Moved Cr Ker, Seconded Cr Doran-Wu

That the Minutes of the Ordinary Meeting of Council held on 26 July 2005 be confirmed as a true and correct record.

CARRIED (7-0)

(Cr Farrell on leave of absence. Cr Torre absent until 6.55pm.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Employee of the Month Award for the Town of Vincent for August 2005

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

For August 2005, the award is presented to Alby Curtis, Gardener in the Town's Parks Services Section. Alby was nominated as a result of a note of appreciation received by the Town from Ms Patricia Firkins of Palmerston Street, Perth, who wrote as follows;

"I have been living in the Town of Vincent since October 2000 and have been walking through Robertson Park with my dog regularly since.

I would like to let you know about Alby, he's an employee of the Town whom I have high regard for. He has the ability to manage a chat without preventing him from completing his daily tasks. I hadn't realized how much until he went on his holiday in October last year. During that time it only took a few days to see the general appearance of Robertson Park and its surrounds were not to the same standard.

Although I didn't see him upon his return, I knew [Alby] was back, because in a matter of two days the entire area looked so much better. I have considered writing to you since.

In addition, may I say I have always found Alby to be helpful and considerate in his manner and you should know what a fine ambassador he is for the Town."

It is always pleasing to receive letters of appreciation, as they are a positive reflection on the Town's employees and the Town of Vincent overall.

The Employee of the Month award is in recognition of Alby's outstanding efforts.

Well done Alby - Keep up the good work!!

Received with acclamation.

7.2 Inaugural Soccer Carnival for Indigenous Children

I am pleased to advise that I had great pleasure in attending the Inaugural Soccer Carnival for Indigenous Children held at Forrest Park on 28 July 2005 as part of NAIDOC Week.

This was the first such carnival to ever be held in Western Australia and was sponsored by the Town along with Coca Cola, Buttercup Bakeries, the Perth Soccer Club, Football Hall of Fame, International Lighting and the Aboriginal community. It was attended by 134 children and there was some real talent amongst the group - it will not be too long before we see an Indigenous person representing the likes of Perth Glory.

8. DECLARATION OF INTERESTS

- 8.1 Mayor Catania declared a financial interest in Item 10.3.2 – Investment Report as at 31 July 2005. The nature of his interest being that he is Chairperson of the North Perth Community Bank.
- 8.2 Cr Doran-Wu declared a proximity interest in Item 10.1.4 – No 118 (Lot 206 D/P: 1791) Buxton Street, Mount Hawthorn – Alterations and Additions to Street/Front Fence to Existing Single House (Application for Part Retrospective Approval). The nature of her interest being that she lives in the property next door.
- 8.3 Cr Messina declared a financial interest in Item 10.3.2 – Investment Report as at 31 July 2005. The nature of his interest being that he is a Director and Shareholder of the North Perth Community Bank.
- 8.4 Cr Chester declared a proximity interest in Item 10.4.11 – Confidential Report – Proposed Two-Storey Single House (with Basement) – State Administrative Tribunal Directions Hearing. The nature of his interest being that he is a co-owner of property in the vicinity.
- 8.5 The Chief Executive Officer declared an interest affecting impartiality in Item 11.1 – Notice of Motion – Cr Dudley Maier – Request for Policy – Distribution of Tickets to Events at the Multi-Purpose Rectangular Sports (Members Equity) Stadium. The nature of his interest being that he is a Committee Member on the Stadium Committee for Members Equity Stadium.
- 8.6 Cr Messina declared an interest affecting impartiality in Item 10.3.4 – Cultural Development Seeding Grant Applications – WA Italian Club and Meerilinga. The nature of his interest being that he will be holding a stall at the WA Open Club Open Day in October 2005.

The Presiding Member advised that Notice of Motion submitted by Cr Maier would be dealt with as on advice received from the Department of Local Government, all Elected Members should declare an interest and this would result in a lack of quorum.

11.1 Notice of Motion – Cr Dudley Maier – Request for Policy – Distribution of Tickets to Events at the Multi-Purpose Rectangular Sports (Members Equity) Stadium

Chief Executive Officer's Comment:

That the Council NOTES that;

(i) *the following Notice of Motion has been received from Cr Maier:*

“That;

(a) *the Council requests that the Chief Executive Officer develop a draft policy concerning the distribution of tickets available to the Town for events at the Multi-Purpose Rectangular Sports Stadium (Perth Oval) and that the policy addresses:*

- *who may receive the tickets (eg any resident of the Town, Health Care Card holders, Pensioner Concession Card holders etc);*
- *mechanisms for ensuring recipients use the tickets and do not on-sell them or give them away;*
- *efficient, timely, accountable and transparent ways of allocating the tickets; and*
- *any other matters considered relevant by the Chief Executive Officer; and*

(b) *until such a policy is developed and approved, all tickets that are available to the Town shall be:*

- *distributed to residents who live in the Town;*
- *selected at random from people who apply;*
- *selected in an open way at least two weeks before each event;*
- *given, subject to a written agreement that the tickets can only be used by the recipient and a guest.”*

(ii) *consideration and determination of the matter may result in a "financial gain, loss, benefit or detriment" for a person and as such they will be required to disclose a financial interest in the matter;*

(iii) *as a result of the possible "financial interest" (as defined by Section 5.60A of the Local Government Act 1995), the Council may not have a quorum (as required by the Town of Vincent Local Law Relating to Standing Orders) to consider the matter;*

(iv) *in the event that it does not have a quorum, as a result of any disclosure from Elected Members;*

(a) *the Chief Executive Officer will write to the Minister for Local Government, in accordance with Section 5.69 of the Local Government Act 1995, to seek approval for the Elected Members to participate in that part of the meeting and any subsequent meetings, to consider the matter; and*

- (b) *the Notice of Motion will “LIE ON THE TABLE” until the approval of the Minister for Local Government has been received.*

COUNCIL DECISION ITEM 11.1

Moved Cr Doran-Wu, Seconded Cr Ker

That the matter “LIE ON THE TABLE” until advice has been received.

CARRIED (5-2)

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

(Cr Farrell on leave of absence. Cr Torre absent until 6.55pm.)

BACKGROUND:

As part of the redevelopment of Perth Oval into a Multi-Purpose Rectangular Sports Stadium, a number of corporate suites and open boxes were constructed for use by the Stadium hirers.

One small suite was retained for joint use by the Stadium Managers (Allia Venue Management) and the Licensor of the Stadium (the Town of Vincent).

LEGAL:

The Heads of Agreement between the Town and Allia Venue Management prescribes that:

- “(a) *a 12 seat suite in the Stadium (Members Equity) shall be reserved (at no cost) in respect of each Event for use by Naming Rights Holders (currently Members Equity);*
- (b) *20 grandstand seats shall be reserved (at no cost) in respect of each Event for use by Allia for general promotional purposes;*
- (c) *a 12 seat suite in the Stadium shall be reserved (at no cost) in respect of each Event for Allia and the Committee. That suite shall only be used for the promotion of the Stadium.*”

The Deed of Licences between the Town and Allia Venue Management and Perth Glory Football Club prescribes that:

- “(i) *8 tickets for the Licensor [Town of Vincent](the Committee) (to enable the Licensor to have use of 8 of the seats in the Manager’s [Allia Venue Management]/Licensor’s Suite); and*
- (ii) *28 tickets for the Manager (so that the Manager of the Manager’s guests may use the 20 Manager’s Seats [in the grandstand] and 8 of the seats in the Manager’s/Licensor’s Suite).”*

The relevant provisions of the Local Government Act 1995 are as follows;

- Section 5.60A:

"A person has a financial interest in a matter, if it is reasonable to expect that the matter will, if dealt with by the Local Government or an employee or committee of the Local Government or member of the Council of the Local Government in a particular way, result in a financial gain, loss, benefit or detriment for the person."

- Section 5.65:

A member who has an interest in any matter to be discussed that will be attended by that member, must disclose the nature of the interest" in written notice to the CEO before the meeting. (Penalty \$10,000 or imprisonment for two years.)

- Section 5.66:

A meeting to be informed of any disclosures by the Presiding Member.

- Section 5.67:

A member who makes a disclosure must not preside, participate in or be present during, any discussion or decision making procedure relating to the matter, unless the disclosing member is allowed to do so under Sections 5.68 or 5.69.

(Penalty: \$10,000 or imprisonment for two years)

- Section 5.68:

If a member has disclosed under Section 5.65 an interest in the matter, the members present at the meeting are entitled to vote on the matter, to allow a disclosing member to be present during any discussion or decision making procedure and their extent of their participation.

- Section 5.69:

If a member has disclosed under Section 5.65, an interest in a matter, the Council or the CEO may apply to the Minister to allow the disclosing member to participate in the part of the meeting and any subsequent meeting relating to the matter.

On 14 February 2005, the Chief Executive Officer sent a memo to the Mayor and Councillors concerning the forthcoming events at Members Equity Stadium and the protocols in place.

The Department of Local Government has been consulted on the matter and they advise that if the matter (consideration of a policy/protocol) is considered by the Council, the financial provisions of the Local Government Act will apply. Furthermore, the Minister's approval to allow Elected Members to consider and vote on the matter will also be required.

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

Nil.

10. REPORTS

Cr Chester departed the Chamber at 6.48pm.

Cr Chester returned to the Chamber at 6.49pm.

Cr Messina departed the Chamber at 6.50pm.

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

The Agenda Items were categorised as follows:

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

Items 10.1.2, 10.1.1, 10.1.7, 10.1.12 and 10.1.14

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

Items 10.4.7 and 10.4.9

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

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

Cr Chester	Items 10.1.3, 10.1.6, 10.1.16, 10.2.4, 10.4.1 and 10.4.11
Cr Ker	Nil.
Cr Doran-Wu	Item 10.2.2
Cr Lake	Items 10.2.1 and 10.4.8
Cr Messina	Nil.
Cr Maier	Items 10.1.5, 10.1.8, 10.1.11, 10.4.4 and 10.4.6
Mayor Catania	Nil.

Presiding Member, Mayor Nick Catania JP, requested the Chief Executive Officer to advise the Meeting of:

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

Items 10.1.4, 10.3.2 and 10.4.11

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

Items 10.1.9, 10.1.10, 10.1.13, 10.1.15, 10.1.17, 10.1.19, 10.2.3, 10.2.5, 10.3.1, 10.3.3, 10.3.5, 10.4.2, 10.4.3, 10.4.5 and 10.4.10

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

Item 10.4.11

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

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

Items 10.1.9, 10.1.10, 10.1.13, 10.1.15, 10.1.17, 10.1.19, 10.2.3, 10.2.5, 10.3.1, 10.3.3, 10.3.5, 10.4.2, 10.4.3, 10.4.5 and 10.4.10

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

Items 10.1.2, 10.1.1, 10.1.7, 10.1.12 and 10.1.14

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

Moved Cr Maier, Seconded Cr Doran-Wu

That the following unopposed items be moved en bloc;

Items 10.1.9, 10.1.10, 10.1.13, 10.1.15, 10.1.17, 10.1.19, 10.2.3, 10.2.5, 10.3.1, 10.3.3, 10.3.5, 10.4.2, 10.4.3, 10.4.5 and 10.4.10

CARRIED (6-0)

(Cr Farrell on leave of absence. Cr Torre was absent until 6.55pm. Cr Messina was absent from the Chamber and did not vote.)

Item Withdrawn

The Chief Executive Officer advised that he has withdrawn this Item. The reason being that additional information is required to be included (eg policy details) as requested by Council during the budget process, which may change the details/content of this report.

10.1.18 Report on the Provision of Personal Alarms to Seniors

Ward:	Both	Date:	1 August 2005
Precinct:	All	File Ref:	ENS0075
Attachments:	-		
Reporting Officer(s):	J MacLean		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council:

- (i) *RECEIVES the report on the provision of personal alarms to Seniors, who attend the "Seniors Forums", run by the Town of Vincent; and*
- (ii) *APPROVES the continuation of the practice of providing a personal alarm to attendees of future "Seniors Forums".*

PURPOSE OF REPORT:

The purpose of the report is to give an insight into the advantages of empowering Seniors to control the safety and security of their environment, by reducing their perception of their vulnerability.

BACKGROUND:

Since 2001, the Safer Vincent Co-ordinator, in conjunction with the Town's Community Development Services, the WA Police, Community Policing Branch, has run seminars for senior citizens to try to address concerns about their real and perceived personal safety. As part of these seminars, the Town provides a pack, containing information pamphlets, a small personal alarm and a list of telephone numbers for contacting Police, the Safer Vincent Co-ordinator, Nyoongar Patrol and a number of other Government and Non-Government Agencies.

DETAILS:

In the past year the Town has offered three (3) safety forums to the seniors community, to assist them to deal with safety and security issues, by providing education and awareness to this vulnerable group in our community. The Town provides a personal alarm to each participant, as a safety strategy, for when they are out and about - for example, at night in shopping centres, car parks, etc. The alarms are small enough to be kept in a handbag or pocket and the alarm sound is loud and piercing, so that, if it is activated, it will alert passers-by that assistance is required. The personal alarms given to seniors, during these sessions, allow them to feel safer and the alarms give them a sense of ownership, with regards to their own personal safety, when they are walking in the community.

In a recent senior's survey that was conducted by the Town, safety was considered to be one of the most important issues. This initiative reinforces the Town's commitment to issues, directly related to seniors and safety. 58 personal alarms were given out to seniors during last year's sessions, and 14 were given to those unable to attend, afterwards. Feedback gained from seniors is that, when carrying the personal alarms, they feel safer and they believe that, if they activate the alarm, they will get public assistance, when required.

In August 2004, a Safety Forum was held with 15 members of the Vietnamese community, 7 of which were seniors. During this forum, smoke alarms and personal alarms were given to each member attending as a strategy for improving their perception of safety.

The Safer Vincent Co-ordinator has also conducted approximately 8 safety audits for elderly residents, in the past 12 months and personal alarms were given to them, as a part of this process.

The continuation of Senior Forums is seen as a positive action on behalf of the Town of Vincent and the provision of personal alarms to participants is an integral part of this strategy.

CONSULTATION/ADVERTISING:

There is no need to advertise this strategy.

LEGAL/POLICY:

There are no legal implications, associated with this report.

STRATEGIC IMPLICATIONS:

The above is in keeping with Key Result Area 2.2(g) - *"Enhance and promote the Safer Vincent Programme, which aims to support, develop and deliver residential and business initiatives that reduce crime and promote safety and security"*

FINANCIAL/BUDGET IMPLICATIONS:

There are no additional financial implications associated with this report; the expenditure has been included in the current Safer Vincent Budget.

The total cost of a personal alarm is approximately \$850.00 per annum, including GST.

COMMENTS:

The Town of Vincent, in conjunction with Police and other government and non-government organisations, actively promotes the Safer Vincent message. The provision of personal alarms is seen as an integral part of this programme and the above is recommended for approval.

10.1.9 No. 8A (Lot 74) (Strata Lot 2 STR: 40563) Sydney Street, North Perth - Proposed Additional Two-Storey Grouped Dwelling to Existing Single House

Ward:	North	Date:	3 August 2005
Precinct:	North Perth; P8	File Ref:	PRO1963; 5.2005.3016.1
Attachments:	001		
Reporting Officer(s):	S Klarich		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Roberts on behalf of the owner T Licastro for proposed Additional Two-Storey Grouped Dwelling to Existing Single House, at No. 8A (Lot 74) (Strata Lot 2 STR: 40563) Sydney Street, North Perth, and as shown on plans stamp-dated 24 June 2005 , subject to:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *subject to first obtaining the consent of the owners of No. 10 Sydney Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 10 Sydney Street in a good and clean condition; and*
- (iii) *no street/front wall, fence and gate shall exceed a maximum height of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend the maximum height to 2.0 metres. The solid portion of any new street/front wall, fence and gate between the Sydney Street boundary and the main building, including along the side boundaries, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gate being visually permeable, with a minimum 50 per cent transparency. Any new walls, fences and gates shall also be truncated or the solid portion of such shall be reduced to no higher than 0.65 metre for a minimum length of 1.5 metres of - where such walls, fences and gates adjoin vehicle access points, where a driveway meets a public street, and where two streets intersect.*

COUNCIL DECISION ITEM 10.1.9

Moved Cr Maier, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (6-0)

(Cr Farrell on leave of absence. Cr Torre was absent until 6.55pm. Cr Messina was absent from the Chamber and did not vote.)

Landowner:	T Licastro
Applicant:	J Roberts
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	637 square metres
Access to Right of Way	East side, 5 metres wide, unsealed, privately owned

BACKGROUND:

- 3 September 2001 Western Australian Planning Commission conditionally approved the survey strata subdivision of the subject lot.
- 10 September 2001 Survey Strata Plan creating the subject strata lot registered with Registrar of Titles.
- 9 April 2002 The Council at its Ordinary Meeting resolved to refuse an application for and additional two storey grouped dwelling to existing single house.
- 27 August 2002 The Council at its Ordinary Meeting resolved to approve an application for an additional two storey grouped dwelling to existing single house.
- 7 October 2003 Gazettal of Amendment No. 11 to rezone the Eton Locality from Residential R30/40 to Residential R20.

DETAILS:

The proposal involves the construction of a two storey dwelling on a survey strata subdivided block at the rear of an existing single storey dwelling.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	1 dwelling R 20	2 dwellings R 31 (57 per cent density bonus)	Supported - site was subdivided prior to rezoning to R20.
Plot Ratio	N/A	N/A	N/A
Setbacks: Northern Boundary	1.5 metres	Nil	Supported - compliant with Building on Boundary provision of the Residential Design Codes.
Vehicular Access to Car Parking	Car parking to be accessible from an existing right-of-way where legally available.	Access to be obtained from existing battleaxe leg off Sydney Street	Supported - refer to "Comments".
Consultation Submissions			
Support		N/A	N/A
Objection		N/A	N/A

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

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

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

COMMENTS:

The subject property is located in the Eton Locality and the application is therefore submitted to the Council for its consideration and determination.

The proposal was not advertised as it is in compliance with all setback, open space and building height requirements of the Residential Design Codes, as assessed under Residential R20. The proposed garage boundary wall is compliant with the buildings on boundary acceptable development standards of the Residential Design Codes.

With regards to vehicle access, the proposed property has access to a right of way to the rear and whilst it is the Town's Policies to require vehicle access via a right of way where available, it is not considered appropriate in this instance, given the nature of the right of way. The right of way provides rear access to only nine residential properties and not one of these properties are addressing or have vehicular access only from the right of way. Considering this and that the proposed approved lot has vehicular access via a battleaxe leg off Sydney Street, it is reasonable that access be obtained from Sydney Street only.

Furthermore, the subject right of way is privately owned and is not proposed for acquisition or to be sealed by the Town for at least three financial years.

Planning Approval was previously granted by the Council on 27 August 2002 for a two storey dwelling on the subdivided rear lot. The approved design required greater first floor setbacks to the northern and southern side boundaries of 3.4 metres and 3.5 metres, retrospectively, with an approved setback variation to 3.12 metres and 3.0 metres due to the major openings and length of wall proposed. The dwelling was proposed to be constructed of brick and zincalume lined steel framed walls. The current proposal is significantly different to the previously approved development.

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

10.1.10 No. 5/204 (Lot 4 STR: 44608) Lake Street, Perth - Proposed Alterations and Additions to Signage to Existing Shop (Hairdressing Salon)

Ward:	South	Date:	29 July 2005
Precinct:	Hyde Park; P12	File Ref:	PRO3190; 5.2005.2857.1
Attachments:	001		
Reporting Officer(s):	R Beatty, S Turner		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Ron Reid Hairstylists on behalf of the owner S Italiano for proposed Alterations and Additions to Signage to Existing Shop (hairdressing salon), at No. 5/204 (Lot 4 STR: 44608) Lake Street, Perth, and as shown on plans stamp-dated 23 June 2005, subject to:*
- (a) *the signage shall not have flashing or intermittent lighting;*
 - (b) *the signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
 - (c) *minimal fixings shall be used to secure any signage;*
 - (d) *all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of their display on-site; and*
 - (e) *the existing window signs (including posters) shall be modified where necessary to comply with the Town's Policy relating to Signs and Advertising, such that a window sign does not cover more than 50 percent of the glazed area of any one window or exceed 10 square metres in area aggregate per tenancy on a lot; and*
- (ii) *the Council ADVISES the applicant, and occupier and owner of No. 5/204 (Lot 4 STR: 44608) Lake Street, Perth, that compliance with clause/condition (i)(e) above is to be completed within twenty-eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to commence legal proceedings should the above works have not been completed within this twenty-eight (28) days period.*

COUNCIL DECISION ITEM 10.1.10

Moved Cr Maier, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (6-0)

(Cr Farrell on leave of absence. Cr Torre was absent until 6.55pm. Cr Messina was absent from the Chamber and did not vote.)

Landowner:	S Italiano
Applicant:	Ron Reid Hairstylists
Zoning:	Metropolitan Region Scheme: (MRS): Urban Town Planning Scheme No.1 (TPS 1): Local Centre
Existing Land Use:	Hairdressing Salon (Shop)
Use Class:	Shop
Use Classification:	"P"
Lot Area:	804 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves alterations and additions to existing signage to the existing shop, including one (1) wall sign and one (1) projecting sign. Details of the proposed signs are as follows:

- the wall sign is proposed to be located above the door of the shop and is 1.2 square metres in area. The sign is 2.08 metres above the finished ground level.
- the projecting sign is proposed to be attached to the fascia of the verandah and is 2.86 square metres in area. The sign is 2.78 metres above the finished ground level.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Wall Sign (above door)	Clearance of 2.7 metres from the finished ground level	2.08 metres	Supported - the height clearance variation in this instance is considered supportable as it is consistent with the existing design of the building.
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support	N/A		Noted
Objection	N/A		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
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:

There is no record on file of approval for the existing window signage (including posters). Therefore, existing window signage is required to be modified in accordance with the Town's Signs and Advertising Policy, as stated in the Officer Recommendation.

The proposed signage is considered supportable as it complies with the requirements of the Town's Policy relating to Signs and Advertising, except that the proposed wall sign located above the existing doorway has a clearance of 2.08 metres in lieu of the required 2.7 metre clearance above the finished ground level. The design of the signage fits in with the scale of the existing building and is not considered to have an undue impact on the surrounding streetscape. The proposal is therefore recommended for approval, subject to standard and appropriate conditions.

10.1.13 No. 527 (Lot 99 D/P: 3660) Fitzgerald Street, Corner Namur Street, North Perth - Proposed Change of Use from Shop to Shop and Eating House and Alterations, Additions and Awning to Existing Shop on the Ground Floor.

Ward:	North	Date:	3 August 2005
Precinct:	North Perth; P8	File Ref:	PRO0164; 5.2005.2709.1
Attachments:	001		
Reporting Officer(s):	S Klarich		
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 Dichiera on behalf of the owner Fuchsia Gardens Pty Ltd for proposed change of use from Shop to Shop and Eating House and Alterations, Additions and Awning to existing Shop on the ground floor at No. 527 (Lot 99 D/P: 3660) Fitzgerald Street, corner Namur Street, North Perth, and as shown on plans stamp-dated 9 February 2005 , subject to:

- (i) *doors, windows and adjacent floor areas fronting Fitzgerald Street and Namur Street shall maintain an active and interactive relationship with these streets;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *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;*
- (iv) *this approval shall not to be construed as approval for Alfresco Dining on the Namur Street footpath as planning approval is not required for this activity, however a separate application for an Alfresco Dining Licence shall be submitted and approved prior to the use of the public area for alfresco dining;*
- (v) *the applicant/owner shall pay a cash-in-lieu contribution of \$2,750 for the equivalent value of 1.1 car parking spaces, based on the construction cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash-in-lieu amount can be reduced to reflect the new changes in car parking requirements; and*
- (vi) *the maximum floor space for the uses shall be limited as follows:*
 - *eating house - 18 square metres of public floor area; and*
 - *shop - 330 square metres of gross floor area.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Maier, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (6-0)

(Cr Farrell on leave of absence. Cr Torre was absent until 6.55pm. Cr Messina was absent from the Chamber and did not vote.)

Landowner:	Fuchsia Gardens Pty Ltd
Applicant:	A Dichiera
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Shop on ground floor and Single House on first floor
Use Class:	Shop, Single House and Eating House
Use Classification:	"SA", "P" and "SA"
Lot Area:	1012 square metres
Access to Right of Way	N/A

BACKGROUND:

The Council at its Ordinary Meeting on 18 December 2001 resolved to conditionally approve the application for proposed additions to existing shop at No. 527 (Lot 99) Fitzgerald Street, corner Namur Street, North Perth.

DETAILS:

The proposal involves the construction of a new awning over the adjacent footpath to cater for alfresco dining, new take away/eating house area within the existing floor space and additional toilets, and a change of use from shop to shop and eating house to allow for this.

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		

Car Parking	
Car parking requirement (nearest whole number) - existing retail and residential land use - 25 car bays - proposed eating house and toilet area - 0.77 bay	26 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> • 0.85 (the proposed development is within 400 metres of a bus stop). 	(0.85) 22.10 car bays
Minus the car parking provided on-site	9 car bays
Minus the most recently approved on-site car parking shortfall.	12 car bays
Resultant Shortfall	1.1 car bays

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

COMMENTS:

The proposed awning/alfresco area does not require Planning Approval as it is located on the footpath however, an annual Alfresco Dining Licence is to be obtained from the Town's Health Services. The alfresco area is to be located on the footpath adjacent to Namur Street and is to be surrounded by potted shrubs/plants providing a visual improvement to the existing elevation. A setback of 2 metres is proposed from the alfresco area to the road, maintaining pedestrian access and movement.

The proposed take-away/eating house area is to be located on the ground floor within the existing building and new access is to be provided from Namur Street. The applicants also propose to retain use of the existing single residence on the first floor.

Advertising Consultation

The application was advertised for 21 days, as required for an "SA" use in the Town's Community Consultation Policy. No submissions were received during this period.

Car Parking Requirement

The proposed change of use, which after applying the adjustment factors and the already approved car parking shortfall, has a resultant car parking shortfall of 1.1 car bays. It is recommended that a cash-in-lieu contribution of \$2,750 be paid as outlined in the Officer Recommendation.

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

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

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

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

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

Summary

The proposal is considered to be in keeping with the established streetscape and does not unduly affect the amenity of the surrounding residential area.

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

10.1.15 No. 30 (Lot 8 D/P: 51138) Bulwer Street, Perth - Proposed Demolition of Existing Hostel and Construction of Thirteen (13) Two- Storey with Loft Multiple Dwellings and Associated Carparking

Ward:	South	Date:	1 August 2005
Precinct:	Forrest; P14	File Ref:	PRO0311 5.2005.2888.1
Attachments:	001		
Reporting Officer(s):	L Mach, H Eames		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Q Meshgui on behalf of the owner Filton Pty Ltd for proposed Demolition of Existing Hostel and Construction of Thirteen (13) Two- Storey with Loft Multiple Dwellings and Associated Carparking, at, No.30 (Lot: 8 D/P: 51138) Bulwer Street Perth, and as shown on plans stamp-dated 24 May 2005 (site/demolition plan) and 18 July 2005 (floor and elevation plans), 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 open space, street walls and fences, setbacks, balconies for multiple dwellings, landscaping and essential facilities requirements of the Residential Design Codes, and the Town's Policies relating to Brigatti Locality and Street Walls and Fences , respectively;*
 - (c) *the open space, street walls and fences, balconies for multiple dwellings and essential facilities requirements proposed to be varied is as specified in the Town's draft Policy relating to Non-Variation of Specific Development Standards and Requirements;*
 - (d) *the demolition is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the visual amenity of the locality by virtue of the demolition of the existing building; and*
 - (e) *the existing place has cultural heritage significance in terms of its historic, social, aesthetic and representative values; and*
- (ii) *the landowner be ADVISED that the Council is prepared to give consideration to a development proposal which includes the retention and upgrading of the existing building on the site.*

COUNCIL DECISION ITEM 10.1.15

Moved Cr Maier, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (6-0)

(Cr Farrell on leave of absence. Cr Torre was absent until 6.55pm. Cr Messina was absent from the Chamber and did not vote.)

Landowner:	Filton Pty Ltd
Applicant:	Q Meshgui
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Hostel
Use Class:	Multiple Dwellings
Use Classification:	"P"
Lot Area:	1737 square metres
Access to Right of Way	N/A

BACKGROUND:

The Council at its Ordinary Meeting held on 13 August 2002 considered an application for the demolition of existing building at the subject property and resolved as follows:

"That;

(i) in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme and having regard to the matters it is required to consider generally, and in particular;

(a) is not consistent with the orderly and proper planning and the preservation of the amenities of the locality with respect to the visual amenity of the locality by virtue of the demolition of the existing building; and

that this application be REFUSED as plans have not been submitted for the proposed development in accordance with the Council's Policy."

DETAILS:

The proposal involves demolition of existing hostel and construction of thirteen (13) two-storey with loft multiple dwellings and associated carparking.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	13.89 dwellings R 80	13 dwellings R 74.8	Supported- no variation.
Plot Ratio	1.0 - 1737 square metres	0.97- 1681 square metres	Supported- no variation.
Setbacks:			
Ground floor - North/Rear	1.5 metres	Nil-1.5 metres	Supported- compliant with Cl. 3.2.2- Buildings on Boundary.
First Floor - South/Front	6.0 metres	4.9 (terrace)- 6.0+ metres (main building)	Supported in part- terrace is open and no undue impact on streetscape. Terrace should be conditioned to be setback 5.0 metres in event of approval (to be consistent with Town's practices).

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
- Rear	5.7 metres	1.5-3.5 metres	Not supported- significant variation in this instance, proposed vacant lot and therefore, opportunity to design for compliance.
- East and West	6.3 metres	1.5-6.0 metres	Not supported- above.
Open Space	60 per cent	58 per cent	Not supported- overdevelopment of site, proposed vacant lot and therefore, opportunity to design for compliance.
Communal Open Space	208 square metres	41 square metres	Not supported- not considered to be adequate for needs of future residents.
Balconies	Balcony or equivalent with minimum dimension of 2 metres and area of 10 square metres	Units 1-6 and 8-13- multiple courtyards/terraces areas equating to over 10 square metres, minimum dimension not met. Unit 7- none proposed	Not supported- area provided not compliant with what is considered to be minimum requirements for a functional outdoor living space, and opportunity to design for compliance.
Landscaping	Maximum 50 per cent hard surface within front setback area	77 per cent hard surface	Not supported- undue impact on streetscape, proposed vacant lot and therefore, opportunity to design for compliance.
Storerooms	Minimum dimension of 1.5 metres and area of 4 square metres for each multiple dwelling	All units- requirement not demonstrated.	Not supported- proposed storerooms not considered adequate for needs of future residents.
Street Walls and Fences	Front walls and fences to be visually permeable above 1.2 metres and a maximum height of 1.8 metres. Decorative capping piers may extend up to a maximum of 2.0 metres.	Portion of fence not visually permeable up to 1.8 metres.	Not supported- undue impact on streetscape.

Consultation Submissions

The proposal was referred to the Western Australian Planning Commission (WAPC) as Bulwer Street is reserved as an Other Regional Road (ORR). WAPC has indicated it has no objections to the subject application as the lot is not affected by any road widening requirements and will result in a reduction in the number of crossovers from the subject lot to the ORR.

The subject planning application was not advertised to adjoining neighbours as it proposes variations outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements and is being recommended for refusal.

Other Implications

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

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

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

Demolition

A detailed Heritage Assessment forms part of the attachment.

The place was constructed as a private residence circa 1914 for Mr William Boxhall, dentist. In the early 1920s, it was used as a private maternity hospital and nurse training facility run by Eleanor Harvey, first Matron of King Edward Hospital and prominent leader in early twentieth century maternity care in Western Australia. During the Second World War, the place was occupied by the Women's Australian National Service (WANS) organisation and operated as the Wanslea Hostel for Children. This hostel was a private temporary care facility for mothers who were hospitalised and unable to care for their children. After the war, the place was run as a private hospital and was known during the 1950s as 'Lister Hospital'. By the 1970s, it was run as a guesthouse and in 2002 continued to be run as a lodging house, primarily for overseas backpackers and travellers.

The place has historic significance for its associations with two prominent women in Western Australia. The first of these women is Florence Hummerston, who was chairman of the WANS and was responsible for the establishment of the Wanslea Hostel for Children at No.30 Bulwer Street, Perth in 1943, which later became the Wanslea Family Services organisation. The second woman is Eleanor Harvey, first Matron of King Edward Hospital and critical in the establishment of maternity care and nurse training facilities in Western Australia in the early twentieth century. The place has social significance for the staff and patients that stayed and worked at Miss Harvey's Private Hospital and the staff and children admitted to the Wanslea Hostel for Children during the Second World War. The place also has aesthetic significance for its prominent position at the eastern end of Bulwer Street, and is representative of the uncommon construction of two storey late Federation building constructed in Perth.

COMMENTS:

The proposed redevelopment of the site is not supported on the basis that it is regarded to unduly impact on the neighbours and the surrounding area in general, is not considered to provide adequate amenities for prospective residents and it proposes variations outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.

Notwithstanding the above, as the place meets the threshold for entry into the Town of Vincent Municipal Heritage Inventory, primarily on the grounds of its historic and social values and in accordance with policy, it is recommended that the application to demolish the subject place also be refused. The landowner should be advised that the Council is prepared to give consideration to a development proposal, which incorporates the retention of the existing building on the site.

10.1.17 New Public Health Act - Discussion Paper on proposed Review of Health Act 1911 of Western Australia

Ward:	Both	Date:	27 July 2005
Precinct:	All	File Ref:	ENS0017
Attachments:	-		
Reporting Officer(s):	D Brits		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the release of a Discussion Paper on the proposed review of the Health Act 1911;*
- (ii) *ADVISES the Minister for Health, Mr Jim McGinty, Acting Director General Dr Neale Fong and the Western Australian Local Government Association (WALGA) that the Town supports the intention to modernise State health legislation and the principles outlined for reform and adopting a New Public Health Act for Western Australia;*
- (iii) *AUTHORISES the Chief Executive Officer, Executive Manager Environmental and Development Services and Manager Health Services to participate in consultation sessions and working groups through WALGA, the Australian Institute of Environmental Health and relevant professional bodies to assist in bringing this matter to fruition; and*
- (iv) *NOTES that progress reports to the Council will be submitted as required.*

COUNCIL DECISION ITEM 10.1.17

Moved Cr Maier, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (6-0)

(Cr Farrell on leave of absence. Cr Torre was absent until 6.55pm. Cr Messina was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to update the Council on the release of the Discussion Paper on the proposed review of the Health Act 1911.

BACKGROUND:

The Honourable Mr Jim McGinty, the Minister for Health and Attorney General of Western Australia (WA), announced that a review of the 1911 Health Act is occurring with a number of reform projects. A key project within this broader reform process is the production of a Discussion Paper for a New Public Health Act for WA. This document is "*Laid on the Table*".

A Consultation Strategy has been prepared which proposes consultation sessions in each health region throughout WA as well as targeted consultation with key stakeholders, which has and will continue to occur. A proposed list of sessions and location will be posted on the Department of Health website once finalised. Consultation partners include the Western Australian Local Government Association and Health Consumers Council of WA.

Subsequently, the Department of Health formally invites submissions by 30 September 2005, addressed as follows:

Project Officer
New Public Health Act
Department of Health
Population Division
189 Royal Street
EAST PERTH WA 6004

Website: <http://www.newpublichealthact.health.wa.gov.au/>

An on-line submission can be made.

The Project Officer can be contacted by telephone: 9222 4431 or by e-mail newpublichealthact@health.wa.gov.au or telefacsimile 9222 4491 if any further information is required. Alternatively, the Senior Legal Adviser Ms Mary Adam on mary.adam@health.wa.gov.au can be e-mailed.

DETAILS:

Dr Neale Fong, the Acting Director General of the Department of Health advises as follows:

'The Western Australian government is committed to the promotion, protection, maintenance and restoration of the health of the people of Western Australia. As part of the commitment, particularly to health protection and promotion, a review of a range of legislation in the health portfolio is being undertaken by the Department of Health. A New Public Health Act for Western Australia: A Discussion Paper represents a significant step in the reform of the outdated Health Act 1911. It proposes a replacement of the core public health provisions of the Health Act with a new, modern, flexible, risk based Public Health Act. The 20th Century saw the biggest advances in public health in human history. This discussion paper puts forward a framework that will keep pace with evolving public health practices as well as provide the legislative base for tackling emerging public health risks. A new Public Health Act will set out the roles and responsibilities of State and Local Governments and will establish the duties and powers that governments require to protect and promote the health of Western Australians. The release of this paper marks the start of a process that seeks to capture community input to the final shape of a new Public Health Act. The aim in releasing this discussion paper is to generate debate and discussion, and to elicit ideas and suggestions from Western Australians. To assist in this process, a three-month consultation period is planned. State wide consultation sessions will be held and a feedback form is available from www.newpublichealthact.health.wa.gov.au. Details of regional and metropolitan consultation sessions will be available on this website.' Upon completion of the consultation period a draft Bill will be released.

The Steering Committee consists of the following people:

Mr Michael Jackson	Executive Director, Population Health
Dr Chris Reynolds	Legal Consultant
Ms Mary Adam	Senior Legal Advisor
Dr Margaret Stevens	Executive Director, Public Health
Dr Shirley Bowen	Director of Communicable Disease Control Directorate
Dr Richard Lugg	Environmental Health Consultant

Mr Jim Dodds	Director Environmental Health
Dr Paul Van Buynder	Principal Medical Consultant
Mr Trevor Davies	Principal Project Officer

It is envisaged that the Bill will be released during January 2006 with introduction to Parliament during June 2006.

The new Public Health Act for WA is not intended to replace the whole *Health Act 1911*. The focus of a new Public Health Act will be on core public health issues. Non-core issues, for example animal produce, drugs, medicines, therapeutics and pesticides, food and child health and mortality committees are or will be subject to separate reviews.

The Food Bill is currently being drafted. Targeted consultation on the Draft Bill is planned for later this year.

The Health Amendment Bill 2005, is currently being considered by Parliament. The main focus of the Bill is a requirement for pathology laboratories to report notifiable disease results to the Department of Health.

The approach developed in this Discussion Paper builds on work that has been done across Australia and overseas. At the time of its preparation, a number of States were reviewing their Acts and exploring options and possibilities that are compatible with those set out below. In 1997, the Commonwealth and the States commenced a review of existing public health laws and identified emerging important issues. Ideas about what a model health act should contain were developed from that process and in 2000, the National Public Health Partnership released a paper *The Application of Risk Management Principles in Public Health Legislation* which argued that, rather than providing a series of specific remedies for a range of listed problems, public health legislation should be structured around the idea of 'risk to health' and that this should be the principal, generic, remedy offered by the act. This idea drew some inspiration from approaches in New Zealand (notably the *Final Report on the Development of a Public Health Risk Management Methodology to Inform Decision Making – 1999*) and also from environment protection laws which are often organised around the idea of 'environmental harm'. At present, public health laws in Australian States and Territories do not clearly adopt this approach, though the Australian Capital Territory's *Public Health Act 1997* does use risk as a driving idea, and comes closest to reflecting 'leading edge' public health law in Australia. It should also be noted that practice can also move ahead of legislation. Some Local Governments within Western Australia are aware of the need to adopt a risk management approach and in these cases, new legislation will reinforce and support their efforts.

This Discussion Paper sees the partnership between Local Government and the State Government in the administration of public health as continuing. Arguably, public health is the original area of the shared interest across government and it should allow an effective and efficient protection of the public's health. The relationship between State and Local in this area is to be valued and ought to be an application of the 'Overarching Principle' in the *State/Local Government Partnerships* document (2002), which is:

'A commitment to improving cooperation between State and Local Government to enhance sustainable social, environmental and economic development of Western Australia through consultation, communication, participation, cooperation and collaboration at both strategic and project levels.'

The following are offered for discussion as possibilities. Some of these dot points clarify the role and function of those administering a new Health Act; others draw on 'bigger pictures' which should sustain all decision making under the Act.

To establish responsibility for the administration of the powers in this Act between the state and local governments for the purpose of ensuring that the health of persons in Western Australia is safeguarded and improved and in particular:

- *to protect persons from risks to health and to provide insofar as is reasonably practicable a healthy environment for all Western Australians;*
- *to encourage persons to plan for, create and maintain a healthy environment;*
- *to inform the community about risks to health;*
- *to further principles of sustainability insofar as they relate to public health;*
- *to emphasise the need for a ‘whole government’ approach to public health;*
- *to adopt a precautionary approach in the administration of public health powers and responsibilities under this Act;*
- *to monitor specified communicable diseases and protect persons from the threat of those diseases and from public health threats generally;*
- *to collect data on the incidence and prevalence of diseases and other causes of morbidity and mortality in Western Australia to be used for authorised research and public health purposes;*
- *to support programmes and strategies designed to reduce the burden of communicable and non-communicable disease among Western Australians; and*
- *to ensure that personal liberties in relation to the powers to deal with communicable disease and public health emergencies shall only be restricted under this Act in proportion to the risk presented to the community and that the least restrictive options be used, consistent with the duty to protect the health of the community.’*

Transitional Arrangements

A Staged Approach will allow priority to be given to reforming the core areas of the *Health Act 1911* (the administration of public health, the protection of public health and communicable conditions) as the first stage. This work should not be impeded or delayed by the need to settle other parts of the *Health Act 1911* as detailed below. It should be added that transitional or staged approaches have been used in the reform of other substantial Acts, including the Local Government Act.

A Proposed Schedule of Amendments to the Health Act 1911

Health Act 1911	A new Public Health Act
Sections (Ss) 1-52: Administration & Finance	To be replaced with new ‘ <i>administration</i> ’ provisions in a new Health Act
Ss 53 – 200: Sanitation, dwellings, etc.	To be replaced with a general part – ‘ <i>The Protection of Public Health</i> ’ – the specific provisions – eg dwellings, public buildings etc, - will be repealed
Ss 202 – part 236D: Animal produce, drugs, medicines, therapeutics & pesticides	These provisions should be in a Drugs & Therapeutics Act & possibly a Pesticides Policy – they can remain as an unrepealed part of the <i>Health Act</i> pending later rounds of reform (either as separate Acts or as Policies under a new Health Act)
Ss 246E – 247F: Food	These provisions should ultimately go into a new Food Act – they can remain as an unrepealed part of the <i>Health Act</i> pending later rounds of reform

Ss 248 – 289 & Ss 290 – 316: Disease generally	To be replaced with a new Notifiable Conditions Part in a new Health Act
Ss 289A – 289D: Non-infectious disease	Non-infectious disease reporting can be established as a general head power in a new Health Act and the detailed requirements in regulations made under the Act
Ss 289E – 289I: Smoking in public places	These provisions should be transferred into tobacco legislation – they can remain as an unrepealed part of the <i>Health Act</i> pending later rounds of reform
Health Act 1911	A new Public Health Act
Ss 324 – 330B: Hospitals & community health centres	These provisions can be considered for repeal and for the present can remain as an unrepealed part of the <i>Health Act</i> pending later rounds of reform
Ss333 – 340BN: Child health & mortality committees	These provisions can remain as an unrepealed part of the <i>Health Act</i> pending later rounds of reform
Ss341 – 348A: Regulations & Local Laws	This can be repealed – relevant provisions will be included in a new Health Act
S349 – 378: Miscellaneous	New miscellaneous provisions will be included in a new Health Act

CONSULTATION/ADVERTISING:

Consultation and advertising is the responsibility of the Department of Health, Government of Western Australia.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2005 – 2010:

'We will continue to be a safe and healthy inner city area, rich in heritage and cultural diversity' and 'sustainability guides our decision making.'

LEGAL POLICY:

Health Act 1911 (as amended) and numerous Regulations.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Given the information provided in the Discussion Paper, it is deemed prudent to strongly support the State Government's push to update the legislative framework in public and environmental health in order to more effectively meet the needs and expectations of the State's population.

10.1.19 Dog Tags – Order Form inclusion with Dog Registration Mail Out

Ward:	Both	Date:	29 July 2005
Precinct:	All	File Ref:	ENS0002
Attachments:	001		
Reporting Officer(s):	S Beanland		
Checked/Endorsed by:	J MacLean, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the inclusion of an “RSPCA Pet Tags” order form with the Town of Vincent Dog Registration Certificates distributed at the next dog registration period; and*
- (ii) *AUTHORISES the Chief Executive Officer to approve of the inclusion of the ‘RSPCA Pet Tags’ form or other suitable non-Town of Vincent brochures in subsequent future mail-outs.*

COUNCIL DECISION ITEM 10.1.19

Moved Cr Maier, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (6-0)

(Cr Farrell on leave of absence. Cr Torre was absent until 6.55pm. Cr Messina was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to obtain approval to issue “RSPCA Pet Tags” forms in the dog registration mail-out.

BACKGROUND:

The Royal Society for the Prevention of Cruelty to Animals Western Australia Inc. (RSPCA) is a charitable organisation, dedicated to improving the health and welfare of animals.

The Dog Act 1976 requires all dogs to wear a collar displaying a current registration tag, together with a tag showing the dog owner’s name and address.

While it is the responsibility of the Town to provide a registration tag to the dog owner, on receipt of registration fees, the purchase of a name and address tag is the responsibility of the owner of the dog and many impounded dogs do not have an identification tag attached to the collar.

DETAILS:

The RSPCA provides pet tags and recently they approached the Town requesting that their service be promoted by inclusion of a "*RSPCA Pet Tag Order Form*" with the dog registration renewals. This form is attached to this report.

The RSPCA is a not-for-profit organisation that promotes responsible pet ownership. A small amount of the proceeds from the sale of "*Pet Tags*" will go towards the RSPCA funds, to be used in maintaining a number of important programs.

Rangers receive regular telephone calls from residents, who have found a wandering dog, but who do not want to release it to the Rangers for impounding. Most of these animals have a current registration tag, but much fewer of them also have an identification tag with ownership details on it. The RSPCA has recognised that, if these dogs had such a tag affixed to the collar, it would be much easier to locate the owner and to return the dog.

The Town is supportive of the efforts of the RSPCA and, as confirmation of the commitment, the Town's Manager Ranger Services and Community Safety, Co-ordinator Prosecution Officer, Senior Ranger and all Rangers are approved "*General Inspectors*", under the provisions of the Animal Welfare Act 2002.

The inclusion of order forms with the dog registration certificates will provide an avenue to continue to support the RSPCA, with no financial implications to the Town. It will also assist dog owners throughout the Town to meet their legal requirements under the Dog Act 1976.

FINANCIAL/BUDGET IMPLICATIONS:

There are no Financial/Budget implications.

LEGAL/POLICY IMPLICATIONS:

There is no Legal/Policy implications.

ADVERTISING/COMMUNITY CONSULTATION:

No advertising or consultation will be necessary.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2005-2010, Key Result Area 2.2(f) - "*To encourage interaction between the community and Council and facilitate collaborative partnerships.*"

COMMENT:

The inclusion of RSPCA "*Pet Tags*" order form, when the Town sends out the new registration tags, will assist currently non-compliant dog owners to meet their statutory obligations, with respect to identification tags and will provide an avenue for additional funding to this worthy organisation. It is also appropriate to authorise the Chief Executive Officer to approve of the inclusion of non-Town of Vincent material to be included in future mail-outs. The report is recommended for approval.

10.2.3 Further Report - Proposed Traffic Management View Street, North Perth

Ward:	Both	Date:	22 June 2005
Precinct:	Smith's Lake P6	File Ref:	TES0215
Attachments:	001;		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on Traffic Management - View Street;*
- (ii) *APPROVES the implementation of the View Street traffic management proposal as outlined on attached amended Plan No 2350-CP-1A which incorporates supportable changes as suggested by several respondents and as outlined in the report;*
- (iii) *REQUESTS that Main Roads WA gives consideration to the following:*
 - (a) *the implementation of 40kph school zones outside the North Perth primary School along View, Olive, Albert and Angove Streets; and*
 - (b) *the installation of 50kph signage on View Street, North Perth;*
- (iv) *FURTHER REQUESTS that Main Roads WA APPROVES the installation of a section of solid median island to replace a section of painted island on Charles Street to deter illegal right turns from View and Bourke Streets. The works would be carried out and funded by the Town; and*
- (v) *ADVISES all respondents of its decision.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Maier, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (6-0)

(Cr Farrell on leave of absence. Cr Torre was absent until 6.55pm. Cr Messina was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council on the outcome of the recent community consultation undertaken for the View Street traffic management proposal.

BACKGROUND:

Following consideration by the Local Area Traffic Management Advisory Group, at its ordinary Meeting held on 28 June 2005 the Council considered a report on a traffic management proposal for View Street where the following decision was adopted:

"That the Council;

- (i) RECEIVES the report on Traffic Management - View Street;*
- (ii) APPROVES IN PRINCIPLE the proposal as outlined on attached Plan No 2350-CP-1;*
- (iii) CONSULTS with residents in View Street giving them 21 days to provide a response; and*
- (iv) RECEIVES a further report on the matter at the conclusion of the consultation period should any adverse comments be received."*

DETAILS:**View Street - Information**

View St comprises a 10.0m wide road and grades from Leake Street to Charles Street. Due to the geometry of the street, the 85% percentile speed of vehicles travelling west is above the posted speed. Residents have indicated that the geometry of the road (grade and width) makes it difficult to cross at times.

The following table shows some recent traffic data for sections of View Street.

Section	Volume (vpd)	85% Speed (kph)	Section	Volume (vpd)
• Vine - Persimmon	2,409	59	Vine - Persimmon	2,409
• Persimmon - Leake	2,395	59	Persimmon - Leake	2,395

Community Consultation

Following consideration by the Town's Local Area Traffic Management Advisory Group and in accordance with the Council's decision, on 5 July 2005 a total of 51 letters with comment sheets and reply paid envelopes enclosed, were distributed to residents in View Street requesting feedback on the traffic management proposal.

At the close of the consultation period on Tuesday 26 July 2005, 16 responses had been received representing a 31% response.

Of the 16 responses received 13 (81%) were *in favour* of the proposal, 2 (13%) were *against*, and 1 *partially in favour* (6%).

The residents were asked to comment on the proposal to introduce a "York Street" treatment by installing a series of nibs adjacent to each intersection to provide embayed parking, linked by line-marking to reduce the width of the carriageway.

This proposal can be accommodated without impinging upon the on-road parking. The 'narrowing' of the carriageway changes the driver's perception of the road environment, resulting in lower speeds, while the nibs reduce the width of carriageway for pedestrians to cross.

Discussion

While most of the respondents *in favour* of the proposal made no specific comments, several respondents offered suggested improvements to the proposal as follows:

- Increased planting and re-establishment of the streetscape, shady trees.
- Parking for at least 2 x vehicles outside No 70 View Street and maintain access to Right of Way.
- Measures to deter vehicles doing a U Turn o/s No 70.
- 50kph signage.
- 40kph school zone signage, View, Olive, Albert and Angove Streets.
- Illegal right turns out of View into Charles.
- Wants pattern paved concrete in nibs to stop weeds.
- Speed humps, one-way road system and brick paved verges to reduce watering.

The two respondents against indicated they did not want embayed parking or narrowing of the roadway. One raised concerns regarding the crossing of Charles Street which is outside of the scope of this proposal. The comments made by the respondent partially in favour cannot be supported, however, the introduction of speed humps could be considered as a second stage proposal should the 85th percentile speed remain above the acceptable limit.

A summary of all comments received are attached.

Officer's Comments

Increased planting and re-establishment of the streetscape, shady trees

This will be considered by the Town's Parks Services. Residents will be canvassed regarding the planting of verge trees.

Parking for at least 2 x vehicles outside No 70 View Street and maintain access to Right of Way

This has been incorporated in the concept design plan.

Measures to deter vehicles doing a U Turn o/s No 70

This has been incorporated in the concept design plan. The existing island (seagull) will be extended up View Street to make this more difficult.

50kph signage

Main Roads WA (MRWA) will be requested to consider, however, the Town can install 50kph information or "reminder signage" in the interim.

40kph school zone signage, View, Olive, Albert and Angove Streets

This will be referred to MRWA

Illegal right turns out of view into Charles

The concept design plan has been modified to include a solid section of island (currently painted) in Charles Street. This was initially proposed when the Bourke/View/Charles Street modifications were considered, however, MRWA did not approve this proposal. MRWA will be requested to reconsider this.

Wants pattern paved concrete in nibs to stop weeds

Noted and can be incorporated.

Speed humps, one-way road system & brick paved verges to reduce watering

One way system and brick paved verges not supported. Speed humps may be considered in the future, however, these measures do not form part of this proposal.

CONSULTATION/ADVERTISING:

The respondents will be advised of the Council's decision

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. “o) *Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.*”

FINANCIAL/BUDGET IMPLICATIONS:

	Funds Listed 2005/2006
View St - road narrowing, streetscape improvements	\$45,000

COMMENTS:

The Town receives many requests for Traffic Management from time to time. Most requests received are addressed by the officers as vehicle classifier results usually indicate that there is a perceived problem rather than an actual problem. Other matters are referred to the Police Services for enforcement of the legal speed limit.

It is therefore recommended that the Council approves the implementation of the View Street traffic management proposal as outlined on amended Plan No 2350-CP-1A, requests that Main Roads WA gives consideration to the implementation of 40kph school zones outside the North Perth Primary School along View, Olive, Albert and Angove Streets and the installation of 50kph signage on View Street and requests that MRWA approves the installation of a section of solid median island to replace a section of painted island on Charles Street to deter illegal right turns from View and Bourke Street.

10.2.5 Improvement of Lighting Level at the Intersection of Hutt Street and Raglan Road and the Intersection of Hutt Street and Grosvenor Road, Mount Lawley

Ward:	South	Date:	1 August 2005
Precinct:	Norfolk - P10	File Ref:	TES0175
Attachments:	-		
Reporting Officer(s):	A Taylor, J MacLean		
Checked/Endorsed by:	R Boardman, R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the installation of two (2) additional light poles, with Metal Halide luminaries, at the intersection of Hutt Street and Grosvenor Road and at the intersection of Hutt Street and Raglan Road, Mount Lawley;*
- (ii) *NOTES that the street light installations, estimated to cost \$5,500, will be funded from the 2005/2006 "Safer Vincent Initiatives" budget allocation; and*
- (iii) *ADVISES the respondents of its decision.*

COUNCIL DECISION ITEM 10.2.5

Moved Cr Maier, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (6-0)

(Cr Farrell on leave of absence. Cr Torre was absent until 6.55pm. Cr Messina was absent from the Chamber and did not vote.)

PURPOSE OF THE REPORT:

The purpose of the report is to provide an upgrade to the street lighting at the intersections of Hutt Street and Grosvenor Road and Hutt Street and Raglan Road, to address the anti-social behaviour at these locations.

BACKGROUND:

Over the past year or so, numerous complaints have been received from residents in the vicinity of Hutt Street and Grosvenor Road and Hutt Street and Raglan Road, Mount Lawley, regarding anti-social behaviour. The issues include loitering, noise and discarded syringes and needles. The locations were checked, over a period of approximately one month, and it has been established that both are poorly lit and provide areas of darkness, where offenders can engage in inappropriate behaviour.

DETAILS:

In co-operation with the Police and the Town's Community Safety and Engineering Design Services, it has been suggested that increased street lighting at this location would discourage anti-social behaviour, by eliminating the current dark areas.

A survey regarding the upgrade of street lighting was undertaken, with survey letters being sent to 18 residences in the immediate vicinity of the two intersections. Ten (10) responses were received with all but one in support of the upgrade. The responses are represented in the table below:

Response	Agree / Disagree	Comments
1	Agree	<i>Totally support the proposal.</i>
2	Agree	<i>If lighting does not work, alternatives required.</i>
3	Agree	<i>None.</i>
4	Agree	<i>None.</i>
5	Agree	<i>None.</i>
6	Agree	<i>Support and welcome proposal.</i>
7	Agree	<i>Hope it achieves zero syringe littering.</i>
8	Agree	<i>We need upgraded lighting.</i>
9	Agree	<i>Very pleased that the Town is doing something.</i>
10	Disagree	<i>Action seems rather drastic.</i>

Notwithstanding the resident who disagrees with the proposal, the table of responses demonstrates that the proposed upgrade to street lighting is well supported by the residents in the vicinity of the proposed increased lighting levels.

In response to the survey results, a quotation was sought from Western Power to install two (2) poles with Metal Halide luminaries.

CONSULTATION/ADVERTISING:

A survey was undertaken of the eighteen (18) residents, who could be affected by the increased lighting, with ten (10) responses being received. Of this number, only one respondent was opposed to the introduction of the upgraded lighting. This is taken as an overwhelming approval for the proposal.

LEGAL/POLICY:

There are no legal implications associated with this report.

STRATEGIC IMPLICATIONS:

The proposal for the street lighting upgrade is in keeping with KRA 2.2(g) of the Town's Strategic Plan, 2005 - 2010 - *"Enhance and promote the Safer Vincent Programme, which aims to support, develop and deliver residential and business initiatives that reduce crime and promote safety and security"*.

FINANCIAL/BUDGET IMPLICATIONS:

A total of \$24,000 has been allocated in the 2005/2006 "Safer Vincent Initiatives" budget.

The estimated cost to provide the new lighting is \$5,500 and this will be sourced from this budget allocation.

COMMENTS:

To provide a safer environment in the areas of Hutt Street, Raglan Road and Grosvenor Road, it is considered appropriate to increase the current lighting level, to eliminate anti-social behaviour and to improve the perception of crime in the area.

The above report is recommended for approval.

10.3.1 2005/2006 Capital Works Program

Ward:	Both	Date:	29 July 2005
Precinct:	All	File Ref:	FIN0025
Attachments:	001		
Reporting Officer(s):	M Rootsey, R Lotznicher, R Boardman		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the 2005/2006 Capital Works Program as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Maier, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (6-0)

(Cr Farrell on leave of absence. Cr Torre was absent until 6.55pm. Cr Messina was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

To present the Schedule for the Capital Works Program 2005/06 for Council approval.

BACKGROUND:

At the Special Meeting of Council held on 12 July 2005, Council adopted the Annual Budget 2005/2006.

DETAILS:

Executive Managers and Managers from the three Divisions have formulated the attached Capital Works Programme. The Programme comprises \$40.3 million of Capital Works.

The programme takes into consideration the following factors:

1. budget/funding;
2. existing workload commitments of the workforce;
3. consultation requirements;
4. liaison with other agencies/service areas;
5. employee leave periods;
6. festive season leave period.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Capital Works Program has been prepared based on the adopted 2005/2006 Annual Budget.

STRATEGIC IMPLICATIONS:

The Capital Works Programme is in line with key result areas, strategies and actions as outlined in the Town's Strategic Plan.

FINANCIAL/BUDGET IMPLICATIONS:

Nil

COMMENTS:

The scheduling of some projects may change during the year due to a variety of factors. However, the Capital Works Program will be initially implemented on the basis of the timing as outlined in the attached program.

Quarterly reports on the progress of the Capital Works Program will be prepared for Council during the year.

The projects listed will ensure the Town's infrastructure continues to be upgraded, resulting in an improved amenity for the community.

10.3.3 Authorisation of Expenditure for the period 1 June - 30 June 2005

Ward:	Both	Date:	26 July 2005
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	Gee Wong		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 June - 30 June 2005 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors;
and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth
superannuation plans;*

as shown in Appendix 10.3.3

COUNCIL DECISION ITEM 10.3.3

Moved Cr Maier, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (6-0)

(Cr Farrell on leave of absence. Cr Torre was absent until 6.55pm. Cr Messina was absent from the Chamber and did not vote.)

DECLARATION OF INTEREST

Members/ Officers	Voucher	Extent of Interest
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Nil.

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1- 30 June 2005.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$2,448,335.94
Total Municipal Account		\$2,448,335.94
Advance Account		
Automatic Cheques	52000-52551	\$1,215,668.82
Manual Cheques		.00
Transfer of Creditors by EFT Batch 392-407		\$1,210,930.18
Transfer of PAYG Tax by EFT	June 2005	\$223,646.30
Transfer of GST by EFT	June 2005	\$0.00
Transfer of Child Support by EFT	June 2005	\$779.16
Transfer of Superannuation by EFT		
City of Perth	June 2005	\$ 42,248.33
Local Government	June 2005	\$112,560.98
Total Advance Account		\$2,805,833.77
Transfer of Payroll by EFT	June 2005	\$477,608.44

Bank Charges & Other Direct Debits

Bank Charges – CBA	\$2,022.77
Lease Fees	\$1,579.03
Corporate Master Cards	\$2,706.24
Australia Post Lease Equipment	\$86.61
2 Way Rental	\$3,198.29
Loan Repayment	\$30,835.13
Rejection Fees	\$35.00
ATM Rebate	\$303.86
Beatty Park - miscellaneous deposit	\$165.00
Total Bank Charges & Other Direct Debits	\$40,931.93

Less GST effect on Advance Account **\$0.00**

Total Payments **\$5,772,710.08**

STRATEGIC IMPLICATIONS:

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

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

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

10.3.5 Community Cultural and Arts Foundation Fund Grant Application for Headquarters Youth Facility

Ward:	Both	Date:	2 August 2005
Precinct:	All	File Ref:	FIN0136
Attachments:	-		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council ENDORSES the application by the YMCA for a Community Cultural and Arts Facilities Fund (CCAFF) Grant of \$10,344 for the installation of timber flooring and audio system for the YMCA Youth Headquarters at Frame Court.

COUNCIL DECISION ITEM 10.3.5

Moved Cr Maier, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (6-0)

(Cr Farrell on leave of absence. Cr Torre was absent until 6.55pm. Cr Messina was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

To detail the application made by the YMCA for a CCAFF Grant for the Youth Facility at Frame Court for endorsement by the Council.

BACKGROUND:

The Department of Culture and the Arts have provided a pilot round of applications for Community Cultural and Arts Facilities Fund (CCAFF) funding.

It is a requirement of any application that the application requires endorsement by the relevant local government.

The CCAFF Grant cannot exceed one third of the estimated total cost of the project.

DETAILS:

The YMCA now manage the Youth Facility at Frame Court under a lease agreement with the Town.

The YMCA have made application for funding for a CCAFF Grant.

The application is to install a timber floor in the HQ gig/performance venue to maximise its potential as a multi-faceted facility, it will then be able to implement activities such as dance workshops, drama workshops and yoga. In addition a new audio system is also proposed for this area, which will improve the quality and the operations of the facility.

The total cost of the project is estimated to be \$31,032 (exc GST) and is to be funded as follows:

Voluntary labour	\$5,000
Lotterywest	20,688
CCAFF	<u>10,344</u>
	\$31,032

The costs estimate comprises:

Timber flooring	\$9,876
Sound system	16,156
Voluntary labour	<u>5,000</u>
	\$31,032

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

The Cultural Development Seeding Grants and the submitted application address the following section of the Town's Strategic Plan 2005–10:

2.1 Celebrate and acknowledge the Town's cultural diversity.

Action Plans to implement this strategy include:

- a) Develop, financially support, promote and organise community events and initiatives (including those generated by the community groups) that engage the community and celebrate the cultural diversity of the town.*

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial implications for the Town.

COMMENTS:

The new audio system and timber flooring at the YMCA Youth Facility will increase the potential use of the gig/performance room at the facility. It is therefore recommended that the grant application from the YMCA for a Community Cultural and Arts Facilities Fund (CCAFF) Grant to supported.

10.4.2 Adoption of Customer Service Charter - 2005

Ward:	-	Date:	2 August 2005
Precinct:	-	File Ref:	ADM0021
Attachments:	001 ; 002		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RESCINDS its previous Customer Service Charter adopted in 1998, as shown in Appendix 10.4.2A;*
- (ii) *APPROVES IN PRINCIPLE to adopt a new Customer Service Charter - 2005 as shown in Appendix 10.4.2B; and*
- (iii) *AUTHORISES the Chief Executive Officer to:*
 - (a) *advertise the proposed Customer Service Charter - 2005 for a period of twenty one (21) days, seeking public comment; and*
 - (b) *report back to the Council with any public submissions received.*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Maier, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (6-0)

(Cr Farrell on leave of absence. Cr Torre was absent until 6.55pm. Cr Messina was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is for the Council to consider and adopt a draft Customer Service Charter and associated Customer Service Complaint Form.

BACKGROUND:

The Town's current charter was first introduced in 1996 and reprinted in 1998. Following the Independent Organisational Review, the Chief Executive Officer assumed direct responsibility for the Town's Customer Service Centre.

Over the previous twelve (12) months a review of the Town's Customer Service Centre policies, practices and procedures have been carried out. A number of new initiatives have been introduced, for example; computerised recording of customer requests/complaints; introduction of a new electronic approval module and a restructure of the Town's Customer Service Centre. The natural progression has resulted in a review of the Town's Customer Service Charter and associated documents.

There has been a commitment from the Town's administration to raising the level of customer service, both internal and external. This has resulted in the existing customer service charter being made redundant and a new Charter being introduced, with much improved Key Performance Indicators.

The draft Charter has been previously circulated to Elected Members, Executive Managers and Managers for comment. No responses have been received from Elected Members. The Town's administration has accepted the draft document and the associated key performance indicators.

The Charter will be provided to all current and future employees, who will be required to commit to meeting the Customer Service Charter as part of their conditions of employment, via their position description or contract of employment.

Most of the Town's position descriptions are currently require an employee to adhere to the Customer Service Charter Key Performance Indicators and a review will be carried out to ensure that all position description include this requirement.

The Charter and associated Customer Complaint Form will be provided on counters at the Administration and Civic Centre, Library and Beatty Park Leisure Centre. It will also be on the Town's website and will be issued to new residents as part of the Town's "Welcome Pack".

The Customer Service Complaint form is a new initiative and will enable people to formalise any complaints about the Town's service on a standardised form. These will be dealt with in accordance with the proposed new policy about Customer Service Complaint Management.

Training will be provided, where required, to ensure that all employees are aware of the Customer Service Charter requirements.

CONSULTATION/ADVERTISING:

The Draft Charter will be advertised for a period of twenty-one (21) days, in accordance with the Town's Community Consultation Policy.

Once the Charter has been adopted by the Council, it will be widely advertised both internally and externally.

LEGAL/POLICY:

The new Charter will not have legal status. However the Charter will prescribe the Key Performance Indicators and other requirements which specify the level of service to be provided by the Town.

The Town's employees will have a legal obligation to comply with the adopted Charter, as part of their employment obligations.

STRATEGIC IMPLICATIONS:

This Charter is in keeping with the Town's Strategic Plan 2005-2010, Key Result Area 4.2(a) - *"Review the Town's Customer Service Charter to promote a customer focussed culture"* and (b) - *"Implement a "one-stop shop" service and strengthen our customer focus."*

FINANCIAL/BUDGET IMPLICATIONS:

The Budget 2005/06 contains an amount of \$5,000 for the printing of the new Charter and any training which may be required.

COMMENTS:

At the Ordinary Meeting of Council held on 7 December 2004 (Item 10.4.2) the Council considered a report on the Community Satisfaction Benchmark Survey which was carried out in November 2004.

This survey covered a number of criteria and ranked the provision of "efficient and effective service" as having a score of 87%. The Town's score set the benchmark in the survey carried out with approximately twelve other local governments. This is a most satisfactory score to achieve and reflects positively on the Town. The Town also achieved high rankings in a number of other areas about service delivery.

A customer focused "culture" is the behaviour which exists in an organisation and it is achieved over a period of time. To enhance this already existing customer focussed culture it will require ongoing commitment from the Town's Chief Executive Officer, Executive Managers, Managers and employees. It will also require the support of the elected Council. The process is a "*continuing journey*" which can be progressively built on.

10.4.3 Recision of Policy No 4.2.8 – Gifts to Elected Members, Staff and Community Representatives on the Town’s Advisory Groups

Ward:	-	Date:	2 August 2005
Precinct:	-	File Ref:	ADM0023
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RESCINDS Policy No 4.2.8 – Gifts to Elected Members, Staff and Community Representatives on the Town’s Advisory Groups as it has now been superseded by the Council’s Code of Conduct (adopted “in principle” at the Ordinary Meeting of Council held on 26 July 2005).

COUNCIL DECISION ITEM 10.4.3

Moved Cr Maier, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (6-0)

(Cr Farrell on leave of absence. Cr Torre was absent until 6.55pm. Cr Messina was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is for the Council to rescind its Policy No 4.2.8 – Gifts to Elected Members, Staff and Community Representatives on the Town’s Advisory Groups as the matter is now covered by the Council’s Code of Conduct.

BACKGROUND:

Policy 4.2.8 states as follows:

“POLICY 4.2.8

***GIFTS TO ELECTED MEMBERS, STAFF AND
COMMUNITY REPRESENTATIVES ON THE TOWN’S ADVISORY
GROUPS***

OBJECTIVES

To provide a guide to the limits that apply to accepting gifts.

POLICY STATEMENT

This policy sets out the limits that apply in accepting gifts from persons who are undertaking, or are likely to undertake, business with the Town of Vincent in the form of obtaining an authorisation or providing any contract or service. However, token gifts are exempt and are listed separately for information under (2) below.

1. *Acceptance of Gifts*

1.1 *No gifts with a value above \$200 are to be accepted under any circumstances.*

1.2 *If the gift has a value between \$100 to \$200 inclusive, it is considered to be a token gift and recorded in a public register. Any gifts accepted must be entered in a gifts register which is kept in the CEO's office and is available for public inspection.*

1.3 *If the gift has a value of less than \$100, it is considered to be exempt.*

2. *Exempt token gifts*

Gifts of a hospitality nature with a value of less than \$100 are not required to be recorded in the gifts register. These gifts are not limited to, but may include, items such as:

- *Trinket gifts of an insignificant nature (eg bios, keyrings, diaries, coasters).*
- *Minor items of apparel (eg ties, hats, tee-shirts, etc).*
- *Minor items of a promotional nature (eg mugs, badges etc).*
- *Provision of food and refreshments.*
- *Travel and other related benefits such as accommodation.*
- *Attendance or participation at sporting, cultural, recreational facilities and events.*

This Policy does not apply to gifts received from a relative (as defined in Section 5.74(1) of the Local Government Act) or an electoral gift (to which other disclosure provisions apply)."

At the Ordinary Meeting of Council on 26 July 2005 the Council resolved to Adopt "In Principle" the draft Code of Conduct for Elected Members and Employees 2005.

Clause 4.5 – Acceptance of Gifts provides in detail, acceptance of gifts by Elected Members, Employees and community representatives. Therefore Policy 4.2.8 has been superseded and requires to be rescinded.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

Not applicable.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2003-2008 Key Result Area 4 - *"Governance and Management"*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

This policy is no longer required as it is now covered by the Council's Code of Conduct.

10.4.5 Progress Report - Insurance Requirements - Perth Glory Football Club Pty Ltd

Ward:		Date:	1 August 2005
Precinct:		File Ref:	RES0091
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council NOTES that the Football Federation of Australia (FFA) has taken out a Public and Products Liability Insurance Policy, which notes the Town's interest on the Policy, relating to the use of Members Equity Stadium in the new 'A'-League (including covering Perth Glory Football Club Pty Ltd) from 30 June 2005 to 30 June 2006.

COUNCIL DECISION ITEM 10.4.5

Moved Cr Maier, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (6-0)

(Cr Farrell on leave of absence. Cr Torre was absent until 6.55pm. Cr Messina was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of the report is to advise of the progress for a Public Liability Insurance Policy which notes the Town's interest being provided, to cover the use of Members Equity Stadium in the new Football Federation of Australia 'A'-League.

BACKGROUND:

At the Ordinary Meeting of Council held on 26 April 2005, the Council considered the matter of Public Liability Insurance for Members Equity Stadium. The Council resolved as follows;

"That the Council;

- (i) RECEIVES the report concerning Perth Glory Soccer Club Pty Ltd's request to vary their Deed of Licence – insurance requirements;*
- (ii) ADVISES Perth Glory Soccer Club Pty Ltd and Allia Venue Management Pty Ltd of the following:*
 - (a) that it does not approve of Perth Glory Soccer Club Pty Ltd's request to vary the insurance requirements in their Deed of Licence;*
 - (b) that it will not approve of any request to vary the insurance requirements in the standard Deed of Licence;*

- (c) *that it considers it essential and crucial to protect the Town's interest and in this regard requires the Town (Licensor) and Allia (Manager) interests to continue to be noted on the Licensee's insurance policies;*
- (d) *that it is essential for Perth Glory Soccer Club Pty Ltd, Allia, the Football Federation of Australia and other users of the Stadium to fully satisfy the Deed of Licence requirements if they intend to use Members Equity Stadium;*
- (e) *it considers the Football Federation of Australia's position not to comply with the Deed of Licence insurance requirements to be unacceptable to the Town and requests Perth Glory Soccer Club and/or Allia to request the Football Federation of Australia to reconsider their position; and*
- (f) *that any non-compliance with the Deed of Licence requirements will be considered a breach of the Deed and if the Licence is amended by Allia or Perth Glory Soccer Club Pty Ltd without the Town's prior approval, this constitutes a breach of the Heads of Agreement and the Town reserves its legal rights in respect of any such breach;*
- (iii) *NOTES that a Deed of Licence application has not been received by the Town or the Stadium Committee for the proposed soccer game to be held on 11 May 2005 at Members Equity Stadium;*
- (iv) *REQUESTS the Chief Executive Officer to closely monitor this matter to ensure full compliance with the Deed of Licence and Heads of Agreement;*
- (v) *REQUESTS the Stadium Manager and/or Perth Glory Soccer Club Pty Ltd to provide copies of the relevant insurance policies with respect to the proposed game to be held on 11 May 2005 and prior to the 'A'-League competition commences and prior to any other Deed of Licence being approved for future events at the Stadium; and*
- (vi) *ADVISES the Minister for Sport and Recreation and the Department for Sport and Recreation of this matter and the Council's decision."*

On 22 July 2005, the Town received a letter from Allia Venue Management Pty Ltd, together with a copy of the Certificate of Currency for the Football Federation of Australia's 'A'-League insurance, which notes the Stadium Owners (the Town) on the Policy. The Certificate of Currency is shown as an Attachment.

Insurance policies for events controlled by Allia Venue Management Pty Ltd are obtained as part of the Deed of Licence requirements.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The PGSC Deed of Licence requires the following insurance requirements:

"9.1 The Licensee [PGSC] must have insurance

- (a) *Subject to **clause 9.1(b)**, the Licensee must have current insurance for all the following:*

- (i) *public liability insurance policy for each Event for the amount specified in **Item 6**;*
 - (ii) *any other insurance of a type and for a level of cover reasonably required by the Licensor or the Manager.*
- (c) *The Licensee must:*
 - (i) *have the Licensor's [Town] and the Manager's [Allia] interests noted on the Licensee's insurance policies;*
 - (ii) *satisfy the Manager and the Licensor when required by either of them to do so (by providing copies of the policies to the Licensor or the Manager, as the case may be) that the Licensee's insurance is effected with a reputable insurer carrying on business in Australia, is on terms which the Licensor and the Manager consider to be usual, and is not subject to levels of excess or exclusions which either the Licensor or the Manager (both acting reasonably) consider unacceptable; and*
 - (iii) *give the Licensor and the Manager evidence of the Licensee's insurance in writing when required by either of them to do so (by providing copies of the certificates of currency to the Licensor or the Manager, as the case may be).*

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

The information by the Football Federation of Australia appears to satisfy the requirements of the Deed of Licence for Perth Glory Football Club (it is understood a name change occurred in early 2005) to play in the 'A'-League and also the use of Members Equity Stadium.

10.4.10 Information Bulletin

Ward:	-	Date:	3 August 2005
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 9 August 2005 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.10

Moved Cr Maier, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (6-0)

(Cr Farrell on leave of absence. Cr Torre was absent until 6.55pm. Cr Messina was absent from the Chamber and did not vote.)

DETAILS:

The items included in the Information Bulletin dated 9 August 2005 are as follows:

ITEM	DESCRIPTION
IB01	Rangers' Statistics for January, February and March 2005
IB02	Letter from Minister for Planning and Infrastructure re Requirements of State Administrative Tribunal
IB03	Response to State Administrative Tribunal re Number 25 (Lot 16) Anzac Road, Leederville
IB04	Progress Report on Local Studies and History Collection - January to June 2005
IB05	Letter from Hon Michelle Roberts MLA, Minister for Policy and Emergency Services, Justice, Community Safety – Response to Town's Letter regarding the Application for Change of Use of Sites in Edward Street
IB06	Register of Petitions - Progress Report - August 2005
IB07	Register of Notices of Motion - Progress Report - August 2005
IB08	Register of Reports to be Actioned - Progress Report - August 2005
IB09	Register of Legal Action
IB10	Register of State Administrative Tribunal Appeals
IB11	Notice of Forum - 16 August 2005

10.1.2 Further Report - Nos. 128-130 (Lot 28) Joel Terrace, Mount Lawley - Proposed Pruning of Camphor Laurel Tree as Listed on the Town's Trees of Significance Inventory

Ward:	South	Date:	2 August 2005
Precinct:	Banks; P15	File Ref:	PRO2620; 00/33/2574
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 SJB Town Planning and Urban Design on behalf of the owner Joel Terrace Unit Trust, for proposed Pruning of Camphor Laurel Tree as Listed on the Town's Trees of Significance Inventory, at Nos. 128-130 (Lot 28) Joel Terrace, Mount Lawley, and as shown on plans stamp-dated 22 November 2004, subject to:

- (i) *to ensure the retention, protection and on-going preservation of the Camphor Laurel tree listed on the Town's Trees of Significance Inventory, the owner/s and/or occupier/s shall implement the following measures to retain, protect and maintain the on-going health of the significant tree:*
 - (a) *the submission of a tree management plan prepared by an arboriculturalist, Charles Aldous-Ball or a qualified accredited aboriculturalist commissioned by the Town, which addresses the works to be carried out and the on-going maintenance. This tree management plan shall be submitted to and approved by the Town prior to commencement of pruning works and all associated works shall be undertaken and maintained thereafter in accordance with the plan to the satisfaction of the Town;*
 - (b) *arboriculturalist, Charles Aldous-Ball or a qualified accredited arboriculturalist commissioned by the Town to be on-site during all limb removal processes for the Camphor Laurel tree; and*
 - (c) *the Camphor Laurel tree to be inspected annually by arboriculturalist Charles Aldous-Ball or a qualified accredited arboriculturalist commissioned by the Town, and all necessary remedial works to be carried out.*

All cost associated with this condition shall be borne by the owners.

Moved Cr Lake, Seconded Cr Maier

That the recommendation be adopted.

Cr Messina returned to the Chamber at 6.51pm.

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

That a new clause (ii) being added as follows:

- “(ii) *the limbs to be removed being clarified with the Town’s officers and the limbs to be removed being marked at least four (4) weeks prior to the removal of those limbs;*”

Debate ensued.

Cr Torre entered the meeting at 6.55pm.

AMENDMENT CARRIED (6-2)

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

(Cr Farrell on leave of absence.)

Moved Cr Maier, **Seconded** Cr Messina

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

“(ii) the limbs to be removed being clarified with the Town’s officers and the limbs to be removed being marked at least two (2) ~~four~~ (4) weeks prior to the removal of those limbs;”

Debate ensued.

AMENDMENT CARRIED (6-2)

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

(Cr Farrell on leave of absence.)

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell on leave of absence.)

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 SJB Town Planning and Urban Design on behalf of the owner Joel Terrace Unit Trust, for proposed Pruning of Camphor Laurel Tree as Listed on the Town's Trees of Significance Inventory, at Nos. 128-130 (Lot 28) Joel Terrace, Mount Lawley, and as shown on plans stamp-dated 22 November 2004, subject to:

- (i) *to ensure the retention, protection and on-going preservation of the Camphor Laurel tree listed on the Town's Trees of Significance Inventory, the owner/s and/or occupier/s shall implement the following measures to retain, protect and maintain the on-going health of the significant tree:*
- (a) *the submission of a tree management plan prepared by an arboriculturalist, Charles Aldous-Ball or a qualified accredited arboriculturalist commissioned by the Town, which addresses the works to be carried out and the on-going maintenance. This tree management plan shall be submitted to and approved by the Town prior to commencement of pruning works and all associated works shall be undertaken and maintained thereafter in accordance with the plan to the satisfaction of the Town;*
 - (b) *arboriculturalist, Charles Aldous-Ball or a qualified accredited arboriculturalist commissioned by the Town to be on-site during all limb removal processes for the Camphor Laurel tree; and*
 - (c) *the Camphor Laurel tree to be inspected annually by arboriculturalist Charles Aldous-Ball or a qualified accredited arboriculturalist commissioned by the Town, and all necessary remedial works to be carried out.*
- All cost associated with this condition shall be borne by the owners; and*
- (ii) *the limbs to be removed being clarified with the Town's officers and the limbs to be removed being marked at least two (2) weeks prior to the removal of those limbs.*

ADDITIONAL INFORMATION:

The Town's Park Services advise that when the subject Camphor Laurel tree was inspected some months ago, there was minimal dead wood throughout the canopy that could be removed, however, from a safety point of view, no immediate pruning of the tree is required. Park Services have also stated in verbatim as part of this Agenda Report that the proposed pruning is acceptable.

The applicants have advised that their clients wish to undertake the tree pruning prior to the lot being sold, so that it is clear to future owners what they can and cannot do with respect to the Camphor Laurel tree.

Details of the tree pruning are detailed in the attached documents to this Agenda Report, titled "*Arboricultural Report*".

Below are statements from the Town Planning Appeal Tribunal's decision, relating to the Tree:

Paragraph 48

"Ultimately any proposal to proceed with the development must be subject to a management plan in relation to the pruning of the Tree to be supervised by Mr. Aldous Ball. This in any event was a matter which was proffered by the Appellants to the Respondent throughout the process and represents, in my view, an appropriate approach to the development proposal."

Paragraph 49

"To the extent to which this is an issue which relates to the determination of the appeal, I am satisfied with the approach by the Appellants and believe in the circumstances that on this issue there is no impediment to the development proceeding."

One of the conditions in the *Officer Recommendation* is the submission of a management plan, which is in line with the Tribunal's ruling. The management plans will address the works to be carried out and on-going maintenance of the subject tree. The Tribunal's ruling has not explicitly stated that the proposal is required to be considered in the context of a development application for the development of the whole site.

Even if a development application is submitted and approved in conjunction with the proposed pruning of the tree, there is no guarantee that the development will proceed or may even change at a latter stage dependant on the future owner (s).

Further controls on the built form for the subject site is addressed in the proposed Design Guidelines for Nos.128-130 Joel Terrace, Mount Lawley, which are currently being advertised for public comment.

Amendment No. 26 to Planning and Building Policies – Appendix No.15 – Design Guidelines for Nos. 128-130 Joel Terrace, Mount Lawley was considered at Item 10.1.34 at the Ordinary Meeting of Council held on 28 June 2005.

The proposed Survey Strata Subdivision (WAPC Ref: -) for Nos. 128 and 130 (Lots 28 and 27) Joel Terrace, Mount Lawley was considered at Item 10.1.35 at the Ordinary Meeting of Council held on 28 June 2005, where it was resolved, inter alia:

- “..(iv) *the Camphor Laurel tree, located on proposed Lot 4 (far south-western corner of Lot 28), which is listed in the Town's Trees of Significance Inventory, being retained and measures being taken to ensure its identification and protection to the satisfaction of the Town prior to commencement of site works;*
- ..(vi) *a Management Statement being prepared and submitted in accordance with section 5C of the Strata Titles Act 1985, to include the following additions to the by-laws contained in Schedules 1 and 2 of the Strata Titles Act:*
 - (1) *development or redevelopment on the survey strata lots must comply with an existing development approval issued by the Town of Vincent, or such alternative development approval as the Council may grant, which complies with the grouped dwelling requirements of the Town of Vincent Town Planning Scheme, Residential Design Codes and associated Policies;*
 - (2) *amendment to or repeal of the above provision cannot be effected without the Town of Vincent agreement;*
 - (3) *to ensure the retention, protection and on-going preservation of the Camphor Laurel tree listed on the Town's Trees of Significance Inventory, the owner/s and/or occupier/s of proposed Lot 4 shall implement the following measures to retain, protect and maintain the on-going health of the significant tree:*
 - (a) *the submission of a tree management plan which accounts for the works to be carried out during development works and the on-going maintenance shall be prepared by a private qualified arboriculturalist or a qualified arboriculturalist commissioned by the Town, prior to the issue of a Building Licence. This tree management plan shall be submitted to and approved by the Town and all associated works shall be undertaken and maintained thereafter in accordance with the plan to the satisfaction of the Town;*

- (b) *the private qualified arboriculturalist, or an arboriculturalist commissioned by the Town to be on-site during all limb removals process for the Camphor Laurel tree; and*
- (c) *the Camphor Laurel tree to be inspected annually by a private qualified arboriculturalist or a qualified arboriculturalist commissioned by the Town and all necessary remedial works to be carried out.*

All cost associated with the above requirement shall be borne by the owners;..."

FURTHER REPORT:

The subject application was considered at the Ordinary Meeting of Council held on 24 May 2005. The following was resolved by the Council in relation to this matter:

"That the Item "Lie on the Table", for the following reasons:

- 1. No pressing safety issues requiring pruning.*
- 2. To be considered in the context of a Development Application as stated in the Tribunal's ruling."*

The Mayor Nick Catania has agreed for the item to be referred back to the Council for further consideration.

The Council considered the subdivision of the above sites into 4 lots under Item 10.1.35 at its Ordinary Meeting held on 28 June 2005, where it resolved to advise the Western Australian Planning Commission (WAPC ref: 551-05) that it *"RECOMMENDS APPROVAL "* subject to conditions for the survey strata subdivision of Nos. 128 and 130 (Lots 27 and 28) Joel Terrace, Mount Lawley.

One of the conditions in the Council's Resolution, for the support of the survey strata subdivision, reads as follows:

"(viii) (a) Lot 4 being increased in size to a minimum of 350 square metres to facilitate the effective retention, protection and on-going preservation of the Camphor Laurel Tree; and "

Also addressed in Item 10.1.35 to the Ordinary Meeting held on 28 June 2005 related to the requirements of development approval and plate height construction, which in verbatim states as follows:

" Clause 2.3.3 of the Residential Design Codes requires the applicant to obtain Planning Approval for the development of a house(s) on each of the lots less than 350 square metres including all filling and retaining walls proposed.

Being a small lot subdivision in an infill area, it is recommended that the applicant provide design guidelines for the development of grouped dwellings, similar to other small lot subdivision applications in the Town. The design guidelines would provide guidance and certainty to future landowners if the lots were sold and developed individually. On the above basis, it is recommended that no development application or a plate height requirement be required or imposed as conditions for the proposed survey strata application."

On the above basis, the two (2) reasons stated by the Council at its Ordinary Meeting held on 24 May 2005 are considered to be addressed, and the proposed tree pruning is considered acceptable subject to appropriate conditions.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 24 May 2005.

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by SJB Town Planning and Urban Design on behalf of the owner Joel Terrace Unit Trust, for proposed Pruning of Camphor Laurel Tree as Listed on the Town's Trees of Significance Inventory, at Nos. 128-130 (Lot 28) Joel Terrace, Mount Lawley, and as shown on plans stamp-dated 22 November 2004, subject to:

- (i) to ensure the retention, protection and on-going preservation of the Camphor Laurel tree listed on the Town's Trees of Significance Inventory, the owner/s and/or occupier/s shall implement the following measures to retain, protect and maintain the on-going health of the significant tree:*
 - (a) the submission of a tree management plan prepared by an arboriculturalist, Charles Aldous-Ball or a qualified accredited arboriculturalist commissioned by the Town, which addresses the works to be carried out and the on-going maintenance. This tree management plan shall be submitted to and approved by the Town prior to commencement of pruning works and all associated works shall be undertaken and maintained thereafter in accordance with the plan to the satisfaction of the Town;*
 - (b) arboriculturalist, Charles Aldous-Ball or a qualified accredited arboriculturalist commissioned by the Town to be on-site during all limb removals process for the Camphor Laurel tree; and*
 - (c) the Camphor Laurel tree to be inspected annually by arboriculturalist Charles Aldous-Ball or a qualified accredited arboriculturalist commissioned by the Town, and all necessary remedial works to be carried out.*

All cost associated with this condition shall be borne by the owners.

COUNCIL DECISION ITEM 10.1.19

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

That the Item "Lie on the Table".

CARRIED (6-1)

For
Deputy Mayor – Cr Farrell
Cr Chester
Cr Doran-Wu
Cr Ker
Cr Maier
Cr Messina

Against
Cr Lake

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

Reasons

1. No pressing safety issues requiring pruning.
2. To be considered in the context of a Development Application as stated in the Tribunal's ruling.

Landowner:	Joel Terrace Unit Trust
Applicant:	SJB Town Planning and Urban Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Vacant Lot
Use Class:	"Tree Pruning"
Use Classification:	"Unlisted Use"
Lot Area:	899 square metres
Access to Right of Way	N/A

BACKGROUND:

28 September 2004: The Council at its Ordinary Meeting resolved to refuse the proposed three (3) two-storey and four (4) three-storey grouped dwellings and Survey Strata Subdivision 63-04 at Nos. 128-130 (Lots 28 and 27) Joel Terrace, Mount Lawley. The Council also resolved as follows:

"ADVISES the applicant that it is prepared to consider a new planning application for a revised proposal that reflects no building within the Camphor Laurel tree canopy land area, the significant Camphor Laurel tree being retained in its current form, and the tree canopy land area possibly being set aside as open space with some on-grade open car parking bays for the residents of the grouped dwellings on-site."

22 December 2004: Appeal dismissed by the Town Planning Appeal Tribunal.

18 January 2005: Appeal determination reported to Ordinary Meeting of Council.

Below is a verbatim of the findings in part from the Town Planning Appeal Tribunal decision of 22 December 2004 pertaining to the evidence presented by arboriculturalist Mr Charles Aldous-Ball:

"46. The question therefore remains, accepting Mr Aldous-Ball's evidence, whether what is proposed addresses the Trees of Significance Policy and in broad planning terms impacts on the amenity of the area. By the amenity in relation to the Tree is primarily meant and understood to be the streetscape from Joel Terrace side.

47. *In the case of the latter point Mr Aldous -Ball makes clear that the pruning that will be required in order to undertake the development will not affect the Joel Terrace streetscape. In relation to the Trees of Significance Policy I am satisfied that as the Tree is to be retained there is no conflict with the policy.*

48. *Ultimately any proposal to proceed with the development must be subject to a management plan in relation to the pruning of the Tree to be supervised by Mr Aldous-Ball. This in any event was a matter which was proffered by the Appellants to the Respondent throughout the process and represents, in my view, an appropriate approach to the development proposal.*

49. *To the extent to which this is an issue which relates to the determination of the appeal, I am satisfied with the approach proposed by the Appellants and believe in the circumstances that on this issue there is no impediment to the development proceeding."*

The subject site is a vacant fee simple green title lot. The driveway access to the site is via a partly constructed shared access drive. The Camphor Laurel tree is currently on the Town's Trees of Significance Inventory.

DETAILS:

The proposal involves the pruning of two (2) major limbs and lower secondary limbs to the Camphor Laurel tree at the above site.

The applicant submission in support of the proposal is summarised as follows:

- *"the Camphor laurel is aesthetically unbalanced upon the eastern section, due to the limb removal to alleviate limb encroachment over into the adjacent property boundary (i.e. pruning by neighbours). The report states that an inspection of the two limbs revealed the first major limb was somewhat poorly formed and sinuous in development and therefore would normally be removed as part of sound arboricultural practice.*
- *With regard to the second limb it is evident that an attached eastern limb has previously been reduced back to a branch stub, and although the limb was found to extend significantly laterally, there was sufficient surrounding limbs remaining as to not reduce the aesthetic balance or the aesthetic value of the tree if the limb in question was to be removed."*
- *On the above basis, the limb removal would be considered to not detrimentally impact on the future health or amenity and aesthetic value that the tree provides to the surrounding landscape.*

The applicants solicitors, McLeod Barristers and Solicitors, have advised that the Town is required to take into consideration the former Town Planning Appeal Tribunal decision relating to the report prepared by the applicant's arboriculturalist over the report presented by the Town's arboriculturalist Mr Banks, the pruning impact of the tree on the amenity and that it will not affect the streetscape of Joel Terrace, that a management plan prepared by the arboriculturalist Charles Aldous-Ball is an appropriate approach, and that the proposed pruning was no impediment to the development proceeding. On the above basis, "the Town cannot now reasonably refuse the pruning proposal, or make a determination inconsistent with that of the Town Planning Appeal Tribunal. The Tribunal's decision is, in effect, binding on the Town. The tree pruning proposal is a matter already decided as between the owners and the Town, and in legal terms the issue is res judicata." There is also no question of root damage as the proposal only involves pruning (attached).

The applicant's submission, which includes the report from arboriculturalist Charles Aldous-Ball, and the Town Planning Appeal Tribunal decision of 22 December 2004, is "Laid on the Table".

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Significant Tree</i>	<i>Tree on Trees of Significant Inventory</i>	<i>Significant Tree being retained, subject to pruning and based on comments from arboriculturalist Charles Aldous-Ball, who is to be on-site during limb removal, and Town Planning Appeal Tribunal decision.</i>	<i>Supported- for the reasons stated below subject to recommended conditions.</i>
<i>Consultation Submissions</i>			
<i>Objections (11 individual submissions and one petition with 147 signatures)</i>	<ul style="list-style-type: none"> • <i>Camphor laurel tree to remain un-tampered, as it forms a significant part of the heritage of the area, and would create an undesirable precedent for the area.</i> • <i>Limbs to be removed are considered significantly high limbs and will have an impact on the amenity and aesthetic value the tree provides to the surrounding landscape.</i> • <i>Tree canopy area set aside for open space and some open car parking bays for residents.</i> 	<ul style="list-style-type: none"> • <i>Noted.</i> • <i>Not supported- as the tree as a result of the pruning when viewed from Joel Terrace would not result in a significant visual impact due to the obstruction of houses along Joel Terrace and also due to the inclination of the land that slopes towards the river and eastern side of the subject site.</i> • <i>Noted.</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>The legal cost in defending the previous refusal of Council at the Town Planning Appeal Tribunal was \$75,405.00.</i>

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

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

COMMENTS:

Parks Services advise that the proposed pruning should have no adverse affects on the health, condition and structural integrity of the tree, subject to the works being undertaken by an accredited arborist and supervised by a qualified arboriculturalist. The proposed pruning will assist in balancing the tree, which will ultimately improve the amenity and aesthetic value of the specimen.

As a result of the pruning when viewed from Joel Terrace, the affect would not be significant, due to the obstruction of houses along Joel Terrace and also due to the inclination of the land that slopes towards the river, eastern side of the subject site.

On the above basis, the proposed tree pruning is considered acceptable."

10.1.1 Further Report - No. 98 (Lot 50) Flinders Street (Corner Woodstock Street), Mount Hawthorn - Proposed Green-Title/Freehold Subdivision - Public Open Space and Cash-in-Lieu Contribution

Ward:	North	Date:	29 July 2005
Precinct:	Mount Hawthorn; P1	File Ref:	119765
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	John Giorgi

FURTHER OFFICER RECOMMENDATION:

That the Council;

- (i) *ADVISES the applicant that it APPROVES the required public open space to be provided as a cash-in-lieu amount of \$109,507 based on 291.3 square metres to be paid to the Town in relation to the proposed subdivision of No. 98 (Lot 50) Flinders Street (corner Woodstock Street), Mount Hawthorn (subdivision reference 119765); and*
- (ii) *AUTHORISES the monies to be placed in the Public Open Space Reserve Fund subject to the monies being used in accordance with the purpose of the Reserve Fund and also in accordance with Section 20(c) of the Town Planning Development Act 1928.*

COUNCIL DECISION ITEM 10.1.1

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (6-2)

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

(Cr Farrell on leave of absence.)

FURTHER REPORT:

The subject matter was considered at the Ordinary Meeting of Council held on 10 May 2005. The following was resolved by the Council in relation to this matter:

"That the Item be DEFERRED to obtain another two independent valuations of the land to be provided in-lieu of public open space."

Further independent valuations commissioned by the Town and undertaken by the Australian Property Consultants and Murray R. Stubbs has valued 291.3 square metres of the subject land, the required public open space to be provided as a cash-in-lieu, to be \$122,000 and \$101,932 respectively. The previous valuation undertaken (also arranged by the Town but paid by the applicant) by Pember, Wilson and Eftos valued this land to be \$104,590.

It is therefore considered equitable that the amount to be provided in lieu of the required public open space shall be an average of the above amounts. This would equate to \$109,507. The applicant has agreed to pay this amount.

It is noted that the following clauses cited from the Town Planning and Development Act 1928 outlines how the cash-in-lieu for open space should be determined.

"20C . When owner may pay money in lieu of land being set aside for open spaces

(1) *Where the Commission has approved a plan of subdivision of land upon condition that portion thereof be set aside and vested in the Crown for parks, recreation grounds or open spaces generally, if the local government in whose district the portion is situated and the Commission approve, the owner of the land may, in lieu thereof, pay to that local government a sum that represents the value of the portion.*

(2) *All money received by a local government under subsection (1) shall be paid into a separate account of the local government and shall be applied —*

(a) for the purchase of land by the local government for parks, recreation grounds or open spaces generally, in the locality in which the land included in the plan of subdivision referred to in that subsection is situated;

(b) in repaying any loans raised by the local government for the purchase of any such land; or

(c) with the approval of the Minister, for the improvement or development as parks, recreation grounds or open spaces generally of any land in the said locality vested in or administered by the local government for any of those purposes.

(3) *For the purposes of subsection (1), the value of the portion shall be such percentage of the market value of the land of which the portion forms part as the area of the portion bears to the area of that land on the date of the subdivision.*

(4) *For the purposes of subsection (3), the market value of land —*

(a) is the capital sum which an unencumbered estate in fee simple in the land might reasonably be expected to realise if offered for sale on such reasonable terms and conditions as a bona fide seller would require;

(b) shall be determined, at the cost of the owner of the land, by a licensed valuer agreed upon by the parties or, failing agreement, appointed by the local government; and

(c) shall be so determined —

(i) as at the date of the subdivision;

(ii) on the basis that there are no buildings, fences or other improvements of a like nature on the land;

(iii) on the assumption that any rezoning necessary for the purpose of the subdivision has come into force; and

- (iv) *taking into account the added value of all other improvements on or appurtenant to the land.*
- (5) *If either the owner of the land or the local government disputes a valuation made under subsection (4), the valuation may be varied by agreement between the parties or the dispute may be settled by such method as they may agree upon.*
- (6) *If after 28 days from the date when both parties have received the valuation the dispute has not been settled or an agreement made as to the method of settlement, either the owner of the land or the local government may refer the dispute for determination by an arbitrator under the Commercial Arbitration Act 1985 .*
- (7) *For the purposes of this section —*
- (a) *land is subdivided on the date on which the Commission approves of the plan of subdivision of the land subject to the condition mentioned in subsection (1);*
and
- (b) *“licensed valuer” means —*
- (i) *a licensed valuer within the meaning of the Land Valuers Licensing Act 1978 ;*
- (ii) *the Valuer-General,*
- but nothing in subsection (4)(b) or in this paragraph shall be construed as obliging the Valuer-General to undertake any valuation for the purposes of this section."*

In light of the above, it is noted that the valuations were based on the value of the land at the date of subdivisional approval granted by the Western Australian Planning Commission, which was on 27 November 2002.

The three valuation reports and the applicant's submissions are "*Laid on the Table*" for the Council's consideration.

The Chief Executive Officer amended this report by changing referral to the "Trust Fund" to the Council's "Public Open Space Reserve Fund" in the recommendation as this is the appropriate account.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 10 May 2005.

"OFFICER RECOMMENDATION:

That the Council;

- (i) *ADVISES the applicant that it APPROVES the required public open space to be provided as a cash-in-lieu amount of \$104,590 based on 291.3 square metres to be paid to the Town in relation to the proposed subdivision of No. 98 (Lot 50) Flinders Street (corner Woodstock Street), Mount Hawthorn (subdivision reference 119765); and*
- (ii) *NOTES that the monies will be held in a Trust Fund until the public open space works have been completed.*

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

Cr Messina departed the Chamber at 8.50pm.

Cr Messina returned to the Chamber at 8.51pm.

Debate ensued.

COUNCIL DECISION ITEM 10.1.5

Moved Cr Ker, Seconded Cr Lake

That the Item be DEFERRED to obtain another two independent valuations of the land to be provided in-lieu of public open space.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

<i>Landowner:</i>	<i>The Perth Diocesan Trustees</i>
<i>Applicant:</i>	<i>David Barnao and Co.</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30</i>
<i>Existing Land Use:</i>	<i>Church and Single House</i>
<i>Use Class:</i>	<i>Place of Public Worship and Single House</i>
<i>Use Classification:</i>	<i>"AA", "P"</i>
<i>Lot Area:</i>	<i>2913 square metres</i>

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:

Under the Western Australian Planning Commission's conditional subdivision approval issued on 27 November 2002, the following was applied in relation to public open space (POS):

"14. 291.3 m2, in a position agreed between the subdivider and the Western Australian Planning Commission, being shown on the Diagram or Plan of Survey (deposited plan) as a "Reserve for Recreation" and vested in the Crown under section 20A of the Town Planning and Development Act, such land to be ceded free of cost and without any payment of compensation by the Crown.(LG)"

"Advice to applicant:

"5. With respect to condition 14 of this approval, the Commission hereby approves of a cash-in-lieu contribution in accordance with section 20C of the Town Planning and Development Act 1928."

A sworn market valuation report undertaken by Pember, Wilson and Eftos has valued 291.3 square metres of the subject land to be \$104,590. The applicants have indicated they are agreeable to paying this amount. The valuation report is "Laid on the Table".

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

Town Planning Scheme No. 1, Town Planning and Development Act 1928 and WAPC Policies.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The Town's Technical Services have advised that upon preliminary investigation, it considers the required amount of public open space required to be an unfeasible size for its use and therefore, the cash-in-lieu of public open space would be more beneficial for the Town in that the money can be used to upgrade other existing parks/reserves.

With the above in mind, it is recommended that the Council approves the subject cash-in-lieu contribution and advises the applicant accordingly. "

10.1.7 No. 196 (Lot 556 D/P: 2177) Anzac Road (Corner Federation Street), Mount Hawthorn - Proposed Demolition of Existing Outbuilding (Shed) and Construction of Additional Single House to Existing Single House

Ward:	North	Date:	2 August 2005
Precinct:	Mount Hawthorn; P01	File Ref:	PRO2723; 5.2005.2901.1
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 M Taylor on behalf of the owner T M Martin for proposed Demolition of Existing Outbuilding (Shed) and Construction of Additional Single House to Existing Single House, at No. 196 (Lot 556 D/P: 2177) Anzac Road (corner Federation Street), Mount Hawthorn, and as shown on plans stamp-dated 7 June 2005 , subject to:

- (i) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Anzac Road and Federation Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (ii) *no street/front wall, fence and gate shall exceed a maximum height of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend the maximum height to 2.0 metres. The solid portion of any new street/front wall, fence and gate between the main building and Anzac Road and Federation Street, including along the side boundaries, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gate being visually permeable, with a minimum 50 per cent transparency. Any new walls, fences and gates shall also be truncated or the solid portion of such shall be reduced to no higher than 0.65 metre for a minimum length of 1.5 metres of - where such walls, fences and gates adjoin vehicle access points, where a driveway meets a public street, and where two streets intersect. The solid portion of any new fences and gates adjacent to the existing dwelling along Federation Street from four metres from the southern boundary can increase to a maximum height of 1.8 metres, provided that the wall and/or fence has at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (iii) *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;*

- (iv) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to conserve the existing dwelling on site. All costs associated with this condition shall be borne by the applicant/owner(s); and*
- (v) *prior to the clearance of the diagram of survey for the creation of the proposed lots, the perimeter walls of the approved dwelling shall be constructed to plate height.*

COUNCIL DECISION ITEM 10.1.7

Moved Cr Doran-Wu, Seconded Cr Lake

That the recommendation be adopted.

Cr Doran-Wu requested that it be recorded in the Minutes that implication that she was one of the Councillors willing to reconsider her opinion as stated in the comments recorded on page 29 of the Agenda "... some Elected Members are willing to reconsider the application on the basis of conversations undertaken and clarification of the proposal" was erroneous. She advised that at the stated meeting, she indicated to the applicant that based on the plans presented at that meeting she would not support the application and then further stated her reasons. She stated that she did not give explicit or implicate support for this application based on the plans at that meeting.

Debate ensued.

Moved Cr Lake, Seconded Cr Ker

That the Item be deferred.

LOST (3-5)

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

(Cr Farrell on leave of absence.)

MOTION LOST (3-5)

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

(Cr Farrell on leave of absence.)

Reasons:

1. the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;
2. the development does not comply with the average and minimum site area per dwelling requirements of the Residential Design Codes R 30 density code;

3. the development does not comply with the access and car parking requirements of the Residential Design Codes;
4. the Council has previously resolved that the place as it will remain, does not warrant a density bonus under Clause 20 of the Town's Town Planning Scheme No. 1;
5. consideration of the objections received;
6. the proposed crossover for the existing house accessed off Anzac Road does not comply with Australian Standard AS/NZS 2890.1:2004 as the proposed crossover would be located within 6 metres of the kerb tangent point;
7. the proposed crossover for the existing house accessed off Federation Street does not have the required clearance from the existing power pole. The measured width from the rear of the existing house and southern edge of the existing power pole is approximately 2.7 metres and the required minimum width of a crossover is 3 metres with a 0.5 metre offset from the edge of the power pole; and
8. the car bays for the proposed dwelling are 2.5 metres wide and not the required 2.7 metres wide.

ADDITIONAL INFORMATION:

The double car bays for the proposed residence accessed off Federation Street are required to be 2.7 metres wide each (total width of 5.4 metres). The current plans indicate that the subject car bays are 2.5 metres wide (total width of 5 metres) and therefore require redesign. There appears to be an opportunity to comply with this requirement by reducing the width of the proposed dwelling.

To keep conflict between frontage road traffic and car park traffic to an acceptable minimum at unsignalised intersections of local streets with each other or with an arterial road, access driveways are not to be located within 6.0 metres of the kerb tangent point. The proposed crossover for the existing house accessed off Anzac Road does not comply with Australian Standard AS/NZ 2890.1:2004 as the proposed crossover would be located within 6 metres of the kerb tangent point. This requirement could be addressed by deleting the proposed crossover and providing the second car bay in tandem with the proposed car bay located towards the proposed northern boundary accessed off Federation Street.

The proposed crossover for the existing house accessed off Federation Street does not have the required clearance from the existing power pole. The measured width from the rear of the existing house and southern edge of the existing power pole is approximately 2.7 metres and the required minimum width of a crossover is 3 metres with a 0.5 metre offset from the edge of the power pole. This could be addressed by the appropriate relocation of the power pole with the costs being borne by the applicant/owner.

Landowner:	T M Martin
Applicant:	M Taylor
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:	541 square metres
Access to Right of Way	N/A

BACKGROUND:

- 13 April 2004 At its Ordinary Meeting, the Council refused an application for an additional single house and alterations to the existing house, for the following reasons:
1. *The proposed development does not comply with the minimum site area per dwelling/lot size requirements of the Residential Design Codes R30 density code.*
 2. *The proposed development does not meet the performance criteria provisions under Clause 3.1.3 of the Residential Design Codes relating to variations to the minimum site area requirements, and would therefore result in the proposed development being inconsistent with the orderly and proper planning and the preservation of the amenities of the locality.*
 3. *Approval of the proposed development would create an undesirable precedent for development of lots with similar sizes within the area.*
 4. *Consideration of objections received."*
- 3 May 2004 Notice of appeal lodged with the previous Town Planning Appeal Tribunal (TPAT).
- 22 June 2004 At its Ordinary Meeting, the Council refused revised plans stamp dated 28 May 2004, for the following reasons:
1. *The proposed development does not comply with the average site area per dwelling/lot size requirements of the Residential Design Codes R30 density code.*
 2. *The proposed development does not meet the performance criteria provisions under Clause 3.1.3 of the Residential Design Codes relating to variations to the minimum site area requirements, and would therefore result in the proposed development being inconsistent with the orderly and proper planning and the preservation of the amenities of the locality.*
 3. *Approval of the proposed development would create an undesirable precedent for development of lots with similar sizes within the area.*
 4. *Consideration of objections received.*
 5. *The place as it will remain, does not warrant a density bonus under Clause 20 of the Town Planning Scheme.*
 6. *Proposed alterations to the existing property would substantially erode the place's integrity and any purported heritage value."*
- 16 July 2004 Previous TPAT resolved to dismiss the appeal.

12 April 2005 At its Ordinary Meeting, the Council refused an application for proposed additional single storey single house to existing single house for the following reasons:

- "(i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the development does not comply with the average and minimum site area per dwelling requirements of the Residential Design Codes R 30 density code;*
- (iii) the Council has previously resolved that the place as it will remain, does not warrant a density bonus under Clause 20 of the Town's Town Planning Scheme No. 1; and*
- (iv) consideration of the objections received."*

DETAILS:

The proposal involves demolition of the existing outbuilding (shed) and construction of an additional single house to existing single house, at No. 196 (Lot: 556 D/P: 2177) Anzac Road (corner Federation Street), Mount Hawthorn. The proposed dwelling will front Federation Street.

The applicant requests Council to reconsider the application. The current plans differ from the previous plans considered by the Council in that the whole of the existing house is being retained.

A verbatim of the applicant's second written submission dated 27 July 2005 is as follows:

"Following our meeting this afternoon, I am writing this submission to confirm the following:

- 1. I and my consultant town planner, Mr Ken Adam, have personally met with Councillors Chester, Doran-Wu, Dudley Maier and Sally Lake at the site of 196 Anzac Road Mount Hawthorn.*
- 2. Following our discussions, there were two main points raised regarding the development of the site. These were the full retention of the existing home, and a condition being placed on the approval that the new dwelling is built to plate height prior to subdivision.*
- 3. In order to achieve this, I propose that a legal agreement be entered into to ensure that the existing home is retained. This may involve a memorial being placed on the title.*
- 4. Furthermore, I propose that a legal agreement be entered into to guarantee that the new dwelling be built as designed. I would be prepared for a condition of subdivision requiring construction of this dwelling to plate height prior to issue of new titles.*
- 5. We intend to further renovate the existing home (which we have recently rewired and painted internally), by completing the new boundary fencing as shown in our plans. We also intend to paint the exterior of the home, clean the roof, replace any gutters that need replacing, and enhance the landscaping with new plants. We would be happy, should Council require it, that this be a condition prior to subdivision."*

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	1.803 dwellings Residential R30	2 dwellings R36.97 10.9 per cent density bonus (average site area); 21.5 per cent density bonus (minimum site area for subject site).	Supported - the existing dwelling is now proposed to be retained in its entirety, and the Town's Heritage Officer has stated that the building is considered to contribute to the streetscape and a density bonus is considered acceptable under Clause 20 of the Town's Town Planning Scheme No. 1.
Setback South	1 metre	Nil	Supported - internal boundary, proposed lots under same ownership, and building on boundary is 2.6 metres high and not considered to have an undue impact on affected neighbour, and adequate curtilage to existing dwelling.
Building on Boundary	Walls not higher than 3.5 metres with an average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Boundary wall for 86 per cent of the southern boundary of the proposed new lot	Supported - as above.
Plot Ratio	N/A	N/A	N/A

Consultation Submissions		
Support	Nil	Noted
Objection (1)	<ul style="list-style-type: none"> • Non-compliance with minimum site area • Property does not have heritage significance in accordance with Town Policies and little evidence exist to demonstrate dwelling is worthy of retention • Undesirable precedent 	<p>Not supported - the existing dwelling is now proposed to be retained in its entirety, the Town's Heritage Officer has stated that the building is considered to contribute to the streetscape and therefore, the variations to density and minimum site area sought are considered acceptable under Clause 20 of the Town's Town Planning Scheme No. 1 in this instance.</p> <p>Not supported - as above.</p> <p>Not supported - as above.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

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

COMMENTS:

With regard to the density of the existing house at No.196 Anzac Road, the Town's Heritage Officers made the following comments:

The existing house on Lot 556 is a relatively intact inter-war Californian Bungalow, which is representative of typical post war housing constructed in Mount Hawthorn. In this instance, the building is considered to contribute to the streetscape and a density bonus is considered acceptable under Clause 20 of the Town's Town Planning Scheme No.1.

The subject proposal involves a 21.5 per cent variation to the minimum site area requirements and a 10.9 percent variation to the average site area requirements outlined in the Residential Design Codes. This variation is considered acceptable under Clause 20 of the Town's Town Planning Scheme No.1.

One objection was received with concern relating to density, the lack of heritage significance associated with the existing dwelling and the creation of an undesirable precedent being established. These concerns are addressed in the above Assessment Table.

While it is noted that similar applications for the subject lot were previously refused by Council, the applicant has indicated to the Town's Officers through written submission that discussions have been held with Elected Members, and some Elected Members are willing to reconsider the application on the basis of the conversations undertaken and clarification of the proposal.

With the above in mind, the proposal is recommended for approval, subject to standard and appropriate conditions for the following reasons:

- the Town's Heritage Officer has stated that a density bonus is considered acceptable under Clause 20 of the Town's Town Planning Scheme No. 1;
- the setback variation relates to an internal boundary, is considered minor and does not have an undue impact on the affected neighbour;
- condition (iv) of the Officer Recommendation will prevent the original house from being demolished; and
- condition (v) of the Officer Recommendation will prevent the proposed new lot from being subdivided and on -sold as a vacant lot.

10.1.12 Nos. 30-44 (Lots 1 and 2 D/P: 2028) Angove Street (Corner Woodville Street), North Perth - Proposed Change of Use from Shop to Eating House

Ward:	North	Date:	2 August 2005
Precinct:	North Perth Centre; P9	File Ref:	PRO0152; 5.2005.2860.1
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 L Tati on behalf of the owners D & D & G & L Christou for proposed Change of Use from Shop to Eating House, at Nos. 30-44 (Lots 1 and 2 D/P: 2028) Angove Street (corner Woodville Street), North Perth, and as shown on plans stamp-dated 13 May 2005 and 20 May 2005, subject to:

- (i) *the maximum public floor area of the eating house shall be limited to 36 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (ii) *prior to the first occupation of the development, two (2) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (iii) *doors, windows and adjacent floor areas fronting Angove Street shall maintain an active and interactive relationship with these streets; and*
- (iv) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$5,750 for the equivalent value of 2.3 car parking spaces, based on the construction cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements.*

Moved Cr Chester, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

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

- “(v) *prior to the issue of a Building Licence or prior to the first occupation of the development, whichever occurs first, the applicant demonstrating the retention of the existing tiles on the front façade.*”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

Moved Cr Chester, **Seconded** Cr Torre

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

“(ii) *prior to the first occupation of the development, one (1) ~~two (2)~~ class 3 bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*”

Debate ensued.

AMENDMENT CARRIED (6-2)

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

(Cr Farrell on leave of absence.)

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell on leave of absence.)

COUNCIL DECISION ITEM 10.1.12

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by L Tati on behalf of the owners D & D & G & L Christou for proposed Change of Use from Shop to Eating House, at Nos. 30-44 (Lots 1 and 2 D/P: 2028) Angove Street (corner Woodville Street), North Perth, and as shown on plans stamp-dated 13 May 2005 and 20 May 2005, subject to:

(i) *the maximum public floor area of the eating house shall be limited to 36 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*

- (ii) *prior to the first occupation of the development, one (1) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (iii) *doors, windows and adjacent floor areas fronting Angove Street shall maintain an active and interactive relationship with these streets;*
- (iv) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$5,750 for the equivalent value of 2.3 car parking spaces, based on the construction cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements; and*
- (v) *prior to the issue of a Building Licence or prior to the first occupation of the development, whichever occurs first, the applicant demonstrating the retention of the existing tiles on the front façade.*

Landowner:	D & D & G & L Christou
Applicant:	L Tati
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shop
Use Class:	Eating House
Use Classification:	"P"
Lot Area:	789 square metres
Access to Right of Way	East side, 3 metres wide, sealed, Town owned

BACKGROUND:

- 20 December 2000 Planning Approval under delegated authority from the Council was issued for a change of use from shop to eating house at Nos. 30-44 (Shop 38) (Lot1) Angove Street, North Perth.
- 24 July 2001 Planning Approval was granted by the Council at its Ordinary Meeting for change of use from shops to tavern (wine bar) and associated alterations and additions at Nos. 30-44 (Shops 34-36) (Lots 1 and 2) Angove Street, North Perth.
- 14 September 2004 Planning Approval under delegated authority from the Council was issued for verandah additions to existing eating house at Nos. 30-44 (Lots 1 and 2) Angove Street (corner Woodville Street), North Perth.

DETAILS:

The proposal involves a change of use from shop to eating house.

The proposed eating house is called *Milkd* and will serve coffee, desserts, cake and freshly prepared cold sandwiches and rolls. The food prepared will not be cooked on the premises.

The proposed hours of operation are within Monday to Sunday 7.00am to 10.00pm, inclusive. There will be three staff working at the subject premises.

The on-site car parking bays at Nos. 30-44 Angove Street, corner Woodville Street, North Perth, are not exclusively allocated to the tenancies, therefore, the required car parking has been calculated for the whole site based on the last change of use Planning Approval granted by the Council at its Ordinary Meeting held on 24 July 2001.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car Parking Requirement (nearest whole number) -Proposed Eating House requires an additional 3 car bays from existing situation			46 bays
Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.95 (within 400 metres of one or more existing public car parking places with in excess of a total of 25 car parking spaces) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.95 (secure on-site and/or adjacent street bicycle parking complying with the standards identified in Bikewest guidelines)** 			(0.7671) 35.29 car bays
Minus car parking on-site			7 car bays
Minus the most recently approved on-site parking shortfall			25.99 car bays
Resultant shortfall			2.3 car bays
Bicycle Parking			
Restaurant <ul style="list-style-type: none"> • 1 space per 100 square metres public area for employees (class 1 or 2)- 0.36 space • 2 spaces plus 1 space per 100 square metres of public area for visitors (class 3)- 2.36 spaces 			None indicated on plans, has been conditioned to comply.

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

** It has been conditioned that the required bicycle parking facilities be provided prior to the occupation of the development.

COMMENTS:

Car Parking Requirement

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

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

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

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

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

Summary

The proposal is not considered to unduly impact on the amenity of the adjacent or surrounding properties and is therefore, recommended for approval subject to standard and appropriate conditions.

10.1.14 No. 305 (Lot 1 D/P: 2600) Walcott Street, North Perth - Proposed Demolition of Existing Single House and Construction of a Two Storey plus Basement Multiple Dwellings Development, Comprising Four (4) Single Bedroom Dwellings and Two (2) Multi-Bedroom Dwellings

Ward:	North	Date:	1 August 2005
Precinct:	North Perth; P08	File Ref:	PRO3173; 5.2005.2839.1
Attachments:	001		
Reporting Officer(s):	V Lee, L Mach, T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by T Pearce on behalf of the owner Mount Lawley Properties Pty Ltd for proposed Demolition of Existing Single House, at No.305 (Lot 1 D/P: 2600) Walcott Street, North Perth, and as shown on plans stamp-dated 8 July 2005 (demolition plan), subject to:*
 - (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (c) *a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
 - (d) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
 - (e) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*
 - (f) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Planning Scheme No.1 and associated Policies; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by T Pearce on behalf of the owner Mount Lawley Properties Pty Ltd for proposed Construction of a Two Storey plus Basement Multiple Dwellings Development, comprising Four (4) Single Bedroom Dwellings and Two (2) Multi-Bedroom Dwellings, at No.305 (Lot 1 D/P: 2600) Walcott Street, North Perth, and as shown on plans stamp-dated 8 July 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 setbacks, building height, privacy, access and car parking, driveway width and landscaping requirements of the Residential Design Codes, and the Town's Policies relating to the Knutsford Locality and Parking and Access, respectively; and*
- (c) *consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

Landowner:	Mount Lawley Properties Pty Ltd
Applicant:	T Pearce
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	784 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves demolition of existing single house and construction of a two storey plus basement multiple dwellings development, comprising four (4) single bedroom dwellings and two (2) multi- bedroom dwellings. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	4 multi-bed dwellings or 7 single bedroom dwellings R 60	2 multi-bed dwellings and 4 single bedroom dwellings R 59.4	Supported- no variation.

Plot Ratio	0.7 - 548.8 square metres	0.5 - 390 square metres	Supported- no variation.
Setbacks: First Floor - South	3.3 metres	1.5 (balcony)-2.7 metres (main building).	Not supported- undue impact on neighbours.
-Northwest	2.5 metres	2.0-5.0 + metres	Supported- minor variation and staggering of setbacks, therefore no undue impact on neighbours.
Car Parking Manoueuering	Spaces to be designed in accordance with Australian Standards 2890.1	Spaces not in accordance with Australian Standards 2890.1 in relation to vehicular manoeuvring.	Not supported- considered to be inadequate and not safe in use.
Privacy Setbacks	Balconies- 7.5 metres	Unit 6 balcony- 5.8-8.2 metres to north boundary	Not supported- undue impact on neighbour.
Building Height	7.0 metres	Up to 8.1 metres	Not supported- undue impact on streetscape.
Driveway Width	4.0 metres	3.0 metres	Not supported- considered to be inadequate and not safe in use.
Landscaping Requirements	Street setback area developed without car parking (visitors car bays permitted)	1 resident and 1 visitor car bay within street setback area.	Not supported- undue impact on streetscape.
Pedestrian Stair Access	Maximum 2 dwellings served by shared staircase	3 dwellings served by proposed staircase	Supported- minor variation in this instance and also noted that the two of the dwellings served by the staircase are single bedroom dwellings.

Consultation Submissions

The proposal was referred to the Department for Planning for Infrastructure (DPI) as Walcott Street is reserved as an Other Regional Road (ORR). DPI has indicated it is prepared to support the ingress-egress crossovers and that the applicant should be advised of the land requirement affecting the subject lot in an event of an approval.

Support	Nil	Noted
Objection (3)	<ul style="list-style-type: none"> • Damage to property during proposed demolition and construction • Disruption caused during proposed demolition and construction 	<p>Not supported- civil matter, not a major planning consideration.</p> <p>Not supported- however proposal will be required to comply with Environmental Protection (Noise) Regulations 1997 which addresses noise and permitted working hours.</p>

	<ul style="list-style-type: none"> • Obstruction caused by construction vehicles • Negative impact on property value 	<p>Not supported- not a major planning consideration. Furthermore, matter to be monitored by Town's Ranger Services and Community Safety.</p> <p>Not supported- not a major planning consideration.</p>
	<ul style="list-style-type: none"> • Proposal aimed at rental market • Requests 2.5 metres setback on southern boundary • Stair access • Number of units • Number and type of people to occupy development • Diving fence to replaced 	<p>Not supported- not a major planning consideration. Supported -refer to above.</p> <p>Not supported- refer to above.</p> <p>Not supported- density of the development is compliant.</p> <p>Not supported- not a major planning consideration.</p> <p>Not supported- civil matter to be resolved between adjoining neighbours and in accordance with Dividing Fences Act 1961 (not administered by the Town).</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

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

Demolition

A detailed Heritage Assessment forms part of the attachment.

The subject dwelling is dated circa 1940 representing part of the latter development along this section of Walcott Street, North Perth. The dwelling is a single storey brick and tile bungalow with wide overhanging eaves. The place features four main bedrooms and a rear skillion containing a sleep out and laundry. The internal detailing of the place is modest, with low skirtings, plain cornices and vents and simple kitchen and bathroom fittings. The high fence and dense vegetation within the garden largely conceal the dwelling from the street.

Whilst most of the original features of the house remain, it is not considered that these features alone justify the retention of the house or qualify the place for consideration for entry into the Town's Municipal Heritage Inventory. The place is not rare and is considered to be of little aesthetic, historic, scientific or social value.

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

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

COMMENTS:

In relation to the proposed redevelopment, the extent of the variations sought is not considered to be supportable and to cause an undue impact on the adjoining neighbours and surrounding area. In light of this, the objections received and the opportunity for redesign as the existing dwelling is proposed to be demolished, the proposed redevelopment of the subject lot is recommended for refusal.

10.1.3 No. 36 (Lot 69) Clarence Street, Mount Lawley – Proposed Two (2) Two-Storey Single Houses - Amended Plans

Ward:	South	Date:	1 August 2005
Precinct:	Forrest; P14	File Ref:	PRO1678; 00/33/2242
Attachments:	001		
Reporting Officer(s):	S Turner		
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 amended plans stamped 13 July 2005 to Planning Approval (Serial No. 00/33/2242) granted by the Council on 12 April 2005 and issued on 2 May 2005, for proposed Two (2) Two-storey Single Houses at No. 36 (Lot 69) Clarence Street, Mount Lawley.

COUNCIL DECISION ITEM 10.1.3

Moved Cr Chester, Seconded Cr Lake

That the recommendation be adopted subject to it being 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 amended plans stamped 13 July 2005 to Planning Approval (Serial No. 00/33/2242) granted by the Council on 12 April 2005 and issued on 2 May 2005, for proposed Two (2) Two-storey Single Houses at No. 36 (Lot 69) Clarence Street, Mount Lawley, subject to compliance with the following condition (ii) of the previous Planning Approval granted by the Council on 12 April 2005, prior to the issue of a Building Licence and shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies:

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

Cr Messina departed the Chamber at 7.35pm.

CARRIED (7-0)

(Cr Farrell on leave of absence. Cr Messina was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The subject amended plans have been submitted as part of the Building Licence Application for the proposed development and varies from the respective Planning Approval plans. The subject amended plans are being referred to this Ordinary Meeting for consideration and determination by the Council, in accordance with the Draft Policy relating to Variations to Planning Approval and Building Licence Plans (approved at the Ordinary Meeting of Council held on 12 July 2005).

Landowner:	M C & N Di Camillo and J A Ward
Applicant:	Daniel Cassettai Design
Zoning:	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Residential R50
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	463 square metres
Access to Right of Way	North side, 3.05 metres wide, sealed, dedicated road.

BACKGROUND:

Conditional approval was granted by the Council at its Ordinary Meeting held on 12 April 2005 for proposed two (2) two-storey single houses, at the subject property.

DETAILS:

The external differences between the current revised Building Licence Application plans and the previous Planning Approval plans are as follows:

- for both dwellings 1 and 2, a decrease in the side setback from 3.2 metres to 2.7 metres for a 2.5 metres length of wall on the first floor of the Bedroom 3 ensuite.
- The addition of a small opaque non-openable window for the ensuite, facing north-west and north-east.

Planning Approval conditions (iv) and (vi) have been complied with as part of the Building Licence plans, as follows:

- Condition (iv) required the outdoor living area to be increased in size to a minimum dimension of 4 metres with a minimum area of 16 square metres. The courtyards have increased in size to comply with the condition.
- Condition (vi) required Bedroom 3 windows to be modified to comply with privacy requirements. These windows have now been reduced in size and are no longer considered to be major openings as defined by the Residential Design Codes.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
The amended plans (Building Licence Application plans) do not result in any greater variation to the development requirements from the previously approved plans.			

Consultation Submissions		
The amended plans were not advertised as the plans do not involve any greater variation to the development requirements from the previously approved plans.		
Support	N/A	N/A
Objection	N/A	N/A
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

COMMENTS:

The amended plans (Building Licence Application plans) are considered acceptable, as the changes in the amended plans are considered minor and do not have an undue impact on the adjoining neighbours and do not involve any greater variations to the development requirements from the previously approved plans. Conditions (iv) and (vi) of the Planning Approval have now been complied with.

Accordingly, it is recommended that further Planning Approval for the amended plans (Building Licence Application plans) should not be required, and that the revised plans be approved as amended plans to the previous Planning Approval.

Mayor Catania advised that Cr Doran-Wu had declared a proximity interest in this Item. Cr Doran-Wu departed the Chamber at 7.35pm and did not speak or vote on the matter.

10.1.4 No. 118 (Lot 206 D/P: 1791) Buxton Street, Mount Hawthorn - Alterations and Additions to Street/Front Fence to Existing Single House (Application for Part Retrospective Approval)

Ward:	North	Date:	3 August 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO1299; 5.2005.3073.1
Attachments:	001		
Reporting Officer(s):	B McKean, R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner N and C Nocciolino for Alterations and Additions to Street/Front Fence to Existing Single House (Application for Part Retrospective Approval), at No. 118 (Lot 206 D/P: 1791) Buxton Street, Mount Hawthorn, and as shown on plans stamp-dated 11 July 2005, subject to:*
 - (a) *no landscaping shall be provided in the planter box within the 1.2 metres by 1.2 metres visual truncation area at the south-west side corner of the driveway and the front boundary;*
- (ii) *the Council ADVISES the applicant and owners that the works that form part of clause (i) above shall be completed 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; and*
- (iii) *the applicant/owners shall pay the outstanding fee, being \$100, for application for retrospective Planning Approval, within 14 days of the date of notification of the above approval.*

Moved Cr Maier, Seconded Cr Torre

That the recommendation be adopted subject to a new clause (i)(b) being added as follows:

- “(i) (b) *the applicant demonstrating the proposed new clear glazed infill panels being 1 metre high on the site plan, floor plan and elevation plans;*”

Cr Messina returned to the Chamber at 7.36pm.

CARRIED (7-0)

(Cr Farrell on leave of absence. Cr Doran-Wu was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.4

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner N and C Nocciolino for Alterations and Additions to Street/Front Fence to Existing Single House (Application for Part Retrospective Approval), at No. 118 (Lot 206 D/P: 1791) Buxton Street, Mount Hawthorn, and as shown on plans stamp-dated 11 July 2005, subject to:*
 - (a) *no landscaping shall be provided in the planter box within the 1.2 metres by 1.2 metres visual truncation area at the south-west side corner of the driveway and the front boundary; and*
 - (b) *the applicant demonstrating the proposed new clear glazed infill panels being 1 metre high on the site plan, floor plan and elevation plans;*
- (ii) *the Council ADVISES the applicant and owners that the works that form part of clause (i) above shall be completed 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; and*
- (iii) *the applicant/owners shall pay the outstanding fee, being \$100, for application for retrospective Planning Approval, within 14 days of the date of notification of the above approval.*

Landowner:	N & C Nocciolino
Applicant:	N Nocciolino
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:

- 15 October 1999 Conditional Planning Approval was granted under delegated authority for the demolition of the existing building and the construction of a two storey dwelling at No. 118 Buxton Street.
- 15 October 1999 Demolition Licence granted for No. 118 Buxton Street.
- 18 October 1999 Building Licence granted for the construction of a two storey dwelling at No. 118 Buxton Street.
- 12 October 2004 Council at its Ordinary Meeting resolved to refuse the application for alterations and additions to street fencing to existing single house (application for retrospective approval) at No. 118 Buxton Street.

24 May 2005 Council at its Ordinary Meeting resolved to refuse the application for alterations and additions to street fencing to existing single house (application for retrospective approval) at No. 118 Buxton Street.

2 June 2005 Planning Written Direction and Building Notice served on the property owners requiring the removal of the unauthorised street/front fence.

DETAILS:

The proposal involves alterations and additions to street/front fence to existing single house (application for part retrospective approval), at No. 118 (Lot 206 D/P: 1791) Buxton Street, Mount Hawthorn.

The applicant/owners propose to alter the existing unauthorised street/front fence. The current plans differ from the previous plans refused by the Council at its Ordinary Meeting held on 24 May 2005, in that a 1.2 metres deep by 1.2 to 1.29 metres high planter box is proposed adjacent to Buxton Street; the fence is 1.2 metres from the Buxton Street boundary, the number of piers has been reduced from 5 to 3 along Buxton Street, and from 3 to 2 along the internal driveway; and the cedar slats have been replaced with clear glazed infill panels.

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
Street/Front Fence	Not to exceed a maximum height of 1.8 metres above the adjacent footpath level.	2.4 metres - 2.49 metres	Supported - as the variation is considered acceptable as the actual fence is setback 1.2 metres from Buxton Street behind a planter box, the number of piers has been reduced from 5 to 3, and the cedar slats have been replaced with clear glazed infill panels, which are considered to reduce the visual impact and improve interaction, resulting in no undue impact on the streetscape or surrounding amenity.
	Solid portion of the wall or fence with exception piers is to be a maximum height of 1.2 metres above the adjacent footpath level.	1.2 metres - 1.29 metres	Supported - as above.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Fill	0.5 metre within the street setback area from natural ground level.	1.2-1.29 metres.	Supported-as above.
Sight lines	Wall to be no higher than 0.75 metre within 1.5 metres of where the walls and fences adjoin a driveway.	1.2 metres high wall, with no truncation.	Supported-on the condition there is no landscaping within the 1.2 metres by 1.2 metres truncation area.
Consultation Submissions			
No advertising was required for this application			
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:

Technical Services have advised that the proposal is acceptable in this instance as the wall/fence is existing, provided there is no landscaping allowed within the 1.2 metres by 1.2 metres truncation area where the wall/fence intersects the driveway for visibility reasons. A condition has been recommended as such.

The variations to the Town's Street Walls and Fences Policy are considered acceptable for the reasons outlined in the above Assessment Table.

The applicants had previously paid \$400 for the application for retrospective approval refused by the Council at its Ordinary Meeting held on 12 October 2004. The current proposal is similar in nature, except for the alterations stated above, which will result in additional cost to the owners, a significant improvement to the existing unauthorised street/front fence, and less cost and resources will be expended by the Town, as the Town would not need to proceed with legal action in terms of this unauthorised fence. It is considered reasonable, in this instance, that the Council favourably consider approving a reduction of fees from \$400 to the standard fee of \$100 on the above basis.

In light of the above, the application is recommended for approval, subject to standard and appropriate conditions, and the required works should be completed and the outstanding application fees paid in accordance with the Officer Recommendation.

Cr Doran-Wu returned to the Chamber at 7.42pm.

10.1.5 Nos. 537-541 (Lot 1 Strata Lots 1-61 D/P: 1) William Street, Corner of Vincent Street and Chelmsford Road, Mount Lawley - Street/Front Fence Additions to Existing Multiple Dwellings (Application for Retrospective Approval)

Ward:	South	Date:	2 August 2005
Precinct:	Norfolk Precinct; P10	File Ref:	PRO1063; 5.2005.2767.1
Attachments:	001		
Reporting Officer(s):	K Loader		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Hodge & Collard Pty Ltd on behalf of the owner Owners of Hyde Park Court Strata Plan 8004, for street/front fence additions to existing multiple dwellings (application for retrospective approval), at Nos. 537-541 (Lot 1 Strata Lots 1-61 D/P: 1) William Street, corner of Vincent Street and Chelmsford Road, Mount Lawley, and as shown on plans stamp-dated 19 March 2005, subject to:*
- (a) *the street/front fence adjacent to William Street being setback along the alignment of the land requirement for the Other Regional Road to the satisfaction of the Department for Planning and Infrastructure;*
- (b) *existing fence shall be removed. Alternatively the applicant is to obtain written authority from the Department for Planning and Infrastructure to retain the existing fence; and*
- (ii) *the Council ADVISES the Department for Planning and Infrastructure of clause (i) above.*

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted subject to clause (i)(b) being deleted and clauses (i)(a) and (ii) being amended to read as follows:

- “(i) (a) *the street/front fence adjacent to William Street being setback along the alignment of the land requirement for the Other Regional Road to the satisfaction of the Department for Planning and Infrastructure, OR, the applicant/owner is to obtain written authority from the Department for Planning and Infrastructure stating that this fence is acceptable in its current position until such time as the land is required by the Department for Planning and Infrastructure/Western Australian Planning Commission; and*

- (ii) *the Council ADVISES the Department for Planning and Infrastructure of clause (i) above, and REQUESTS the Western Australian Planning Commission to reconsider the matter with a view to reaching an agreement with the applicant's/owner's that the fence adjacent to William Street can remain, but will be moved, at the applicant/owners expense, when required by the Department for Planning and Infrastructure/Western Australian Planning Commission."*

Debate ensued.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

COUNCIL DECISION ITEM 10.1.5

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Hodge & Collard Pty Ltd on behalf of the owner Owners of Hyde Park Court Strata Plan 8004, for street/front fence additions to existing multiple dwellings (application for retrospective approval), at Nos. 537-541 (Lot 1 Strata Lots 1-61 D/P: 1)William Street, corner of Vincent Street and Chelmsford Road, Mount Lawley, and as shown on plans stamp-dated 19 March 2005, subject to:*
- (a) *the street/front fence adjacent to William Street being setback along the alignment of the land requirement for the Other Regional Road to the satisfaction of the Department for Planning and Infrastructure, OR, the applicant/owner is to obtain written authority from the Department for Planning and Infrastructure stating that this fence is acceptable in its current position until such time as the land is required by the Department for Planning and Infrastructure/Western Australian Planning Commission; and*
- (ii) *the Council ADVISES the Department for Planning and Infrastructure of clause (i) above, and REQUESTS the Western Australian Planning Commission to reconsider the matter with a view to reaching an agreement with the applicant's/owner's that the fence adjacent to William Street can remain, but will be moved, at the applicant/owners expense, when required by the Department for Planning and Infrastructure/Western Australian Planning Commission.*

Landowner:	Owners of Hyde Park Court, Strata Plan 8004
Applicant:	Hodge & Collard Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Multiple Dwelling
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	3198 square metres
Access to Right of Way	West side, 5.02 metres, sealed, Town owned

BACKGROUND:

4 September 2001 Conditional Planning Approval was granted under delegated authority for fencing to existing multiple dwellings at Nos. 537-541 William Street with the following condition:

“(i) 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 above the adjacent footpath level. The solid portion of any front fences and gates adjacent to William Street, Vincent Street and Chelmsford Road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency; AND/OR the incorporation of appropriate design features into any portion of the front fences and gates higher than 1.2 metres, and the design features shall be submitted to the Town prior to the erection of such fences and gates.”

DETAILS:

The application for retrospective Planning Approval involves non-compliant fencing additions to existing multiple dwellings.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Street Walls and Fences:			
William Street	Maximum height of 1.8 metres above the adjacent footpath level.	Fence up to 2.15 metres high.	Supported – due to the slope of the site, the open scale and nature of the fence, the fence context in relation to the scale of the multiple dwelling development, and William Street being an Other Regional Road. Supported - due to the slope of the site, the limited scale of the non-compliant piers, the open scale and nature of the fence infill, the fence context in relation to the scale of the multiple dwelling development, and Vincent Street being an Other Regional Road.
Vincent Street	Walls/fences to secondary street - the solid portion of wall/fence may increase to a maximum height of 1.8 metres, decorative capping on the top of piers may go to a maximum height of 2 metres.	The piers are from 2.05 metres high to 2.40 metres high. Decorative capping on top of piers is 2.30 metres high to 2.50 metres high.	

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Chelmsford Road	Walls/fences to secondary street - the solid portion of wall/fence may increase to a maximum height of 1.8 metres, decorative capping on the top of piers may go to a maximum height of 2 metres.	Fence up to 2.14 metres.	Supported – due to the slope of the site, the scale and nature of the fence, and the fence context in relation to the scale of the multiple dwelling development.
Consultation Submissions			
Comment	The Department for Planning and Infrastructure has advised that it has no objections to the application subject to the fence adjacent to William Street being setback along the alignment of the land requirement for the Other Regional Road.		Does not comply. Has been conditioned to comply with clause (i)
Support	Nil		Noted.
Objection (1)	Damage to boundary fence due to cars entering and exiting the multiple dwellings car-park.		Not supported – the damage is a civil matter and not a major planning consideration.
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

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

COMMENTS

The application for retrospective approval for street/front fence additions to multiple dwellings is not considered to unduly impact the streetscape and surrounding amenity as addressed above.

On the above basis, it is recommended that the application be granted approval, subject to standard and appropriate conditions to address the above matters.

10.1.6 No. 145 (Lot 75 D/P: 2359) Grosvenor Road, North Perth - Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House

Ward:	South	Date:	2 August 2005
Precinct:	Mount Hawthorn ; P1 Norfolk; P10	File Ref:	PRO3195; 5.2005.2868.1
Attachments:	001		
Reporting Officer(s):	S Klarich		
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 LL & JB Tran for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House, at No. 145 (Lot 75 D/P: 2359) Grosvenor Road, North Perth, and as shown on plans stamp-dated 19 May 2005 and overshadowing plan stamp dated 29 July 2005, subject to:

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating that the reasonable privacy of the residents of No. 143 Grosvenor Road is protected by:*
 - (a) *ensuring that the height of the boundary fence on the eastern boundary abutting the courtyard is 1.8 metres above the proposed retaining wall;*
 - (b) *ensuring that the windows to the first floor activity room on the eastern elevation be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;*
 - (c) *ensuring that the balcony to the first floor, off bedroom 2, be screened on its eastern and southern sides with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed; and*
 - (d) *ensuring that the balcony to the front be screened on its eastern side with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self adhesive material or other that is easily removed.*

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

- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (iii) *no street/front wall, fence and gate shall exceed a maximum height of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend the maximum height to 2.0 metres. The solid portion of any new street/front wall, fence and gate between the Grosvenor Road boundary and the main building, including along the side boundaries, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gate being visually permeable, with a minimum 50 per cent transparency. Any new walls, fences and gates shall also be truncated or the solid portion of such shall be reduced to no higher than 0.65 metre for a minimum length of 1.5 metres of - where such walls, fences and gates adjoin vehicle access points, where a driveway meets a public street, and where two streets intersect.*

COUNCIL DECISION ITEM 10.1.6

Moved Cr Torre, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

Landowner:	LL & JB Tran
Applicant:	LL & JB Tran
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	460 square metres
Access to Right of Way	South side, 4 metres wide, unsealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the partial demolition of the existing house and alterations and two-storey additions.

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 - raised courtyard	1.5 metres	Nil	Supported - fence height to be 1.8 metres above retaining wall, as conditioned in Officer recommendation.
- ground floor	1.5 metres	1.48 metres	Supported - minor variations with no undue impact on adjoining property.
- 1st floor	2.0 metres	1.625 metres	Supported - minor variations with no undue impact on adjoining property.
West - ground floor	1.5 metres	1.2 metres	Supported - no undue impact and affected neighbours support received.
Building Height: West (side)	6 metres wall height	6.2 metres	Supported - due to slope of site and no undue impact on neighbours.
North (front)	6 metres wall height	6.2 - 6.4 metres	Supported - due to slope of site and no undue impact on streetscape.
East (side)	6 metres wall height	6.4 - 6.7 metres	Supported - due to slope of site and no undue impact on neighbours.
Privacy Setbacks: Front balcony	7.5 metres	2.0 - 3.5 metres to eastern boundary	Not supported - conditioned to be screened to eastern side in Officer Recommendation.
Rear balcony	7.5 metres	2.5 - 4.5 metres to eastern boundary	Not supported - conditioned to be entirely screened in Officer Recommendation.

Consultation Submissions		
Support (1)	<ul style="list-style-type: none"> West boundary setback variation is minimal and will have no affect on the amenity of neighbours dwelling. 	Noted
Objection (1)	<ul style="list-style-type: none"> Window to south elevation of Bedroom 3 - sill height should prevent overlooking. Balcony to rear of dwelling should have balustrade height and design to prevent overlooking. WC window sill height should prevent overlooking or be opaque. Window from stairwell should have sill height to prevent overlooking or be opaque. No work to commence on site before 7am weekdays, 8am Saturdays and no work on Sundays and public holidays. 	<p>Not supported - complies with 4.5 metres setback required for direct line of sight within the cone of vision.</p> <p>Supported - conditioned in Officer Recommendation.</p> <p>Not supported - not a habitable room and windows are proposed to be obscure.</p> <p>Not supported - not a habitable room and windows are proposed to have obscure glass.</p> <p>Noted - construction must be carried out in accordance with the control of noise practices described in Section Six (6) of AS2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".</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:

Advertising Consultation

The proposal was advertised for 14 days in which time one (1) written submission was received. One comment within the submission was in support to a variation, the other comments were in objection. These are addressed in the Assessment Table.

Summary

The variations sought by the applicant (except those relating to overlooking which is addressed in the conditions of the Officer Recommendation) are supportable and do not have an undue impact on the surrounding area.

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

10.1.8 No. 3 (Lot 2 D/P: 2039) Burgess Street, Leederville - Proposed Two Storey Single House

Ward:	South	Date:	29 July 2005
Precinct:	Leederville; P3	File Ref:	PRO2904; 5.2005.2781.1
Attachments:	001		
Reporting Officer(s):	V Lee; 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 the owner B McSkimming for proposed Two Storey Single House, at No. 3 (Lot 2 D/P: 2039) Burgess Street, Leederville, and as shown on plans stamp-dated 26 July 2005, subject to:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennae, 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) *no street/front wall, fence and gate shall exceed a maximum height of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend the maximum height to 2.0 metres. The solid portion of any new street/front wall, fence and gate between Burgess Street boundary and the main building, including along the side boundaries, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gate being visually permeable, with a minimum 50 per cent transparency. Any new walls, fences and gates shall also be truncated or the solid portion of such shall be reduced to no higher than 0.65 metre for a minimum length of 1.5 metres of - where such walls, fences and gates adjoin vehicle access points, where a driveway meets a public street, and where two streets intersect;*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) *the wall height of the dwelling (as projected above the eaves) being a maximum height of 6.0 metres from the natural ground level; and*
 - (b) *the driveway being setback a minimum of 0.5 metre from the western boundary and occupying a maximum width of 40 per cent of the lot frontage.*

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

- (iv) *subject to first obtaining the consent of the owners of No. 228 Oxford Street for entry onto their land the owner of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 228 Oxford Street in a good and clean condition; and*

- (v) *this Planning Approval is not to be construed as support of any approval for an office land use on the subject site. A Planning Application is required to be submitted to and approved by the Town for a commercial office land use on the subject site.*

Moved Cr Maier, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Torre

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

- “(iii) (a) *the wall height of the dwelling (as projected above the eaves) being a maximum height of 6.0 metres ~~from the natural ground level;~~ and”*

AMENDMENT CARRIED (6-2)

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

(Cr Farrell on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell on leave of absence.)

COUNCIL DECISION ITEM 10.1.8

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner B McSkimming for proposed Two Storey Single House, at No. 3 (Lot 2 D/P: 2039) Burgess Street, Leederville, and as shown on plans stamp-dated 26 July 2005, subject to:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennae, 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) *no street/front wall, fence and gate shall exceed a maximum height of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend the maximum height to 2.0 metres. The solid portion of any new street/front wall, fence and gate between Burgess Street boundary and the main building, including along the side boundaries, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gate being visually permeable, with a minimum 50 per cent transparency. Any new walls, fences and gates shall also be truncated or the solid portion of such shall be reduced to no higher than 0.65 metre for a minimum length of 1.5 metres of - where such walls, fences and gates adjoin vehicle access points, where a driveway meets a public street, and where two streets intersect;*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *the wall height of the dwelling (as projected above the eaves) being a maximum height of 6.0 metres; and*
- (b) *the driveway being setback a minimum of 0.5 metre from the western boundary and occupying a maximum width of 40 per cent of the lot frontage.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iv) *subject to first obtaining the consent of the owners of No. 228 Oxford Street for entry onto their land the owner of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 228 Oxford Street in a good and clean condition; and*
- (v) *this Planning Approval is not to be construed as support of any approval for an office land use on the subject site. A Planning Application is required to be submitted to and approved by the Town for a commercial office land use on the subject site.*

Landowner:	B McSkimming
Applicant:	B McSkimming
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	235 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves proposed additional two-storey single house 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	N/A
Setbacks:			
Ground - West (garage)	1.0 metre	Nil	Supported- refer to 'Buildings Boundaries' on
- East	1.5 metres	Nil	Supported- refer to 'Buildings Boundaries' on
First Floor - South/Front	6.0 metres	4.0 metres	Supported- proposed single house has its frontage to the original secondary street.
- East	1.9 metres	1.2 metres	Supported- no undue impact on amenity of area, and affected owner/occupier also owns subject lot.
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 boundary walls -Western boundary wall has an average height of 3.2 metres (length and maximum height compliant). - Eastern boundary wall has an average height of 3.5 metres (length and maximum height compliant).	Supported- no undue impact on streetscape and amenity of area. Supported- minor variation and subject wall abuts car park of non-residential use. Supported- no undue impact on amenity of area, and affected owner/occupier also owns subject lot.
Wall height	6.0 metres	Up to 6.4 metres (western elevation)	Not supported- has been conditioned to comply.
Privacy Setbacks	Bedrooms- 4.5 metres	Bedroom 3 is 3.1 metres to eastern boundary	Supported- affected owner/occupier also owns subject lot.
Driveway Width	Driveways not to occupy more than 40 percent of the frontage of a property	42 per cent	Not supported - has been conditioned to comply.
Driveway Setback from boundary	0.5 metre	0.4 metre	Not supported - 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 no objections being received by the Town and the variations being addressed as above, the proposal is recommended for approval, subject to standard and appropriate conditions to address the matters raised in the report.

10.1.11 Tenancy No. 1, Nos. 244-260 (Lot 300 D/P: 37982) Beaufort Street and Nos. 209-219 (Lot 300 D/P: 37982) Stirling Street, Perth - Proposed Change of Use from Shop to Eating House

Ward:	South	Date:	2 August 2005
Precinct:	Beaufort; P13	File Ref:	PRO1682; 5.2005.2914.1
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 Ensal Pty Ltd on behalf of the owner Arcadia Asset Pty Ltd for proposed Change of Use from Shop to Eating House, at Tenancy No. 1, Nos. 244-260 (Lot 300 D/P: 37982) Beaufort Street and Nos. 209-219 (Lot 300 D/P: 37982) Stirling Street, Perth, and as shown on plans stamp-dated 14 June 2005, subject to:

- (i) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ii) *the maximum public floor area of the eating house shall be limited to 21 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town; and*
- (iii) *doors, windows and adjacent floor areas fronting Beaufort Street shall maintain an active and interactive relationship with this street.*

Moved Cr Maier, Seconded Cr Messina

That the recommendation be adopted subject to the word "Shop" being deleted and the word "office" being inserted in its place in the preamble.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

COUNCIL DECISION ITEM 10.1.11

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 Ensal Pty Ltd on behalf of the owner Arcadia Asset Pty Ltd for proposed Change of Use from Office to Eating House, at Tenancy No. 1, Nos. 244-260 (Lot 300 D/P: 37982) Beaufort Street and Nos. 209-219 (Lot 300 D/P: 37982) Stirling Street, Perth, and as shown on plans stamp-dated 14 June 2005, subject to:

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

(ii) *the maximum public floor area of the eating house shall be limited to 21 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town; and*

(iii) *doors, windows and adjacent floor areas fronting Beaufort Street shall maintain an active and interactive relationship with this street.*

ADDITIONAL INFORMATION:

On further assessment it has been confirmed that the subject application involves a change of use from office to eating house at Tenancy No. 1, Nos. 244-260 (Lot 300 D/P: 37982) Beaufort Street and Nos. 209-219 (Lot 300 D/P: 37982) Stirling Street, Perth and not shop to eating house as stated in the previous report.

A car parking table is included below for the Council's consideration.

Car Parking - Commercial Component	
Car Parking Requirement (nearest whole number)	
-Proposed Eating House: 1 car bay per 4.5 square metres of public area (proposed 21 square metres).	5 car bays
-Office: 1 car bay per 50 square metres of gross floor area (existing 594 square metres).	12 car bays
-Shop: 1 car bay per 15 square metres of gross floor area (existing 210 square metres).	14 car bays
Total	31 car bays
Apply the adjustment factors	(0.41616)
<ul style="list-style-type: none"> ▪ 0.85 (within 800 metres of a rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (within 400 metres of one or more public car parks in excess of 50 spaces) ▪ 0.90 (end of trip facilities) ▪ 0.80 (45 percent of gross floor area is residential) 	12.9 car bays
Minus car parking on-site	23 car bays
Resultant surplus	10.1 car bays

A letter of support has been received by the Town on 1 August 2005, after the consultation period closed. In summary, the submission supports the application as it considers there is a need for such uses in the area.

Landowner:	Arcadia Asset Pty Ltd
Applicant:	Ensal Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial and Residential/Commercial R80
Existing Land Use:	Shop
Use Class:	Eating House
Use Classification:	"P"
Lot Area:	10,647 square metres
Access to Right of Way	N/A

BACKGROUND:

27 August 2002 The Council at its Ordinary Meeting granted conditional approval for the demolition of existing showroom/warehouse buildings and construction of a four-storey mixed use development including one hundred and thirty six (136) (including 48 single bedroom) multiple dwellings, one (1) local shop, nine (9) offices and ancillary facilities on the subject property.

13 May 2003 The Council at its Ordinary Meeting granted conditional approval for the proposed lofts and minor variations to stage one of approved demolition of existing showroom/warehouse buildings and construction of a four-storey mixed use development including one hundred and thirty six (136) (including 48 single bedroom) multiple dwellings, one (1) local shop, nine (9) offices and ancillary facilities on the subject property.

8 April 2005³ The Council at its Ordinary Meeting granted conditional approval for proposed signage to the approved mixed use development.

DETAILS:

The proposal involves a change of use from ~~shop~~ office to eating house at Tenancy No. 1, Nos. 244-260 (Lot 300 D/P: 37982) Beaufort Street and Nos. 209-219 (Lot 300 D/P: 37982) Stirling Street, Perth. Tenancy No 1 is the most southern commercial tenancy adjacent to Beaufort Street

The intended use for the site is a coffee house/café, with the establishment offering a range of refreshments and light snacks, similar to Dome, Gloria Jeans or Merchant Tea House. The proposed eating house is intended to seat up to 30 persons.

The subject property has two car bays allocated for its exclusive use, however these bays are currently under construction; therefore, in the interim, the subject property has been allocated one bay for its exclusive use.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support	Nil		Nil
Objection (1)	<ul style="list-style-type: none"> • Parking 		Not supported - refer to 'Comments' below.
	<ul style="list-style-type: none"> • Noise 		Not supported- however proposal will be required to comply with Environmental Protection (Noise) Regulations 1997 which addresses noise.

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:

Car Parking

The Council at its Ordinary Meeting held on 27 August 2002 conditionally approved the proposed demolition of existing showroom/warehouse buildings and construction of a four-storey mixed use development including one hundred and thirty six (136) (including 48 single bedroom) multiple dwellings, one (1) local shop, nine (9) offices and ancillary facilities on the subject property, and the commercial component of that proposal included a car parking surplus of 12.2 car bays. The subject proposal requires an additional 3 car bays, compared to the previous approved ~~shop office~~ use, therefore, given the above car parking surplus, sufficient car parking is provided for the proposed eating house.

Summary

The proposal is supported as it is not considered to unduly impact the amenity of the adjacent or surrounding area.

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

10.1.16 Leederville Masterplan - Draft Final Report and Referral of Confidential Concept Plans to the Leederville Masterplan Working Group

Ward:	South	Date:	2 August 2005
Precinct:	Oxford Centre, P4	File Ref:	PLA0147
Attachments:	-		
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	John Giorgi

OFFICER RECOMMENDATION:

That the Council:

- (i) *APPROVES IN PRINCIPLE to adopt the Leederville Masterplan, Final Draft - June 2005, prepared by Consultants, Considine and Griffiths Architects Pty Ltd and Chris Antill Planning and Urban Design, as "Laid on the Table";*
- (ii) *REFERS the Leederville Masterplan (Final Draft) to the Leederville Masterplan Working Group for consideration of the findings and recommendations made in the document;*
- (iii) *REFERS the confidential Concept Plans prepared by Architects Jones, Coulter Young and presented at a Forum on 19 July 2005 to the Leederville Masterplan Working Group and AUTHORISES the Working Group to consider and progress, subject to the plans remaining confidential;*
- (iv) *RESTRICTS distribution of the Concept Plans to the Chief Executive Officer only, until approved by the Council for release to the public; and*
- (v) *AUTHORISES the Chief Executive Officer to:*
 - (a) *advertise the proposed draft Masterplan for a period of six (6) weeks, seeking public comment; and*
 - (b) *report back to Council with any public submissions received.*

COUNCIL DECISION ITEM 10.1.16

Moved Cr Chester, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Doran-Wu

That the Item be considered "behind closed doors" at the conclusion of the remaining items due to the need to clarify matters of the tender brief.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

(Refer to Page 172)

The Chief Executive Officer advised that Cr Messina had declared an interest affecting impartiality in Item 10.3.4 – Cultural Development Seeding Grant Applications – WA Italian Club and Meerilinga. This was an oversight when the declarations were read out at the beginning of the meeting.

Mayor Catania advised that the Item would need to be recommitted as it had been moved “en-bloc”.

Moved Cr Maier, Seconded Cr Torre

That Item 10.3.4 – Cultural Development Seeding Grant Applications – WA Italian Club and Meerilinga be recommitted.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

Cr Messina departed the Chamber at 7.52pm.

10.3.4 Cultural Development Seeding Grant Applications – WA Italian Club and Meerilinga

Ward:	Both	Date:	1 August 2005
Precinct:	All	File Ref:	CMS 0008
Attachments:	-		
Reporting Officer(s):	R Clowes		
Checked/Endorsed by:	S Jarman/M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the Cultural Development Seeding Grant applications for;

- (i) the WA Italian Club for \$1,000 to conduct a community fair on 23 October 2005; and*
- (ii) Meerilinga for \$1,000 for their Children’s Multicultural Closing Ceremony and Festival.*

COUNCIL DECISION ITEM 10.3.4

Moved Cr Maier, Seconded Cr Torre

That the recommendation be adopted.

CARRIED (7-0)

(Cr Farrell on leave of absence. Cr Messina was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

To seek approval for a Cultural Development Seeding Grant application for the WA Italian Club Community Fair and Meerilinga's Children's Multicultural Closing Ceremony and Festival.

BACKGROUND:

1. WA Italian Club

The Town of Vincent assisted the WA Italian Club in 2004 with its inaugural community fair, which was a huge success.

The WA Italian Club is once again running a community fair on 23 October 2005. This will incorporate a range of activities including all day multicultural entertainment, retail stalls, fire works and a side show alley and fun park for children.

This funding will go towards the marketing and promotional costs of the fair, together with the cost of the hire of the accessible portable toilets for the day. The fair will be open to all people within the community and is designed to generate a "sense of community" and celebration. The fair will aim to showcase the significant role that the WA Italian Club has in our community and to encourage the involvement of the community in their activities.

The WA Italian Club has extended invitations to other multicultural groups in the area to participate in the entertainment. An invitation has also been made to community groups in the area to showcase their activities to families and the public.

All activities will be fully accessible to all members of the community.

2. Meerilinga

In 2004 Town of Vincent assisted Meerilinga in hosting the official closing ceremony for Children's Week.

Meerilinga is once again holding the Children's Multicultural closing ceremony and festival in Hyde Park. This non profit young children's foundation, aimed at improving the quality of life for children in Western Australia will run a range of free children's activities and entertainment for their Closing Ceremony for Children's Week on Sunday 30 October 2005. The event will be held from 10:00am to 2:00pm at Hyde Park, Perth and will include activities such as face painting, play dough, an animal farm and multicultural children's activities.

The event is open to everyone and will be widely advertised in local papers, radio, as well as through a local newsletter drop. There is plenty of parking nearby, including ACROD bays, and the venue, Hyde Park, is accessible to public transport. The event will be open to everyone irrespective of race, religion, gender, sexual preferences physical or intellectual disability.

The Cultural Development Seeding Grant for \$1000 will be used towards the project production costs, in particular the purchase of materials for the event and promotion.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

The Cultural Development Seeding Grants and the submitted application address the following section of the Town's Strategic Plan 2005–10:

- 2.2 *Celebrate and acknowledge the Town's cultural diversity – (a) Develop, financially support, promote and organise community events and initiatives (including those generated by the community groups) that engage the community and celebrate the cultural diversity of the town.*

FINANCIAL/BUDGET IMPLICATIONS:

\$5,000 is budgeted in 2005/06 budget for Cultural Seeding Grants, \$4,000 remains unallocated.

COMMENTS:

The WA Italian Club and Meerilinga successfully applied last year for a Cultural Development Seeding Grant and once again they meet the criteria for the Cultural Seeding Grant this year. The organisations will acknowledge the Town's support of the projects with Town of Vincent signs, banners to be displayed and on flyers and brochures.

Cr Messina returned to the Chamber at 7.54pm.

10.2.1 2005/2006 Footpath Slab Replacement Program

Ward:	Both	Date:	19 July 2005
Precinct:	All	File Ref:	TES0174
Attachments:	001 ;		
Reporting Officer(s):	R Lotznicher, C Economo		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ADOPTS the first year, 2005/2006, of the five (5) year (2005/2006 to 2009/2010) Footpath Replacement Program as outlined in Attachment 10.2.1; and*
- (ii) *NOTES that the remaining four (4) years (2006/2007 to 2009/2010) of the above program is "preliminary only" and will be subject to change.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted subject to it being amended to read as follows:

“That the Council;

- (i) *ADOPTS the first year, 2005/2006, of the five (5) year (2005/2006 to 2009/2010) Footpath Replacement Program as amended and as outlined in Attachment 10.2.1A; and*
- (ii) *NOTES that the remaining four (4) years (2006/2007 to 2009/2010) of the above program, as amended, is "preliminary only" and will be subject to change.”*

CARRIED (8-0)

(Cr Farrell on leave of absence.)

ADDITIONAL INFORMATION:

On Friday, 5 August 2005 (after the agenda had been finalised) the Executive Manager Technical Services (EMTS) and representatives from Western Power met on site at the proposed Highgate East State Underground Power Program (SUPP) area to look at proposed substation and transformer locations. A plan outlining the proposed cabling works was also presented.

The EMTS, upon receiving this plan, superimposed the proposed 2005/2006 footpath and road resurfacing program/s, to determine what projects should be placed on hold until the cabling works had been completed.

2005/2006 Footpath Program

Even though the majority of the cabling works will be undertaken by "micro tunnelling", the cables will be laid in the verge on the 0.6m alignment on only one side of the road with perpendicular connections to the other side of the road (one crossing every two properties).

Sections of path will need to be removed at junction points and where the tunnelling machine is to be set up.

The following footpaths currently listed for approval in 2005/2006 will be affected by the SUPP:

Road	Location	Ward	Side	Width (m)	Length (m)	Estimated Cost \$
Joel Tce	Leslie St - Mitchell St	South	W	1.8	160	10,000
Lord St	Harold St - Cantle St	North	E	1.8	90	5,500
Marlborough St	Lord St - West Parade	South	S	1.5	210	11,000
Stanley St	Pakenham St - Mitchell St	South	E	1.5	100	5,500
Wright St	Lincoln-Broome	South	E	1.8	80	4,000
Total						\$ 36,000

It is recommended that the above projects be deferred until 2006/2007 and that the following two projects be included in the 2005/2006 program.

Road	Location	Ward	Side	Width (m)	Length (m)	Estimated Cost \$
Glendower St	Palmerston St - Fitzgerald St	North	S	1.6	210	\$13,000
Lawler St	Hilda St - Bedford St	North	N	1.5	420	\$23,000
Total						\$36,000

The attached amended program year 1 (2005/2006) and the amended preliminary years 2 to 3 (2006/2007 and 2007/2008) have been amended to reflect the proposed change. Years 4 and 5 of the program (2008/2009 and 2009/2010) remain unchanged.

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the allocation of funds allowed for in the 2005/2006 budget to specific projects and adoption of the first year of the 2005/2006 Footpath Slab Replacement Program.

BACKGROUND:

The Council, in 1996, resolved to adopt a long term Footpath (slab) Replacement Program to ensure the Town's footpath infrastructure is maintained at an acceptable level of service and safety.

To ensure that the program is dynamic in reflecting changing circumstances, including development activity, other capital improvement projects, residents' requests and changing conditions, it was considered appropriate to review and update the program annually and request that only the first year of the program be adopted by the Council annually.

DETAILS:

The first year of the program, as outlined in this report, relates to the 2005/2006 financial year.

As outlined in detail in the report presented to Council on 12 August 1996, this program was initially developed by assessing the condition and locality of all existing paths in the Town and by prioritising paths to be upgraded accordingly.

The program is continually revised and updated based on the revised condition of some paths, requests received, footpaths listed in the current program either brought forward or deferred, and footpaths on the current program being already upgraded by either service authorities or developers.

The Five (5) Year Footpath Replacement Program is outlined in attachment 10.2.1.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY

The Town is responsible for the care control and management of approximately 280 km of footpaths.

FINANCIAL/BUDGET IMPLICATIONS:

Since 1996/1997 the Council has expended approximately \$2.6m on the footpath program. The total cost of the slab replacement program is estimated at between \$6.5m and \$7m (depending on tender rates over the life of the program). There is still approximately \$4m to \$4.5m to expend on the program.

The 2005/2006 Capital Works Budget includes funds of \$450,000 for year 9 of the program. This is an increase of \$100,000 from the 2004/2005 program. At \$450,000 per annum it will take approximately 10 years to complete the program.

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. *"b) Continue to develop annual footpath upgrade programs."*

COMMENTS:

At the special meeting of Council held on 12 July 2005, Council adopted the 2005/2006 budget. The purpose of this report is to obtain Council's approval for the allocation of funds allowed for in the 2005/2006 budget to specific projects in the 2005/2006 Footpath Replacement Program.

10.2.2 Further Report - Proposed Traffic Management Anzac Road, Mt Hawthorn

Ward:	North	Date:	1 August 2005
Precinct:	Mt Hawthorn P1	File Ref:	TES0334
Attachments:	001;		
Reporting Officer(s):	R Lotznicher,		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on Traffic Management - Anzac Road;*
- (ii) *DOES NOT PROCEED with the implementation of the Anzac Road traffic management proposal as outlined on attached Plan No 2349-CP-1 until the additional works planned for Anzac Road, as outlined in the report, have been implemented and traffic speeds reassessed;*
- (iii) *REQUESTS the WA Police to continue monitoring Anzac Road in an effort to change driver behaviour;*
- (iv) *RECEIVES a further report on the matter in at least twelve (12) months time to determine whether the proposal as outlined on attached Plan No 2349-CP-1 or an amended proposal incorporating some of the residents' comments should be further considered; and*
- (v) *ADVISES all respondents of its decision.*

Moved Cr Doran-Wu, Seconded Cr Messina

That the recommendation be adopted subject to clause (v) being renumbered (vi) a new clause (v) being added as follows:

“(v) REQUESTS that Main Roads WA gives consideration to the installation of 50kph signage on Anzac Road west of Oxford Street.”

Debate ensued.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

COUNCIL DECISION ITEM 10.2.2

That the Council;

- (i) *RECEIVES the further report on Traffic Management - Anzac Road;*
- (ii) *DOES NOT PROCEED with the implementation of the Anzac Road traffic management proposal as outlined on attached Plan No 2349-CP-1 until the additional works planned for Anzac Road, as outlined in the report, have been implemented and traffic speeds reassessed;*

- (iii) ***REQUESTS the WA Police to continue monitoring Anzac Road in an effort to change driver behaviour;***
 - (iv) ***RECEIVES a further report on the matter in at least twelve (12) months time to determine whether the proposal as outlined on attached Plan No 2349-CP-1 or an amended proposal incorporating some of the residents' comments should be further considered;***
 - (v) ***REQUESTS that Main Roads WA gives consideration to the installation of 50kph signage on Anzac Road west of Oxford Street; and***
 - (vi) ***ADVISES all respondents of its decision.***
-

PURPOSE OF REPORT:

The purpose of this report is to advise the Council on the outcome of the recent community consultation undertaken for the Anzac Road traffic management proposal.

BACKGROUND:

Following consideration by the Local Area Traffic Management Advisory Group, at its Ordinary Meeting held on 28 June 2005 the Council considered a report on a traffic management proposal for Anzac Road where the following decision was adopted:

"That the Council;

- (i) ***RECEIVES the report on Traffic Management - Anzac Road;***
- (ii) ***APPROVES IN PRINCIPLE the proposal as outlined on attached Plan No 2349-CP-1;***
- (iii) ***CONSULTS with residents in Anzac Road for a period of twenty-one (21) days; and***
- (iv) ***RECEIVES a further report on the matter at the conclusion of the consultation period should any comments be received."***

DETAILS:

Anzac Rd Information

Anzac Rd is classified as a District Distributor B in accordance with the metropolitan functional road hierarchy, has a posted speed limit of 50 kph, and provides a link between Oxford and Brady Streets. The 85% speed is about 9 kph above the posted speed in some parts of the road. The Police have been requested to monitor the street on several occasions to change driver behaviour.

The following table shows some recent traffic data for sections of Anzac Road.

Section	VPD pre 2005	85% Speed kph	VPD 2005	85% Speed kph
East St to Federation St	5442	61	4987	59.0
Federation St to Egina St	5255	60	5424	57.0
Egina St to Buxton St	5608	57	5132	50.0
Buxton St to Kalgoorlie St	5818	59	5679	54.0
The Boulevarde to Matlock St	5425	61	4749	59.0
Coogee St to Flinders St	5879	57	4948	56.5
Flinders St to Fairfield St	5357	58	4510	59.0

Community Consultation

Following consideration by the Town's Local Area Traffic management Advisory Group, and in accordance with the Council's decision on 5 July 2005, a total of 84 letters with comment sheets and reply paid envelopes enclosed, were distributed to residents in and around Anzac Road requesting feedback on the Anzac Road traffic management proposal.

At the close of the consultation period on Tuesday 26 July 2005, 24 responses had been received, representing a 30% response.

Of the 24 responses received, 12 (50%) were *in favour* of the proposal and 9 (38%) were *against*. Three (3) respondents (13%) were only *partially in favour*.

The residents' comments were sought regarding a proposal to install a series of speed humps strategically located, rather than at regular spacings, to take advantage of the existing islands and nibs to ensure vehicles had to slow on approach to the intersections rather than midblock. The Egina / Buxton scenario where this type of treatment had previously been implemented had effectively "broken up" the traffic flow and reduced the impact on adjoining residents as the humps had been confined to half the road width.

Discussion

The comments *in favour* were generally consistent, with one request for a roundabout along Anzac road and one request for a stop sign at Brentham Road.

The comments *against* included:

- Speed humps are ineffective and would like a roundabout instead
- Do not want speed hump outside property
- Totally opposed to sound of cars over speed humps 24 hours per day
- Will lead a fight should proposal proceed
- Drivers seem to enjoy accelerating over speed humps
- Look at other solutions
- Consider long term residents in the street.

The comments *partially in favour* included

- Do not want speed hump outside property
- Consider alternative locations for humps

All comments received are attached

Officer Comments

As mentioned above, the proposal is to install a series of speed humps strategically located, rather than at regular spacings, to take advantage of the existing islands and nibs to ensure vehicles had to slow on approach to the intersections rather than midblock as shown on plan No 2349-CP-1. This would obviate the need to install humps all the way across the roadway.

Of the 84 letters distributed, 60 residents did not respond. This would indicate they are either in favour of the proposal or ambivalent to the proposal.

The installation of speed humps outside someone's property can be a contentious issue and the comments received *against* the current proposal indicate this.

The speeds in Anzac Road are 9 kph above the posted speed. Some residents have wanted something done for several years now and the Police have been monitoring the road.

However, it is obvious from the number of residents opposed to the proposal that the installation of speed humps is not supported while some residents have requested additional speed humps.

The Council has funds allocated in the 2005/2006 budget for the installation of a roundabout at the intersection of Anzac Road and Oxford Street. In addition, the officers have been in discussions with the City of Stirling with regard to Anzac and Brady Streets (reducing traffic lanes, etc). One respondent alluded to this in their submission.

While 50% of respondents were in favour of the proposal, 50% were opposed or partially in favour. It is therefore recommended that the implementation of Anzac traffic management proposal as outlined on plan No 2349-CP-1 be placed *on hold* for at least twelve (12) months until the additional works planned for Anzac Road have been implemented and traffic speeds reassessed. It is also recommended that the Police be formally requested to continue monitoring Anzac road to change driver behaviour.

CONSULTATION/ADVERTISING:

The respondents will be advised of the Council's decision

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. “o) *Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.*”

FINANCIAL/BUDGET IMPLICATIONS:

	Funds Listed draft 2005/2006
Anzac Rd - Traffic calming	\$15,000

COMMENTS:

The Town receives many requests for Traffic Management from time to time. Most requests received are addressed by the officers as vehicle classifier results usually indicate that there is a perceived problem rather than an actual problem. Other matters are referred to the Police Services for enforcement of the legal speed limit.

As mentioned above, while 50% of respondents were in favour of the proposal, 50% were opposed or partially in favour. It is therefore recommended that the implementation of the Anzac traffic management proposal as outlined on plan No 2349-CP-1 be placed *on hold* until the additional works planned for Anzac Road have been implemented and traffic speeds reassessed. It is also recommended that the WA Police be formally requested to continue monitoring Anzac road in an effort to change driver behaviour.

10.2.4 Revised Concept Plan – Proposed Smith’s Lake Reserve Redevelopment

Ward:	North	Date:	2 August 2005
Precinct:	Smith's Lake: P6	File Ref:	RES0035
Attachments:	001 ;		
Reporting Officer(s):	R Lotznicher, J van den Bok		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Revised Concept Plan for the Proposed Smith's Lake Reserve Redevelopment;*
- (ii) *APPROVES IN PRINCIPLE the revised proposal as outlined on concept plan No. 2346-CP-2;*
- (iii) *NOTES that \$45,000 has been allocated in the 2005/2006 financial year to extend the restoration works around the southern end of the existing Smith's Lake water body with the aim to improve water quality within catchment and provide a more natural wildlife habitat; and*
- (iv) *ADVERTISES the revised plan for a period of 21 days seeking submissions and receives a further report at the conclusion of the consultation period.*

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Maier

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

- “(ii) *APPROVES IN PRINCIPLE the revised proposal as outlined on concept plan No. 2346-CP-2A;*”

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

Moved Cr Maier, Seconded Cr Lake

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

- “(v) *CONSIDERS listing an amount of \$165,000 for consideration in the 2006/2007 draft budget for the Wetlands Heritage Trail (Greenway) link and including the completion of the Smith’s Lake redevelopment;*”

Debate ensued.

Cr Maier withdrew his proposed amendment with the consent of the seconder.

Moved Cr Ker, Seconded Cr Chester

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

“(v) ***REQUESTS a report on the programme and costs of completing the Smith’s Lake redevelopment including the Wetlands Heritage Trail (Greenway) link including recommended sums for consideration in future draft budgets.***”

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell on leave of absence.)

COUNCIL DECISION ITEM 10.2.4

That the Council;

- (i) ***RECEIVES the report on the Revised Concept Plan for the Proposed Smith's Lake Reserve Redevelopment;***
- (ii) ***APPROVES IN PRINCIPLE the revised proposal as outlined on concept plan No. 2346-CP-2A;***
- (iii) ***NOTES that \$45,000 has been allocated in the 2005/2006 financial year to extend the restoration works around the southern end of the existing Smith's Lake water body with the aim to improve water quality within catchment and provide a more natural wildlife habitat;***
- (iv) ***ADVERTISES the revised plan for a period of 21 days seeking submissions and receives a further report at the conclusion of the consultation period; and***
- (v) ***REQUESTS a report on the programme and costs of completing the Smith’s Lake redevelopment including the Wetlands Heritage Trail (Greenway) link including recommended sums for consideration in future draft budgets.***

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's in principle approval for the revised concept plan for the Smith's Lake redevelopment and obtain approval to advertise the revised plan for public comment.

BACKGROUND:

The Smith’s Lake Reserve Rehabilitation Project, which was initiated by the Claise Brook Catchment Group in liaison with the Town's officers, was endorsed by Council at the Ordinary Meeting of Council held on 18 January 1999.

The Project comprised the removal of the existing exotic vegetation and the planting of indigenous plant species to improve bio-diversity and to give the area visual interest with the ultimate aim of improving water quality in the lake.

In August 1999 a Working Group comprising the Town's officers was formed to investigate future options for the Town owned land in and around the Smith's Lake Reserve.

The Working Group's mandate (*in part*) was to investigate and report on the following:

- Smith's Lake Redevelopment and possible future extension of the lake
- Upgrade of the park land
- Future use of Len Fletcher Pavilion and existing houses at Lot 3 Elven Street, Lot 13 Emmerson Street and existing vacant land

The Working Group also investigated the possible enlargement of Smith's Lake, a compensating basin under the care/control of the Water Corporation.

Following the above investigations, the Council at its ordinary meeting held on 21 November 2000, resolved the following

"That the Council;

- (i) *APPROVES IN PRINCIPLE the concept plan no. A4-00-136 for the upgrade of Smith's Lake Reserve, future demolition of Len Fletcher Pavilion, and the houses and proposed seven (7) lot subdivision of the land at Lot 13 (No. 24 Emmerson Street), Lot 3 (No. 4) Elven Street and vacant land on Lots 14 and 15 Emmerson Street, extension of the lake and the road treatment for the adjoining streets, as shown in Option No. 7;"*

Ordinary Meeting of Council 12 February 2002

- Received the report on the submissions received following the advertising of Concept plan No. A4-00-136
- Proceed with the Concept Plan and seven (7) lot subdivision
- Advertise land for sale
- Extend lease of Gymnastics WA to 30 June 2003

Subsequent Council Meetings

- 8 Oct 02 report on Guidelines for subdivision
- 3 Dec 02 Approval for Fill and retaining wall for "Elven on the Park"
- 17 Dec 02 Tender for Marketing and Disposal of "Elven on the Park"
- 22 Apr 03 Determination of minimum reserve prices for each lot
- 27 May 03 Adopted the amended version of Design Guidelines for Elven on the Park and advertised
- 26 Oct 04 Approved the preferred 5 lots revised subdivision concept plan for "Elven on the Park" and prepare appropriate design guidelines
- 12 July 05 Adopted the draft amended version Design Guidelines for 'Elven on the Park' and that the Policy be advertised for public comment

DETAILS

Smith's Lake Drainage Study

In 2000/2001 the Water Corporation commenced a review of the Claisebrook Main Drain to review the hydraulic capacity of the drainage system and develop solutions for the overall system.

At the time it was considered the Water Corporation's position regarding the possible enlargement of the lake was essential, as this would have a significant impact on any future redevelopment options for the Smith's Lake Reserve.

Water Corporation officers revealed that while they initially supported the enlargement of the lake, the outcome of the review of the Claisebrook Main Drain system revealed that the extension of the lake could not be justified as there would be only minimal improvements in the level of service of the overall drainage system.

Revised "Elven on the Park" Subdivision plan

The Elven Street Subdivision and Draft Guidelines were discussed at the Elected Member Concept Forum held on 20 July 2004. The outcome of discussion was that further investigation into the subdivision layout was required, inclusive of consideration of a concept plan comprising 5 lots.

The revised subdivision concept plans for the Elven Street Subdivision were presented at the Elected Members Concept Forum held on 21 September 2004. The outcome of the Forum recommended the matter be referred to an Ordinary Meeting of Council for formal consideration and adoption of the preferred subdivision concept.

At its Ordinary meeting held on 26 October 2004, the Council approved the preferred 5 lot revised subdivision concept plan for "Elven on the Park" and resolved to prepare appropriate design guidelines (a copy of the revised subdivision plan is attached).

Revised Concept plan - Smith's Lake Redevelopment

At a Council forum held on 19 July 2005, the Council viewed a power point presentation of the history of the Smith's Lake redevelopment where a revised concept plan No. 2346-CP-2 was presented. The plan differs from the original concept plan (No A4 -00-136) in that the former seven (7) lot subdivision has been replaced with a new five (5) lot subdivision and the proposed lake extension has been deleted.

The revised plan shows the lake restoration completed in 1999 and the proposed restoration works yet to be completed around the southern end of the existing water body. The objective of the restoration project is to ultimately improve water quality within the catchment and provide a more natural wildlife habitat.

The completion of the restoration work at Smith's Lake involves the removal of the existing overburden and exotic vegetation recently controlled with herbicide along the southern edge of the lake. Furthermore, earthworks are required to form an acceptable grade of approximately 1:4 from the lake edge to the proposed mowing strip.

Planting of the embankment with a fringing band of indigenous rushes/sedges and suitable dry land species will provide a dense habitat for nesting water birds which will not be easily accessed by domestic animals.

It is also proposed that a local drain entering the lake on the south western corner will be opened up, planted with indigenous rushes/sedges, creating a seasonal creek and frog habitat. Where the proposed path will cross the creek, the construction of a bridge is proposed to be constructed in future, for viewing purposes and access.

Around the embankments, pockets of larger native trees will be planted to provide shade for park patrons and nesting sites for the diverse range of wildlife already frequenting the lake.

It is intended that the planting theme of local indigenous plants created around the northern section in 1999, will be continued. Where substitute plantings are required, only indigenous native groundcovers, shrubs and trees will be used.

Whilst funding to complete the path network around the perimeter of the lake, as indicated on the concept plan, has not been allocated in the 2005/2006 budget, it is proposed to progress this in future years as part of the Town's Wetlands Heritage Trail Greenway.

Proposed Wetlands Heritage Trail (Greenway)

At the Ordinary Meeting of Council held on 12 July 2005, the Council received a report on the Proposed Wetlands Heritage Trail (Greenway), a section of which is proposed to traverse Smith's Lake Reserve (eastern side of lake between the lake and Kayle Street). The trail, once completed, will comprise a series of path sections and 'on road' sections between Albert Street, North Perth and the Swan River (through the City of Perth).

CONSULTATION/ADVERTISING:

It is recommended that revised concept plan No. 2346-CP-2 be advertised to Precinct Groups and surrounding residents for 21 days in accordance with the Town's Consultation Policy and that the Council receives a further report on the matter at the conclusion of the consultation period.

LEGAL IMPLICATIONS:

Nil

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. *"f) Ensure the current and future efficient and effective use of the Town's parks, reserves and facilities and continue to design and implement infrastructure improvements for public open space. Develop Greenway to link together parks with ecology, arts, recreation and culture" and "g) Work with Stakeholders to develop strategies for improved drainage, stormwater conveyance and improved water quality."*

FINANCIAL IMPLICATIONS:

The Town's officers submitted a Swan Alcoa Landcare Program (SALP) grant application in May 2005, in anticipation of the Town and the Claise Brook Catchment Group being successful in obtaining funding to complete the restoration works at Smiths Lake.

In July 2005 the Town was advised that its application had been referred to the Swan River Trust's Drainage Nutrient Intervention Program (DNIP) and that the DNIP had supported the project. A total of \$15,450 GST inc. was forwarded to the Town for the restoration works, however, the Town's request for the construction of the timber bridge over the open drain was not supported as this item was not deemed to have any environmental benefit.

A total of \$45,000 (which includes the grant funding) has been included in the Town's 2005/2006 Capital Works budget for the completion of the wetland restoration around the southern end of Smiths Lake.

The remaining works, including the Wetlands Heritage Trail links, are estimated to cost around \$165,000.

The Len Fletcher Reserve Fund contains an amount of \$321,207 as at 30 June 2005. This Reserve Fund is to be used for the *"renovation, maintenance, repairs and demolition of Len Fletcher Pavilion and associated land"*. At the Special Council Meeting held on 31 October 2001, the Council has also approved of funds to be used for *"the creation of the public open space and carparking, as part of the Leederville Oval and Loftus Centre Redevelopment and/or the State Indoor Centre"*.

COMMENTS:

The upgrade of Smith's Lake Reserve has been progressively implemented over the last few years and with the adjoining "Elven on the Park" land soon to be sold (end of 2005), it is considered prudent that the Smith's Lake Reserve Redevelopment Plan be finalised as prospective purchasers of the adjoining lots will need some surety regarding the future of the adjoining Reserve and the Len Fletcher Pavilion.

To this end it is recommended that the Council approves in principle the revised proposal as outlined on concept plan No. 2346-CP-2, advertises the revised plan for a period of 21 days seeking comments from the Town's Precinct Groups and adjoining residents, and receives a further report at the conclusion of the consultation period.

The Chief Executive Officer advised that Mayor Catania and Cr Messina had declared a financial interest in this Item. Mayor Catania advised that in the absence of the Deputy Mayor, the Council would need to vote for a Presiding Member. Mayor Catania and Cr Messina departed the Chamber at 8.13pm.

Moved Cr Maier, Seconded Cr Chester

That Cr Ker assume the Chair.

CARRIED (6-0)

(Cr Farrell on leave of absence. Mayor Catania and Cr Messina were absent from the Chamber and did not vote.)

10.3.2 Investment Report as at 31 July 2005

Ward:	Both	Date:	2 August 2005
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	M Howard-Bath		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.3.2

Moved Cr Torre, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (6-0)

(Cr Farrell on leave of absence. Mayor Catania and Cr Messina were absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

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

BACKGROUND:

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

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

DETAILS:

Total Investments for the period ended 31 July 2005 were \$7,801,433 compared with \$8,301,350 at 30 June 2005. At 31 July 2004 \$9,101,514 was invested.

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

	Budget	Actual	%
	\$	\$	
Municipal	310,000	5,268	1.70
Reserve	324,200	32,138	9.91

COMMENT:

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

Mayor Catania and Cr Messina returned to the Chamber at 8.14pm.

Cr Chester departed the Chamber at 8.14pm.

10.4.1 Adoption of Policy No 4.1.3 - Customer Service Complaints Management
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Ward:	-	Date:	2 August 2005
Precinct:	-	File Ref:	ADM0021
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RESCINDS** Policy 4.1.3 – “Complaints – Handling” of as shown in Appendix 10.4.1;
- (ii) **APPROVES IN PRINCIPLE** to adopt Draft Policy No 4.1.3 – “Customer Service Complaints Management” and Guidelines as shown in Appendix 10.4.1; and
- (iii) **AUTHORISES** the Chief Executive Officer to:
 - (a) *advertise the proposed draft policy for a period of twenty one (21) days, seeking public comment;*
 - (b) *report back to the Council with any public submissions received; and*
 - (c) *include the policy in the Council’s Policy Manual if no public submissions are received.*

Moved Cr Maier, **Seconded** Cr Lake

That the recommendation be adopted.

Cr Chester returned to the Chamber at 8.15pm.

Moved Cr Maier, **Seconded** Cr Messina

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

- “(ii) **APPROVES IN PRINCIPLE** to adopt Draft Policy No 4.1.3 – “Customer Service Complaints Management” as shown in Appendix 10.4.1B subject to the following amendments; and
- (a) **Page 5 of 5 of the Policy:**
 - *points “9 and 10” being renumbered “1 and 2” and the remaining points renumbered “3-10”;*
 - *the word “requests” be deleted from the renumbered point 6;*

(b) *Customer Service Complaints Management Procedures:*

- *Page 1 – Introduction – delete the words “of the Council” and insert the words “received from Employees or Elected Members” in its place in the first paragraph;*
- *Page 2 – delete clause (c)(iv);*
- *Page 4 – delete the last two paragraphs (on this page) which refer to “service complaints”;*
- *Page 5 – clause 1.5 – delete the words “and where computer access is limited/impossible” in lines 4 and 5:*
- *Page 7 – clause (2)(l) – delete the sentence “For a deaf person, English is a second language.” and insert “For some deaf people, spoken English is like a second language.” in its place;*
- *Page 20 – clause 5.1(e) – delete the word “Any” and insert the word “All” at the beginning of the clause’*
- *Page 21 – clause 5.3(iii)(D) – add the word “specify” at the beginning of the clause;*
- *Page 22 – clause (iii)(A) being amended to read as follows:*

“(A) The Review Panel shall normally be chaired by the Mayor except when the complaint/allegation involves the Mayor (eg if the complaint is about the Mayor or the Mayor is the complainant) and in these cases it will be chaired by the Deputy Mayor.”
- *Page 22 – clause (iv)(C) being amended to read as follows:*

“(C) Up to two Elected Members, one chosen by the complainant (if an Elected Member) and an Elected Member chosen by the person who is subject of the complaint. Where the complainant is not an Elected Member, the Elected Member who is the subject of the complaint may choose another Elected Member.”
- *Page 23 – clause (viii) – delete the word “include” in the second sentence;*
- *Page 23 – clause (viii) – delete the words “to represent” and insert the words “on behalf of” in the last paragraph;*
- *Page 26 – clause 6 – add a new subclause (d) as follows:*

“(d) Complaint statistics and service improvements arising from complaints will be published in the annual report.”;

- *Page 33 – clause 9 – delete the word “capaTown” and insert the word “capacity” in its place; and*

Debate ensued.

The Presiding Member advised that he consider each amendment to clause (ii) individually.

“(ii) (a) *Page 5 of 5 of the Policy:*

- *points “9 and 10” being renumbered “1 and 2” and the remaining points renumbered “3-10”;*
- *the word “requests” be deleted from the renumbered point 6;”*

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

“(ii) (b) *Customer Service Complaints Management Procedures:*

- *Page 1 – Introduction – delete the words “of the Council” and insert the words “received from Employees or Elected Members” in its place in the first paragraph;*

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

- *Page 2 – delete clause (c)(iv);*

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

- *Page 4 – delete the last two paragraphs (on this page) which refer to “service complaints”;*

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

- *Page 5 – clause 1.5 – delete the words “and where computer access is limited/impossible” in lines 4 and 5:*

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

- *Page 7 – clause (2)(l) – delete the sentence “For a deaf person, English is a second language.” and insert “For some deaf people, spoken English is like a second language.” in its place;*

Debate ensued.

AMENDMENT LOST (3-5)

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

(Cr Farrell on leave of absence.)

Debate ensued.

Moved Cr Torre, Seconded Cr Ker

- *Page 7 – clause (2)(l) – being amendment to read as follows:*
“(l) Some people may have special communication requirements. It may be that they need assistance with writing a complaint or reading a letter. Therefore, a response letter must be in plain, simple English. For a deaf person, English is a second language. ~~Someone who is hard of hearing~~ People with special communication needs may require to be spoken to slowly and clearly, keeping explanations simple, and may need things repeated or rephrased. They may ~~have~~ require technical modifications and communications such as to the phone so there might be no need to shout into the phone. More specialised assistance can be arranged as listed below:”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

- *Page 20 – clause 5.1(e) – delete the word “Any” and insert the word “All” at the beginning of the clause’*

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

- *Page 21 – clause 5.3(iii)(D) – add the word “specify” at the beginning of the clause;*

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

- *Page 22 – clause (iii)(A) being amended to read as follows:*
 - “(A) *The Review Panel shall normally be chaired by the Mayor except when the complaint/allegation involves the Mayor (eg if the complaint is about the Mayor or the Mayor is the complainant) and in these cases it will be chaired by the Deputy Mayor.*”

Debate ensued.

AMENDMENT LOST (2-6)

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

(Cr Farrell on leave of absence.)

- *Page 22 – clause (iv)(C) being amended to read as follows:*
 - “(C) *Up to two Elected Members, one chosen by the complainant (if an Elected Member) and an Elected Member chosen by the person who is subject of the complaint. Where the complainant is not an Elected Member, the Elected Member who is the subject of the complaint may choose another Elected Member.*”

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

- *Page 23 – clause (viii) – delete the word “include” in the second sentence;*

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

(Cr Farrell on leave of absence.)

- *Page 23 – clause (viii) – delete the words “to represent” and insert the words “on behalf of” in the last paragraph;*

Amendment was withdrawn and reworded as follows:

- *Page 23 – clause (viii) – last paragraph being amended to read as follows:*

“If the same Elected Member is nominated by ~~either~~ both parties the Review Panel may comprise of an independent Elected Member. ~~To represent both parties.~~”

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

Moved Cr Torre, **Seconded** Cr Maier

- *Page 23 – clause (viii)(D) – add the word “specify” at the beginning of the clause;*

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

- *Page 26 – clause 6 – add a new subclause (d) as follows:*

“(d) Complaint statistics and service improvements arising from complaints will be published in the annual report.”;

Debate ensued.

Amendment was withdrawn and reworded as follows:

“(d) Complaint statistics and service improvements arising from complaints will be published in ~~the~~ an annual report to the Council.”;

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

- *Page 33 – clause 9 – delete the word “capaTown” and insert the word “capacity” in its place; and*

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

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

That clause (ii) be amended to read as follows

“(ii) APPROVES IN PRINCIPLE to adopt Draft Policy No 4.1.3 – “Customer Service Complaints Management” as shown in Appendix 10.4.1B subject to the following amendments; ~~and~~

- *Page 5 of 5 of the Policy – renumbered point (2) [previously point (10)] being amended to read as follows:*

- “2. *All Employees will comply with the Council’s Customer Service Charter. Elected Members and Employees are required to comply with the Council’s Code of Conduct.”*

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

Moved Cr Lake, Seconded Cr Ker

That clause (ii) be amended to read as follows

“(ii) *APPROVES IN PRINCIPLE to adopt Draft Policy No 4.1.3 – “Customer Service Complaints Management” as shown in Appendix 10.4.1B subject to the following amendments; and*

- *Page 5 of 5 of the Policy – renumbered point (8) [previously point (6)] being amended to read as follows:*

“8. *Complaints which, when assessed, relate to illegal or corrupt behaviour or misconduct will be referred to the appropriate external organisation.*”

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Farrell on leave of absence.)

COUNCIL DECISION ITEM 10.4.1

That the Council;

(i) *RESCINDS Policy 4.1.3 – “Complaints – Handling” of as shown in Appendix 10.4.1;*

(ii) *APPROVES IN PRINCIPLE to adopt Draft Policy No 4.1.3 – “Customer Service Complaints Management” as shown in Appendix 10.4.1B subject to the following amendments;*

(a) *Page 5 of 5 of the Policy:*

- *points “9 and 10” being renumbered “1 and 2” and the remaining points renumbered “3-10”;*
- *renumbered point (2) [previously point (10)] being amended to read as follows:*

“2. *All Employees will comply with the Council’s Customer Service Charter. Elected Members and Employees are required to comply with the Council’s Code of Conduct.”*

- *the word “requests” be deleted from the renumbered point 6; and*

- *renumbered point(8) [previously point (6)] being amended to read as follows:*

“8. Complaints which, when assessed, relate to illegal or corrupt behaviour or misconduct will be referred to the appropriate external organisation.”

(b) Customer Service Complaints Management Procedures:

- *Page 1 – Introduction – delete the words “of the Council” and insert the words “received from Employees or Elected Members” in its place in the first paragraph;*
- *Page 2 – delete clause (c)(iv);*
- *Page 4 – delete the last two paragraphs (on this page) which refer to “service complaints”;*
- *Page 5 – clause 1.5 – delete the words “and where computer access is limited/impossible” in lines 4 and 5:*
- *Page 7 – clause (2)(l) – being amendment to read as follows:*

“(l) Some people may have special communication requirements. It may be that they need assistance with writing a complaint or reading a letter. Therefore, a response letter must be in plain, simple English. ~~For a deaf person, English is a second language. Someone who is hard of hearing~~ People with special communication needs may require to be spoken to slowly and clearly, keeping explanations simple, and may need things repeated or rephrased. They may ~~have~~ require technical modifications and communications such as to the phone so there might be no need to shout into the phone. More specialised assistance can be arranged as listed below:”

- *Page 20 – clause 5.1(e) – delete the word “Any” and insert the word “All” at the beginning of the clause’*
- *Page 21 – clause 5.3(iii)(D) – add the word “specify” at the beginning of the clause;*
- *Page 22 – clause (iv)(C) being amended to read as follows:*

“(C) Up to two Elected Members, one chosen by the complainant (if an Elected Member) and an Elected Member chosen by the person who is subject of the complaint. Where the complainant is not an Elected Member, the Elected Member who is the subject of the complaint may choose another Elected Member.”

- *Page 23 – clause (viii) – delete the word “include” in the second sentence;*

- *Page 23 – clause (viii) – add the word “specify” at the beginning of the clause;*
- *Page 23 – clause (viii) – last paragraph being amended to read as follows:*

“If the same Elected Member is nominated by ~~either~~ both parties the Review Panel may comprise of an independent Elected Member. ~~To represent both parties.~~”
- *Page 23 – clause (viii)(D) – add the word “specify” at the beginning of the clause;*
- *Page 26 – clause 6 – add a new subclause (d) as follows:*

“(d) Complaint statistics and service improvements arising from complaints will be published in the an annual report to the Council.”;
- *Page 33 – clause 9 – delete the word “capaTown” and insert the word “capacity” in its place; and*

(iii) AUTHORISES the Chief Executive Officer to:

- (a) advertise the proposed draft policy for a period of twenty one (21) days, seeking public comment;*
- (b) report back to the Council with any public submissions received; and*
- (c) include the policy in the Council’s Policy Manual if no public submissions are received.*

PURPOSE OF REPORT:

The purpose of this report is for the Council to consider and adopt a draft policy relating to Customer Service Complaints Management.

BACKGROUND:

The Town's current policy was adopted in January 1997. Following the Independent Organisational Review Report in April 2003, the Chief Executive Officer assumed direct responsibility for the Town's Customer Service Centre.

Over the previous twelve (12) months a review of the Town's Customer Service Centre, policies, practices and procedures have been progressively carried out. A number of new initiatives have been introduced, for example; computerised recording of customer requests/complaints; introduction of a new electronic approval module including proforma application forms on the Town’s webpage and a restructure of the Town's Customer Service Centre. The natural progression has resulted in a review of the Town's Customer Service Charter and associated documents.

There has been a commitment from the Town's administration to raising the level of customer service, both internal and external. This has resulted in the existing complaints handling policy being made redundant and a new comprehensive Customer Service Complaints Management policy and procedures being introduced. The new policy is based on the Australian Standard for complaint handling and also incorporates "Best Practice".

The new policy, guidelines and procedures include the following:

1. Definitions of complaints and service requests;
2. Principles for dealing with complaints (including anonymous) and requests ;
3. Timelines for responding to complaints/requests;
4. Comprehensive procedures and guidelines for reviewing of complaints at various levels, including referral to an external review if need be;
5. Comprehensive procedures for investigation of complaints concerning Employees and Elected Members;
6. Procedures for reporting analysis and annual review of the processes; and
7. Reference to Australian Standards criteria for dealing with complaints.

The draft Policy has been previously circulated to Elected Members, Executive Managers and Managers for comment. No responses have been received from Elected Members. The Town's administration has accepted the draft document and the associated key performance indicators.

CONSULTATION/ADVERTISING:

The Draft Policy will be advertised for a period of twenty-one (21) days, in accordance with the Town's Community Consultation Policy.

LEGAL/POLICY:

The Council's Code of Conduct (currently being advertised) makes reference to investigation and dealing with complaints/allegations in accordance with this proposed policy.

STRATEGIC IMPLICATIONS:

This Draft Policy is in keeping with the Town's Strategic Plan 2005-2010, Key Result Area 4.3(a) - *"Develop guidelines and policies to facilitate the interaction of all parties, which clearly identifies the roles and relationships between the Elected Members and the Town's administration and promotes professional and workable relationships between Elected Members"*.

FINANCIAL/BUDGET IMPLICATIONS:

N/A.

COMMENTS:

The proposed policy and procedures will formalise the current practices of the Town's administration and will provide for openness, transparency and accountability for these matters. It will also provide persons with the opportunity to have any complaints to be reviewed within clear and concise parameters.

10.4.4 Review of Policy Relating to "Verge Maintenance and Cleaning"

Ward:	Both	Date:	29 July 2005
Precinct:	All	File Ref:	ORG0023
Attachments:	-		
Reporting Officer(s):	R Lotznicher, J van den Bok		
Checked/Endorsed by:	J Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **APPROVES** the **ADOPTION** of Draft Policy No. 2.2.3 "Road Verges - Mowing and Cleaning of" to supersede the existing Policy No. 2.2.3 - "Verge Maintenance and Cleaning; and
- (ii) **AUTHORISES** the Chief Executive Officer to:
 - (a) *advertise the proposed draft policy for a period of twenty one (21) days, seeking public comment;*
 - (b) *report back to the Council with any public submissions received; and*
 - (c) *include the policy in the Council's Policy Manual if no public submissions are received.*

Cr Doran-Wu departed the Chamber at 8.44pm.

Moved Cr Maier, Seconded Cr Doran-Wu

Cr Doran-Wu returned to the Chamber at 8.45pm.

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

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

- “(i) **APPROVES** the **ADOPTION** of Draft Policy No. 2.2.3 "Road Verges - Mowing and Cleaning of" to supersede the existing Policy No. 2.2.3 - "Verge Maintenance and Cleaning subject to the following amendment; and
- “1. (ii) Street Verges in residential areas along all other roads shall be maintained/mowed by the adjacent owner/occupier and will only be mowed a maximum of 2 times in any one financial year by the Town where the owner/occupier is either a pension (age or disability) card holder or in the case of proven hardship or where, in the opinion of the Chief Executive Officer or Executive Manager Technical Services or his/her or nominated representative, the verge represents either a:”
and

Debated ensued.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

COUNCIL DECISION ITEM 10.4.4

That the Council;

“(i) *APPROVES the ADOPTION of Draft Policy No. 2.2.3 "Road Verges - Mowing and Cleaning of" to supersede the existing Policy No. 2.2.3 - "Verge Maintenance and Cleaning subject to the following amendment;*

“1. (ii) *Street Verges in residential areas along all other roads shall be maintained/mowed by the adjacent owner/occupier and will only be mowed a maximum of 2 times in any one financial year by the Town where the owner/occupier is either a pension (age or disability) card holder or in the case of proven hardship or where, in the opinion of the Chief Executive Officer or Executive Manager Technical Services or his/her or nominated representative, they the verge represents either a:*” and

(ii) *AUTHORISES the Chief Executive Officer to:*

- (a) *advertise the proposed draft policy for a period of twenty one (21) days, seeking public comment;*
 - (b) *report back to the Council with any public submissions received; and*
 - (c) *include the policy in the Council's Policy Manual if no public submissions are received.*
-

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of necessary amendments to the Town's "Verge maintenance and Cleaning" Policy and renaming of the Policy to "Road Verges - Mowing and Cleaning of ".

BACKGROUND:

The Council's Policy Manual contains various policies which provide guidance to the Town's Administration and also Elected Members for day to day management issues and also decision making.

The policies are amended from time to time as the need arises, to ensure that they remain relevant and compliant with current legislation and the Town's objectives. Policy 2.2.3 "Verge Maintenance and Cleaning" requires amendment to reflect the Council's desire to extend the provision of verge mowing services to eligible residents in the Town.

DETAILS:

The existing policy 2.2.3 has been amended as a result of the Council allocating specific funding in the 2005/2006 budget for the Town to mow road verges in various situations and for eligible residents.

The existing clauses 1(i) and (ii) have been amended, with the main change being the addition in clause (ii) of the statement that verges shall be maintained/mowed a maximum of two (2) times in any one financial year by the Town where the owner/occupier is either a pension card holder or in the case of proven hardship or where the verge represents a fire hazard, visibility problem, safety issue or is in a neglected state.

In addition, clauses 1 (iii), (iv) and (v) have been added to the policy and are of a procedural and administrative nature which clarify the order of the necessary steps in processing compliant applications and maintaining records.

CONSULTATION/ADVERTISING:

The Council has a policy of advertising for a period of 21 days seeking comments from the public. Should submissions be received regarding the amendments to the policy, a further report will be prepared for the Council's consideration.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

FINANCIAL/BUDGET IMPLICATIONS:

The cost of advertising the Policy amendments is estimated to be approximately \$250.

COMMENTS:

The amendments to Policy No. 2.2.3 will ensure that the funds allocated in the Town's operating budget for verge mowing is for the benefit of both the Town and the Town's residents, and that a clear administrative process dealing with requests for verge mowing is in place.

POLICY NO: 2.2.3

**ROAD VERGES ~~VERGE MAINTENANCE~~ MOWING AND
CLEANING OF**

OBJECTIVES

To establish the extent of the Town's responsibility for the ~~condition~~ mowing of street verges and the removal of rubbish ~~there~~ from road verges.

POLICY STATEMENT

1. Mowing

- (i) ~~Street Verges~~ along main ~~arterial~~ roads and district distributor road, as determined by the Executive Manager Technical Services, will be mowed by the Town a maximum of two times ~~per annum~~ in any one financial year where a visibility problem or significant safety/hazard exists.
- (ii) ~~Street Verges in residential areas~~ along all other roads shall be maintained/mowed by the adjacent owner/occupier and will only be mowed a maximum of 2 times in any one financial year by the Town where the owner/occupier is either a pension (age or disability) card holder or in the case of proven hardship or where, in the opinion of the Chief Executive Officer or Executive Manager Technical Services or his/her or nominated representative, they the verge represents either a:
 - (a) Fire hazard;
 - (b) Visibility problem;
 - ~~(e) Case of proven hardship; or~~
 - ~~(d)~~(c) Safety Issue or
 - (d) In a neglected state
- (iii) Verges on any road which are reticulated with inground reticulation will NOT be mowed by the Town.
- (iv) A register is to be kept by the Technical Services Division of the street address of verges mowed and the number of times the verge has been mowed in any one financial year.
- (v) Should budgetary constraints not permit a verge or a number of verges to be mowed in a current financial year the verge/s in question will be listed for action in the following financial year.

2. Cleaning

- (i) Cleaning of litter and removal of the build up of leaves and grass clippings from verges is the responsibility of the adjacent owner/occupier.

- (ii) The Town will assist with the removal of litter and general rubbish from verges only in the following circumstances: -
- Bi-annual verge collections;
 - Accidents;
 - Storm damage;
 - Where responsibility for placing the litter on the verge can not be determined; or
 - As approved by the Executive Manager Technical Services, in liaison with the Chief Executive Officer.
- (iii) Where responsibility for placing litter on the verge can be determined the Town will direct the person responsible to remove the litter and will enforce the Litter Act 1979 and regulations.

Date Adopted:	26 May 1997
Date Amended:	7 October 2003
Date Reviewed:	7 October 2003 <u>28 July 2005</u>
Date of Next Review:	October 2008 <u>July 2010</u>

10.4.6 Progress Report - Pavarotti Concert - Members Equity Stadium

Ward:	South	Date:	3 August 2005
Precinct:	Beaufort; P13	File Ref:	RES0072
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council NOTES that the Stadium Committee has approved of a Deed of Licence for a Concert to be held at Members Equity Stadium on 29 October 2005 for a world-wide celebration tour for Pavarotti, subject to compliance with the conditions, as detailed in this report at Appendix 10.4.6.

COUNCIL DECISION ITEM 10.4.6

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

PURPOSE OF THE REPORT:

The purpose of this report is to advise the Council of the Stadium Committee's decision to approve of a concert at Members Equity Stadium on 29 October 2005 for the Pavarotti tour, together with the necessary conditions.

BACKGROUND:

At the Ordinary Meeting of Council held on 8 March 2005, the Council considered the matter of concerts at Members Equity Stadium and resolved, inter alia, as follows;

"That the Council; ...

- (vi) *DIRECTS the Mayor and CEO (Town's representative on the Stadium Committee) that they shall ensure compliance with the Council's conditions prior to approving any applications for future concerts at Members Equity Stadium; ..."*

In early July 2005, a Deed of Licence application was received to conduct an event on 29 October 2005 and this was referred to the Stadium Committee meeting held on 14 July 2005. The Stadium Committee deferred the application to seek further clarification from Allia Venue Management Pty Ltd. This information was provided and the matter was further considered by the Stadium Committee on 3 August 2005.

The Committee approved of the application, subject to a number of conditions (similar to those imposed for the John Farnham/Tom Jones concert and the Moonlight Food and Wine Festival held in February 2005).

The Promoter has also separately contacted the Town seeking an indication to use Loton Park for a large marquee, which will be used pre and post concert for VIP hospitality. The Promoter has been advised to make separate application to the Town and at the time of writing this report, this application has not been received.

CONSULTATION/ADVERTISING:

The Licensee will be required to consult with residents in the streets surrounding the Stadium.

LEGAL/POLICY IMPLICATIONS:

A Deed of Licence is required for any person who wishes to use Members Equity Stadium for an event.

STRATEGIC IMPLICATIONS:

Not applicable.

COMMENTS:

The Deed of Licence application for the event contains a number of conditions of approval which should ensure that the amenity of the area is not unduly affected on the day of the event.

The Pavarotti Concert has been promoted as a "farewell Concert" for this world famous entertainer and subject to compliance with the imposed conditions will not unduly affect the amenity of the residents surrounding the Stadium.

APPENDIX 10.4.6



TOWN OF VINCENT

CONDITIONS

(in addition to the Deed of Licence Requirements)

LUCIANO PAVAROTTI CONCERT FOR 29 OCTOBER 2005

1. **Concert Policy No. 4.1.25**
 - 1.1 Full compliance with the attached Concert Policy No. 4.1.25 *'Operational Guidelines and Policy Procedures for Perth Oval (Members Equity Stadium) regarding Concerts'*, is required.
2. **Event Risk Management**
 - 2.1 Event Risk Management Planning is a requirement under Australian Standard AS NZS 4360:2004 and the Health (Public Building) Regulations 1992 (as amended) for events with an estimated attendance exceeding 5,000 people. Full compliance with the Members Equity Stadium Risk Management Plan 2005 (*'The Plan'*) is required.
 - 2.2 Any additional activities or services not listed in The Plan, is to be submitted to the Town for consideration at least fourteen (14) days prior to the event in a Risk Management Addendum detailing how the risks will be mitigated.
3. **Existing fencing, fixtures or facilities not to be altered**
 - 3.1 No fences, railing, fixtures or facilities are to be altered, removed or redirected without formal, prior written approval from the Town. Should such approval be obtained the particular matter is to be reinstated to its original condition and status within 24-hours after the event.
 - 3.2 All permanent toilet facilities are to be available at all times during an event for the patrons/public and may not be reserved exclusively for entertainers.
4. **Heritage Listed Gates**
 - 4.1 The Heritage listed Perth Oval Main Gates are not to be accessed by trucks or delivery vehicles and barricading, temporary signage or a retractable bollard are to be provided to protect them from possible damage.

APPENDIX 10.4.6

5. Loton Park and areas outside Venue Boundaries

- 5.1 Any proposed use of Loton Park and/or an area outside Venue Boundaries is subject to a separate application to and assessment by the Town of Vincent.

6. Traffic Flow, Parking and Public Transport

- 6.1 A Traffic Management and Flow Plan is to be submitted and finalised to the satisfaction of the Town of Vincent.
- 6.2 The adjacent Pier Street '*Stadium Car Park*' is only to be used for vehicle parking purposes.

7. Sound Control

- 7.1 Compliance with the Council's Concert Policy for noise control and Acoustic Engineer requirements.
- 7.2 Non-conformances in relation to the Complaint Handling Provisions and two accessible Complaint Telephone Lines, will be treated as serious non-conformances.
- 7.3 The Promoter must liaise with residents in streets surrounding the stadium concerning the event.

8. Waste Management

- 8.1 Litter is to be removed from the Stadium adjoining streets within twenty-four (24) hours of the Event finish time; and the Stadium is to be cleared of rubbish and stored in secure receptacles within twenty-four (24) hours of the Event finish time.

9. Liquor Licensing

- 9.1 The Promoter shall obtain the necessary Liquor License and comply with the conditions set by the Director Liquor Licensing and the Town's Manager Health Services. A proposed lay-out plan of facilities is to be submitted for approval.

10. Temporary Food Permit

- 10.1 Should a caterer be used other than the official Stadium Caterer whom has a valid licence with the Town, a Temporary Food Permit Application is to be made to the Manager Health Services at least fourteen (14) days prior to the event.

11. Damage

- 11.1 Any damage to the buildings, seating, grounds, facilities, pitch or reticulation fittings is to be reported to the Town as soon as practicable, but in any case within 24-hours after the event.

APPENDIX 10.4.6

12. Security and Crowd Control Arrangements

- 12.1 Security and Crowd Control Arrangements to be submitted to the Town's Manager Health Services and WA Police Service, at least fourteen (14) days prior to the event.

13. Other Operational Items

- 13.1 The two reserved parking bays for the Council Stadium Committee members near gate 2 (Pier Street) must be reserved and kept clear for their use at all times.
- 13.2 Entrances where patrons enter by both foot and vehicle to be warning sign-posted ("*Beware of entering vehicles*") with crowd controllers to maintain a reasonable buffer between entering vehicles and patrons, particularly at gate 2.
- 13.3 A sufficient number of working passes/permits are to be provided to the Town, at least three (3) days prior to the event, in order for relevant Authorised Personnel to be able to enter the stadium and carry out official duties.
- 13.4 All electrical extension cords and hoses to be kept off the ground or fixed to the ground to prevent tripping hazards.
- 13.5 Only "Child Safe" toys and merchandise to be allowed on-site.
- 13.6 Free drinking water at the existing water fountains is to be maintained at all times during the event.
- 13.7 Crowd surge prevention and spectator exclusion zones to be provided.

* * * * *

10.4.7 Town of Vincent Local Law Relating to Parking Facilities - Penalty Increase to the Sixth Schedule - Gazettal

Ward:	Both	Date:	1 August 2005
Precinct:	All	File Ref:	LEG0047
Attachments:	-		
Reporting Officer(s):	J MacLean, A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council, Pursuant to Sections 3.12 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY to amend the Town of Vincent Local Law Relating to Parking Facilities as follows:

**"LOCAL GOVERNMENT ACT 1995 (as amended)
TOWN OF VINCENT PARKING FACILITIES LOCAL LAW
AMENDMENT NO 1, 2005**

In pursuance of the powers conferred by the Local Government Act 1995 as amended from time to time, and under all other powers enabling it, the Town of Vincent resolved on2005 to make the Local Law Relating to Parking Facilities Amendment No 1, 2005.

The Town of Vincent Local Law Relating to Parking Facilities as published in the Government Gazette on 23 May 2000 and amended as published in the Government Gazette on 14 January 2005, 24 August 2004, 2 December 2003, 20 June 2003, 4 January 2002, 24 August 2001 and 5 December 2000 is amended as follows:

1. The Sixth Schedule

The Sixth Schedule is repealed and the following Sixth Schedule is substituted.

“Part 7 Clause 76(1)

SIXTH SCHEDULE

LOCAL GOVERNMENT ACT 1995

Modified Penalties

ITEM NO.	OFFENCE	MODIFIED PENALTY
1.	CLAUSES: 11(3), 16(1), 49, 50(1), 50(2), 74	\$125.00
2.	CLAUSE: 7(1)(a), 7(1)(b), 12(1)(a), 12(1)(b), 12(1)(c), 12(1)(d), 12(2), 12(3), 13(1), 20, 23, 24, 44(1)(a), 44(1)(b), 51, 67, 75(2)	\$100.00
3.	CLAUSE: 18(2)	\$85.00
4.	CLAUSES: 7(2)(a), 7(2)(b), 11(2), 18(4), 19(4), 25, 27(1), 27(2), 40(1), 40(2), 40(3), 43(5)(a), 44(2)(a), 44(2)(b)	\$70.00

ITEM NO.	OFFENCE	MODIFIED PENALTY
5.	CLAUSES: 8(1), 8(2), 8(3), 9(1)(a), 9(1)(b), 9(1)(c), 9(1)(d), 9(2), 10(1), 11(1), 14(2), 15, 17(1), 21(1), 21(3)(a), 21(3)(b) 26(3)(a), 26(3)(b), 26(3)(c), 28(1), 28(2), 29(1), 29(2), 29(3), 30, 36(1)(a), 36(1)(b), 37(1), 38(1)(a), 38(1)(b), 38(1)(c), 38(1)(d), 38(2), 39(1)(a), 39(1)(b), 42(1), 42(2), 42(3), 43(4)(a), 43(4)(b), 43(4)(c), 44(4), 45(1), 45(2), 48(2)	\$50.00
6.	CLAUSES: 7(3), 44(3)	<i>In the case of an offence under Clauses 7(3) and 44(3) where the specified time referred to in that clause is one half hour or less:</i> (a) <i>where the vehicle stops on that part of the road or parking station referred to in that clause for a period of one half hour or less in excess of the specified time – fifty dollars (\$50.00)</i> (b) <i>where the vehicle stops on that part of the road or parking station referred to in that clause for a period of more than one half hour in excess of the specified time – fifty dollars (\$50.00) with respect to the first one half hour in excess and fifty dollars (\$50.00) with respect to any time thereafter.</i>
7.	CLAUSES: 7(3), 44(3)	<i>In the case of an offence under Clauses 7(3) and 44(3) where the specified time referred to in that clause is one hour or more:</i> (a) <i>where the vehicle stops on that part of the road or parking station referred to in that clause for a period of one hour or less in excess of the specified time fifty dollars (\$50.00);</i> (b) <i>where the vehicle stops on that part of the road or parking station referred to in that clause for a period of more than one hour in excess of the specified time – fifty dollars (\$50.00) with respect to the first hour in excess and fifty dollars (\$50.00) any time thereafter.</i>
8.	ANY CLAUSE NOT MENTIONED ABOVE	\$50.00''

COUNCIL DECISION ITEM 10.4.7

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Farrell on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to bring the penalties applicable for a contravention of the Town's Parking Facilities Local Law, into line with those in other metropolitan Local Governments

DETAILS:

At the Ordinary Meeting of Council held on 31 May 2005, the Council resolved to amend the Sixth Schedule of the Town of Vincent Local Law Relating to Parking Facilities to implement a new schedule of penalties. The proposed new schedule has been developed to bring the penalties, for a breach of the Local Law, into line with other metropolitan Local Governments and to reflect the Town of Vincent's commitment to deal with parking problems.

At the close of consultation period on 27 July 2005 one (1) submission had been received as follows:

- Cleaver Precinct Action Group Inc

"We do not have any suggestions for amending the proposed penalties for the offences listed.

Opinions were expressed that the existing fees were too low. Mention was also made that policing of offenders should be diligent; we have no evidence that this has not been the case in the past.

It would have been useful to know the approximate percentage that the total penalties are estimated to increase by. (We imagine it to be around 40%.)

CEO's Comment:

The Cleaver Precinct Action Group's submission did not make any suggestions to the proposed penalties other than a general comment that they were considered too low. This comment cannot be supported as the report to the Council compared the Town against the Cities of Perth and Subiaco. The Town's new penalties were in most cases comparable to these. The submission did not oppose the proposed amendment.

CONSULTATION/ADVERTISING:

The proposed amendment was advertised in the West Australian newspaper on 8 June 2005 and in Voice News on 10 June 2005. In addition, letters were sent to all Precinct Groups.

LEGAL/POLICY:

There will be no impediment to an amendment to the Local Law Relating to Parking Facilities and the proposal complies with the Council decision of 31 May 2005.

STRATEGIC IMPLICATIONS:

In the 2005 – 2010 Strategic Plan, Key Result Area 4, “Leadership & Management”, Key Result Area 4.5 - *"Promote Financial Management"*.

FINANCIAL/BUDGET IMPLICATIONS:

Other than advertising costs, there will be no financial implications associated with this report. The increased penalties have been factored into the Council Budget 2005/06.

COMMENTS:

This report ensures that the decision of the Council to approve an increase in penalties, associated with a breach of the Parking Facilities Local Law, can be implemented and enforced. It is recommended that the proposed amendment be gazetted.

10.4.8 Economic Development Strategy – Receiving of Public Submissions and Adoption

Ward:	-	Date:	3 August 2005
Precinct:	-	File Ref:	ADM0067
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES and gives consideration to the submissions received about the Economic Development Strategy 2005-2010 report, submitted by Pracsys as shown in Appendix 10.4.7 “Laid on the Table” and previously provided separately to Elected Members;*
- (ii) *ADOPTS the draft Economic Development Strategy subject to it being amended to include comments received during the community consultation period as detailed in the report; and*
- (iii) *NOTES*
 - (a) *the “opportunities” and “strategies” detailed in the Economic Development Strategy will be further investigated and reported to the Council for further consideration at the appropriate time(s) in the future; and*
 - (b) *the Economic Development Strategy will be evaluated including by the Leederville Masterplan Working Group and reported to the Council.*

COUNCIL DECISION ITEM 10.4.8

Moved Cr Lake, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

PURPOSE OF THE REPORT:

The purpose of this report is to receive the submissions received during the community consultation period and recommend adoption of the Economic Development Strategy 2005-2010.

BACKGROUND:

At the Ordinary Meeting of Council held on 12 April 2005, the Council resolved as follows;

“That the Council;

- (i) RECEIVES the Economic Development Strategy 2005-2010 report, submitted by Pracsys as shown in Appendix 10.4.3, "Laid on the Table" and provided separately to Elected Members;*
- (ii) AUTHORISES the draft Economic Development Strategy 2005-2010 to be advertised for community consultation (including placing the document on the Town's webpage) for a period of two months;*
- (iii) LISTS an amount of \$50,000 on the Draft Budget 2005/06 to allow for implementation of recommendations included in the Economic Development Strategy; and*
- (iv) NOTES that;*
 - (a) the consultants will present their report at the Forum to be held on 19 April 2005; and*
 - (b) a further report will be submitted at the close of the community consultation period to consider any submissions received.”*

PROJECT SCOPE AND METHODOLOGY:

Scope

The scope of the project included:

1. Assess regional, state and federal economic development and related strategies that impact on the Town or provide opportunities for economic development in the future.
2. Quantify and categorise the current level of economic activity including identifying the target markets for Vincent businesses, optimal retail floor area, home occupations and home businesses.
3. Review and revise internal policies and procedures, and evaluate the Town's resourcing capacities to participate in economic development programs.
4. Identify strategies including any potential strategic alliances which the Town can implement or support which will boost economic development in the Town and Region and incorporate these into a five year strategy for 2005-2010.

Methodology

The completion of the project involved the following tasks: -

- Mapping current economic activity and the Town's current position in economic development and presenting this information in a clear format using tables, graphs and matrices for ease of reading.
- Conducting interviews with relevant stakeholders including representatives involved with Economic Development from the ACC, State Government Agencies, East Perth Redevelopment Authority, and other parties deemed relevant.

- Reviewing current regional, State and Commonwealth Government policies and programs and evaluating their relevance for the Town of Vincent.
- Reviewing Town of Vincent Strategic Plan 2003-2008, internal policies and project documentation to ensure integration with the Economic Development Strategy.
- Developing a 5 year Economic Development Strategy for 2005 –2010.
- Presentation of the Strategy to the CEO and or Councillors as required with the provision of 5 hard copy colour reports and an electronic copy in word format.

The Economic Development Strategy was received on 5 April 2005. The report structure is as follows:

"The report begins with an overview of the current economic activity in the Town of Vincent and compares this to other inner suburban and adjoining municipalities. This is discussed in terms of the equity and distribution of economic activity; its diversity; local employment; access and movement throughout the local authority; and local, regional and visitor retail influences.

The second section of the report will address the five major precincts within the Town boundaries, the issues, opportunities and strategies to maximise development.

Finally the report will conclude with an overview of strategy, governance and funding issues and precinct actions."

The five major commercial precincts listed are;

1. Leederville
2. Mount Hawthorn
4. North Perth
4. William Street
5. Beaufort Street

At the close of the community consultation period on 24 June 2005, the following submissions were received:

1. M Slyth on behalf of the Combined Precinct Groups

"I am making this request on behalf of the Combined Precinct Groups.

At our Combined Precinct Group Meeting last Thursday we reviewed the language contained in 4. Governance of Economic Development 4.2.2 Accountability – the second paragraph of this paragraph reads as follows:

'The inevitable result is that the needs of the workers and visitors are not the primary focus of the respective governing bodies.'

All present at our meeting came to the conclusion that this language was merely an oversight and not meant to be interpreted the way it currently reads.

Accordingly, the Combined Precinct Groups request that the language of this sentence be amended to read as follows:

'The inevitable result is that the needs of workers and visitors are not part of the focus of the respective governing bodies.'

In this way we believe the language is quite clear and in future cannot be misconstrued in any way. Also ratepayers will then not feel they are losing their place as holding primary focus of the respective governing bodies.

CEO's Comment:

The above comments are supported. It is recommended that they be included in the final report.

2. M Slyth of Cleaver Street, West Perth

I have read through this report and appreciate that it appears to contain certain sound economic benefits for the town as a whole and for its future. I have noted that in a couple of town centre reports, much of the Vision statements appear to have been incorporated already – others like Leederville need a lot more linking together with the Vision outcomes. Perhaps some may think I am over re-acting, but I believe there are serious negative implications in this economic strategy as well, especially for the ratepayers - let's face it, the majority of us reside here not for business reasons but because we like living here. I feel that these negative implications far outweigh the expensive benefits of having this Economic Strategy for TOV adopted. Since it is not a legal requirement for the town, then do we really have to have it?

- (1) *the proposal to involve EPRA along with Local Government, State Government and other relevant organizations to provide a co-ordinated approach to the proposed Business Strategy by liaising with them all – does this mean TOV cannot act independently now or in future?*

CEO's Comment:

This matter has not been considered or determined by the Council. It does not affect the Strategy. Accordingly, it should remain and be considered at the appropriate time.

- (2) *The term 'stakeholder' appears in several places throughout the draft strategy.*

On page 25 under Governance of Economic Development 4.2.2. Accountability – it is stated that the TOV's current primary responsibility is to its ratepayers. However this is now described as an obvious shortcoming because the needs of workers and visitors are not the primary focus of the respective governing bodies, hence this imbalance must be redressed in any revised governance arrangements. Whilst ratepayers are still the primary stakeholders, I for one do not want this position to be undermined by this proposed strategy when, if it is adopted by the TOV.

CEO's Comment:

This comment has been raised by the Combined Precinct Group. It is supported and incorporated into the final report.

*Finally, I re-iterate, since **it is not** a legal requirement to have an Economic Development Strategy, why does this have to be thrust upon us?*

That this Economic Development Strategy will initially cost us \$50,000 to have implemented (1) when we do not have to have it and have functioned economically well without it so far - have we not? (2) that it will take away the ratepayers role as the primary body to which Council.

In effect I see our rights as ratepayers being heavily undermined with the introduction of this economic strategy, and Council having even greater legal tools to keep its ratepayers under Control. How many more sporting arena's can we have in the TOV?

CEO's Comment:

The Economic Development Strategy is not a legal document. It is a document which provides direction to the Council and should be considered as part of the Strategic process followed by the Town's administration and the Council.

3. Cleaver Precinct Group – Secretary – S Liversage

"I was surprised at the high standard of the report and the recommendations are good. ...

I think there should be a complementary link between the "Visioning" project and the implementation of the Report. It seems to me that it is consistent with much of the Visioning outcomes. ...

I agree that it will have major implications. ...

... One is the proposal to involve EPRA along with Local Government, State Government and other relevant organisations to provide a co-ordinated approach to the proposed Business Strategy by liaising with them all – does this mean the TOV cannot act independently in future?

Secondly the term "stakeholder" appears in several places throughout the Report. On page 25 under Governance of Economic Development 4.2.2 – Accountability – states that the TOV's current primary responsibility is to its ratepayers – which now becomes an obvious shortcoming because the needs of workers and visitors are not the primary focus of the respective governing bodies – this imbalance must be redressed in any revised governance arrangements.

CEO's Comment:

The submissions are almost identical to those submitted by M Slyth. The CEO's comments are as above.

4. Cr S Lake

"I had some minor questions/corrections relating to the Economic Dev Strategy which I didn't raise last night as time was short. Could you please forward them to Greg Davis on my behalf?

- *p6 text and Fig 2.1 refers to Williams St. Should be William.*
- *The catchment for William St is not centred around the focus within Vincent but a focus within the CBD. Why?*
- *p9 please clarify some of the categories. Clarify which category restaurants and cafes come into and also clarify what is community activity.*
- *p11 refers to the "East Perth" economy?*

- *Fig 2.11 Visitors – this doesn't make any sense to me. I find it hard to believe that some of the areas marked in dark green have high levels of visitors ie the Banks Precinct between East Pde and the River. What sort of Visitors does it refer to? People just visiting the area for a few hours, or short stays.*
- *p15 Leederville has 0% residential including the area to Richmond St. What about the recently completed large residential development behind the Luna cinema (whose name escapes me)*
- *There are no recommendations on how to deal with minor commercial areas such as along Lord St or the Blake St/Walcott shopping centre which is small but not insubstantial.*

I think it would be good if the report was updated to correct some of these errors. If so perhaps Greg could include the improved access and movement map Fig 2.6 which was in the powerpoint presentation. I thought it was a good presentation with valuable recommendations."

CEO's Comment:

The above comments were forwarded to the Consultants for consideration and inclusion into the Strategy, where appropriate.

CONSULTATION/ADVERTISING:

The Draft Economic Development Strategy was advertised for community consultation for a period of two months. The Draft Strategy was sent to all Precinct/Community Groups and was placed on the Town's webpage.

The consultants presented the draft Economic Development Strategy at a Forum held on 19 April 2005.

LEGAL/POLICY:

It is not a legal requirement to have an Economic Development Strategy, however, it is considered "*Best Practice*" management that a Strategy be adopted to complement and be linked and aligned to the Council's Strategic Plan 2005-2010, Principal Activities Plan and also the Annual Budget.

STRATEGIC IMPLICATIONS:

The preparation of an Economic Development Strategy is in accordance with the Town's Strategic Plan 2005-2010, Key Result Area 3.1 - Economic Development - "*Identify the needs and expectations of the business community, promote business development and facilitate outcomes in the Town*" - specifically at 3.1(a) it states;

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

FINANCIAL/BUDGET IMPLICATIONS:

The Economic Development Strategy has not been assessed by the Town's Administration. The Strategy contains a number of initiatives and recommendations which will need to be considered. These will be considered by the Town's Administration and reported to the Council at the appropriate time.

An amount of \$50,000 has been included in the Budget 2005/06 for implementation of the Strategy.

COMMENTS:

The preparation of an Economic Development Strategy 2005-2010 will provide future direction to the Council over the next five (5) years. It is therefore recommended that the Council adopts the Economic Development Strategy subject to the various amendments, as detailed in the report.

10.4.9 Delegations for the Period 1 April 2005 to 30 June 2005

Ward:	Both	Date:	2 August 2005
Precinct:	All	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	J MacLean, S Beanland		
Checked/Endorsed by:	R Boardman; John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **ENDORSES** the delegations for the period 1 April 2005 to 30 June 2005 as shown in Appendix 10.4.8; and
- (ii) **APPROVES BY AN ABSOLUTE MAJORITY** to write-off infringement notices to the value of \$34,186 for the reasons as detailed below.

<i>Description</i>	<i>Amount</i>
	\$
<i>Breakdown/Stolen (Proof Produced)</i>	<i>\$1,385</i>
<i>Details Unknown/Vehicle Mismatched</i>	<i>\$1,485</i>
<i>Equipment Faulty (Confirmed by Technicians)</i>	<i>\$1,575</i>
<i>Failure to Display Resident or Visitor Permit#</i>	<i>\$9,805</i>
<i>Interstate or Overseas Driver</i>	<i>\$4,515</i>
<i>Litter Act</i>	<i>\$1,025</i>
<i>Other (Financial Hardship, Disability, Police On-duty, Etc)</i>	<i>\$3,980</i>
<i>Penalties Modified</i>	<i>\$1,215</i>
<i>Pound Fees Modified</i>	<i>\$166</i>
<i>Ranger/Clerical Error</i>	<i>\$2,545</i>
<i>Signage Incorrect or Insufficient</i>	<i>\$1,055</i>
<i>Ticket Purchased but not Displayed (Valid Ticket Produced)</i>	<i>\$1,750</i>
<i>Written Off by FER – Not Enforceable</i>	<i>\$3,685</i>
TOTAL	\$34,186

The majority of reasons are that the resident or a resident's visitor failed to display the required residential parking permit – proof was provided.

COUNCIL DECISION ITEM 10.4.9

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Farrell on leave of absence.)

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 10.4.8. 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)	\$1,385
Details Unknown/Vehicle Mismatched	\$1,485
Equipment Faulty (Confirmed by Technicians)	\$1,575
Failure to Display Resident or Visitor Permit#	\$9,805
Interstate or Overseas Driver	\$4,515
Litter Act	\$1,025
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$3,980
Penalties Modified	\$1,215
Pound Fees Modified	\$166

Ranger/Clerical Error	\$2,545
Signage Incorrect or Insufficient	\$1,055
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$1,750
Written Off by FER – Not Enforceable	\$3,685
	TOTAL
	\$34,186

The majority of reasons are that the resident or a resident's visitor failed to display the required residential parking permit – proof was provided.

COMMENTS:

It is recommended that the delegations be endorsed by the Council.

10.4.11 CONFIDENTIAL REPORT - Proposed Two-Storey Single House (with Basement) - State Administrative Tribunal Directions Hearing

Ward:	South	Date:	1 August 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO2425; 5.2004.2636.1
Attachments:	-		
Reporting Officer(s):	K Loader		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That pursuant to section 5.95 of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members for proposed Two-Storey Single House (with Basement) - State Administrative Tribunal Directions Hearing.

COUNCIL DECISION ITEM 10.4.11

Moved Cr Torre, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

(Refer to Page 180)

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the Town's position regarding a review application to the State Administrative Tribunal. In accordance with the Town's Policy/Procedure for State Administrative Tribunal matters, it is to be kept confidential until determined by the Council to be released for public information.

LEGAL/POLICY:

The Town of Vincent Local Law Relating to Standing Orders states the following:

"2.15 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
- (i) *to be treated as strictly confidential; and*
 - (ii) *not, without the authority of Council, to be disclosed to any person other than–*
 - (a) *the Members; and*
 - (b) *Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*

prior to the discussion of that matter at a meeting of the council held with open doors.

- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
- (i) then to be treated as strictly confidential; and*
 - (ii) is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

COMMENTS:

The confidential report is provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

At 9.00pm the Presiding Member called a five minute adjournment.

At 9.10pm the meeting resumed with the Mayor Catania, Crs Chester, Doran-Wu, Ker, Lake, Maier, Messina and Torre, Chief Executive Officer, Executive Managers Environmental and Development Services, Technical Services and Corporate Services, Minutes Secretary and Journalist – Fiona Willan present.

Moved Cr Chester, Seconded Cr Messina

That the meeting proceed “behind closed doors” to discuss the following Items as matters of a legal and/or financial nature will be considered:

- 10.1.16 – Leederville Masterplan – Draft Final Report and Referral of Confidential Concept Plans to the Leederville Masterplan Working Group; and
- 10.4.11 – Confidential Report – Proposed– Two-Storey Single House (with Basement) – State Administrative Tribunal Directions Hearing.

CARRIED (8-0)

(Cr Farrell on leave of absence.)

Journalist – Fiona Willan left the meeting.

10.1.16 Leederville Masterplan - Draft Final Report and Referral of Confidential Concept Plans to the Leederville Masterplan Working Group

Ward:	South	Date:	2 August 2005
Precinct:	Oxford Centre, P4	File Ref:	PLA0147
Attachments:	-		
Reporting Officer(s):	H Coulter		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	John Giorgi

OFFICER RECOMMENDATION:

That the Council:

- (i) **APPROVES IN PRINCIPLE** to adopt the Leederville Masterplan, Final Draft - June 2005, prepared by Consultants, Considine and Griffiths Architects Pty Ltd and Chris Antill Planning and Urban Design, as "Laid on the Table";
- (ii) **REFERS** the Leederville Masterplan (Final Draft) to the Leederville Masterplan Working Group for consideration of the findings and recommendations made in the document;
- (iii) **REFERS** the confidential Concept Plans prepared by Architects Jones, Coulter Young and presented at a Forum on 19 July 2005 to the Leederville Masterplan Working Group and **AUTHORISES** the Working Group to consider and progress, subject to the plans remaining confidential;
- (iv) **RESTRICTS** distribution of the Concept Plans to the Chief Executive Officer only, until approved by the Council for release to the public; and
- (v) **AUTHORISES** the Chief Executive Officer to:
 - (a) advertise the proposed draft Masterplan for a period of six (6) weeks, seeking public comment; and
 - (b) report back to Council with any public submissions received.

Moved Cr Chester, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

The following question from Cr Chester was taken on notice as the information was not available at the meeting.

“Have we got any idea how that key section was removed from the brief?” That is Section 4.9.

Moved Cr Ker, Seconded Cr Lake

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

“(ii) NOTES that due to an omission from the tender document, the report does not address the issue of feasibility that was central to Council’s original concept for the Leederville Masterplan;”

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

Debate ensued.

Moved Cr Messina, Seconded Cr Chester

That renumbered clause (vi) be deleted.

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Chester

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

(i) ~~APPROVES IN PRINCIPLE to adopt~~ RECEIVES the Leederville Masterplan, Final Draft - June 2005, prepared by Consultants, Considine and Griffiths Architects Pty Ltd and Chris Antill Planning and Urban Design, as "Laid on the Table";

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

Debate ensued.

Moved Cr Chester, Seconded Cr Messina

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

*“(v) **RESTRICTS** distribution of the Leederville Masterplan to Elected Members and Working Group and the Concept Plans to the Chief Executive Officer only, until approved by the Council for release to the public;”*

AMENDMENT CARRIED (8-0)

(Cr Farrell on leave of absence.)

Debate ensued.

Cr Ker advised that if the Council was going to consider moving an amendment regarding payment that he would have to declare an interest as the company that he works for was a sub-consultant on a small part of the project.

Cr Ker departed the Chamber at 9.50pm.

Moved Cr Messina, Seconded Cr Lake

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

*“(vi) **AUTHORISES** the Chief Executive Officer to negotiate payment of the report provided by Considine and Griffiths as the Council has expressed its dissatisfaction with the report that has been provided.”*

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Farrell on leave of absence. Cr Ker was absent from the Chamber and did not vote.)

Debate ensued.

MOTION AS AMENDED CARRIED (7-0)

(Cr Farrell on leave of absence. Cr Ker was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.16

That the Council:

- (i) **RECEIVES** the Leederville Masterplan, Final Draft -June 2005, prepared by Consultants, Considine and Griffiths Architects Pty Ltd and Chris Antill Planning and Urban Design, as "Laid on the Table";*
- (ii) **NOTES** that due to an omission from the tender document, the report does not address the issue of feasibility that was central to Council's original concept for the Leederville Masterplan;*
- (iii) **REFERS** the Leederville Masterplan (Final Draft) to the Leederville Masterplan Working Group for consideration of the findings and recommendations made in the document;*

-
- (iv) *REFERS the confidential Concept Plans prepared by Architects Jones, Coulter Young and presented at a Forum on 19 July 2005 to the Leederville Masterplan Working Group and AUTHORISES the Working Group to consider and progress, subject to the plans remaining confidential;*
 - (v) *RESTRICTS distribution of the Leederville Masterplan to Elected Members and Working Group and the Concept Plans to the Chief Executive Officer only, until approved by the Council for release to the public; and*
 - (vi) *AUTHORISES the Chief Executive Officer to negotiate payment of the report provided by Considine and Griffiths as the Council has expressed its dissatisfaction with the report that has been provided.*
-

PURPOSE OF REPORT:

The purpose of the report is for the Council to approve, in principle, to adopt the Leederville Masterplan Final Draft June 2005 and seek approval to advertise it for public comment and refer it back to the Leederville Masterplan Working Group.

BACKGROUND:

- 18 September 2003 A meeting was held with the then Chairman of the Western Australian Planning Commission, Town of Vincent Elected Members, representatives of the Department for Planning and Infrastructure and Officers of the Town of Vincent to discuss the Western Australian Planning Commission's introduction of a \$500,000 budget allocation, to showcase demonstration proposals, which may include places of interest, redevelopment schemes, transport schemes and the like.
- 23 September 2003 The Council at its Ordinary Meeting resolved to produce a Masterplan for the Leederville area.
- 16 December 2003 The Council at its Ordinary Meeting endorsed the Project Brief for a Leederville Masterplan with amendments and approved a budget reallocation of \$50,000 to fund delivery of a Leederville Masterplan.
- 13 July 2004 The Council at its Ordinary Meeting resolved inter alia as follows:
"That the Council AUTHORISES the Chief Executive Officer to:-
- (i) *develop a preliminary Leederville Business Case identifying potential funding sources for the proposed upgrades to public infrastructure in the Leederville District Centre identified in the:-*
 - (a) *Oxford Centre Study; and*
 - (b) *Leederville Masterplan;*
- in collaboration with, and consideration of funding opportunities identified in the preparation of the Leederville Masterplan. The Business Cases should prove the financial viability of the Leederville Masterplan and provide positive social, environmental and economic outcomes; ...*

- (iv) *submit a report on (i) above for Council's consideration in conjunction with the Leederville Masterplan as a fully integrated document;*
- (v) *in relation to (i) and (ii) above, explore in detail the potential for public/private partnerships; and*
- (vi) *seeks advice from the East Perth Redevelopment Authority in the preparation of the Business Case."*

23 November 2004 The Council at its Ordinary Meeting resolved inter alia as follows:

"That the Council;

- (i) *RECEIVES the Progress Report No 1 on Investigation of Possible Mall Concepts and Wider Streets for Alfresco Dining for Oxford and Newcastle Streets, Leederville and Multi-Level Carparks; ... "*

2 March 2005 The Council at a Special Meeting resolved inter alia as follows:

"That the Council;

- (i) *RECEIVES the report relating to the investigation of landholdings and future redevelopment concept plans for the Leederville Business District;*
- (ii) *SUPPORTS IN PRINCIPLE the concept plan to redevelop the Council's land subject to a further report being submitted detailing the financial, legal, economic, land use, planning and architectural aspects; ...*
- (v) *EVALUATES the Leederville Masterplan and the Economic Development Strategy prior to authorising the CEO to engage the necessary consultants to further investigate the project options, including;*
 - (a) *obtaining the necessary financial, valuation, development, project management, architectural and legal advice;*
 - (b) *investigating the benefits and financial implications for the most appropriate development model for the proposed development;*
 - (c) *refining the redevelopment concept plans; and*
 - (d) *entering into discussion with the Water Corporation concerning possible development options over the drainage reserve and other Water Corporation landholdings; ...*
- (ix) *NOTES that this report contains commercially sensitive information and therefore is to remain confidential;*

- (x) *AUTHORISES the Mayor and CEO to meet with the Minister for Planning and Infrastructure and the Director General of the Department of Planning and Infrastructure as soon as is practicable, to discuss the strategic nature and benefits to the state of the project and implementation models to realise the project; and ...*
- 7 June 2005 The inaugural meeting of the Leederville Masterplan Working Group was held to discuss the way forward with the Leederville Masterplan.
- 12 July 2005 The Council at its Ordinary Meeting resolved inter alia as follows:
- "That the Council;*
- (i) *RECEIVES the report on the Proposed Leederville Business District Redevelopment - Progress Report No. 1 as at 6 July 2005;*
- (ii) *ADVISES the Water Corporation of Western Australia that;*
- (a) *it does not support their proposal to locate a 225mm "spur" sewer line through the Council's land (Lot 36 and Pt Lot 34) on the grounds that this would significantly decrease the value of the Council's land, compromise future development on the land and cause additional building costs to protect the proposed sewer and any building footings; and*
- (b) *it prefers an alternative alignment along a proposed new gazetted road, which would be created, if this option is agreed, as shown in Confidential Plan No. 2357-CP-1;*
- (iii) *APPROVES IN PRINCIPLE;*
- (a) *the relocation of the existing 1,050 diameter main drain (estimated to cost between \$400,000-\$450,000) contained within The Avenue Carpark reserve to a new alignment along The Avenue Carpark, and in a proposed new gazetted road which would run at the rear of the Oxford Street properties, as shown in Confidential Plan No. 2357-CP-1;*
- (b) *the indicative plan to relocate the "proposed" 225mm diameter "spur" sewer line from the current Water Corporation proposal which would traverse the Town's Lot 36 and Pt Lot 34 (approximately 1.5 metres from the western boundary adjacent to Kailis' Lot 19), to a new proposed alignment within a proposed gazetted road, which would run in an east-west direction, as shown in Confidential Plan No. 2357-CP-1;*
- (iv) *subject to Clauses (ii) and (iii) above being supported, APPROVES of the scope of works to re-align the existing 1,050 diameter main drain, contained within The Avenue Carpark reserve, to be included in the Water Corporation's "tender preliminaries" for the sewer construction project (as this will have cost savings to the Town) subject to;*

- (a) *the Town being responsible for payment of these works;*
- (b) *the Chief Executive Officer being authorised to negotiate suitable terms and conditions with the Water Corporation; and*
- (c) *a further report being received by the Council at the conclusion of the negotiations, for approval;*
- (v) *APPROVES IN PRINCIPLE the offer from the Water Corporation cede to the Town, at \$1.00 (plus GST), the redundant portion of the reserve land (comprising up to 784m²) located within The Avenue Carpark land on Certificate of Titles 1659/262 and 1054/163, once the main sewer has been decommissioned and the main drain has been realigned and AUTHORIZES the Chief Executive Officer to negotiate with the Water Corporation, subject to a report being submitted to the Council for approval, at the conclusion of the negotiations;*
- (vi) *NOTES that;*

...
(d) *the Project Architects will be presenting information on a confidential basis to a Forum to be held on 19 July 2005;*
- (vii) *REQUESTS the Chief Executive Officer to write to the Water Corporation seeking their comments and/or commitment to their involvement in the Leederville Masterplan and also details of their future proposals (if any) for their landholdings;*
- (viii) *ADVISES GNTM Pty Ltd (Kailis) that, should they require access from their property into the Council land and a thoroughfare alongside their property for their proposed development, the proposed thoroughfare will only be supported on the basis that it be located equally on both properties; and
... ”*

DETAILS:

The final version of the Draft Leederville Masterplan has been provided to the Town. Copies of the final draft have been distributed to Elected Members and members of the Leederville Masterplan Working Group, and a copy is "*Laid in the Table*".

ADVERTISING/PUBLIC CONSULTATION:

The draft Masterplan will be advertised for public comment for a period of six weeks.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

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

"1.3 Develop, implement and promote sustainable urban design.

Action Plans to implement this strategy include:

- (a) Develop and implement sustainable building design guidelines and incorporate sustainability into the Building and Design Awards to raise community awareness.*
- (b) Review urban design policies and guidelines to enhance amenity, universal access, neighbourhood interaction crime prevention and aesthetics and participate in initiatives and incentives to foster sustainable building and urban design....."*

FINANCIAL IMPLICATIONS:

The 2005/2006 Budget allocates \$100,000 to the Leederville Masterplan and \$25,000 to the Oxford Centre Study Implementation (Year 1 of 5).

COMMENTS:

The draft document has been distributed for consideration. The Leederville Masterplan Working Group has met and it is recommended that the draft final report and its findings and recommendations be referred to the Working Group for its consideration.

Furthermore, it is appropriate that the concept confidential plans be referred to the Working Group to be progressed. In view of the commercial sensitivity of the Concept Plans, it is strongly recommended that these be restricted in distribution and retained by the Chief Executive Officer until approved by the Council for public information.

The Chief Executive Officer amended this report by including:

1. clauses (iii), (iv) and (v) of the recommendation'
2. details of the Special Meeting of Council held on 2 March 2005;
3. the last paragraph on page 60.

Cr Ker returned to the Chamber at 9.53pm.

Mayor Catania advised that Cr Chester had declared a proximity interest in this Item. Cr Chester departed the Chamber at 9.55pm and did not speak or vote on the matter. He did not return to the meeting.

10.4.11 CONFIDENTIAL REPORT - No. 105 (Lots 81-83, Strata Lot 2, STR: 39521) Chelmsford Road Mount Lawley - Two-Storey Single House (with Basement)

Ward:	South	Date:	26 July 2005
Precinct:	Mount Hawthorn, P4 Norfolk, P10	File Ref:	PRO2425 5.2004.2636.1
Attachments:	001		
Reporting Officer(s):	K Loader		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

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

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council SUPPORTS as part of the State Administrative Tribunal Review Matter No. RD 430 of 2005, the proposed Two-Story Single House (with Basement), at No. 105 (Lots 81-83, Strata Lot 2 STR: 39521) Chelmsford Road, Mount Lawley, and as shown on amended plans stamp-dated 2 August 2005, subject to:*
- (a) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
 - (b) *no street/front wall, fence and gate shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend the maximum height to 2.0 metres. The solid portion of any new street/front wall, fence and gate between the Chelmsford Road boundary and the main building, including along the side boundaries, shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the new front fences and gate being visually permeable, with a minimum 50 per cent transparency. Any new walls, fences and gates shall also be truncated or the solid portion of such shall be reduced to no higher than 0.65 metre for a minimum length of 1.5 metres of - where such walls, fences and gates adjoin vehicle access points, where a driveway meets a public street, and where two streets intersect; and*
 - (c) *subject to first obtaining the consent of the owners of No. 105 Chelmsford Road (Lot(s) 81 - 83 Strata Lot 1) for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet)*

wall facing No. 105 Chelmsford Road (Lot(s) 81 - 83 Strata Lot 1) in a good and clean condition; and

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

The Chief Executive Officer advised that Cr Chester had declared a financial interest in Item 10.4.11. He departed the Chamber at 9.54pm. He did not speak or vote on this matter.

COUNCIL DECISION ITEM 10.4.11

Moved Cr Lake, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

LOST (3-4)

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

(Cr Farrell on leave of absence. Cr Chester was absent from the Chamber and did not vote.)

Reasons:

1. **The amended development unduly affects the streetscape and amenity of the area.**
2. **Non-compliance with the Town's policy relating to the Norfolk Locality.**
3. **Non-compliance of the outdoor living requirements.**

ADDITIONAL INFORMATION:

The revised plans submitted by the applicant address all the privacy and setback issues that were identified in the previous assessment. The non-compliance with the outdoor living area requirements is addressed in the current Assessment Table.

The applicant has provided supporting evidence in the form of a photographic montage showing how the proposed development will fit into the surrounding streetscape. The applicant also provided photographs that show other two storey contemporary developments located in the Norfolk and Hyde Park Precincts that are of similar scale and design. A copy of these documents are "*Laid on the Table*". The Norfolk Precinct (Alma Locality) states that new contemporary developments are encouraged provided that the design responds to the established character.

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

Landowner:	G A LaFalce
Applicant:	Martin Parkinson - Architect
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	232 square metres
Access to Right of Way	N/A

BACKGROUND:

- 22 March 2005 Application for proposed two storey single house (with basement) refused at Ordinary Meeting of Council.
- 27 April 2005 Application lodged with State Administrative Tribunal to review Council's decision.
- 15 June 2005 State Administrative Tribunal Directions Hearing held.

DETAILS:

The applicant has submitted amended plans that have significantly addressed previous variations. The applicant seeks to obtain Council approval for the construction of a new two storey single house (with basement) including a single garage, dining room, living room, kitchen and laundry on the ground floor and three bedrooms, bathroom, en-suite and store on the upper level. The building is designed to maximise solar efficiency, with the main living areas and windows having northern exposure.

In support of their application the applicant included a written submission. The applicant's submission is provided on a confidential basis, separately to Elected Members, the Chief Executive Officer and Executive Managers.

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...
Outdoor Living	Behind the front setback area	Located partially within the front setback area	Supported - as it complies with performance criteria of Residential Design Codes (R-Codes) in that it is accessible from a habitable room and is open to winter sun.
Consultation Submissions			
No consultation was required as this matter relates to a review by SAT of the Planning Refusal for proposed two storey single house (with basement) and involved no greater variations to the development application which was previously advertised, and is being referred to Council for determination.			

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

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

COMMENTS:

The proposal is considered supportable, subject to standard and appropriate conditions.

Moved Cr Torre, Seconded Cr Ker

That an "open" meeting be resumed.

CARRIED (7-0)

(Cr Farrell on leave of absence. Cr Chester was absent from the Chamber and did not vote.)

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Refer to page 6.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 10.03pm with the following persons present:

Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 9 August 2005.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2005