



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

12 JUNE 2007

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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 12 June 2007, commencing at 6.00pm.

1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, JP, declared the meeting open at 6.10pm.

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Ian Ker apology due to work commitments.

Cr Steed Farrell (*Deputy Mayor*) apology - will be arriving late due to work commitments

Cr Maddalena Torre - apology - will be arriving late due to work commitments

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward (from 7.09pm)
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward (from 6.12pm)
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicker	Executive Manager, Technical Services
Mark Fallows	Recipient of Employee of the Month Award (until 6.40pm)
Tory Woodhouse	Senior Heritage Officer
Susannah Kendall	Heritage/Planning Officer (both until 6.47pm recipients of the Heritage Council Awards)
Rasaratnam Rasiah	Coordinator Statutory Planning/observer (until 7.00pm)
Chris Thomson	Journalist - " <i>The Perth Voice</i> " (until 8.54pm)
Lindsay McPhee	Journalist - " <i>Guardian Express</i> " (until 8.54pm)

Approximately 27 Members of the Public

(c) Members on Leave of Absence:

Nil

Cr Torre entered the meeting at 6.12pm

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

1. Patricia Sinclair, 23 Grosvenor Road, Mt Lawley
Spoke on Item 10.1.4 regarding parking issues in Grosvenor Street. Stated there is quite a lot of antisocial behaviour in the street. Photos were presented and circulated to the Council. Residents are requesting Council to restrict parking late in the evening due to problems coinciding at the closing time of the Flying Scotsman's. Requested Council to find a resolution to the numerous problems experienced by the neighbours in Grosvenor Road, Mt Lawley.
2. Kate Lee, 24 Grosvenor Road, Mt Lawley
Spoke on Item 10.1.4. Requested Council, whilst looking at the problem of parking, that residents also wish to make the point of the extended trading permit that this particular trading premises has, whilst close to a residential area. Ms Lee presented a report on ETH's that have been granted in Western Australia for all the premises, in support of the residents concerns. Extended trading hours that have been endorsed by the Town of Vincent are from 12.00pm - 2.00pm, except for Sunday.
3. Lou Marchesani, 23 Bracadale Avenue, Duncraig, Designer
Regarding Item 10.1.7, agrees with the recommendation of the Officers, except for clause 3, part of Part (a) - balconies at the front and side elevation, eastern and western to the living room and also to the bedroom. Has provided the officers with a written report by the adjacent owners, and there was no objection to the balconies and also the side elevation. On clause (b) dealing with the building heights, in excess of six metres on the western elevation and on the eastern elevation, it shows 6.6 metres, and the adjacent owners do not object. Where it mentions 7 metres above natural ground (instead of 6 metres), it is on the street side, which is Ellesmere Street, and that particular section is set well back (about 6-7 metres) from the front of the house and should not overshadow the adjacent neighbours on the other side of the street. Clause (d) is requesting the redesign the crossover because of a tree on the street verge. Considers it will become very dangerous to realign the driveway and the owners are willing to replace the tree.

Cr Messina departed the Chamber at 6.17pm

Lou Marchesani continued speaking

Cr Messina returned to the Chamber at 6.18pm

4. Warren McGrath, 32 Randell Street - Chair, Claise Brook Catchment Group
Requested Councillors to defer to motions on Item 10.4.6 until the next Council Meeting to give the Claise Brook Catchment Group the opportunity to give a presentation to Councillors on the benefits of having a community run land care group in the Town of Vincent, to discuss the projects that they have conducted in the Town and the benefits they have brought the Town to date. Requested the Budget item that has been on the Town of Vincent Budget for the last two years isn't changed and this potential funding loan is still available. The Claise Brook Catchment Group has been working in the Perth/Vincent area over ten years on a range of urban based environment projects, they are a "not for profit"

organisation. The outcomes of these projects are well documented and provide excellent promotion for project partners. The Catchment Group has attracted significant funding into the area, with grant funding from State, Corporate and Federal bodies, including Natural Heritage Trust Funding, Swan Alcoa Landcare Programme, Water Corporation, Swan River Trust funding. This funding is available to the Group because they are a community run land care group, providing benefits to the Town. Projects include the Smith's Lake and Roberston Park Wetland Projects. Stated the Council report doesn't mention the applications for funding were actually put to the Town two years ago or that the nine projects that the Group have been put to the Council, the funding included clear deliverables and also their own funds in kind support. For example, are Councillors aware that one of the projects that the Group has submitted to the Town was for an amount of \$2,300 to support the Hyde Park Lake Stormwater Awareness Programme for which they will contribute their own \$17,500 in kind and funding. An additional programme the Group will seek other sources of funding, which could about to tens of thousands of dollars, from various funding bodies, is for improvements at Hyde Park. The funding of a Catchment Coordinator which is required, as there is only so much their volunteers can do and wages are to be provided to the Catchment Coordinator. It is quite common, within other Councils, for a Catchment Group to be supported. For example, City of Stirling provides the North Metro Catchment Group with a \$20,000 per annum, City of Bayswater \$20,000 per annum and the Town of Bassendean \$6,500 per annum. The City of Wanneroo has just agreed to provide the North Metro Catchment Group with \$17,500 per annum, the City of Swan \$20,000 for the North Metro Catchment Group, this is for salary support for a Catchment Officer, which is different than an Environmental Officer who has to look at waste management, pollution, not just water quality, habit improvement and increasing community awareness in involvement in catchment issues. An example of the increase in value of having a catchment group, such as ours, working in the Town, our members are at Robertson Park carrying out monthly weeding, monitoring of the wetland which is in the Town of Vincent Open Space in Robertson Park. The Group has attracted \$20,000 in funding from the Swan Alcoa Landcare Programme, \$32,000 for the Robertson Park Wetlands, \$20,000 for Smith's Lake, amounts yearly for the Garden Competition, \$3,500 for the Vincent Habitat Report. There are many direct/indirect benefits for having a land care group such as ours for existing. I would like to ask Council to defer the motions under this item tonight, to give the Group a chance to present the benefits for both the Town of Vincent and the Catchment Group.

5. Steve Riddell, 3a Park Road, Mt Pleasant, Designer for No 4 Salisbury Street
Advised Council regarding Item 10.1.1, that the house (4 Salisbury Street) is lower than the street verge by approximately 600-900mm, therefore the visual bulk of the homes will be less. The floor levels are lower than the neighbours on the left and right hand side. The neighbour on the right hand side (eastern side) has no objections to the project. By the homes being lower than the verge, the visual bulk of the homes themselves will be less intense to the street. The two storey height will be no higher than the apex of the homes on either side.

6. Martina Sedic, 3/36 Monmouth Street, Mt Lawley
Spoke on Item 10.1.1, also spoke at the Council meeting on 25 May 2007 on this subject. Reiterated that Jack Garrott who also attended that Council meeting shows his support for the proposal. Also mentioned that Dan and Roz of No. 6 support the proposal, had lodged a query with the Council, rather than an objection, as was first thought. Issues have been discussed with residents of No. 6 and they are supportive.

7. Phil McGuire, 29 Grosvenor Road, Mt Lawley
Spoke on Item 14.2 regarding application for carport that was rejected by Council. This had proceeded to a hearing at the State Arbitration Tribunal and was requested to submit more detailed plans, which was done. The carport is required, enabling owners to remove their vehicles off the street, due to the antisocial behaviour in Grosvenor Road. Carport or garage has been recommended for the rear of the property using the right of way. Additions were made to the home about 12 years ago, which severely restricts the space on the property. The house is set back over two metres more than any other house in Grosvenor Road. Numerous homes in the vicinity have been given approval to build carports at the front, whereas this application has been rejected. Requested Council to reconsider this matter. Approval has been given for a fence and electric gate, but not the carport.

The Presiding Member advised that this item would be considered “behind closed doors”.

8. Leslie Peniske, 21 Brewer Street, Perth
Spoke on Item 10.1.3. Was disappointed to see this application come back to Council after minor alterations to plans. This application was turned down in April due to bulk and scale and inadequate parking, building height and the number of storeys and not in keeping with the surrounding area. Doesn't believe bulk and scale has been addressed and the comparison with the Member's Equity Stadium is still irrelevant given its purpose and when it was built. Under the changes there is less parking available than there was previously. Given the current pressure of parking in the area, believes it would be a mistake to put more pressure on this area. As an example, the Uniting Church development in Edward Street are advertising for their visitors to park in Brewer Street as there is none available in Edward Street. The surrounding area is predominantly single level houses in both Brewer and Edward from Pier Street down to Lord Street. These are being renovated to remain as such. The development is vastly out of scale against this background. The houses immediately behind the prospective development are single storey. This development would completely overshadow these residential purposes. One of the owners wants to move his family in but cannot due to the proximity of the brothel. Even if the brothel were moved on and if this development were to proceed in its current form he would be totally unable to enjoy his property as he should, again due to the bulk and overshadowing. Believes that this proposal sets a dangerous precedent and requests the Council to recommend that this development not proceed until it has been reduced to three storeys, as a maximum, the bulk and scale is more in keeping with the surrounding area and the parking is adequate for the development.

9. Fred Zuideveld, 15 Stone Street, South Perth Architect for the development
Spoke on Item 10.1.3. Stated the development has changed from the previous submission by virtue of the addition of horizontal privacy screens along the laneway balconies to prevent overlooking into the backyards of the properties to the south of the development; the design of the corner treatments has been altered to improve the aesthetics to greater significance to the corner and generally improve the streetscape; the ballastrading along the ground floor, particularly the Brewer and Pier Street sides have been reduced in height and changed to glazing to provide improved passive surveillance of the street and add to the interactive nature of the semi-private spaces. Firmly believes that the development is appropriate for the area, particularly in view of the fact that the property is located between 600 and 800 metres of two train stations. It is located within 250 metres of a high frequency bus route along Lord Street and it's located about 750 metres from the CAT bus route. All of these make it qualify for a higher density in a transit orientated development. Urged Councillors to approve the development.

10. Richard Maching, 95 Fifth Avenue, Mt Lawley
Spoke on Item 10.1.3. As a potential purchaser for an investment property initially he and his wife had seen some Psaros Developments previously and were very impressed with the quality and proximity to public transport. Are now looking at buying two, one as an investment and one to occupy and we think it would be very good for the area and would like to see the project go ahead.

11. Rada Tomich, 16 Andale Place, Redcliffe
Spoke on Item 10.4.6. Stated she is a member of the Claise Brook Catchment Group and would like to table a letter of support from the North Metro Catchment Group for the Claise Brook Catchment Group. I would also like to add the value of the Claise Brook Catchment Group for the Town. Its value in the amount of hours that the Group volunteers to the Town, for example in the 2004-05 year we contributed over 1,000 volunteer hours. The Group is also supported by the City of Perth, however they would like to continue to undertake projects with the Town of Vincent and devote their voluntary hours to the Town because of their history with the Town. Believes this Group because this Group is very well organised, mainly due to the efforts and knowledge of the Coordinator. Urged the Council to reconsider their decision and give the Group the opportunity to present to the Council.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP, closed Public Question Time at approximately 6.45pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

Nil.

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Special Meeting of Council held on 15 May 2007.

Moved Cr Torre, Seconded Cr Maier

That the Minutes of the Special Meeting of Council held on 15 May 2007 be confirmed as a true and correct record.

CARRIED (7-0)

(Cr Ker was an apology for the meeting, Cr Farrell was an apology until 7.09pm)

Minutes of the Ordinary Meeting of Council held on 22 May 2007.

Moved Cr Torre, Seconded Cr Messina

That the Minutes of the Ordinary Meeting of Council held on 22 May 2007 be confirmed as a true and correct record.

CARRIED (7-0)

(Cr Ker was an apology for the meeting, Cr Farrell was an apology until 7.09pm)

Minutes of the Special Meeting of Council held on 29 May 2007 (Draft Budget).

Moved Cr Torre, Seconded Cr Messina

That the Minutes of the Ordinary Meeting of Council held on 29 May 2007 be confirmed as a true and correct record.

CARRIED (7-0)

(Cr Ker was an apology for the meeting, Cr Farrell was an apology until 7.09pm)

Minutes of the Special Meeting of Council held on 29 May 2007 (Major Stadia Taskforce Report).

Moved Cr Torre, Seconded Cr Doran-Wu

That the Minutes of the Ordinary Meeting of Council held on 29 May 2007 be confirmed as a true and correct record.

CARRIED (7-0)

(Cr Ker was an apology for the meeting, Cr Farrell was an apology until 7.09pm)

Minutes of the Special Meeting of Council held on 5 June 2007.

Moved Cr Torre, Seconded Cr Messina

That the Minutes of the Ordinary Meeting of Council held on 5 June 2007 be confirmed as a true and correct record.

CARRIED (7-0)

(Cr Ker was an apology for the meeting, Cr Farrell was an apology until 7.09pm)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Employee of the Month Award for the town of Vincent for June 2007

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 \$100 voucher, kindly donated by the North Perth Community Bank, and a Certificate. Also their photograph is displayed in the Town's Administration Centre Foyer, in the Library and at Beatty Park Leisure Centre.

For JUNE 2007, the award is presented to Mark Fallows, Environmental Health Officer. Mark was nominated by the Acting Manager Health Services, Alison Giles, for the following reasons.

Mark has been instrumental in the development of the recent Food Safety Matters Newsletter to the Town's Food Premises. This is the first of a regular series of newsletters designed to effectively communicate important food safety information and guidance to food businesses within the Town.

A letter of commendation was received from a food premises proprietor, as follows:

"Can you please forward my congratulations to the town's officers, in particular all involved in the Environmental health department on the first edition of the Town's food safety matter newsletter. The mail out is extremely professional and provides good tips and information to businesses in the food industry. Congratulations on this initiative."

In addition, Mark played a key role in organising the recent Outdoor Air Quality Seminar, held at the Town on 24 May 2007

Mark has also assisted in the role of Acting Senior Environmental Health Officer during various periods of leave, displaying at all times a high level of professionalism, and motivation. He is a worthy asset to Health Services and the Town.

Mark's nomination was also endorsed by the Executive Manager Environmental & Development Services, Rob Boardman, who further commented that he has found Mark to be willingly, enthusiastic, diligent and professional at all times; his services are highly valued.

Congratulations Mark - and well done!!

7.2 Heritage Awards 2007

It is with much pleasure that I inform you that the Town of Vincent was the Heritage Council of WA "Winner 2007 - for *Outstanding Contribution to Heritage in Western Australia by an Organisation*". It was also the Category Winner for this Award.

The Minister for Heritage, the Hon Michelle Roberts, in presenting the Award to the Chief Executive Officer (as I was unwell) on 30 May 2007, before approximately 200 people from Local Government, Government, private organisations, architects and academics, acknowledged the Town as a leader in heritage. She congratulated the Town for the excellent work undertaken in promoting heritage, heritage loans and nominations. She also stated that the Town's review of the Municipal Heritage Inventory (MHI) was particularly worthy of mention, as the Heritage Council considers the Town's methodology, process and handling of its review of the MHI as "*Best Practice*" and will be promoted as a model to be followed by other local governments.

I wish to endorse the Minister's comments and thank all those involved in heritage over the previous years, particularly, Rob Boardman, Des Able, Tory Woodhouse, Susannah Kendall, planning staff and former Senior Heritage Officer - Hannah Eames.

I also thank and acknowledge the Councillors and Chief Executive Officer, John Giorgi, for their leadership and handling of this most sensitive matter. The hard work and the long hours put into this matter has been well worth the effort and the recent review of the Town's MHI was most successful.

The Heritage Council Award 2007 is a testament to the Town's commitment to heritage matters.

The Vincent community and future generations will no doubt be thankful of the efforts of the Town of Vincent.

7.3 Manager Engineering Design Services - Fellowship

It is with pleasure I announce that the Town's Manager Engineering Design Services, Craig Wilson, has been awarded a Study Tour - Fellowship by the Foundation for the Technical Advancement of Local Government Engineering in Western Australia to participate in the Institute of Public Works Engineering Australia's 2007 National Overseas Study Tour.

The tour group which comprises the CEO and National President of the IPWEA and 3 Local Government Engineers from around Australia will depart Sydney on 6 September for the USA, Britain and Germany.

The theme of the tour is 'Best Practice and Innovation in Public Works' with an emphasis on implications for local government and the community. The month long tour involves visits to local governments in Los Angeles, San Antonio and New York in the USA, Manchester and London in the United Kingdom and Frankfurt in Germany.

One of the highlights of the tour will be the group's attendance at the American Public Works Congress and Exhibition to be held in San Antonio, Texas from 9 to 12 September which will involve upwards of 3,000 delegates representing the more than 38,000 Local Governments in the USA.

The Town supports Craig's fellowship and will be releasing him to participate in this Study Tour. I'm sure that Craig will gain invaluable experience, both professionally and personally, from the trip, and which will also bring benefits to the Town of Vincent.

7.4 Payment of Loan for Members Equity Stadium

I am pleased to advise that the Town's loan for Members Equity Stadium for \$3.63 million was repaid in full this afternoon by the Venue Managers and guarantors.

The Council may recall that it considered a request from the Venue Managers in early 2007 to vary the Mortgage/Guarantee arrangements for the Town's loan. As a result of discussions between the Town and the Venue Managers, they chose to pay out the loan.

The Town no longer has any outstanding debt for the Stadium.

7.5 Visit by Malaysian Delegation

At the request of the Australian High Commission in Kuala Lumpur, Malaysia; the Town will be hosting a group of 27 delegates visiting Perth from Gerik District Council in the State of Perak in Malaysia on Friday 15 June 2007.

Thirteen (13) of the Delegation are Councillors and one is the Chair (Mayor equivalent). They arrive in Perth on Thursday 14 June and would like to visit a Local Government in Perth. They would like to gain some experience of community development/ engagement programs like neighbourhood watch, e-watch and safe city initiatives. They would particularly like to see some community centres and how they operate.

The Town will be pleased to host and show them the Beatty Park Leisure Centre, Loftus Centre Redevelopment, Leederville Oval and the like.

7.6 Welcome to Rasaratnam Rasiah, Coordinator Planning Services

Rasaratnam Rasiah attended the meeting to observe the proceedings of the meeting as part of his work experience.

7.7 Meet Your Neighbour Day

Last Sunday I was pleased to promote this event by the Town for Meet Your Neighbour Day. This event was aimed to encourage greater community involvement between neighbours and in my view it was most successful.

8. DECLARATION OF INTERESTS

8.1 Mayor Catania declared a financial interest in Item 10.1.3 - Investment Report as at 31 May 2007. The nature of his interest being that he is the Chairperson of the North Perth Community Bank in which the Town has investment shares.

- 8.2 Cr Messina declared a financial interest in Item 10.3.1 - Investment Report as at 31 May 2007. The nature of his interest being that he is a Director and Shareholder of the North Perth Community Bank in which the Town has investment shares.
- 8.3 Cr Lake declared a financial interest in Item 10.4.6 - Environmental Grants, Awards and Proposed New Policy 4.1.30. The nature of her interest being that she is employed by an environmental group that applied for a funding under the scheme.
- 8.4 Cr Maier declared a financial interest in Item 10.4.6 - Environmental Grants, Awards and Proposed New Policy 4.1.30. The nature of his interest being that his partner is employed by an environmental group that applied for a funding under the scheme.
- 8.5 Cr Lake declared an interest affecting impartiality in Item 10.1.5 - Draft Heritage Strategic Plan 2007-2012. She disclosed that she has a property listed on the Town's Municipal Heritage Inventory.
- 8.6 Cr Maier declared an interest affecting impartiality in Item 10.1.5 - Draft Heritage Strategic Plan 2007-2012. He disclosed that she has a property listed on the Town's Municipal Heritage Inventory.
- 8.7 Cr Lake declared an interest affecting impartiality in Item 10.4.5 - Sustainable Environment Plan 2007-2012. She disclosed that she is an employee of a group that made a submission.
- 8.8 Cr Maier declared an interest affecting impartiality in Item 10.4.5 - Sustainable Environment Plan 2007-2012. He disclosed that he is a member of a community group that made a submission on this plan.

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

Nil.

10. REPORTS

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

The Agenda Items were categorised as follows:

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

Items 10.1.4, 10.1.7, 10.4.6, 10.1.1, 14.2 and 10.1.3

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

Item 10.1.1, 10.2.2, 10.4.2, 10.4.3 and 10.4.4

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

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

Cr Farrell	Absent
Cr Chester	Items 10.1.5, 10.1.6, 10.2.1 and 14.1
Cr Ker	Apology
Cr Doran-Wu	Nil
Cr Torre	Nil
Cr Lake	Item 10.4.5
Cr Messina	Nil
Cr Maier	Nil
Mayor Catania	Nil.

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

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

10.3.1 and 10.4.6

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

Items 10.1.2, 10.2.3, 10.2.4, 10.2.5, 10.2.6, 10.3.2, 10.3.3, 10.4.1 and 10.4.7

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

Item 14.1, 14.2 and 14.3

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

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

Items 10.1.2, 10.2.3, 10.2.4, 10.2.5, 10.2.6, 10.3.2, 10.3.3, 10.4.1 and 10.4.7

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

Item 14.2

(Cr Torre and Cr Messina departed the Chamber at 7.03pm)

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

Moved Cr Doran-Wu, Seconded Cr Maier

That the following unopposed items be moved en bloc;

Items 10.1.2, 10.2.3, 10.2.4, 10.2.5, 10.2.6, 10.3.2, 10.3.3, 10.4.1 and 10.4.7

CARRIED (5-0)

(Cr Ker was an apology for the meeting, Cr Farrell was an apology until 7.09pm, Cr Torre and Cr Messina were absent from the Chamber, Cr Torre returned to the Chamber at 7.04pm)

10.1.2 No. 54 (Lot 578 D/P: 2177) Federation Street, corner Ashby Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations and Swimming Pool, Garage/Workshop with Loft, and Two Storey Additions to Existing Single House

Ward:	North	Date:	4 June 2007
Precinct:	Mount Hawthorn; P1	File Ref:	PRO3876; 5.2007.40.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by C D Loughlin on behalf of the owners C D Loughlin and S J Hounsham for proposed Partial Demolition of and Alterations and Swimming Pool, Garage/Workshop with Loft, and Two Storey Additions to Existing Single House, at No. 54 (Lot: 578 D/P: 2177) Federation Street, corner Ashby Street, Mount Hawthorn, and as shown on plans stamp-dated 5 February 2007, subject to the following conditions:

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

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

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

- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the nib walls of the garage/workshop on the northern elevation being reduced to 355 millimetres from the sides of the garage; and*
- (b) *design features being incorporated into the northern vehicular door of the garage/workshop.*

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

- (iv) *first obtaining the consent of the owners of No. 52 Federation Street and No. 55 Egina 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 52 Federation Street and No. 55 Egina Street, in a good and clean condition; and*
- (v) *the garage/workshop with loft structure shall not be used for industrial, commercial or habitable purposes.*

Moved Cr Doran-Wu, Seconded Cr Maier

That the recommendation be adopted.

CARRIED "EN BLOC" (5-0)

(Cr Ker was an apology for the meeting, Cr Farrell was an apology until 7.09pm, Cr Torre and Cr Messina were absent from the Chamber)

Landowner:	C D Loughlin & S J Hounsham
Applicant:	C D Loughlin
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:	505 square metres
Access to Right of Way	NA

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves a partial demolition of and alterations and swimming pool, garage/workshop with loft and two storey additions to existing single house at the subject property.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Setbacks: Main Building - Ground Floor South	1.5 metres	Nil – 1.0 metre	Supported – not considered to have an undue impact on neighbouring properties and no objections were received.
Upper Floor South	1.5 metres	1.0 metre	Supported – not considered to have an undue impact on neighbouring properties and no objections were received.
Garage - South	1.0 metre	Nil	Supported – not considered to have an undue impact on neighbouring properties and no objections were received.
East	1.5 metres	Nil	Supported – not considered to have an undue impact on neighbouring properties and no objections were received.
North (Ashby Street)	Garage to be setback from Ashby Street at or behind the main building line.	Nil	Supported – Council approved a similar development with a nil setback to Ashby Street behind the subject property at No. 55 Egina Street (refer to attached photograph).

Buildings on Boundary	One wall on boundary permitted, no 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.	Two boundary walls proposed South -Main Dwelling 11.3 metres long 3.3 metres high -Garage 5.86 metres long 3.1 – 6.2 metres high East -Garage 12.19 metres long 6 metres high	Supported – as above.
Vehicular Access	Driveways no closer than 0.5 metre to a side boundary	Nil setback to eastern side boundary	Supported – Council approved a similar development with a nil setback to the common boundaries on the adjoining property.
Street Setbacks Policy	Garages located adjacent to the secondary street are to be setback at or behind the line of the front main building wall.	Garage is proposed to have a nil setback to Ashby Street.	Supported – Council approved a similar development with a nil setback to Ashby Street behind the subject property at No. 55 Egina Street (refer to attached photograph).
Visual Sight Line Truncations Policy	Visual truncation of 1.5 metres by 1.5 metres where driveway intersects with road.	No visual truncation provided	Not supported – condition of approval to reduce the northern nib walls to 355 millimetres from the sides of the garage to provide adequate visual sight lines.
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> No objection to proposed development, “good idea”. 		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The Town's Policy relating to Street Setbacks requires the garage to be at or behind the front main building wall from a secondary street (Ashby Street). This provision was varied behind the subject property at adjoining No. 55 Egina Street. The Council at its Ordinary Meeting held on 27 July 2004, considered an application for proposed alterations and additions to approved garage with a nil setback to Ashby Street and No. 55 Egina Street. The Officer Recommendation at the time was for refusal; however, the Council conditionally approved the development.

Ashby Street is primarily a secondary street mainly providing access to garages. Given these considerations, the garage/workshop with a nil setback to Ashby Street is not considered to have an undue impact on the amenity of the area in this instance.

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

10.2.3 Traffic Management Matter "Hutt Street - Mount Lawley" - Referral to Local Area Traffic Management Advisory Group

Ward:	Both	Date:	28 May 2006
Precinct:	Beaufort P13	File Ref:	TES0006
Attachments:	001		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on Traffic Management Matter referred to the Town's Local Area Traffic Management Advisory Group;*
- (ii) *REFERS "Hutt Street, Mount Lawley" to the Town's Local Area Traffic Management Advisory Group for consideration (as shown at Appendix 10.2.3); and*
- (iii) *RECEIVES a further report on the matter following consideration by the Town's Local Area Traffic Management Advisory Group.*

Moved Cr Doran-Wu, Seconded Cr Maier

That the recommendation be adopted.

CARRIED "EN BLOC" (5-0)

(Cr Ker was an apology for the meeting, Cr Farrell was an apology until 7.09pm, Cr Torre and Cr Messina were absent from the Chamber)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval to refer a matter to the Local Area Traffic Management (LATM) Advisory Group for consideration.

BACKGROUND:

The LATM Advisory Group meets monthly to consider requests received by the Town relating to Traffic and related safety issues. The Group considers these requests and, where warranted, the Group's recommendations are reported to the Council.

DETAILS:

In May 2006, the Town received a request from the son of an elderly woman living in Hutt Street, Mount Lawley, requesting that the Town consider improving access to this section of street, be it via the installation of signage or by implementing changes to the road layout.

Hutt Street was split into three (3) sections by the former City of Perth. Access to the three (3) sections of the street can, at times, be confusing as was recently the case when an ambulance was called to the elderly woman's Hutt Street address.

Access to the three (3) Hutt Street sections is as follows (refer attached photographs at Appendix 10.2.3):

- The section of Hutt Street, between Alma Road and Raglan Road, can only be accessed from William Street via Alma and Raglan Roads from the west only!
- The section of Hutt Street between Raglan and Grosvenor Roads can only be accessed from Walcott Street (via Raglan Road from the north) and via Beaufort Street from the south (the elderly woman lives in this section of the street)
- The section of Hutt Street between Grosvenor and Chelmsford Roads can only be accessed from William Street (via Chelmsford Road) and via Grosvenor Road from the west.

The ambulance driver could not find a way into the area given the convoluted nature of access and other restrictions in the road layout. This resulted in a major delay in the ambulance reaching the elderly woman after she had sustained a serious fall.

It is recommended that this matter be referred to the Town's LATM Advisory Group and that community representative/s be invited to attend the meeting.

CONSULTATION/ADVERTISING:

Once the matter has been considered by the LATM Advisory Group and referred to the Council, consultation with the wider community may be recommended.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain 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:

No funds have been specifically allocated in the 2007/2008 draft budget for this matter, however, there is a Miscellaneous Traffic Management allocation whereby these types of matters can be dealt with throughout the year.

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.

The matter listed in this report requires further investigation prior to any further action being considered.

10.2.4 Progress Report No. 3 - Banks Reserve Foreshore Restoration Project

Ward:	South	Date:	23 May 2007
Precinct:	Banks P15	File Ref:	RES0008
Attachments:	001		
Reporting Officer(s):	J. van den Bok		
Checked/Endorsed by:	R. Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the progress report No. 3 in relation to the Banks Reserve Foreshore Restoration Project;*
- (ii) *NOTES that;*
 - (a) *commencement of earthworks, initially planned for February 2007, was delayed due to the Department of Environment and Conservation requiring further soil testing to be undertaken due to the presence of asbestos on the site;*
 - (b) *final clearance was received on 19 April 2007, from the Swan River Trust and earthworks commenced on 30 April 2007; and*
 - (c) *works are progressing expediently, while working within river tide fluctuations/storm events, and are expected to be completed by 30 June 2007;*
- (iii) *RECEIVES a further report upon completion of the project in July 2007.*

Moved Cr Doran-Wu, Seconded Cr Maier

That the recommendation be adopted.

CARRIED "EN BLOC" (5-0)

(Cr Ker was an apology for the meeting, Cr Farrell was an apology until 7.09pm, Cr Torre and Cr Messina were absent from the Chamber)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council on the progress of the Banks Reserve Foreshore restoration project.

BACKGROUND:

At the Ordinary Meeting of Council held on 5 December 2006, a progress report was considered by the Council in relation to the above project, where it was decided:

That the Council;

- (i) *RECEIVES the progress report No 2 in relation to the Banks Reserve Foreshore Restoration Project;*

- (ii) *IMPLEMENTS the Restoration works in Stage 1A as shown on attached plan (appendix 10.2.2) and plans as laid on the table, estimated to cost in the order of \$285,000 subject to:*
- (a) *formal approval being received from the Department of Indigenous Affairs to comply with Part IV of the Aboriginal Heritage Act 1972 and the Native Title Act 1993; and*
 - (b) *the Swan River Trust being notified at least fourteen (14) days prior to the commencement of works;*
- (iii) *NOTES that;*
- (a) *an Acid Sulphate Soil Management Plan has been completed and has been submitted to the Swan River Trust;*
 - (b) *consultation with indigenous families has been successfully completed and the Department of Indigenous Affairs has advised they will be assessing the Town's Section 18 application (Ministers Consent to use the Land) in early December 2006;*
 - (c) *consultation with the local community closes on Friday 1 December 2006 and (at the date of writing this report) all comments received had been favourable towards the proposal;*
 - (d) *the Town was successful in its Riverbank Funding Program submission through the Swan River Trust for funding of \$172,059 towards this project; and*
 - (e) *it is imperative that 'on ground' works commence by no later than February 2007 while the Swan River tides remain low enough to implement the required bio-engineering works; and*
- (iv) *RECEIVES further progress reports on the project as required.*

DETAILS:

The following is an overview of the works completed to date and scheduled over the next month prior to completion of the project by 30 June 2007. Photographs of the project as it has progressed are attached at Appendix 10.2.4.

Earthworks

Earthworks commenced on 30 April 2007, and were carefully scheduled in line with tide predictions. Approximately 65m³ of tree stumps and approximately 200m³ of unsuitable gravel and limestone rubble was removed from the river foreshore.

In appropriate fill/debris was replaced with 230m³ of native soil mix to provide an appropriate growing media for the new plants.

An altered river bank with a 1 in 4 grade has been created at the northern and central foreshore area of the project whilst the southern area could not be wholly graded due to the presence of contaminated fill which could not be exposed. Subsequently a gentle slope was created at the top of the bank only.

Earthworks were completed within two (2) weeks and project planning and monitoring prevented the interception and disturbance of contaminated fill and potential acid sulphate soil material.

Bio Engineering Works of North and Central Foreshore area

Following grading and compaction of the newly shaped river bank, erosion control matting was immediately installed to prevent loss of topsoil. Log brushmattressing and associated planting works commenced on 14 May 2007, and again were carefully scheduled within tide predictions and weather patterns.

The logs and brushmattressing provided an immediate protection against wave impacts and sheltered the new plants. Limestone rocks were strategically placed along the 'toe' (base) the bank to aid in protection and in securing the butt ends of the logs.

Species planted along the bank included *Juncus kraussi* which can tolerate the deeper and salty conditions (plants already existing along bank prior to works) and *Ficinia nodosa* which was planted towards the top of the bank.

Watering of the new plants when required has been undertaken in conjunction with the Town's tree watering contractors.

Installation of coir logs and jute matting at the top of the bank is scheduled to be completed by 1 June 2007. Planting of the base of the bank with *Juncus kraussi* will then be undertaken dependant on tidal conditions.

Fencing

Removal of the site fence is scheduled for the 2nd week in June 2007, and a temporary ring lock fence will be erected behind the existing concrete garden kerbing. This will remain in place for between 6 to 12 months to ensure newly planted areas have time to establish themselves.

Mulching and Dryland Planting

Mulching of the Dryland area is scheduled to be completed by 15 June 2007, planting and the final clean up of the site completed by 30 June 2007. An area has been set aside for members of the Banks Precinct group to assist with the planting as requested.

CONSULTATION/ADVERTISING:

Further, to the consultation undertaken within the Banks Precinct area, Syrinx Environmental key personnel and the Manager Parks Services attended a Banks Precinct Action group meeting in April 2007, to outline the project and respond to any concerns the community raised.

LEGAL/POLICY:

In undertaking this project, the Town was required to comply with the following:

- Swan River Trust Act 1988
- Aboriginal Heritage Act 1972
- Native Title Act 1993

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.4 Minimise negative impacts on the community and environment. “(b) *Restore Hyde Park Lakes and Banks Reserve Foreshore.*”

FINANCIAL/BUDGET IMPLICATIONS:

As indicated in Progress Report No 2 the total budget for the project including Swan River Trust (SRT) funding of \$302,551.00 (GST inclusive) and a total of \$16,357.33 had been invoiced to the Town as of 30 April 2007.

At this stage the project is on target to be completed within the total budget allocation.

Several variations to the original contract have been approved including the following:

- additional soil testing as per DEC requirements
- amendment to tree removal plan
- removal of limestone sub base and gravel footpath along foreshore
- site fence extension of time

The above variations are within the scope of the total budget which included a contingency amount of \$30,000.00.

It should be noted that the Town has written to the Swan River Trust (SRT) requesting that consideration be given to providing 50% of the above total cost for the additional soil testing required prior to receiving final approval to proceed with the project.

COMMENTS:

The project is now progressing well considering the delay with on site works, having commenced some 8 weeks later than originally proposed.

The coir logs and brushmattressing technique has already been effective in absorbing the impact of wave action along the foreshore and accretion of sands behind the recently installed coir logs has been significant.

The works will be ongoing until planting of the dryland area which is the area from the top of the 1 in 4 battered banks to the existing concrete mowing strip is completed in late June 2007.

10.2.5 Central Irrigation Control Systems - Adelaide Training Seminar

Ward:-	Both	Date:	30 May 2007
Precinct:-	All	File Ref:	ADM0031
Attachments:			
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the attendance of the Manager Parks at a Training Seminar run by Hunter Industries on Irrigation Control Systems Services in Adelaide South Australia on 25 May 2007; and*
- (ii) *NOTES that;*
 - (a) *due to the advances in technology, reduction in initial cost including water and labour savings capabilities, a Central Control Irrigation System will be investigate for consideration for the 2008/2009 draft budget; and*
 - (b) *a further report will be submitted to Council, in early 2008 on the costs and practical applications of the implementation of a Central Irrigation Control System for the Town's Parks and Reserves.*

Moved Cr Doran-Wu, Seconded Cr Maier

That the recommendation be adopted.

CARRIED "EN BLOC" (5-0)

(Cr Ker was an apology for the meeting, Cr Farrell was an apology until 7.09pm, Cr Torre and Cr Messina were absent from the Chamber)

PURPOSE OF REPORT:

The purpose of this report is to provide information on the specialised training seminar attended by the Manager Parks Services in Adelaide on 25 May 2007.

BACKGROUND:

The Manager Parks Services attended a specialised training seminar on Irrigation Control Systems at the Grosvenor Mercure Hotel in Adelaide on Friday 25 May 2007.

Eighteen (18) delegates from various areas within Local Government from around Australia including five (5) from Western Australia attended the one day training seminar.

The training seminar covered various items of irrigation equipment that have been developed or have been upgraded over the past twelve (12) months and which are aimed primarily at saving water. In particular it was interesting to note that Irrigation Central Control systems are now more simplistic and significantly cheaper than they were five (5) years ago.

In addition, with the advancement in technology throughout the irrigation industry several new products/systems were outlined that can save considerable time and cost when installing new irrigation systems.

At the Ordinary Meeting of Council held on 27 March 2001, a report was presented advising of the completion of the Town's five (5) year automatic reticulation program where it was decided (in part) *that the information relating to a central control irrigation system as outlined in the report be received and possibly considered by the Council in future budgets.*

DETAILS:

The training seminar was conducted by a Mr Dave Shoup, Product Manager, Central Systems from Hunter Industries based in the United States.

The items covered were as follows:

- IMMS 2.0 - Software for Central Control Systems
- ACC Irrigation Controllers
- Decoder Irrigation Controllers
- ET Systems

Irrigation Management & Monitoring System (IMMS) 2.0 Software

IMMS 2.0 is a new software package for Windows compatible computers and brings affordable central computerised control of standard irrigation controllers within reach of most organisations budgets. No advanced computer hardware or specialised training is required to run this system.

As indicated in previous reports to Council central control irrigation systems were generally very expensive and in most cases required the purchase of an additional computer to run the system.

The IMMS system once installed, allows a central computer to communicate via modem, cellular or radio with all connected irrigation controllers in the field allowing irrigation schedules can be constantly checked and reprogrammed. In the event of rain during the summer months, all irrigation controllers would be able to be turned off or adjusted to seasonal conditions by simply typing in specific adjustments which would be communicated to all field controllers.

The system can operate up to 100 sites and with added installation of flow sensors at each site can measure flow rates and identify problems associated with high or low flow and make adjustments as required.

A print out of all irrigation schedules run overnight can be printed each morning by maintenance staff. This would identify any problems with flow/pressure at specific sites and maintenance staff could attend to these areas as a matter of priority.

ACC Irrigation Controllers

The Advanced Commercial Controller (ACC) is a very sophisticated commercial irrigation controller containing many features which are proven to save time, water and reduce labour costs. The controller recently won the best new product category in the American Irrigation Associations annual awards.

The controller has many benefits which include:

- Ability to identify flow rates per station.
- Modular and easily added to if required.
- Communication module can be added if connected to a central control system.
- Remote control compatible.
- Multiple sensor capabilities.

The Town uses a range of different irrigation controller's dependant on size of area and type of irrigation required. Some sites such as Keith Frame Reserve for example require a basic controller whereas sportsgrounds or sites such as Hyde Park require a more advanced controller with many programs and capabilities.

The ACC controller would be beneficial where a more advanced program is required and consideration would be given to installing an irrigation controller with these features when/if the need arises.

Decoder Irrigation Controllers

The Decoder Irrigation Controller is a version of the ACC controller but includes the addition of a new innovative two (2) wire decoder system.

With conventional irrigation systems, solenoid valves in the field are connected to the irrigation controller via two solenoid wires. Each solenoid valve is connected to a common "black" wire and then a separate coloured wire which runs back to the controller.

In a system such as Britannia Road Reserve in Mount Hawthorn which has in excess of 40 stations, this amounts to kilometres of solenoid wires running from the field back to the controller.

The decoder controller runs out a single two wire path, therefore only one pair of wires runs from the controller to the field and each solenoid valve is connected to a decoder which in turn connects to the pair of wires.

This would cut down on the quantity of wires running in the ground which in turn would cut down on cost and the likely risk of damage to electrical infrastructure from lightning strikes.

This type of system would only become economical to install in large areas such as Britannia Road Reserve or Hyde Park and would be seriously considered if and when the existing system was replaced.

ET-Systems - (Evaporation & Transpiration)

Evapo-transpiration systems are an easy "add-on" to most central control irrigation systems. These are commonly referred to as weather stations by other irrigation companies however Hunter irrigation Industries do not refer to their system as a weather station and only maintain that they work effectively when installed at a single site.

This ET system involves the installation of a sensor device which calculates, solar radiation, relative humidity, temperature, rain and wind speed (if desired).

Evapo-transpiration is a formula based on weather conditions which has been created through exhaustive research and experimentation by irrigation professionals. ET has come to symbolise the "best practice" for determining landscape watering needs.

Once the input of specific site data has been completed the ET factor is downloaded into the irrigation controller which creates a specific daily program to replenish only water that is needed.

It has been identified that a savings of up to 30% can be achieved in water consumption and power.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Council's policy relating to Attendance at interstate Conferences requires a report to be submitted to the Council and for a copy of the report to be placed in the Town's library.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.5 Enhance and maintain parks and community facilities. “(b) *Implement infrastructure improvements for public open space including the Wetlands Heritage Trail and the Greenway.*”

A Central Control Irrigation System is in keeping with the Town's Sustainable Environment Plan 2007-2012.

FINANCIAL/BUDGET IMPLICATIONS:

There are no committed financial implications to the Town at this point in time as it is yet to purchase and install a Central Control Irrigation System.

However, it is interesting to note that when initially considered and reported to Council at its Ordinary Meeting held on 27 March 2001, the cost of such a system amounted to around \$130,000 for set up costs and approximately \$8,750 per site as they were progressively connected.

With the advancement in technology and simplification of the systems the cost of a Central Control Irrigation system is now around \$10,000 (not including a weather station) and each additional park could be connected to the system for around \$6,500.

Whilst in the past installing a weather station was common place and very expensive, it has now been identified that unless numerous weather stations are installed over a given area, having only one weather station covering an entire municipality does not normally work effectively.

COMMENTS:

With water conservation becoming more and more important a Central Control Irrigation System is a proven water saver and should be considered by the Town within the next few years.

Whilst nearly all large municipalities and numerous smaller municipalities such as the Town's of Cambridge and Victoria Park have Central Control systems, with the advances in technology and simplification of the systems, the Town has saved a significant cost by holding off and waiting for technological advancements.

There are, however, some distinct advantages in having such a system in place, as outlined in previous reports presented to the Council, and now that the systems are more affordable simplistic and reliable, the Town would definitely benefit from savings in water, electrical and labour costs if a Central Control Irrigation System were to be implemented.

10.2.6 Proposed Transformer Installation – Lord Street, Perth

Ward:	South	Date:	5 June 2007
Precinct:	Beaufort P13	File Ref:	TES0313/TES0245
Attachments:	001		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the request from the Uniting Church in Australia to approve Western Power’s proposal to locate a transformer within the road reserve in Lord Street, Perth;*
- (ii) *NOTES the reasons for requiring the Transformer to be located within the Road Reserve as outlined in the report;*
- (iii) *SUPPORTS the proposal to locate the transformer on the eastern side of Lord Street as shown on attached Diagram A subject to;*
 - (a) *Western Power and /or the Uniting Church consulting with all affected property owners;*
 - (b) *no objections being received from affected property owners and/or the City of Perth;*
 - (c) *all costs associated with the proposal being at the applicants full expense*
 - (d) *the proposed Transformer location not having any adverse impact on pedestrian/traffic safety; and*
- (iv) *ADVISES the City of Perth, Western Power and the Uniting Church of its decision.*

Moved Cr Doran-Wu, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (5-0)

(Cr Ker was an apology for the meeting, Cr Farrell was an apology until 7.09pm, Cr Torre and Cr Messina were absent from the Chamber)

PURPOSE OF REPORT:

The purpose of this report is to seek Council’s approval for Western Power to install a ground mounted transformer within the Lord Street Road Reserve.

BACKGROUND:

On 20 April 2007, the Town received a letter from the Uniting Church in Australia seeking the Town's assistance in its dealings with Western Power in respect to upgrading the power supply to its new premises in Edward Street, Perth.

The Uniting Church is in the process of moving its administrative operations from the Wesley Centre in William Street, Perth to its newly refurbished building at 85 Edward Street, Perth.

During the refurbishment the Church approached Western Power about the adequacy of the power supply in the immediate area. Western Power duly advised that there was no spare capacity and that an additional transformer would be required, to be installed at the applicant's expense.

While the Uniting Church has agreed, albeit reluctantly, the existing building has limited space within which to accommodate a transformer installation and therefore an alternate location is required.

DETAILS:

The Edward Street frontage of the refurbished building has a nil setback. While there is rear access off Dalmeny Street there is insufficient room within the property in which to accommodate a transformer which requires an unencumbered area of 5.2m x 5.3m with road access.

As a consequence, Western Power has suggested that the applicant approach the Town seeking approval to install a new 630kV transformer in the Lord Street road reserve directly opposite Dalmeny Street and adjacent the side boundary of Hanson Construction Materials Claisebrook concrete plant in Edward Street.

However, this area currently falls within the City of Perth and does not become part of the Town until the 1 July 2007.

Therefore while the Town is not currently in a position to approve the proposed location in order for Western Power to commence the design process as soon as practical (so that the transformer and associated cabling can be installed before the summer period) an approval *in principle* from the Council is being sort.

Town's Policy 2.2.20

On 3 June 2005, the Council adopted Policy No. 2.2.20 "Electricity Supply - Development Guidelines for Installation of Substations" which included the following statement:

"Wherever possible the Town will minimise and discourage isolated placement of electrical infrastructure in public spaces."

Comment

The Uniting Church finds itself in a difficult position. Western Power has placed the onus on them to upgrade the power supply in the immediate area to accommodate the refurbishment of their premises at 85 Edward Street, Perth. However they do not have sufficient room on-site in which to locate a transformer.

The Edward and Dalmeny Streets roads reserves are both narrow (approximately 15m and 12m respectively) with minimal verges and no obvious locations within which to locate a transformer.

While Western Power has not suggested a pole mounted transformer in this instance recent experience indicates that there is greater community opposition to pole mounted transformers than there is to the ground mounted transformers. Further, a ground mounted transformer has greater capacity and would form part of any future underground power project in the area.

Western Power has suggested that a new 630kV transformer could be located on the east side of Lord Street directly opposite Dalmeny Street and adjacent to the side boundary of Hanson Construction Materials Claisebrook concrete plant in Edward Street (currently within the City of Perth and does not become part of the Town until the 1 July 2007).

Therefore, as mentioned above, while the Town cannot *approve* the proposed location *in principle* support from the Council is being sort to enable the matter to be progressed.

CONSULTATION/ADVERTISING:

Western Power is responsible for consulting with adjoining property owners.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2006-2011 - **1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.** *“(f) Determine a long-term implementation strategy for undergrounding of power throughout the Town.”*

FINANCIAL/BUDGET IMPLICATIONS:

There will be no financial implications to the Town as the proposal will be fully funded by other parties.

COMMENTS:

Whilst the Town would prefer that transformers are not located in public spaces at times it is extremely difficult to 'retrofit' them in established areas. Generally the only opportunity to setback or 'hide' a transformer is when a proposed development that is reliant upon the power supply upgrade can be requested to cede a portion of land for the transformer site.

However, in this instance, there is not sufficient room within the property to accommodate a transformer and Western Power is seeking to locate it in Lord Street.

It is therefore considered the proposal to locate the transformer should be supported *in principle* as it will provide surety of power supply, for not only the applicant but also surrounding properties as demand for electricity in the area increases.

10.3.2 Authorisation of Expenditure for the period 1 - 31 May 2007

Ward:	Both	Date:	05 June 2007
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	Melike Orchard		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) Schedule of Accounts for the period 1 May – 31 May 2007 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 10.3.2.

Moved Cr Doran-Wu, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (5-0)

(Cr Ker was an apology for the meeting, Cr Farrell was an apology until 7.09pm, Cr Torre and Cr Messina were absent from the Chamber)

DECLARATION OF INTEREST

Members/ Officers	Voucher	Extent of Interest
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Nil.

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1 - 31 May 2007.

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	\$502,583.45
Total Municipal Account		\$502,583.45
Advance Account		
Automatic Cheques	58730-58742, 58744-58776, 58778-58863, 58865-58977, 58979-59031	\$1,158,388.34
EFT Batch		
Municipal Account		
Transfer of Creditors by EFT Batch	655-656, 658-659, 661-663	\$1,802,193.83
Transfer of PAYG Tax by EFT	May 2007	\$179,024.74
Transfer of GST by EFT	May 2007	\$0.00
Transfer of Child Support by EFT	May 2007	\$643.02
Transfer of Superannuation by EFT:		
• City of Perth	May 2007	\$16,785.87
• Local Government	May 2007	\$100,202.32
Total		\$3,257,238.19
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$2,301.83
Lease Fees		\$1,617.12
Corporate Master Cards		\$5,396.79
Australia Post Lease Equipment		\$0.00
Trace Fees		\$36.00
Loan Repayment		\$65,678.86
Rejection Fees		\$10.00
System Disk Fee		\$27.50
Beatty Park - miscellaneous deposit		\$0.00
Total Bank Charges & Other Direct Debits		\$75,068.10
Less GST effect on Advance Account		-\$218,331.00
Total Payments		\$3,616,558.74

STRATEGIC IMPLICATIONS:

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

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

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.

10.3.3 Cultural Development Seeding Grant Application - Russian Social Club of Western Australia

Ward:	Both	Date:	28 May 2007
Precinct:	All	File Ref:	FIN0155
Attachments:	-		
Reporting Officer(s):	J. Bennett		
Checked/Endorsed by:	J Anthony M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the application of the Russian Social Club of Western Australia for a Cultural Development Seeding Grant of \$500 for bicentennial celebrations of relations between Russia and Australia.

Moved Cr Doran-Wu, Seconded Cr Maier

That the recommendation be adopted.

CARRIED "EN BLOC" (5-0)

(Cr Ker was an apology for the meeting, Cr Farrell was an apology until 7.09pm, Cr Torre and Cr Messina were absent from the Chamber)

PURPOSE OF REPORT:

To seek approval for a Cultural Development Seeding Grant application for a food fair and craft exhibition celebrating the bicentenary of Russian-Australian relations 1807 - 2007.

BACKGROUND:

The year 2007 marks two hundred (200) years of relations between Russia and Australia. On the 16 June 1807 the "Neva" sloop commanded by Captain Leontiy Andrianovich Gagemeister of the Russian Imperials Navy sailed into Neutral Bay where it was witnessed to salute the Aboriginals of the Cammeraigal tribe. Thus beginning the first historical visit of a Russian naval ship to Australia.

To celebrate this occasion the Russian Social Club of Western Australia located at 275 Stirling Street intends to hold a food and craft exhibition of Russian orientation. It is intended to be held during August and open to the public at large to participate. The exhibition will serve to enhance the Russian culture amidst the multi-ethnic community of Perth. People will be able to sample the flavours of Russian cuisine as well as the innovative and decorative crafts traditionally practiced by Russians throughout that nation.

DETAILS:

In particular the funding will go towards assistance with costs related to the hiring of the venue, marketing and towards the provision of food. The food fair and craft exhibition will be a free event, open to the community. It is acknowledged that the current venue of 275 Stirling Street has a maximum capacity of 250 people.

This event will be accessible to members of the community including people with a disability.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

The Cultural Development Seeding Grants and the submitted application address the following strategic objectives of the Town's Strategic Plan 2006–11:

3.1.2 Provide and develop a range of community programs and community safety initiatives

(c) Implement Multi-cultural programs.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$6,000 is allocated for Cultural Seeding Grants, \$3,400 remains unallocated within the 2006/07 budget.

COMMENTS:

The Russian Social Club of Western Australia meets the criteria for the Cultural Development Seeding Grants. They will acknowledge the Town's support during the food fair and craft exhibition and in their promotion.

A request for \$1,000 was received; however given the limited opportunity for community involvement a recommendation of \$500 is made.

The Russian Social Club of Western Australia will complete an acquittal report after the event, detailing how the Cultural Development Seeding Grant was expended.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	5 June 2007
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ENDORSES the use of the Council's Common Seal on the documents listed in the report, for the month of May 2007.

Moved Cr Doran-Wu, Seconded Cr Maier

That the recommendation be adopted.

CARRIED "EN BLOC" (5-0)

(Cr Ker was an apology for the meeting, Cr Farrell was an apology until 7.09pm, Cr Torre and Cr Messina were absent from the Chamber)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
1/05/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services, Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: Mustard Function - 2 May 2007 (Gareth Naven Room)
1/05/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services, Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: Mustard Function - 3 May 2007 (Gareth Naven Room)
3/05/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless

Date	Document	No of copies	Details
			Services, Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: Western Power Events - 8 and 15 May 2007 (Chairman's Lounge)
16/05/07	Withdrawal of Caveat	1	Description of Land - Perth Town Lot N97, (Firstly) the subject of Diagram 5740 and (secondly) Lot 1 on Diagram 501. Caveator - Town of Vincent. Caveat Number - I801897. Cash in Lieu Contribution of \$58,850.00 for Brisbane Hotel Parking Shortfall
18/05/07	Discharge of Securities	1	Heads of Agreement - Town of Vincent - Discharge of mortgage I949046 over Lot 41 on Deposited Plan 37233 being the whole of the land comprised in Certificate of Title Volume 2549 Folio 989 and known as 1968 Beermullah Road, West Warnerie, discharge of fixed charge number 1053564 over Allia Venue Management Pty Ltd CAN 104 168 818, and discharge of fixed charge number 1060322 over West Hills Farm Pty Ltd CAN 009 293 681
24/05/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services, Gate 7, Subiaco Oval, Subiaco Road, Subiaco re: Curriculum Council Function - 28 May 2007 (Glory Lounge and Executive Suites 8, 9, 10, 11 & 12)
24/05/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and KC's Fireworks Displays, PO Box 6112, Mooloolah, Queensland re: Super Family Monster Spectacular - 10 November 2007 (and if required 9 November 2007) (Stadium)
29/05/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Perth Glory Pty Ltd of 310 Pier Street, Perth WA 6849 re: Perth Glory Corporate Training Session - 29 May 2007 (Pitch and Change Rooms)
29/05/07	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and PG Partnership, PO Box 8199, Perth Business Centre, Perth WA 6849 re: Perth Glory Training Session - 5 June 2007 (Pitch and Change Room 1)
31/05/07	Deed of Release	1	Town of Vincent and Department of Water, C/o Swan Regional Office, 7 Ellam Street, Victoria Park re: Discharge and Release of the Town of Vincent's charges over the water licences relating to Lot 41, Beermullah Road, West Wanerie held in the name of West Hills Farm Pty Ltd, with immediate effect
31/05/07	Deed of Release	3	Town of Vincent and Allia Venue Management Pty Ltd c/o Unit 25, 257 Balcatta Road, Balcatta and Nicola Tana and David George Rodwell c/o Suite 25, 257 Balcatta Road, Balcatta re: Payout of Loan at Members Equity Stadium, 310 Pier Street, Perth 6000

10.4.7 Information Bulletin

Ward:	-	Date:	6 June 2007
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	G van den Bok		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 12 June 2007, as distributed with the Agenda, be received.

Moved Cr Doran-Wu, Seconded Cr Maier

That the recommendation be adopted.

CARRIED “EN BLOC” (5-0)

(Cr Ker was an apology for the meeting, Cr Farrell was an apology until 7.09pm, Cr Torre and Cr Messina were absent from the Chamber)

DETAILS:

The items included in the Information Bulletin dated 12 June 2007 are as follows:

ITEM	DESCRIPTION
IB01*	Letter from State Administrative Tribunal regarding Matter No. DR/20 of 2007 – Spaseski & Anor v Town of Vincent (4 Hunter Street).
IB02*	Letter from State Administrative Tribunal regarding Matter No. DR/308 of 2006 – Waters & Ors v Town of Vincent (37-39 Money Street).
IB03*	Letter from State Administrative Tribunal regarding Matter No. DR/342 of 2006 – Rice & Anor v Town of Vincent (114 Shakespeare Street).
IB04*	Letter from State Administrative Tribunal regarding Matter No. DR/57 of 2007 – Duncan-Smith v Town of Vincent (369 Bulwer Street).
IB05*	Letter from State Administrative Tribunal regarding Matter No. DR/312 of 2006 – Atkinson v Town of Vincent (8-10 Byron Street).
IB06*	Letter from State Administrative Tribunal regarding Matter No. DR/29 of 2007 – Pigliardo & Ors v Town of Vincent (16-18 Knutsford Street).
IB07	Minutes - Hyde Park Lakes Restoration Working Group – 17 May 2007
IB08	Letter from Hon John Kobelke – Local Government and Watering Restrictions
IB09	Letter of Thanks from Hon Julie Bishop MP – Anzac Day 2007
IB10	Thank you from Leederville Tennis Club – Support for Diggers Cup 2007
IB11	Thank you from Mt Hawthorn Playgroup - Town of Vincent Grant

ITEM	DESCRIPTION
IB12	Progress Report No. 1 - Proposed Residential Streetscapes Policy, Residential Subdivisions Policy and Single Bedroom Dwellings Policy (All Precincts) PLA0179
IB13	Loftus Centre Redevelopment, 99 Loftus Street, Leederville - Progress Report No. 15
IB14	Register of Petitions - Progress Report - June 2007
IB15	Register of Notices of Motion - Progress Report - June 2007
IB16	Register of Reports to be Actioned - Progress Report - June 2007
IB17	Register of Legal Action
IB18	Register of State Administrative Tribunal Appeals
IB19	Forum Notes - 15 May 2007
IB20	Notice of Forum - 19 June 2007
IB21	Congratulations from Bob Kucera, MLA, Member for Yokine to the Town for receiving the Heritage Council of Western Australia 2007 Municipal Heritage Award

* *IB01 – IB06 – Due to the lengthy documents, copies are “Laid on the Table”.*

10.1.4 Petition Regarding Objections to the Flying Scotsman Tavern's Extended Trading Permit at 639 Beaufort Street, Mount Lawley and Resident Request for Resident Only Parking Within Grosvenor Road, Mount Lawley

Ward:	South	Date:	5 June 2007
Precinct:	Mount Lawley; P11	File Ref:	ENS0060
Attachments:	-		
Reporting Officer(s):	S Teymant, J Maclean		
Checked/Endorsed by:	A Giles, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the petition lodged with the Town regarding objections to the Flying Scotsman's Extended Trading Permit (ETP) at 639 Beaufort Street, Mount Lawley and resident request for resident only parking in Grosvenor Road, Mount Lawley;*
- (ii) *REQUESTS the Department of Racing, Gaming & Liquors, Liquor Licensing Branch to;*
 - (a) *investigate the petitioners allegations of disorderly conduct within the vicinity of their residences by patrons of the Flying Scotsman Tavern;*
 - (b) *inform the Town in writing of their investigation findings and any subsequent outcomes;*
- (iii) *NOTES the response received by the Flying Scotsman Tavern in relation to allegations made regarding its operations and patrons; and*
- (iv) *DOES NOT SUPPORT provision of residents only parking in Grosvenor Road, Mount Lawley based on findings of a January 2007 survey undertaken by the Town's Ranger Services and Community Safety Section, following receipt of the petition from residents.*

COUNCIL DECISION ITEM 10.1.4

Moved Cr Torre, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Cr Messina returned to the Chamber at 7.07pm

Debate ensued.

Moved Cr Messina, Seconded Cr Doran-Wu

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

- “(iv) ~~***DOES NOT SUPPORT INVESTIGATES***~~ *the provision of residents only parking ~~in~~ on both sides of Grosvenor Road, Mount Lawley, from the western entry to Grosvenor Road Car Park, for approximately 100 metres, finishing at the western boundaries of numbers 23 and 24 Grosvenor Road, Mount Lawley based on findings of a January 2007 survey undertaken by the Town's Ranger Services and Community Safety Section, following receipt of the petition from residents.*
- (v) *RECEIVES a further report on the matter following the investigation into residents only parking and consultation with affected residents and businesses.”*

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Ker was an apology for the meeting, Cr Farrell was an apology until 7.09pm)

Debate ensued.

MOTION AS AMENDED CARRIED (7-0)

(Cr Farrell entered the meeting at 7.09pm)

COUNCIL DECISION ITEM 10.1.4

That the Council;

- (i) *RECEIVES the report relating to the petition lodged with the Town regarding objections to the Flying Scotsman's Extended Trading Permit (ETP) at 639 Beaufort Street, Mount Lawley and resident request for resident only parking in Grosvenor Road, Mount Lawley;*
- (ii) *REQUESTS the Department of Racing, Gaming & Liquors, Liquor Licensing Branch to;*
- (a) *investigate the petitioners allegations of disorderly conduct within the vicinity of their residences by patrons of the Flying Scotsman Tavern;*
- (b) *inform the Town in writing of their investigation findings and any subsequent outcomes;*
- (iii) *NOTES the response received by the Flying Scotsman Tavern in relation to allegations made regarding its operations and patrons;*
- (iv) *INVESTIGATES the provision of residents only parking on both sides of Grosvenor Road, Mount Lawley, from the western entry to Grosvenor Road Car Park, for approximately 100 metres, finishing at the western boundaries of numbers 23 and 24 Grosvenor Road, Mount Lawley, following receipt of the petition from residents; and*
- (v) *RECEIVES a further report on the matter following the investigation into residents only parking and consultation with affected residents and businesses.*

PURPOSE OF REPORT:

The purpose of this report is to update the Council on improvements made, and continuing issues arising at the Flying Scotsman Tavern located at No. 639 Beaufort Street, Mount Lawley, in relation to the impact on nearby residents to the venue.

BACKGROUND:

Outcomes of Stakeholders Meeting on 1 June 2006

At a meeting conducted at the Town's Administration Centre on Thursday 1 June 2006, Department of Racing Gaming and Liquor Inspector Gerry Dunne advised as follows: '*...any variation to the trading hours can only be made as a result of a hearing, convened by the Director of Liquor Licensing under Section 64 of the Liquor Licensing Act 1988. For example a hearing could take place if a resolution (through conciliation) cannot be found in relation to a Section 117 complaint. Or, if requested by Police Services.*'

In addition, the following Table lists the requirements that were to be complied with by the Licensee as a result of the meeting held:

Conditions from Meeting	Compliance as at May 2007
Doorman to be provided at both sides; that is, Grosvenor Road and Beaufort Street entrances.	Confirmation of Compliance in correspondence from Flying Scotsman on 2 May 2007.
Doorman to refuse entry to persons who are intoxicated or who have been viewed drinking in the street prior to entry.	No reports from the DRGL raising concerns in this regard - standard ongoing requirement.
An Acoustic Engineer to be contracted to address all sound control matters (including bass levels and Velvet Lounge), to also report on late night sound level readings on the footpath at the two nearest residences (11.00pm to 2.00am) and to submit a Noise Management Plan to Health Services and the Inspector of Liquor Licensing by Friday, 20 October 2006.	Noise management improvements at the venue apparent, based on feedback from residents. Regular sound level checks undertaken by the venue.
Low frequency sound filters to be applied to the internal sound system and speaker positions and size to be reviewed by the Acoustic Engineer.	Completed.
Security/crowd controller/s with fluorescent vests to patrol perimeter of the venue up to the nearest residences, particularly from 11.00pm until patrons have left the vicinity (to be implemented as soon as practicable).	Completed.
Arrange regular meetings (at least three monthly) with nearby residents to improve communication.	One meeting arranged, but only limited attendance.
Strict adherence to approved hours of operation.	No complaints received to the contrary.

Supervision of the Alfresco Area to be increased regarding patron behaviour; Submit a Harm Minimisation Plan to Town and two State Agency representatives as soon as practicable.	Completed.
Attendance at future Vincent Accord meetings.	Vincent Accord has not been well attended recently. As a result, the Accord is currently being reviewed.
Ongoing compliance with legislation; that is, Environmental Protection (Noise) Regulations 1997, Health (Public Building) Regulations 1992 and Town of Vincent Alfresco Dining Local Law and Alfresco License Conditions.	Completed.

DETAILS:

Petition Received

"We refer to trouble we as Residents of Grosvenor Rd, Mt Lawley have continued to have as a result of disturbances from The Flying Scotsman Tavern.

We acknowledge that the establishment have obviously made efforts to reduce their loud amplified music in the past 6 months. Despite this we are still having major problems with the following.

1. *Disorderly conduct in the street adjacent to our residences. Individual examples from last week on separate nights.*
 - *Urinating on one front lawn*
 - *Remaining sprawled on a front verge for several hours and vomiting*
 - *Going into a front yard and bouncing on a trampoline*
2. *The lateness of these disturbances due to the Extended Trading Permit recommended by the Town of Vincent and therefore held by the establishment. 12pm – 2.00am in the Function Centre Monday to Saturday.*
3. *Parking near our homes is often impossible due to the patrons and staff of the Flying Scotsman and other restaurant patrons parking in the street.*
4. *Music (often bass) can still often be heard from the establishment. The side door to the Velvet Lounge appears to be always wide open at night/early morning.*

Health Services Comments:

The alleged noise incidents have not been reported to the Town's Environmental Health Officers, despite after-hours codes being provided to one complainant. The after-hours code provides after-hours access to Environmental Health Officers so that sound level investigations can be undertaken.

On June 9th 2006 we were sent a copy of a letter from Town of Vincent to Messers Vivian and MacMahon (Reference PRO0638 & ENS0053). In the list of requirements of general measures to be taken by Licensee, please note that the following points have not to our knowledge been addressed.

- *Doorman to be provided at both sides i.e. Grosvenor Road and Beaufort Street entrances;*
- *Security/crowd controller/s with fluorescent vests to patrol perimeter of the venue up to the nearest residences, particularly from 11.00pm until patrons have left the vicinity (to be implemented as soon as possible);*
- *Arrange regular meetings (at least three monthly) with nearby residents to improve communication.*

Health Services Comments:

The Flying Scotsman has confirmed that the above requests have been implemented. The Town's Environmental Health Officers will undertake after-hours inspections of the venue to monitor compliance.

If these points were addressed it would help the management of the unruly patronage of the establishment. Can we ask why these points haven't been addressed.

We are writing to ask the following of the Town of Vincent

- ❖ *Resident Only Parking in the street;*
- ❖ *The recommendation of the removal of the overly generous Extended Trading Permit (ETP) in a dense residential area to the Department of Racing, Gaming and Liquor.*

Response to the Petition from the Flying Scotsman Tavern

The following response was received from Licensee Chris Vivian of the Flying Scotsman Tavern:

"We are again responding to all the points raised by certain Grosvenor Street residents regarding The Flying Scotsman.

Unfortunately I feel we are being used as scapegoats by a minority of residents in this street whose real agenda is to secure 'Resident Only Parking' for their street.

As we have set out below I do not think we should be held responsible for everything that happens in this street. Grosvenor Road runs off busy Beaufort Street and will have people parking in this street and surrounding streets when the car parks are full.

It is also a thoroughfare for local residents walking to restaurants, shops, video stores etc. and provides access to Beaufort Street by people parking in the street.

1. (Disorderly conduct in street)

Why is The Flying Scotsman held responsible for every unruly person that uses Grosvenor Street? Do they have "The Flying Scotsman" tattooed on their foreheads or is it just presumed they come from our establishment.

Drinkers at the Queens Hotel park in this street and also use it as a main thoroughfare on their way home or across to the Rosemount Hotel. Drinkers from the Rosemount Hotel use this road to walk along. People have drinks at home use this road to access Planet Video, Fresh Provisions etc. When drinkers from the Queens Tavern or nearby bars or restaurants are refused service by our staff they are likely to walk home this way. Just because they are seen coming out of the Scotsman does not mean we have been serving them.

The Flying Scotsman does not sell spirits in cans or bottles and we sell limited take-aways, which cannot be sold after 12.00p.m. After the last complaint about bottles in the street we had our security guards collect them for a week. The majority collected were brands that our Tavern does not stock. A collection of glasses with Queens embossed on them were found along the street also glassware that we do not supply. If glassware is taken from any establishment it is usually stolen from those premises.

2. *(Late night permit)*

The Flying Scotsman has held this permit for years. We originally had 2.00a.m.closing in the alfresco area and Restaurant/Bar area but changed these hours back to 12.00am in the Alfresco area and 1.00a.m in the bar areas. We did this ourselves, as we did not think it feasible at the time to have people in the alfresco area till 2.00a.m. The Function area was kept till 2.00am. This area is small and only operates from Wednesday to Sunday.

At present our Alfresco permit finishes at 12.00am. Tables and chairs are collected and packed up. The patrons sitting outside are brought inside. At 1.00a.m. the main bar closes and usually between 1.00 – 2.00a.m. the Function room closes depending on what function has taken place.

This system works well because if it is a busy night patrons are leaving at different times making it easier to monitor them as they leave.

The function room is also used by a variety of community groups in Mt. Lawley. We do not charge room hire for these groups and are happy for them to use it. W.A.P.A. held a costume display here, different community groups have meetings here, and R.T.R. record sales. W.A.P.A. students also wappa students often use this room during the day.

3. *(Parking)*

The majority of the parking problems are caused by permit parking in other streets which causes a knock-on affect

The Flying Scotsman has four staff parking bays. During the day there would be 5 or 6 staff working. Of these staff members three walk to work. In the evening we have two that ride bikes, one rides a scooter, six live close enough to walk. As they are mostly students and live in the area they do not own cars. Four of the staff lives in Walcott Street and one in Beaufort Street,

On Saturday night we walked up and down Beaufort Street from Seven Seas Restaurant down to Jackson's'. We counted roughly 38 restaurants or coffee shops. The council parking area in Beaufort Street takes about 50 cars. Where do you think these people park? In side streets.

The Must Wine Bar advertised a dinner they had last week with 175 people attending. They had about 30 staff on that night and supply no parking whatsoever. I know some of the staff from there and Jackson's who park in Governor Road as they feel their cars are safer there.

When these restaurants etc. close their staff usually stay for a drink or two before they leave. This is usually the early hours of the morning, which could also account for disturbances in surrounding streets.

4. *(Music)*

Compressors and sound limiters have recently been installed on all our music equipment. These are tamper proof which limits volume. Managers still do nightly checks on sound levels up and down the street when entertainment is on.

Unfortunately the doors opening from the Velvet Lounge are also the main thoroughfare to the bar and toilets. With no smoking rules now in force patrons are going in and out for a cigarette. As the evening gets later our doorman does stand at the door to keep it closed.

5. *(Security)*

We supply security guards from Wednesday to Sunday. We have one security person for each door and one patrolling inside. Our duty manager also patrols outside and inside in the course of a night. Our security guards fill in a time sheet after each shift, which we can produce if there is any doubt that they are there.

We did supply fluorescent vests to our security guards but they chose to wear their own uniforms. They have no authority in the car park but are there to see people leave the premises safely, and speedily. We have addressed this matter with them and they will wear these vests for the benefit of the neighbours and police from now on.

We are also in the process of providing video cameras throughout the Tavern. If there is any trouble this will help us identify the troublemakers.

6. *(Meetings)*

The last 'get together' ended up involving The Mayor, Council Members, Police Officers, Liquor Licensing etc. It also started 45 minutes late, which did not help us when it was a busy day. If the residents in question would like a meeting and can agree upon a suitable time for everybody we would attend.

Health Services Comments:

The Flying Scotsman Tavern have since advised that they have scheduled a meeting and will undertake a letter drop to nearby residents, requesting their attendance.

7. *(Management of unruly patronage)*

On Saturday two men in there twenties were refused entry, They had obviously come on foot from drinking at another establishment. They left but were not too happy and walked towards the Astor.

Our point is, if they had walked down Grosvenor Street after being asked to leave our premises and urinated on a lawn or slept on a verge would we be held responsible because they were seen leaving the vicinity of the Scotsman?

Beaufort Street has become a very cosmopolitan area and is proving enormously popular as an alternative to Northbridge, Subiaco and Leederville. We have diverse late night shopping, 24 hour supermarket and chemist, good quality restaurants, coffee houses plus the popular icons 'Astor Cinema' and 'Planet Video'. R.T.R. has also moved its headquarters to Mt. Lawley. People come to this area because it offers a safe late night alternative.

I feel we provide a service for the area by providing a late night venue for patrons moving onto nightclubs and those in the area not wanting to travel but having an establishment to equal those in other areas.

Your email mentioned certain residents in Grosvenor Street believe we should have our E.T.P. removed because the area is a dense residential area. In the West Australian on the 27th April, the Mayor of Vincent stated that Mt. Lawley was a 'successful entertainment area'.

With Liquor Licensing laws being relaxed, small bar licenses being approved plus restaurant serving alcohol without a meal this area will only become busier".

Residents Only Parking

Following receipt of the petition, Rangers were asked to undertake an on-going survey of Grosvenor Road, to establish whether kerbside parking facilities were being compromised by patrons of local licenced premises. The survey was undertaken at varying times, each night from 8 January to 30 January 2007. The earliest visit to Grosvenor Road was recorded at 1850hours and the latest check was undertaken at 2330hours, with the majority of visits being recorded between 2120hours and 2230 hours.

Rangers established that, while more vehicles were parked on the south side of Grosvenor Road than on the north side, the street was never more than 35% full (65% of the bays were available for use).

The driver of one of the trucks, which was complained about, was approached by a Ranger on 10 January 2007 and he indicated that he had received a promotion at work and that, as from 15 January 2007, he would be driving a company sedan.

The survey statistics do not bear out the suggestion by the petitioners, that parking is congested and that they are often unable to secure a parking space near their homes. As a result, it would be difficult to justify the introduction of a "Residents Only" Parking Restriction.

CONSULTATION/ADVERTISING:

Nil.

STRATEGIC IMPLICATIONS:

Town of Vincent Strategic Plan 2006 – 2011:

Natural and Built Environment

1.1.3 Enhance and maintain the character and heritage of the Town.

1.1.4 Minimise negative impacts on the community and environment.

LEGAL/POLICY:

Liquor Control Act 1988 and Environmental Protection (Noise) Regulations 1997.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

In view of the recent concerns raised by a number of Grosvenor Road residents, and responses provided by the Flying Scotsman Tavern, the petitioners requests for the Town to lodge an objection to the Department of Racing Gaming and Liquor in relation to revoking the Extended Trading Permit, cannot be supported.

In addition, the request of 'residents only parking' cannot be supported, as Mount Lawley is unquestionably the Town's busiest commercial precinct, with parking availability already at a premium. The approval of resident only parking in Grosvenor Road, Mount Lawley, would set a precedent, likely resulting in residents residing on the numerous other streets which branch off Beaufort Street from Mount Lawley to Highgate, lodging similar requests to the Town.

10.1.7 No. 56 (Lot: 163 D/P: 3845) Ellesmere Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Two-Storey Single House with Basement Car Parking

Ward:	North	Date:	6 June 2007
Precinct:	Mount Hawthorn; P1	File Ref:	PRO3910; 5.2007.100.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	R Rasiah, 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 Lou Marchesani and Associates on behalf of the owner D & M F Italiano for proposed Demolition of Existing Single House and Construction of Two-Storey Single House with Basement Car Parking, at No. 56 (Lot: 163 D/P: 3845) Ellesmere Street, Mount Hawthorn, and as shown on plans stamp-dated 21 March 2007, subject to the following conditions:

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

- (a) *the balcony to the master bedroom on the eastern and western elevations, the balcony to the living room on the ~~southern~~ and eastern elevations, the porch on the eastern elevation and the windows to the living room of the ground floor on the eastern elevation being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. 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. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 54 and 58 Ellesmere Street stating no objection to the respective proposed privacy encroachments;*
- (b) *the building wall height is not to exceed a maximum of 6 metres from natural ground level;*
- (c) *the proposed driveway width being reduced to a maximum of 4.876 metres;*
- (d) *the proposed crossover to be redesigned so that the existing verge tree adjacent to the property on Ellesmere Street is retained; and*
- (e) *no street tree is to be removed or pruned without the prior written approval of the Town.*

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

- (iv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site; and*
- (v) *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;*

Moved Cr Farrell, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensured.

Moved Cr Torre, Seconded Cr Messina

That;

1. *clauses (iii) (b), (c), (d) and (e) be deleted; and*
2. *a new clause (vi) be added as follows:*

“(vi) if the existing street tree adjacent to the property on Ellesmere Street is to be removed, it is to be replaced by a street tree of a suitable species, size and

location at the applicant's/owner's costs to the satisfaction of the Town's Parks Services Section."

Debate ensued.

AMENDMENT CARRIED (5-3)

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

(Cr Ker was an apology for the meeting)

Debate ensued.

MOTION AS AMENDED CARRIED (7-1)

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

COUNCIL DECISION ITEM 10.1.7

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 Lou Marchesani and Associates on behalf of the owner D & M F Italiano for proposed Demolition of Existing Single House and Construction of Two-Storey Single House with Basement Car Parking, at No. 56 (Lot: 163 D/P: 3845) Ellesmere Street, Mount Hawthorn, and as shown on plans stamp-dated 21 March 2007, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Ellesmere Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*

- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the balcony to the master bedroom on the eastern and western elevations, the balcony to the living room on the ~~southern~~ and eastern elevations, the porch on the eastern elevation and the windows to the living room of the ground floor on the eastern elevation being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. 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. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 54 and 58 Ellesmere Street stating no objection to the respective proposed privacy encroachments;"*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site; and*
 - (v) *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; and*
 - (vi) *if the existing street tree adjacent to the property on Ellesmere Street is to be removed, it is to be replaced by a street tree of a suitable species, size and location at the applicant's/owner's costs to the satisfaction of the Town's Parks Services Section."*

Landowner:	D & M F Italiano
Applicant:	Lou Marchesani and Associates
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:	490 square metres
Access to Right of Way	Not applicable.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single house and the construction of a two storey single house with basement parking at the subject property.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Setbacks: Ground Floor West	1.7 metres	1.5 metres – 3.7 metres	Supported – not considered to have an undue impact on neighbouring property and no objection was received.
East	1.7 metres	1.2 metres – 1.7 metres	Supported – not considered to have an undue impact on neighbouring property and no objection was received.
Upper Floor East	4.7 metres	1.7 metres	Supported – not considered to have an undue impact on neighbouring properties and no objections were received.
Building Wall Height: South (Ellesmere Street)	6 metres	6.6 metres – 7 metres	Not supported – condition of approval to reduce the wall height to a maximum of 6 metres from natural ground level.
West	6 metres	3.4 metres – 6.6 metres	Not supported – condition of approval to reduce the wall height to a maximum of 6 metres from natural ground level.
East	6 metres	2.9 metres – 6.4 metres	Not supported – condition of approval to reduce the wall height to a maximum of 6 metres from natural ground level.
Privacy Setbacks: Ground Floor			

South Street Balcony to Bedroom (Ellesmere Street to Master Bedroom)	7.5 metres	3.8 metres from eastern boundary	Not supported – condition of approval to screen or to obtain neighbours consent.
		1.5 metres from western boundary	Not supported – condition of approval to screen or to obtain neighbours consent.
West Balcony to Bedroom (Ellesmere Street to Master Bedroom)	7.5 metres	1.5 metres to western boundary	Not supported – condition of approval to screen or to obtain neighbours consent.
East Balcony to Bedroom (Ellesmere Street to Master Bedroom)	7.5 metres	3.8 metres to eastern boundary	Not supported – condition of approval to screen or to obtain neighbours consent.
Porch	7.5 metres	1.7 metres from eastern boundary	Not supported – condition of approval to screen or to obtain neighbours consent.
Living Room (Ground Floor)	6 metres	1.7 metres from eastern boundary	Not supported – condition of approval to screen or to obtain neighbours consent.
Upper Floor South Street Balcony to Living Room (Ellesmere Street to Living Room)	7.5 metres	2.1 metres from eastern boundary	Not supported – condition of approval to screen or to obtain neighbours consent.
East Balcony to Living Room	7.5 metres	1.7 metres from eastern boundary	Not supported – condition of approval to screen or to obtain neighbours consent.

<p>Vehicular Access:</p>	<p>Driveways are not to occupy more than 40% (4.876 metres) of the width of the frontage of a property.</p> <p>Driveways located so as to avoid street trees being removed.</p>	<p>42.08 percent of the frontage (5.13 metres).</p> <p>Proposed to remove verge tree on Ellesmere Street adjacent to the subject property.</p>	<p>Not supported – condition the driveway to be reduced to a maximum of 4.876 metres (40% of the width of the frontage).</p> <p>Not supported – the crossover can be redesigned/modified so as to retain the subject street tree (see comments below).</p>
Consultation Submissions			
<p>Support (2)</p>	<ul style="list-style-type: none"> • No comments provided 		<p>Noted</p>
<p>Objection (1)</p>	<ul style="list-style-type: none"> • No objection to a proposal. • Concerns regarding demolition of existing property and the damage it could cause to neighbouring property. 		<p>Not supported – this is a civil matter.</p>
Other Implications			
<p>Legal/Policy</p>			<p>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</p>
<p>Strategic Implications</p>			<p>Nil</p>
<p>Financial/Budget Implications</p>			<p>Nil</p>

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

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

COMMENTS:

Demolition

The place at No. 56 (Lots 163) Ellesmere Street, North Perth is constructed from concrete blocks with a textured finish. The City of Perth Building Licence Plans indicate that a timber and iron place was constructed at the subject place in 1924 for Mr G. Lothian. The Metropolitan Sewerage Map Plans confirm that the timber and iron dwelling was extant in 1937. However, no Original Building Licence Plans were able to be located to provide a construction date for the extant replacement dwelling. It is considered that the extant dwelling was constructed in the 1970-80s.

The brick and tile place at No. 56 (Lots 163) Ellesmere Street, North Perth is not currently listed on the Town of Vincent's Municipal Heritage Inventory (MHI) and is considered to have little cultural heritage significance. It is considered that a full heritage assessment is not warranted in this instance and approval should be granted for its demolition subject to standard conditions.

Street Tree

The Town's Technical Services Officer's have stated that the verge tree adjacent to the subject property on Ellesmere Street is a paper bark and forms part of an intact streetscape. The street is to be retained as the crossover can be redesigned/modified so as to retain the subject street tree.

Conclusion

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

10.4.6 Environmental Grants, Awards and Proposed New Policy 4.1.30 and Creation of New Position – Environmental Officer

Ward:	Both	Date:	5 June 2006
Precinct:	All	File Ref:	ADM0023
Attachments:	001		
Reporting Officer(s):	J Lockley, R Lotznicker, John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

(Presiding member advised that Cr Lake and Cr Maier had declared a financial interest in this item, they departed the Chamber at 7.15pm and did not speak or vote on the item).

OFFICER RECOMMENDATION:

That;

- (i) *the Council RECEIVES the report relating to applications for financial assistance for Community Based Environmental Projects;*
- (ii) *the Council;*
 - (a) *DOES NOT APPROVE of any applications for financial assistance for Community Based Environmental Projects submitted by the Claise Brook Catchment Group Inc, as these do not comply with the application criteria;*
 - (b) *ADVISES the Claise Brook Catchment Group Inc of the Council’s decision and reason;*
- (iii) *the Council, at its Ordinary Meeting held on 17 January 2006 (Item 10.4.4), resolved that it;*
- "(iii) *approves by an Absolute Majority to adopt a new Policy 1.2.13 – Financial Assistance – Community Based Environmental Projects as shown in Appendix 10.4.4A";*
- (iv) *Cr MOVES a motion to REVOKE the decision, as specified in Clause (iii) above;*
- (v) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Mayor Catania, Crs Farrell and Messina, being one third of the number of offices of Members of the Council, SUPPORT this motion to revoke or change a Council decision; and*
- (vi) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to;*
 - (a) *REVOKE part of the resolution adopted by the Council at its Ordinary Meeting of Council held on 17 January 2006 (Item 10.4.4), as shown below;*

"approves by an Absolute Majority to adopt a new Policy 1.2.13 – Financial Assistance – Community Based Environmental Projects", as shown in Appendix 10.4.6A;

- (b) *APPROVE the adoption of a new Policy 4.1.30– Environmental Grants and Awards, Policy Procedures and associated Guidelines and Applications forms, as shown Appendix 10.4.6B to 10.4.6H;*
- (vii) *the Council APPOINTS the following persons to the Environmental Awards Judging Panel;*
 - *Mayor (Chair);*
 - *Councillor (North Ward);*
 - *Councillor (South Ward);*
 - *Chief Executive Officer or Chief Executive Officers' representative; and*
 - *Environmental Officer (newly created position);*
- (viii) *the Council AUTHORIZES the Chief Executive Officer (in liaison with the Mayor) to determine the format for presentation of the Awards and the most suitable date/ timing (however, where ever practicable it be as part of World Environment Day (~~15~~ 5 June));*
- (ix) *in accordance with Section 5.42 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY to delegate to the Chief Executive Officer the power to approve Applications for grant applications from Schools, as follows;*

<i>Delegation No</i>	<i>Responsible Area</i>	<i>Delegation</i>	<i>Assignee</i>	<i>Conditions</i>
<i>10B</i>	<i>Chief Executive Officer</i>	<i>Authority to assess and approve grant applications for environment.</i>	<i>Nil</i>	<i>Subject to;</i> <i>1. A report from the Town's Environmental Officer supporting such applications.</i> <i>2. Compliance with Policy 4.1.30.</i> <i>3. A Register of Grants and Approvals being kept.</i>

- (x) *the Council NOTES that the Chief Executive Officer has approved the creation of a new position "Environmental" Officer", from the Town's existing staff establishment,*
- (xi) *the Chief Executive Officer be authorised to:*
 - (a) *advertise the proposed draft policy for a period of twenty-one (21) days, seeking public comment;*
 - (b) *report back to Council with any public submissions received; and*
 - (c) *include the policy in the Council's Policy Manual if no public submissions are received."*

Moved Cr Farrell, **Seconded** Cr Torre

That the recommendation be adopted.

(Cr Farrell moved a motion to revoke the decision as specified in clause (iii) above)

Debate ensured.

Mayor Catania called for nominations for the Environmental Awards Judging Panel and Cr Farrell nominated for the North Ward and Cr Torre nominated for the South Ward. There being no further nominations, the Presiding Member accepted these and debate continued.

Moved Cr Chester, Seconded Cr

That the item be deferred to allow the Claisebrook Catchment Group to make a presentation to the Council.

THE MOTION TO DEFER LAPSED FOR WANT OF A SECONDER.

Debate ensured.

Clause (vi) was put and CARRIED BY AN ABSOLUTE MAJORITY (6-0)

(Cr Ker was an apology for the meeting, Crs Lake and Maier absent from the Chamber)

Debate ensured.

MOTION AS AMENDED CARRIED BY AN ABSOLUTE MAJORITY (6-0)

(Cr Ker was an apology for the meeting, Crs Lake and Maier absent from the Chamber)

COUNCIL DECISION ITEM 10.4.6

That;

- (i) *the Council RECEIVES the report relating to applications for financial assistance for Community Based Environmental Projects;*
- (ii) *the Council;*
 - (a) *DOES NOT APPROVE of any applications for financial assistance for Community Based Environmental Projects submitted by the Claise Brook Catchment Group Inc, as these do not comply with the application criteria;*
 - (b) *ADVISES the Claise Brook Catchment Group Inc of the Council's decision and reason;*
- (iii) *the Council, at its Ordinary Meeting held on 17 January 2006 (Item 10.4.4), resolved that it;*
 - "(iii) *approves by an Absolute Majority to adopt a new Policy 1.2.13 – Financial Assistance – Community Based Environmental Projects as shown in Appendix 10.4.4A";*
- (iv) *Cr Farrell. MOVES a motion to REVOKE the decision, as specified in Clause (iii) above;*

- (v) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three Elected Members, namely Mayor Catania, Crs Farrell and Messina, being one third of the number of offices of Members of the Council, SUPPORT this motion to revoke or change a Council decision; and*
- (vi) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to;*
- (a) *REVOKE part of the resolution adopted by the Council at its Ordinary Meeting of Council held on 17 January 2006 (Item 10.4.4), as shown below;*
- "approves by an Absolute Majority to adopt a new Policy 1.2.13 – Financial Assistance – Community Based Environmental Projects", as shown in Appendix 10.4.6A;*
- (b) *APPROVE the adoption of a new Policy 4.1.30 – Environmental Grants and Awards, Policy Procedures and associated Guidelines and Applications forms, as shown Appendix 10.4.6B to 10.4.6H;*
- (vii) *the Council APPOINTS the following persons to the Environmental Awards Judging Panel;*
- *Mayor (Chair);*
 - *Councillor Farrell (North Ward);*
 - *Councillor Torre (South Ward);*
 - *Chief Executive Officer or Chief Executive Officers' representative; and*
 - *Environmental Officer (newly created position);*
- (viii) *the Council AUTHORISES the Chief Executive Officer (in liaison with the Mayor) to determine the format for presentation of the Awards and the most suitable date/ timing (however, where ever practicable it be as part of World Environment Day (5 June));*
- (ix) *in accordance with Section 5.42 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY to delegate to the Chief Executive Officer the power to approve Applications for grant applications from Schools, as follows;*

<i>Delegation No</i>	<i>Responsible Area</i>	<i>Delegation</i>	<i>Assignee</i>	<i>Conditions</i>
<i>10B</i>	<i>Chief Executive Officer</i>	<i>Authority to assess and approve grant applications for environment.</i>	<i>Nil</i>	<i>Subject to;</i> <i>1. A report from the Town's Environmental Officer supporting such applications.</i> <i>2. Compliance with Policy 4.1.30.</i> <i>3. A Register of Grants and Approvals being kept.</i>

- (x) *the Council NOTES that the Chief Executive Officer has approved the creation of a new position "Environmental" Officer", from the Town's existing staff establishment,*
- (xi) *the Chief Executive Officer be authorised to:*
- (a) *advertise the proposed draft policy for a period of twenty-one (21) days, seeking public comment;*
 - (b) *report back to Council with any public submissions received; and*
 - (c) *include the policy in the Council's Policy Manual if no public submissions are received."*

Crs Lake and Maier returned to the Chamber at 7.42pm

The Presiding Member advised them that the item had been carried as recommended.

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the number of applications received for financial assistance for community based environmental projects, to obtain Council's approval to rescind Policy No 1.2.13, Financial Assistance – Community Based Environmental Projects and adopt a new policy, 4.1.30 – Environmental Grants and Awards.

BACKGROUND:

In 2006, following representation from the Claise Brook Catchment Group, the Town's Administration put forward a new budget item for Community Based Environmental Projects.

During the 2005/2006 budget deliberations, the Council considered this matter and included an amount of \$20,000 for Community Based Environmental Based Projects in the budget and requested that a policy be prepared.

Policy 1.2.13 – *Financial Assistance – Community Based Environmental Projects* (refer 10.4.4A) was subsequently prepared and advertised. Only one submission for funding was subsequently received, from the Claise Brook Catchment Group and the predominant requirement for the funding request was for their Co-ordinator's wages.

While at the time of preparing the *Financial Assistance – Community Based Environmental Projects* policy an application form (with conditions) was not prepared (refer 10.4.4A), when the provision of financial assistance was advertised an application form, similar to the one used by the Town's Corporate Services for application of grants, was made part of the application. The application clearly stated that *the Town does not provide funding for salaries and wages....etc.*

DETAILS

At the close of the advertising period, only one (1) organisation, namely the Claise Brook Catchment Group Inc had submitted an application. A total of seven (7) projects were submitted. An assessment of these projects was carried out by the Town's Administration and this revealed that the majority of the funding was for the Co-ordinator's wages. (The current Co-ordinator is Ms Sally Lake, who is also a Councillor at the Town of Vincent).

As the application did not comply with the advertised funding criteria, the Chief Executive Officer, after consultation with the Executive Managers Corporate Services and Technical Services, made a decision that the application could not be supported.

On 2 May 2007, the Chief Executive Officer and Executive Manager Technical Services discussed this matter with Cr Ian Ker, who is a supporter of the Project and subsequently, the Mayor, whereby they were advised of the Chief Executive Officer's decision. As a result of these discussions, the Chief Executive Officer advised that he would review the current Policy and submit the matter to Council for consideration and determination, in June 2007.

As Council is aware, the Town has advertised its Sustainable Environment Plan 2007-2012 and an item is also included on this Agenda, summarising the submissions received and recommending that the Plan be adopted by the Council. The Plan sets the strategic direction for the Town in environmental and sustainability matters. The Chief Executive Officer is of the view that the current Policy should be rescinded, as it is too restrictive, does not meet the objectives of the Town's Sustainable Environment Plan and that a new direction should be taken to promote environmental and sustainability awareness. The creation of Town of Vincent Awards for Environmental Excellence, (as shown on page 6 of the Plan), and introducing initiatives into schools within the Town, form part of this new direction and are recommended. It is considered that these initiatives will better achieve the objectives of the Sustainable Environment Plan.

Draft Policy 4.1.30: Environmental - Grants and Awards (Refer Appendix 10.4.6B)

The Draft 4.1.30 Policy details are as follows:

Objectives:

Community Group / "Not for Profit Organisation"

To establish a procedure whereby the Town may provide a 'Environmental Grant' of up to \$2,500 to a 'Community Group' or 'Not for Profit Organisation' in any one financial year, subject to this funding being allocated in the budget, to assist them in developing and implementing initiatives, in one or more of the categories defined in this policy, which involve the local community to raise awareness in matters relating to the local environment.

To outline criteria against which all Grants and Awards will be assessed including the following:

- Transparency and accountability to the community;
- An effective reporting mechanism to Council regarding the total value of Grants approved in any one financial year
- An equitable assessment of each application or request received
- A standard procedure for all applicants to follow when requesting a grant from the Town
- Only one grant per Community Group or "Not for Profit Organisation" per annum.

Grants to Schools

To establish a procedure whereby the Town may provide a 'grant' to a school within the Town up to a value of \$750 and outside of the Town of \$500 to assist the school to implement an environmental project/initiative in one or more of the categories defined in this policy may qualify the school for an 'Environmental Award'.

Environmental Awards – Schools / Community Member

To establish a procedure whereby Schools and individual members of the community, who have developed/implemented one or more measurable environmental initiatives, in one or more of the categories defined in this policy, may qualify for an 'Environmental Award' as follows:

- First (1st) prize of \$500 for overall achievement for best school and \$250 for best community member including a feature article in Town of Vincent Newsletter and Media release
- First (1st) prize of \$250 in each of the five (5) categories for schools and \$100 in each of the five categories for for community members

All prize winners would receive an award certificate from the Town of Vincent and an awards event will be held to present the Environmental Awards and provide information on all proposals received. A separate event may be held for Schools, to accommodate their timetable.

Environmental Grant - Community Based Environmental Activities:

The Council will determine the amount of Grant funding which may be made available in any one financial year to one, or a number of, Community Groups or Non for Profit Organisations who have a proven track record in developing 'community based environmental initiatives' to raise community awareness by involving the local community and develop initiatives to promote a number or a specific environmental issue/s.

Applications will only be considered where the Council has allocated appropriate funds in the Annual Budget.

Grants will be considered for "Community Based Environmental Activities" that demonstrate one or more of the following:

- The raising of community awareness by involvement of the community in environmental activities.
- The activities having a demonstrated outcome for improving the environment and biodiversity.
- The development and delivery of demonstrated water conservation strategies and initiatives.
- Providing increased community support for environmental initiatives within the Town of Vincent.

Assessment criteria shall include:

- It is preferable that the applicant/community group or organisation be located within the Town of Vincent boundaries or where located outside the Town, be able to demonstrate the benefits of their application to the Town;
- Commitment to acknowledging the Town of Vincent in any promotional or publicity undertaken;
- Applicant has implemented an environmental project/initiative and has achieved as many of the above criteria as possible;
- Whether the project/initiative chosen is feasible and can be implemented; and
- Does the project/initiative provide benefits to more than just the applicant or does it meet a need in the community and will locals benefit?

Ineligible grant funding will include:

- Projects/initiatives that do not focus on environmental issues/values
- Projects/initiatives that do not meet the Town's criteria
- Project/initiatives that fall within the criteria of other grant programs offered by the Town
- Project/initiatives that may have commenced prior to the applications having being approved by the Town
- Major/capital equipment purchases
- Ongoing/recurrent staff salaries/costs
- New building projects or capital works
- Facility maintenance projects
- Deficit funding
- Proposals where more appropriate alternative sources of funding are available
- Where more than one Grant is applied for in any financial year
- Used for fundraising activities

Other conditions:

- The Town of Vincent shall be acknowledged in any associated publicity and promotional material with the Towns Logo displayed appropriately;
- The nominated representative/s shall liaise with relevant Town officers before proceeding to use the Town's Logo or material;
- The nominated representative/s shall indemnify the Town against any claims, damages, writs, summonses or other legal proceedings and any associated costs, expenses, losses or other liabilities as a result of loss of life, personal injury or damage to property arising from an occurrence in or connected with the sponsored project/initiative regardless of the cause;
- A Letter of Agreement will be required to be signed; and
- For all Grants, it is a requirement that a formal acquittal of funds, together with a report outlining the success of the project in meeting its objects be provided. The acquittal of funds is to be submitted no later than three months after the event has been completed.

Community groups and organisations will be required to submit an application using *Application Form Grants - Community Based Environmental Initiatives* (refer Appendix 10.4.6C) and address as much of the above criteria as possible. In addition a community group or organisation shall:

- (a) Outline the extent to which it will provide complementary resources for the activity for example through volunteer labour or contributory funding, and demonstrate their ability to provide such resources in practice.
- (b) Demonstrate its capacity to plan, implement and deliver outcomes from community-based environmental (or similar) activities.

The Application will be required to be read in conjunction with *Guidelines - Grants Community Based Environmental Activities* documentation (refer Appendix 10.4.6D).

Environmental Grants and Awards - Schools:

The Council will determine the amount of funding for environmental grants of up to \$750 per school within the Town in any one financial year for funding of environmental project/initiatives targeting specific environmental issues.

The Town will consider an application for a grant of \$500 from a School or College in close proximity but located outside the Town, where it can demonstrate more than 25 students from the Town attend the School/College on a full time basis (e.g. Mt Lawley High School, Perth Modern School, Servite College, Trinity College).

If a school wishes to be considered for an Environmental Grant it will be required to submit an *Application for Environmental Grant - Schools* (refer Appendix 10.4.6E) entry form for environmental project/initiatives to be carried out within the Town of Vincent which address as much of the required criteria as possible. The Application is to be read in conjunction with *Guidelines - Environmental Grants - Schools* (refer Appendix 10.4.6F) documentation.

Applications will only be considered where the Council has allocated appropriate funds in the Annual Budget.

Environmental Grants will be considered for project/initiatives that address one or more of the following environmental issues as outlined in the Town's Sustainable Environment Plan 2007 – 2012;

- Acknowledge and make efforts for conserving water, water quality (Environmental Issue – Water)
- Acknowledge and make efforts to reduce climate change and carbon dioxide emissions (Environmental Issue – Air)
- Acknowledge and make efforts to increase recycling and reduce putrescible waste entering the waste stream (Environmental Issue – Waste Management)
- Acknowledge and make efforts to reduce energy consumption or develop/implement ways to use alternative energy sources to reduce carbon emissions (Environmental Issue – Energy)
- Acknowledge the geographic location of the Town of Vincent on the Swan Coastal Plain and the effects this may have on the quality of the local environment, plants, water table and drought issues and make efforts to reduce, reuse and capture water (Environmental Issue – Biodiversity)
- Encourage young people to interact with each other (and the Town's residents) by working at a collective 'grass roots' level to develop local native plant gardens, protect/enhance native flora and fauna, groundwater health, address over fertilisation to protect water bodies in and around the Town

Note: Assessment criterion and Ineligible grant funding shall be as per Environmental Grant Community Based Environmental Activities.

If a school wishes to also be considered for an Environmental Award it will be required to submit an *Application for Environmental Awards - Schools* entry form (refer Appendix 10.4.6G) to be in the running to receive an award for projects/initiatives that have addressed environmental issues within the Town in any one financial year.

Environmental Awards - Community Members:

To be considered for an Environmental Award, individual community members will be required to submit an *Application for Environmental Awards - Community* form (refer Appendix 10.4.6H) to be in the running to receive an environmental award for projects/initiatives that have addressed environmental issues within the Town in any one financial year.

Individuals would receive a prize of \$250.

Ineligible Awards:

- Events that commence before the financial year of the applications approved by the Town;
- New building projects or capital works (unless they target a main environmental issue/s);
- Facility maintenance projects (unless to carry out changes that target specific environmental issues);
- Seeking more than one award in any financial year;
- Community groups, schools, private enterprise.

Other conditions:

- The Town of Vincent must be acknowledged if Award money used in associated publicity and promotional material with the Towns Logo displayed appropriately;
- Project organisers/ coordinators must liaise with relevant Town officers before proceeding to apply for an Award;
- An individual may only be eligible to win the Award once.

Assessment of applications for grants

All applications received will be assessed using the attached Triple Bottom Line (TBL) 'Decision Making Toolkit' based on the Town's Sustainability Management System. The assessment score will be used as a 'guide' to determine the outcome of each submission.

Draft Policy 2.2.21: Environmental - Grants and Awards Procedures/Forms:

The following outlines the Guidelines and forms that form part of the policy. These are contained in attached Appendix 10.4.6C to 10.4.6H, inclusive.

Environmental Grant - Community Based Environmental Activities:

Application Form Grants - Community Based Environmental Initiatives (refer Appendix 10.4.6C)

Community groups and organisations will be required to submit an application using this form and address as much of the above criteria as possible.

Guidelines - Grants Community Based Environmental Activities documentation (refer Appendix 10.4.6D).

The Application will be required to be read in conjunction with these guidelines

Environmental Grants and Awards - Schools:

Application for Environmental Grant - Schools (refer Appendix 10.4.6E)

If a school wishes to be considered for an Environmental Grant it will be required to submit an entry form using the above application.

Guidelines - Environmental Grants - Schools (refer Appendix 10.4.6F)

The application is to be read in conjunction with this documentation.

Application for Environmental Awards - Schools (refer Appendix 10.4.6G)

If a school wishes to also be considered for an Environmental Award it will be required to complete the above entry form to be in the running to receive an award for projects/initiatives that have addressed environmental issues within the Town in any one financial year.

Environmental Awards - Community Members:

Application for Environmental Awards - Community Members (refer Appendix 10.4.6H)

To be considered for an Environmental Award, individual community members will be required to submit an application by completing the above form.

Awards Judging Panel:

The Awards Judging Panel shall comprise;

- Mayor (Chair);
- Councillor (North Ward);
- Councillor (South Ward);
- Chief Executive Officer or Chief Executive Officers' representative; and
- Environmental Officer (new position to be created).

The judging of the Awards should be carried out (similar to other Awards) at a time to be determined by the Chief Executive Officer (in liaison with the Mayor). Wherever practicable, the Awards will be presented as part of World Environment Day (June each year).

It is recommended that the Council delegate to the Chief Executive Officer approval to assess and award grant applications received from schools.

World Environment Day:

Mission statement of United Nations Environment Programme (UNEP):

“To provide leadership and encourage partnership in caring for the environment by inspiring, informing, and enabling nations and peoples to improve their quality of life without compromising that of future generations.”

United Nations Environment Programme Environment for Development run a series of events, listed below, including world environment day.

Each year a new county is chosen for an event site to celebrate the environment achievements and the way forward. This year Norway was chosen as the melting of the Arctic ice caps is a pressing issue.

Each year, World Environment Day is celebrated during June. It is considered appropriate that the Town's Environmental Awards be presented to coincide with this date, to maximise publicity and exposure, etc.

Creation of New Position - Environmental Officer

During the budget process 2007/08, the Chief Executive Officer verbally advised that he is carrying out a review of the Organisational Structure with the aim to provide improved efficiencies and to meet the needs of the expanded boundaries. As part of this review, he has identified the need for a new position of “Environmental Officer”.

At present, the various environmental projects/initiatives are spread throughout the sections of the Administration, e.g. Strategic Planning - Sustainability design criteria; Health - noise and air pollution, disposal of toxic substances; Parks - Hyde Park lakes, water conservation on parks and reserves, street trees, plant species; Technical Services - waste management and minimisation; Property Maintenance - energy and water conservation in buildings.

It is considered appropriate that the new position will have prime responsibility for co-ordination of the Town's environmental projects/initiatives. Key responsibilities would include the following;

Outcome - Sustainability Management and Planning

- Coordinate the Town's Sustainable Environment Plan 2007-2012 across the organisation to ensure the continuation of sustainability initiatives.
- Coordinate and drive the Cities for Climate Protection (CCP) program for the Town and ensure the continuation of sustainability initiatives brought about through this program.
- Provide guidance for the whole community and Town, including local business, schools and community groups.
- Provide advice on environmental issues.
- Attend schools and public functions to give presentations to schools and other groups on environmental matters.
- Coordinate and prepare applications for grants and funding.
- Develop, implement, and review environmental / sustainability initiatives and strategies as required to further Council's commitment to a framework that recognises environmental considerations in decision-making.
- Develop, implement, and review an environmental management system for Town operations, including a system for sustainability reporting and accounting for the Town.
- Develop, implement and review an environmental sustainability manual to document sustainable/good practice to ensure continued application (e.g. water saving and energy saving devices to be specified in new buildings).
- Monitor and evaluate the implementation of projects, and develop and maintain records of objectives, outcomes, feedback, expenditure and other relevant data.
- Provide support and guidance to employees, volunteers, and residents with respect to the principles of environmental sustainability being implemented throughout the organisation and the community.
- Review relevant government initiatives and legislation.
- Act as a focal contact for environmental enquiries from the community.
- Be responsible for the Town's Annual Environmental Awards.

Placement in the Organisation

Due to budgetary constraints, the Chief Executive Officer has been reviewing the conversion of either the Town's Waste Management Officer or a Planning Support Officer for this new position.

This new position would ideally sit within the Town's Planning, Building & Heritage Services - Strategic Planning Section, who have to date been primarily responsible for the strategic direction of the Town's environmental initiatives (e.g. Cities for Climate Protection program). Alternatively, the position could also be located within the Technical Services division, where a large majority of the environmental projects are being carried out, or reporting direct to the Chief Executive Officer, as the position will have responsibilities across the whole administration.

As the Council is aware, the Town's Planning, Building & Heritage Services Section has a wide portfolio, key projects and an extremely heavy workload. Notwithstanding the strategic benefit of placing this position within the Strategic Planning Section, to do so would only add to the already heavy workload. Furthermore, the Chief Executive Officer has taken cognisance of comments expressed by Elected Members at the Special Meeting of Council held on 5 June 2007, whereby they indicated that the prime focus for the Planning, Building

& Heritage Services Section is to provide an efficient and effective statutory development approval service and finalise the Residential Design Elements and associated policies and also progress and finalise the review of the Town Planning Scheme. The Chief Executive Officer is of the view that to further add to this workload may possibly result in the position not being given the priority it requires.

The Chief Executive Officer cannot absorb any further direct responsibilities and therefore this option was ruled out.

Accordingly, the Chief Executive Officer has deemed it more appropriate to place this new position within the Technical Services Section, reporting directly to the Director of Technical Services and for the matter to be reviewed after twelve (12) months. The new position will be implemented effective from 1 July 2007.

CONSULTATION/ADVERTISING:

The policies will be advertised for a period of 21 days seeking comments from the public.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan Amended 2005-2010 - Key Result Area 4 - Governance and Management

4.5 Promote Financial Management and Information Technology

(e) Adopt "Best Practice" to manage the financial resources and assets of the Town.

FINANCIAL/BUDGET IMPLICATIONS:

The 2006/2007 Budget has an amount of \$40,000 allocated for Community Based Environmental Projects. The 2007/2008 draft budget has an amount of \$10,000 allocated.

It is considered that if the new Policy is adopted, \$16,000 per annum will need to be allocated as follows:

• Grants to Schools located within the Town (7 x \$750)	\$5,250
• Schools/Colleges outside the Town but satisfy the criteria (potentially 4 @ \$500)	\$2000
• Community Groups / "Not for Profit" Organisations – say two (2) Grants of \$2,500 each	\$5,000
• One (1) Main prize of \$500 - School	\$500
• One (1) Main prize of \$250 – Community Member	\$250
• Five (5) Category Prizes of \$250 - Schools	\$1,250
• Five (5) Category Prizes of \$100 – Community Members	\$500
• Advertising/certificates/awards presentation	<u>\$5,250</u>
Total	\$20,000

COMMENTS:

It is considered that the new initiatives and Policy better meet the needs of the strategic direction of the Town and the Environment Plan and would appeal to a wider audience and provide schools, community groups and not for profit organisations with the provision of environmental grant funding.

The Council's approval of the Officer Recommendation is requested.

10.1.1 Further Report – No.4 (Lot 36 D/P: 2358) Salisbury Street, Leederville - Proposed Two (2) Two-Storey Single Houses

Ward:	North	Date:	4 June 2007
Precinct:	Leederville; P03	File Ref:	PRO3076; 5.2006.602.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by S Radalj on behalf of the owner Y Cimen, M Falcone, A Magri and M Sedic for proposed Two (2) Two-Storey Single Houses, at No. 4 (Lot 36 D/P: 2358) Salisbury Street, Leederville, and as shown on plans stamp-dated 9 May 2007, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) first obtaining the consent of the owners of Nos. 2 and 6 Salisbury Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 2 and 6 Salisbury Street in a good and clean condition;*
- (iii) any new street/front wall, fence and gate between the Salisbury Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Salisbury Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town; and*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *for unit 1, the windows to bedroom 1 on the western elevation, the sitting room on the western elevation, bedroom 3 on the southern and northern elevations, and the 'timber screen' adjacent to the staircase, on the first floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 6 Salisbury Street stating no objection to the respective proposed privacy encroachments;*
- (b) *for unit 2, the windows to bedroom 1 on the eastern elevation, the sitting room on the eastern elevation, bedroom 3 on the southern and northern elevations, and the 'timber screen' adjacent to the staircase, on the first floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 2 Salisbury Street stating no objection to the respective proposed privacy encroachments; and*
- (c) *the total building height not exceeding a maximum height of 7 metres above the natural ground level.*

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

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

MOTION CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Ker was an apology for the meeting)

FURTHER REPORT:

The Council considered the application at its Ordinary Meeting held on 22 May 2007 and resolved as follows:

“That the Item be DEFERRED for further consideration.”

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 22 May 2007.

“FURTHER CEO AND EMEDS 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 BY AN ABSOLUTE MAJORITY the application submitted by S Radalj on behalf of the owner Y Cimen, M Falcone, A Magri and M Sedic for proposed Two (2) Two-Storey Single Houses, at No. 4 (Lot 36 D/P: 2358) Salisbury Street, Leederville, and as shown on plans stamp-dated 9 May 2007, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) first obtaining the consent of the owners of Nos. 2 and 6 Salisbury Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 2 and 6 Salisbury Street in a good and clean condition;*
- (iii) any new street/front wall, fence and gate between the Salisbury Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*

- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Salisbury 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); ~~and~~*
- (v) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town; and*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *for unit 1, the windows to bedroom 1 on the western elevation, the sitting room on the western elevation, bedroom 3 on the southern and northern elevations, and the 'timber screen' adjacent to the staircase, on the first floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 6 Salisbury Street stating no objection to the respective proposed privacy encroachments;*
- (b) *for unit 2, the windows to bedroom 1 on the eastern elevation, the sitting room on the eastern elevation, bedroom 3 on the southern and northern elevations, and the 'timber screen' adjacent to the staircase, on the first floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively*

prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 2 Salisbury Street stating no objection to the respective proposed privacy encroachments; and

(c) the total building height not exceeding a maximum height of 7 metres above the natural ground level.

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

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

COUNCIL DECISION ITEM 10.1.1

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Farrell, Seconded Cr Doran-Wu

That the Item be DEFERRED for further consideration.

CARRIED (6-1)

For

Mayor Catania

Cr Chester

Cr Doran-Wu

Cr Farrell

Cr Lake

Cr Torre

Against

Cr Maier

(Crs Ker and Messina on leave of absence.)

FURTHER REPORT:

The Council considered the application at its Ordinary Meeting held on 24 April 2007 and resolved as follows:

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

The main differences between the revised plans dated 9 May 2007 and the plans dated 6 March 2007, which were considered by the Council at its Ordinary Meeting held on 24 April 2007, are summarised as follows:

- The rear elevation (Elevation 3) for Unit 1 has been reduced from 72 courses to 70 courses.
- The rear elevation (Elevation 3) for Unit 2 has been reduced from 71 courses to 69 courses.
- The northern end of the two storey parapet/boundary wall shown on the west elevation (Elevation 2), has been reduced from 6.4 metres to 6.2 metres, while the southern end has been reduced from 6.25 metres to 6.1 metres. This has reduced the overall average height of the parapet/boundary wall on Elevation 2 from 4.3 metres to 3.865 metres.
- The southern end of the two storey parapet/boundary wall shown on the east elevation (Elevation 4), has been reduced from 6.45 metres to 6.3 metres, while the northern end

has been reduced from 6.6 metres to 6.4 metres. This has reduced the overall average height of the parapet/boundary wall on the Elevation 4 from 4.58 metres to 4.02 metres.

- The overall building height for Unit 1 has been reduced from 7.1 metres to 7 metres.
- The overall building height for Unit 2 has been reduced from 7.3 metres to 7 metres.
- The west upper floor major openings of bedroom 3 and the sitting room for Unit 1 have been screened/non-permeable to create walls with no major openings; as such, the required setback has been reduced from 6.4 metres to 2.8 metres and conditions requiring screening has been removed.
- The east upper floor major openings of bedroom 3 and the sitting room on Unit 2 have been screened/non-visually permeable to create walls with no major openings; as such, the required setback has been reduced from 6.4 metres to 2.8 metres and conditions requiring screening has been removed.

The Assessment Table has been amended to reflect the changes proposed in the revised plans dated 9 May 2007.

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>1.92 dwellings/lots R30</i>	<i>2 dwellings/lots R 34.6 3.9 per cent density bonus</i>	<i>Noted – subdivision to create proposed lots supported by the Council on 25 July 2006 and approved by the WAPC on 6 September 2006. Absolute Majority of Council is required to approve subject density bonus.</i>
<i>Average Lot/Site Area</i>	<i>300 square metres</i>	<i>289 square metres</i>	<i>Noted - as above</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted.</i>
<i>Building Height: Unit 1 (West)</i>	<i>7 metres for concealed roof</i>	<i>7 metres</i>	<i>Supported – no variation.</i>
<i>Unit 2 (East)</i>	<i>7 metres for concealed roof</i>	<i>7 metres</i>	<i>Supported – no variation.</i>
<i>Building Setbacks: Unit 1 (West) - Ground Floor West</i>	<i>1.5 metres</i>	<i>Nil – 1 metres – 2 metres</i>	<i>Supported – no undue impact on neighbouring property.</i>
<i>- Upper Floor West</i>	<i>2.8 metres</i>	<i>Nil – 1.030 metres</i>	<i>Supported – minimal undue impact on</i>

<p><i>Unit 2 (East) - Ground Floor East</i></p>	<p><i>1.5 metres</i></p>	<p><i>Nil – 1 metres – 2 metres</i></p>	<p><i>neighbouring property and no submissions from affected neighbour received during advertising period.</i></p> <p><i>Supported – no undue impact on neighbouring property.</i></p>
<p><i>- Upper Floor East</i></p>	<p><i>2.8 metres</i></p>	<p><i>Nil – 1.030 metres</i></p>	<p><i>Supported – minimal undue impact on neighbouring property and no submissions from affected neighbour received during advertising period.</i></p>
<p><i>Unit 1 Garage - West</i></p>	<p><i>1 metre</i></p>	<p><i>Nil</i></p>	<p><i>Supported – no undue impact on neighbouring property.</i></p>
<p><i>Unit 2 Garage - East</i></p>	<p><i>1 metre</i></p>	<p><i>Nil</i></p>	<p><i>Supported – no undue impact on neighbouring property.</i></p>
<p><i>Building on Boundary: Unit 1</i></p>	<p><i>Build on 1 boundary. Maximum height 3 metres. Average height 3.5 metres.</i></p>	<p><i>Build on 3 boundaries. Maximum height 6.2 metres. Average height 3.865 metres.</i></p>	<p><i>Supported – boundary wall has been reduced in length and height, and no objections submitted by affected neighbour.</i></p>
<p><i>Unit 2</i></p>	<p><i>Build on 1 boundary. Maximum height 3 metres. Average height 3.5 metres.</i></p>	<p><i>Build on 3 boundaries. Maximum height 6.4 metres. Average height 4.02 metres.</i></p>	<p><i>Supported – as above</i></p>
<p><i>Privacy Setbacks: Unit 1 Upper Floor - Bed 1</i></p>	<p><i>4.5 metre setback or screening in accordance with the R Codes</i></p>	<p><i>1.030 metres to western boundary.</i></p>	<p><i>Supported – no undue impact due to overlooking into front setback area.</i></p>
<p><i>Unit 2 Upper Floor - Bed 1</i></p>	<p><i>4.5 metre setback or</i></p>	<p><i>1.030 metres to eastern</i></p>	<p><i>Supported – as above</i></p>

	<i>screening in accordance with the R Codes</i>	<i>boundary.</i>	
<i>Consultation Submissions</i>			
<i>Support</i>	<i>Nil</i>		<i>Noted</i>
<i>Objection (1)</i>	<ul style="list-style-type: none"> <i>Objection to not meeting the R30 density requirement as it impacts on the infrastructure and facilities which are only required to cope with R30 standards. By not rezoning the area, the other ratepayers are disadvantaged.</i> 		<i>The subdivision has already been granted conditional approval by the WAPC.</i>
	<ul style="list-style-type: none"> <i>Objection to the height limit as the proposed development would look directly down onto the rear yard of the neighbouring property compromising their privacy.</i> 		<i>The height has been addressed through the submission of compliant amended plans.</i>
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>

The amended plans do not propose any further variation to the Residential Design Codes and the Town's Policies, and do not have an undue impact on the amenity of the area, and as such there is no requirement to further advertise the proposal. On the above basis, the previous CEO and EMEDS Recommendation for refusal has been modified to approval, subject to standard and appropriate conditions to address the above matters.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 24 April 2007.

“CEO and EMEDS RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by S Radalj on behalf of the owner Y Cimen, & M Falcone, & A Magri & M Sedic for proposed Two (2) Two-Storey Single Houses, at No.4 (Lot 36 D/P: 2358) Salisbury Street Leederville, and as shown on plans stamp-dated 6 March 2007, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the upper floor setbacks, upper floor building on boundary, building height and privacy requirements of the Residential Design Codes;*
- (iii) the non-compliance with the Town's Policy relating to Leeder Residential Locality Statement given the undue impact of the boundary/parapet walls on an intact streetscape; and*
- (iv) consideration of objection received.*

CEO AND EMEDS COMMENTS:

The CEO and EMEDS have changed the Officer Recommendation for the following reasons:

- *The Town's Officers recommended refusal of the proposed subdivision of the property into two lots for the following reasons:*
 - “(i) the subdivision is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
 - (ii) the non-compliance with the average site area requirements pertaining to the R30 coding of the Residential Design Codes”.*
- *The existing Salisbury Street streetscape predominantly comprises detached single storey, single houses with side setbacks and this is strongly encouraged in the Leeder locality.*
- *The number and extent of variations to the development requirements, especially the number and bulk and scale of the boundary walls of the proposed dwellings, is considered to unduly impact the amenity of the neighbouring properties and the streetscape of Salisbury Street.*

The CEO and EMEDS have amended the Agenda Report as shown by strikethrough and underline.

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 BY AN ABSOLUTE MAJORITY~~ the application submitted by S Radalj on behalf of the owner Y Cimen, & M Falcone, & A Magri & M Sedie for proposed Two (2) Two Storey Single Houses, at No.4 (Lot 36 D/P: 2358) Salisbury Street, Leederville, and as shown on plans stamp dated 6 March 2007, subject to the following conditions:

- (i) ~~prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:~~*
 - (a) ~~the total building height being reduced to a maximum height of 7 metres above the natural ground level;~~*
 - (b) ~~the upper floor parapet walls adjacent to bedroom 3 of the dwellings being reduced to a maximum length of 4.06 metres for the section above 3.6 metres;~~*
 - (c) ~~for unit 1, the windows to bedroom 1 on the western elevation, the sitting room on the western elevation, and bedroom 3 on the southern and northern elevations, on the first floor, being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 6 Salisbury Street stating no objection to the respective proposed privacy encroachments; and~~*

~~(d) for unit 2, the windows to bedroom 1 on the eastern elevation, the sitting room on the eastern elevation, and bedroom 3 on the southern and northern elevations, on the first floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top-hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 2 Salisbury Street stating no objection to the respective proposed privacy encroachments.~~

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

~~(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) first obtaining the consent of the owners of Nos. 2 and 6 Salisbury Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 2 and 6 Salisbury Street in a good and clean condition;~~

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

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

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

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

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

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

~~(v) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Salisbury 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); and~~

~~(vi) — prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town.~~

COUNCIL DECISION ITEM 10.1.1

Moved Cr Messina, Seconded Cr Ker

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

CARRIED (6-0)

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

Cr Maier queried why Item 11.1 - Notice of Motion was not being brought forward for consideration as it was the subject of comment during public question time.

The Presiding Member ruled that Notices of Motion are not brought forward even though they may have been the subject of a comment during public question time.

Moved Cr Lake, Seconded Cr Maier

Dissent with the Presiding Member's ruling.

PROCEDURAL MOTION PUT AND LOST (2-4)

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

(Cr Farrell on leave of absence. Crs Chester and Torre were apologies.)

Landowner:	Y Cimen, M Falcone, A Magri & M Sedic
Applicant:	S Radalj
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	577 square metres
Access to Right of Way	North side, 5 metres wide, sealed, Town owned

BACKGROUND:

The Council at its Ordinary Meeting held on 12 April 2005 granted conditional approval for the demolition of existing single house and construction of a two-storey single house.

The Council at its Ordinary Meeting held on 25 July 2006 recommended conditional approval of the subdivision of the property for two (2) freehold lots. The Western Australian Planning Commission (WAPC) conditionally approved the subdivision on 6 September 2006. Subsequently, the Town cleared the relevant conditions and endorsed the Diagram of Survey on 8 December 2006. The proposed lots have not yet been created on Certificate of Title.

DETAILS:

The proposal involves the construction of two (2) two-storey single houses.

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>1.92 dwellings/lots R30</i>	<i>2 dwellings/lots R 34.6 3.9 per cent density bonus</i>	<i>Noted – subdivision to create proposed lots supported by the Council on 25 July 2006 and approved by the WAPC on 6 September 2006. Absolute majority of Council is required to approve subject density bonus.</i>
<i>Average Lot/Site Area</i>	<i>300 square metres</i>	<i>289 square metres</i>	<i>Noted - as above</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted.</i>
<i>Building Height: Unit 1 (West)</i>	<i>7 metres for concealed roof</i>	<i>7.1 metres</i>	<i>Not supported – excessive bulk and scale. conditioned to comply.</i>
<i>Unit 2 (East)</i>	<i>7 metres for concealed roof</i>	<i>7.3 metres</i>	<i>Not supported – excessive bulk and scale. conditioned to comply.</i>
<i>Building Setbacks: Unit 1 (West) - Ground Floor West</i>	<i>1.5 metres</i>	<i>Nil – 1 metres – 2 metres</i>	<i>Supported – no undue impact on neighbouring property.</i>
<i>- Upper Floor West Unit 2 (East) - Ground</i>	<i>6.4 metres (or 2.8 metres if no major opening).</i>	<i>Nil – 1.030 metres</i>	<i>Not supported – undue impact on neighbouring property. and major openings conditioned to be screened reducing the required setback.</i>

<i>Floor East</i>	<i>1.5 metres</i>	<i>Nil – 1 metres – 2 metres</i>	<i>Supported – no undue impact on neighbouring property.</i>
<i>- Upper Floor East</i>	<i>6.4 metres (or 2.8 metres if no major opening).</i>	<i>Nil – 1.030 metres</i>	<i>Not supported – undue impact on neighbouring property. and, major openings conditioned to be screened reducing the required setback.</i>
<i>Unit 1 Garage - West</i>	<i>1 metre</i>	<i>Nil</i>	<i>Supported – no undue impact on neighbouring property.</i>
<i>Unit 2 Garage - East</i>	<i>1 metre</i>	<i>Nil</i>	<i>Supported – no undue impact on neighbouring property.</i>
<i>Building on Boundary: Unit 1</i>	<i>Build on 1 boundary. Maximum height 3 metres. Average height 3.5 metres.</i>	<i>Build on 3 boundaries. Maximum height 6.25 metres. Average height 4.3 metres.</i>	<i>Not supported – excessive bulk and scale, and undue impact on existing streetscape and existing side setbacks. Upper boundary wall conditioned to be reduced in length.</i>
<i>Unit 2</i>	<i>Build on 1 boundary. Maximum height 3 metres. Average height 3.5 metres.</i>	<i>Build on 3 boundaries. Maximum height 6.45 metres. Average height 4.58 metres.</i>	<i>Not supported – excessive bulk and scale, and undue impact on existing streetscape and existing side setbacks. Upper boundary wall conditioned to be reduced in length.</i>
<i>Privacy Setbacks: Unit 1 Upper Floor - Bed 1</i>	<i>4.5 metre setback or screening in accordance with the R Codes</i>	<i>1.030 metres to western boundary.</i>	<i>Not supported – undue impact. and has been conditioned to comply.</i>
<i>- Bed 3</i>	<i>4.5 metre setback or screening in accordance with the R Codes</i>	<i>0.2 metre to western boundary.</i>	<i>Not supported – undue impact. and has been conditioned to comply.</i>
<i>- Sitting Room</i>	<i>6 metre setback or screening in accordance with the R Codes</i>	<i>1.030 metres to western boundary.</i>	<i>Not supported – undue impact. and has been conditioned to comply.</i>
<i>Unit 2</i>			

Upper Floor - Bed 1	4.5 metre setback or screening in accordance with the R Codes	1.030 metres to eastern boundary.	Not supported – undue impact. and has been conditioned to comply.
- Bed 3	4.5 metre setback or screening in accordance with the R Codes	0.2 metre to eastern boundary.	Not supported – undue impact. and has been conditioned to comply.
- Sitting Room	6 metre setback or screening in accordance with the R Codes	1.030 metres to eastern boundary.	Not supported – undue impact. and has been conditioned to comply.
<i>Consultation Submissions</i>			
<i>Support</i>	<i>Nil</i>		<i>Noted</i>
<i>Objection (1)</i>	<ul style="list-style-type: none"> • <i>Objection to not meeting the R30 density requirement as it impacts on the infrastructure and facilities which are only required to cope with R30 standards. By not rezoning the area, the other ratepayers are disadvantaged.</i> • <i>Objection to the height limit as the proposed development would look directly down onto the rear yard of the neighbouring property compromising their privacy.</i> 		<i>Supported in part – the subdivision has already been granted conditional approval by the WAPC. The Height has been can <u>be</u> conditioned to comply with Town of Vincent requirements.</i>
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>

* The 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:

In light of the above, the proposal is recommended for refusal. ~~considered supportable, subject to standard and appropriate conditions to address the above matters.~~””

10.1.3 Nos. 59-61 (Lots 10, 16, 17, 18, 19, and 20) Brewer Street, Corner Pier Street and Thorley Street, Perth - Proposed Demolition of Existing Warehouse Buildings and Construction of Four (4) Storey Residential Building Comprising Forty (40) Multiple Dwellings and Basement Car Parking

Ward:	South	Date:	5 June 2007
Precinct:	Beaufort; P13	File Ref:	PRO3797; 5.2007.178.1
Attachments:	001 002		
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 BY AN ABSOLUTE MAJORITY the application submitted by Overman & Zuideveld Architects on behalf of the owner Schnapper Developments and Town of Vincent for proposed Demolition of Existing Warehouse Buildings and Construction of Four (4) Storey Residential Building Comprising Forty (40) Multiple Dwellings and Basement Car Parking at Nos. 59-61 (Lots 10, 16, 17, 18, 19 and 20) Brewer Street, corner Pier Street and Thorley Street, Perth and as shown on site survey stamp dated 2 November 2006, and site, basement, ground floor, first floor, second floor, third floor plans and, roof elevation plans dated 17 May 2007 and sections dated 28 May 2007, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iv) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments, the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$18,660 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (v) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
 - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial, non-residential activities and adjacent stadium; and*

- (b) the Town of Vincent will not issue a visitor or residential car parking permit to any owner or occupier of the units. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

- (vi) any new street/front wall, fence and gate between the Brewer Street, Pier Street and Thorley Street boundaries and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (vii) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (viii) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ix) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Brewer and Thorley Streets verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (x) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town, and thereafter implemented and maintained;*
- (xi) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town. All tandem car bays are to be allocated for a specific multiple dwelling;*

- (xii) *the proposed vehicular gate for the basement car park being a minimum 50 percent visually permeable when viewed from rear right-of-way;*
- (xiii) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xiv) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xv) *prior to the first occupation of the development, the full length and width of the rear right of way from Pier Street to Thorley Street abutting the subject land shall be resealed, to the specifications of and supervision under the Town, at the applicant's/owner(s)' full expense;*
- (xvi) *a bond and/or bank guarantee for \$9,720 for the full upgrade of the right-of-way shall be lodged prior to the issue of a Building Licence;*
- (xvii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating balconies of units 9, 19, 18, 17, 16, 20, 30, 29, 28, 27, 31, 40, 39, and 38, living room windows of units 9 and 20 and bedroom 2 windows of units 9 and 20 on the southern elevation facing the rear right-of-way on the first, second and third floors, being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the finished first floor level, OR alternatively the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. 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. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties along Edward Street, respectively, stating no objections to the proposed privacy encroachment.*
- The revised plans shall not result in any greater variation to the requirements of the Town's Policies and the Residential Design Codes; and*
- (xviii) *the provision of underground power along the Brewer Street, Pier Street and Thorley Street frontages to the property including the installation of lighting on the southern elevation of the building facing the rear right of way (ROW), and all costs associated with the provision of this underground power and lighting on the southern elevation of the building facing the ROW shall be met by the owner(s).*

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensured.

Cr Messina departed the Chamber at 7.45pm

Debate ensured.

Cr Messina returned to the Chamber at 7.46pm

Debate ensured.

Cr Torre departed the Chamber at 7.50pm

Debate ensured.

Cr Torre returned to the Chamber at 7.52pm

Debate ensured.

MOTION CARRIED BY AN ABSOLUTE MAJORITY(5-3)

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

(Cr Ker was an apology for the meeting)

Landowner:	Schnapper Developments and Town of Vincent
Applicant:	Overman & Zuideveld Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Warehouse
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	1820 square metres
Access to Right of Way	South side, 3 metres wide, unsealed, privately owned

BACKGROUND:

Five of the six lots the subject of this development is owned by Schnapper Developments. The remaining Lot 10 is owned by the Town. Schnapper Developments is currently in the process of purchasing Lot 10 from the Town.

19 September 2006 The above proposal was presented to an Elected Members Forum by the applicants.

- 24 October 2006 The Council at its Ordinary Meeting considered the matter relating to the sale of Lot 10 corner of Brewer and Pier Streets, Perth.
- 5 December 2006 The Council at its Ordinary Meeting re-considered the matter relating to the sale of Lot 10 corner of Brewer and Pier Streets, Perth.
- 27 February 2007 The Council at its Ordinary Meeting considered the proposed demolition of existing warehouse buildings and construction of four (4) storey residential building comprising of forty one (41) multiple dwellings and basement car parking at Nos. 59-61 (Lots 10, 16, 17, 18, 19 and 20) Brewer Street, corner Pier Street and Thorley Street, and resolved " *That the Item be DEFERRED to allow the height of the development on the southern boundary to be redressed, allow consideration of a mixed three and four storey development and to address the resident's concerns.*"
- 10 April 2007 The Council at its Ordinary Meeting considered the proposed demolition of existing warehouse buildings and construction of four (4) storey residential building comprising forty (40) multiple dwellings and basement car parking at Nos. 59-61 (Lots 10, 16, 17, 18, 19 and 20) Brewer Street, where the " *MOTION AS AMENDED LOST (4-4) AS AN ABSOLUTE MAJORITY WAS NOT ACHIEVED....*

Reasons:

1. *Not consistent with the proper and orderly planning and the preservation of the amenity of the locality.*
2. *Non-compliance with the Residential Design Codes and the Town's policies relating to density, bulk and scale, parking, plot ratio, building height and number of storeys.*
3. *Not in keeping with the development of the surrounding area.*
4. *Non compliance with the Beaufort Precinct Policy 3.1.13."*

DETAILS:

The proposal involves the proposed demolition of existing warehouse buildings and the construction of a four (4) storey residential development and basement car parking comprising forty (40) multiple dwellings. Access to the basement car park will be off the rear right-of-way. Six (6) at grade angle visitor car parking is also provided off the rear right-of-way. Compared to the previous proposal, the ground floor bin storage has been enlarged and western staircase has been re-orientated. Unit 41 has been removed on the third floor and the setback to the right-of-way on the south side has been increased, which will reduce the perception of bulk to the building to the rear (south side). Units 31, 38 and 40 on the third floor have also been slightly increased in size. The number of car bays have been reduced from 55 car bays to 53 car bays.

The main differences between the revised plans dated 3 April 2007 considered at the Ordinary Meeting of Council held on 10 April 2007, and the current plans dated 17 May 2007 and section dated 28 May 2007 are summarised by the applicant as follows:

- *“The design of the proposed building on the corner of Brewer Street and Pier Street has been amended to provide a superior architectural design outcome. The façade to the corner of Brewer Street and Pier Street has been modified to provide a higher level of articulation. The curved feature provides greater interest at street level whilst complementing the surrounding land uses;*
- *The Brewer Street ground level elevation has been amended to remove the solid balustrades and replaced with glazed balustrades. The glazed balustrades provide a greater level of interaction between the residents and the pedestrian environment;*
- *The Council’s concerns regarding overlooking have been addressed through the introduction of horizontal screening. This development application proposes the addition of horizontal screening to the dwellings facing the Right of Way. The screening ensures a high level of visual and acoustic privacy for both the new development and existing properties as it prevents overlooking. This architectural feature enhances the proposed development whilst also protecting the amenity of the adjoining properties.”*

The applicant has submitted a comprehensive submission (attached) responding to the reasons stated in the Council's resolution of 10 April 2007. A coloured copy of the elevations has been "Laid on the Table".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R80 (14.56 multiple dwellings)	R220 (40 multiple dwellings). 175 per cent density bonus	Supported – as the development is consistent with the objectives of Clause 40 of TPS 1, in terms of enhancing the amenity of the area, with the demolition of the existing warehouses, consistent with proper and orderly planning of the locality. The intensity and use is consistent with the surrounding development and land uses, occupiers of the development and the conservation of amenities of the locality.
Plot Ratio	1.0 (1820 square metres)	1.89 (3443 square metres)	Supported – as the increase in density directly results in the increased plot ratio which is less than the 2.0 allowed for a R160 density.
Open Space	60 per cent or 1092 square metres	52.9 per cent or 962.05 square metres	Supported – as each dwelling is provided with a functional balcony. Furthermore, the

			communal open space has been consolidated in one area. The site is within close proximity to passive and active recreational areas.
Communal Open Space	656 squares metres	546.9 square metres	Supported- as above.
Privacy Setbacks: Facing Right-of-Way- (ROW) Bedroom Living area Balcony	4.5 metres 6 metres 7.5 metres	4.02 metres to 8 metres 4.02 metres to 8 metres 4.02 metres	Not supported – undue impact on neighbouring properties and to overcome the potential overlooking aspect, which is evident in the proposal, it is recommended that all major openings to balconies, living rooms and bedrooms within 7.5, 6.0 and 4.5 metres respectively from the ROW boundary be screened to a height of 1.6 metres from the finished floor level above 0.5 metre from natural ground level with fixed obscured glass, OR alternatively the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties to the satisfaction of the Town, so as to comply with the privacy requirements of the Residential Design Codes.
Car Parking	66 car bays of which 7 car bays to be marked as visitors car bays.	53 car bays of which 6 car bays are marked as visitors car bays.	Supported - as there is street parking available along Pier, Brewer and Edward Streets, for any over flow of car parking from the above development site. The development site is also within walking proximity to Perth City and well serviced by public transportation facilities. A condition is being recommended that the

			Town will not issue a visitor car parking permit to any owner or occupier of the units. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.
No. of Storeys	2 storey and loft	4 storeys and basement car park	Supported-as there are other similar high rise buildings in the area.
Height of Building	7 metres	14. 6 metres	Supported - as above.

Consultation Submissions

The revised proposal does not propose any other further variation to the Town's Policies, and does not have an undue impact on the amenity of the area. It is therefore considered that there is no need to further re-advertise the proposal. Moreover, the amended plans are being referred to the Council for its consideration and determination.

Support (1)	No comments provided	Noted
Objection (6)	Parking - concern that there is not enough parking for residents and visitors.	Not supported - see Non-Compliance Table above for comments.
	Height – concern that the four-storey development will unduly interrupt the existing streetscape.	Not supported-as there are other similar high rise buildings in the area, specifically Members Equity Stadium.
	Concern that height will overshadow adjoining properties and block sunlight to outdoor areas. Feeling of confinement for the occupants of Nos. 136 to 140 Edward Street being adjacent to a four storey high wall.	Not supported - as the proposal complies with the overshadowing requirements of the R Codes being less than the 50 per cent requirement (proposed is 33.2, 40, 37.1 and 35.6 per cent respectively). The development site is further separated by a rear right-of-way, which is to be increased in width from 3 metres to 4 metres.
	Density – concern that such a high density is unlikely to encourage families and mixed style living in the area.	Not-supported - as the development as designed would benefit the area without undue adverse impact to the

	<p>Concern that they will encourage social problems that have occurred in other high rise developments from the 1960's and 1970's. Support East Perth Redevelopment Authority vision of a height graduation, represented by R160 adjacent to Newcastle Street to R100 in Parry Street and Lindsay Street, down to R80 in the Beaufort Precinct.</p>	<p>surrounding amenity, in terms of bulk and scale. The proposal also involves removal of warehouses. The development is unlikely to encourage social related problems. There is no evidence submitted to substantiate these allegations. The dwellings are to be privately owned.</p>
	<p>Plot Ratio – concern that there is inadequate external space per occupant.</p>	<p>Not supported - as the Town has considered higher plot ratios provided that the "total development package" fits in with the surrounding development. Each dwelling is further provided with a 10 square metre balcony for personal recreation and use.</p>
	<p>Open space and communal open space – concern that there is inadequate space per occupant.</p>	<p>Not supported - see Non-Compliant table above for comments.</p>
	<p>Privacy – request screening to 1.6 metres above the Finished Floor Level for all balconies and windows over looking the laneway.</p>	<p>Supported - see Non-Compliance Table above for comments.</p>
	<p>Devaluation of surrounding properties.</p>	<p>Not supported – as this is not a valid planning ground for objection. Moreover, there is no evidence submitted to substantiate this claim.</p>
	<p>Noise from the large number of balconies allowing outdoor entertainment.</p>	<p>Not supported – as the use is a permitted “P” use with the Residential-Commercial zoning applying to the subject site.</p>
	<p>Concern that allowing such variations will set precedence for over-development.</p>	<p>Not supported - as the Town has the ability through its Town Planning Scheme and Policies to vary requirements based on individual merit of the development proposal, as in this case.</p>
	<p>Concern regarding the Council's lack of action regarding brothels in the area.</p>	<p>Not supported – as this issue is not related to this development proposal.</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 full Heritage Assessment is contained within the Attachment to this report.

The subject place at Nos.59 -61 Brewer Street, Perth comprises an eclectic range of connected buildings, which vary in style, ages and setback. The original portion of the place was built in the Inter-war Stripped Commercial style of architecture, circa 1927 and was used by the Western Australian Knitters Knitting Mill.

As outlined in the Heritage Assessment, the place is considered to have some historic value as the contextual setting of the factory premises, within a residential area is reminiscent of an early era in the development of inner city Perth.

The place is considered to have little aesthetic, social and/or scientific value. Given that the place has had numerous changes and additions to its original layout and details over the years, as well as the absence of other cultural heritage values, it is considered that the place does not meet the threshold for inclusion onto the Municipal Heritage Inventory. As such, it is considered reasonable that the application for the demolition of the subject dwelling be approved subject to a quality archival record and other standard conditions.

Conclusion

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

10.1.5 Draft Heritage Strategic Plan 2007-2012

Ward:	Both Wards	Date:	29 May 2007
Precinct:	All Precincts	File Ref:	PLA0088
Attachments:	001		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the Draft Heritage Strategic Plan 2007-2012;*
- (ii) *APPROVES IN PRINCIPLE the Draft Heritage Strategic Plan 2007 – 2012, as shown in Attachment 10.1.5; and*
- (iii) *AUTHORISES the Chief Executive Officer to:*
 - (a) *advertise the Draft Heritage Strategic Plan 2007 – 2012 for a period of 28 days seeking public comment;*
 - (b) *report back to the Council with any public submissions received; and*
- (iv) *APPROVES the Heritage Strategic Plan 2007-2012 (when adopted) to form part of the Town's Plan for the Future.*

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensured.

Moved Cr Chester, Seconded Cr Farrell

That the draft Heritage Strategic Plan be revised to include an indicative timeline for the performance measures before the Draft Plan is advertised.

AMENDMENT CARRIED (8-0)

(Cr Ker was an apology for the meeting)

Debate ensured.

Moved Cr Maier, Seconded Cr Chester

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

- "(ii) *APPROVES IN PRINCIPLE the Draft Heritage Strategic Plan 2007 – 2012, as shown in Attachment 10.1.5; subject to the Plan being amended as follows:*
 - (a) *Key Result Area No. 2 - Statutory Provisions and Policies be amended to read as follows:*
'Performance Measures:

...

~~... Complete the review of the Municipal Heritage Inventory~~

...'; and

(b) *Key Result Area No. 4 - Council Property and Heritage be amended to read as follows:*

'Performance Measures:

- *Identify increased revenue opportunities for heritage buildings and parks*
- *Review the hire and lease policy for sensitive sites and facilities to target maintenance cost reduction and identify further revenue opportunities.*
- *Develop and implement maintenance programs for heritage sites and facilities to enhance and promote good conservation practice and increase usage.*
- *Conduct open Days for leased and non-leased heritage properties owned by the Town, eg. Lee Hops Cottage to increase public access and awareness*
- *Promote ~~environmentally-friendly~~ sustainable practices and universal access for enhanced use and viability of places*
- *Undertake a survey of the Town's heritage assets to identify tasks that require heritage referrals for regular maintenance and capital works improvements*
- *Prepare Conservation Plans for all the Town's heritage assets listed on the Town's Municipal Heritage Inventory''*

Moved Cr Chester, Seconded Cr Doran-Wu

That the item be DEFERRED to include an indicative timeline and also to consider the proposed changes indicated by Cr Maier.

CARRIED (8-0)

(Cr Ker was an apology for the meeting)

PURPOSE OF REPORT:

The purpose of the report is to present the Draft Heritage Strategic Plan 2007-2012 to the Council and advertise the document for public comment.

BACKGROUND:

A Heritage Strategic Plan was first mooted in 1998 by the Heritage Advisory Group. Early versions of the document have been reviewed and incorporated where appropriate into the Draft Heritage Strategic Plan 2007-2012.

In addition to having regard to early drafts of the document, attention has also been given to aligning the document with the *Town of Vincent Plan for the Future 2006-2011* as well as the *Vincent Vision 2024* outcomes. More recent documents, such as the Town's Draft Sustainable Environment Plan 2007 – 2012, has also been given due consideration.

DETAILS:

Heritage management throughout the Town of Vincent deals with aspects of asset management, town planning and community programs. An important component of the Draft Heritage Strategic Plan 2007 - 2012 is the Key Result Areas which group common goals to assist the Town to achieve its mission, and identify the resources and actions required to undertake and achieve the objectives of each Key Result Area.

Five Key Result Areas have been identified as follows:

1. Community and Heritage - Education, Promotion and Celebration;
2. Statutory Provisions and Policy - A major responsibility of Council;
3. Funding Heritage Places - Resourcing and Supporting Heritage and Programmes;
4. Council Property and Heritage - Effective Management of Heritage Assets and Leading by Example; and
5. Heritage Expertise in Council - Improving Knowledge and Services.

CONSULTATION/ADVERTISING:

The Draft Heritage Strategic Plan 2007 - 2012 is to be advertised for 28 days in accordance with the Town's Community Consultation Policy 4.5.1.

LEGAL/POLICY:

There are no legal or policy implications applicable to this matter.

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011: Strategic Objectives - 1. Natural and Built Environment

"... 1.1.3 Enhance and maintain the character and heritage of the Town:

- (a) Adopt the Conservation Plan for Beatty Park Leisure Centre and Beatty Park, Plan and complete so that redevelopment plans can be guided by the Conservation Plan.*
- (b) Implement and promote the Municipal Heritage Inventory and Heritage Management Policies*
- (c) Implement and promote a Heritage Strategic Plan."*

The Heritage Strategic Plan 2007-2012 will form part of the Town's Plan for the Future.

FINANCIAL/BUDGET IMPLICATIONS:

The current 2006/2007 Budget allocates \$88,760 for Town Planning Scheme Amendments and Policies.

COMMENTS:

It is considered that the Draft Heritage Strategic Plan 2007 - 2012 is to become a key document to direct the Town of Vincent towards the development of a heritage management service which is of the highest quality and upholds the Town of Vincent mission. The Heritage Strategic Plan provides a blue print for the future direction for Heritage Services at the Town of Vincent within the broader context of the organisation itself and the community. The document provides both overarching direction as well as more prescriptive guidance to assist the Town to achieve its mission, and identify the resources and actions required to undertake and achieve the Heritage Strategic Plan's key objectives. It is also important that the Heritage Strategic Plan remains flexible and responsive to change and that it is updated and reviewed as required.

In light of the above, it is recommended that the Council receives this report, and approves the Draft Heritage Strategic Plan 2007 - 2012 in principle to be advertised.

**10.1.6 Amendment No. 8 to Planning and Building Policies – Draft Policy
Relating to Residential Design Elements**

Ward:	Both Wards	Date:	5 June 2007
Precinct:	All Precincts	File Ref:	PLA0141
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further amended version of the draft Policy relating to Residential Design Elements, as shown in Attachment 10.1.6;*
- (ii) *ADVERTISES the further amended version of the draft Policy relating to Residential Design Elements for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject draft Policy once a week for four (4) consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who in the opinion of the Town, might be directly affected by the draft Policy; and*
 - (c) *forwarding a copy of the draft Policy to the Western Australian Planning Commission (WAPC);*
- (iii) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the further amended version of the draft Policy relating to Residential Design Elements, having regard to any written submissions; and*
 - (b) *DETERMINES the further amended version of the draft Policy relating to Residential Design Elements, with or without amendments, to or not to proceed with them; and*
- (iv) *NOTES that prior to advertising the further amended version of the draft Policy relating to Residential Design Elements, the figures/diagrams/drawings will be added and/or revised as indicated in the draft Policy.*

Moved Cr Torre, Seconded Cr Chester

That this item be DEFERRED to the next meeting as there were numerous changes indicated by Elected Members for this item.

CARRIED (8-0)

(Cr Ker was an apology for the meeting)

Mayor Catania requested Councillors to ensure that their comments are submitted to the Town's Administration prior to the closing date of the next Agenda.

Cr Chester requested it be recorded in the Minutes that the Officers be congratulated on this matter.

PURPOSE OF REPORT:

The purpose of this report is to present the further amended version of the draft Policy relating to Residential Design Elements and to seek the Council's approval to advertise the Draft Policy.

BACKGROUND:

The preparation and development of the draft Residential Design Elements Policy commenced prior to the gazettal of the new Residential Design Codes (R Codes) in October 2002. Its development was initially gradual, however, in 2004 the policy development received more attention, and by May 2005, a draft Policy was advertised for public comment.

For the purpose of outlining the comprehensive and involved development of the draft Residential Design Elements Policy, it is considered appropriate in this instance to provide an overview of the progression of the draft Policy since its initiation in July 2004. Provided below is a synopsis of the Elected Member Forums and Council Meetings and decisions that have occurred since its initiation.

- On *19 October 2004*, the draft Residential Design Elements Policy was presented to an Elected Members Forum;
- On *30 November 2004*, the draft Policy was again considered and further discussed at an Elected Members Forum;
- On *14 December 2004*, the draft Policy was considered and debated at an Elected Members Forum;
- On *22 February 2005* at an Ordinary Meeting of Council, the Item was deferred to the following Ordinary Meeting of Council for further discussion and determination;
- On *15 March 2005* at a Special Meeting of Council, the Council resolved to advertise the draft Policy relating to Residential Design Elements;
- On *22 March 2005* at an Ordinary Meeting of Council, resulting from a motion initiated by Councillor Chester, the Council resolved to reconsider the Council decision of the Special Meeting of Council held 15 March 2005, and to amend the Assessment Table and Guidance Notes of Element 9 – Subdivision, as part of the Draft Policy;
- On *12 April 2005* at an Ordinary Meeting of Council, the Council resolved to defer consideration of the item relating to the draft Residential Design Elements Policy, to the following Ordinary Meeting of Council;
- On *26 April 2005* at an Ordinary Meeting of Council, resulting from a motion initiated by Councillor Lake, the Council resolved to reconsider the Council decision of the Ordinary Meeting of Council held 22 March 2005, and to amend the Assessment Table and Guidance Notes of Element 9 – Subdivision, as part of the Draft Policy and to advertise the draft Policy for public comment;
- On *23 August 2005* at an Ordinary Meeting of Council, an Interim Report outlining the submissions received during the public comment period and the development and progression of the draft Policy was presented to the Council. The Council resolved to seek further comments from the Western Australian Planning Commission and the State Administrative Tribunal in regard to the legal weighting of the draft Policy, and to include reference to the outcomes of the Community Visioning Project, *Vincent Vision 2024*, as part of the further development of the draft Policy. It was also resolved that the item be referred to an Elected Members Forum in September/October for consideration and discussion;
- On *18 October 2005*, the draft Residential Design Elements Policy was referred to an Elected Members Forum, consistent with the Council resolution of the Ordinary Meeting of Council held on 23 August 2005. It was concluded at this Elected Members Forum to hold an Elected Members Workshop with the Town's Officers, to assist in the

development of the Policy and promote open discussion and directives for the Town's Officers to further progress the draft Policy;

- On 4 May 2006, the draft Residential Design Elements Policy was presented to and considered at an Elected Members Workshop;
- On 14 November 2006, the draft Residential Design Elements Policy was presented to an Elected Members Forum;
- On 12 December 2006, the draft Residential Design Elements Policy was presented to an Elected Members Forum; and
- On 23 January 2007 at an Ordinary Meeting of Council, a report was presented to the Council providing an update with respect to the preparation of the draft Residential Design Elements Policy, and to refine the approach in which the draft Policy will be completed, following an Elected Members Forum and the outcomes.

DETAILS:

The Council at its Ordinary Meeting held on 23 January 2007 was presented with a report that provided an update with respect to the preparation of the draft Residential Design Elements Policy, and to refine the approach in which the draft Policy will be completed, following an Elected Members Forum and the outcomes. The Council resolved the following in relation to the Residential Design Elements Policy:

“That the Council;

- (i) *RECEIVES the Interim Report relating to the draft Residential Design Elements Policy, following a recent Elected Members Forum held on 12 December 2006, and associated Attachments;*
- (ii) *ADOPTS the following actions in relation to the future development and progression of the draft Residential Design Elements Policy;*
 - (a) *the draft Residential Design Elements Policy be further reviewed, and its structure and content be reflective of ‘Option C: Option C: Recommence, Reduce and Refocus’, consistent with the general consensus reached at the Elected Members Forum held on 12 December 2006;*
 - (b) *the ‘Guidance Notes’ and ‘Assessment Tables’ be re-collated into one composite document of the draft Residential Design Elements Policy;*
 - (c) *a new Policy relating to Streetscapes, independent but inherently linked to the draft Residential Design Elements Policy and future Town Planning Scheme, be prepared, and that a report and draft Policy be referred to the Council no later than February 2007;*
 - (d) *the timeframes depicted in the Attachment, be regarded as the agreed timeframes in which the Policies relating to the Residential Design Elements and Streetscapes will progress;*
 - (e) *the outcomes of Vincent Vision 2024 be incorporated into the draft Residential Design Elements Policy as a dedicated section and throughout the draft Policy, in the objectives for every Design Element;*
 - (f) *the wording relating to ‘Lofts’ be revised and made clearer and more stringent;*

- (g) *a maximum building height of 9 metres to top of pitched roof be imposed for all residential buildings within the Town, with exceptions to this maximum height being restricted to topographical and other environmental considerations; and*
- (h) *further criteria relating to the preservation and consideration of streetscape character be developed in relation to the exceptional circumstances where carports and garages are acceptable within the front setback;*
- (ii) (i) *new policies relating to:*
- (1) *Subdivisions; and*
- (2) *Single Bedroom Dwellings;*
- independent but inherently linked to the draft Residential Design Elements be prepared and that a report and draft policy be referred to Council no later than April 2007;*
- (iii) *ACKNOWLEDGES that the final adoption of the draft Policies relating to the Residential Design Elements and Streetscapes, will be no later than June 2007; and*
- (iv) *APPROVES the procedure whereby the draft Residential Design Elements Policy is not to be applied in the assessments of development applications until the Policy is formally adopted, and that only formally adopted Policies are to be used in the assessment of development applications.”*

In light of the above, the following is a summary of the major amendments made to the draft Residential Design Elements Policy:

- Option C: ‘Recommence, Reduce and Refocus’ has been implemented;
- The ‘Guidance Notes’ and ‘Assessment Tables’ have been re-collated into one composite document;
- The outcomes of *Vincent Vision 2024* have been incorporated into the draft Residential Design Elements Policy as a dedicated section, and throughout the draft Policy, mainly in the objectives for every Design Element;
- The wording relating to ‘Lofts’ has been revised and made clearer and more stringent;
- A maximum building height of 9 metres to top of pitched roof has been imposed for all dwellings within the Town, with exceptions to this maximum height being restricted to topographical and other environmental considerations;
- Further criteria relating to the preservation and consideration of streetscape character has been developed in relation to the exceptional circumstances where carports and garages are acceptable within the front setback; and
- Deletion of the building envelope requirements.

A further review of the building envelope concept has concluded that this concept should be deleted from the Building Design Element for the following reasons:

- The building envelope may be interpreted that the dwelling should have a ‘box’ design, therefore, not engendering articulation and a good design outcome;
- The building envelope is not considered necessary to further control the bulk and scale of residential development, as the development parameters in relation to building height, street setbacks and side setbacks have been made more stringent; and

- The detailed building height, street setback and side setback requirements will prevent 'bad' and 'box' designs by requiring articulation and staggered setbacks without being overly restrictive in terms of the 'foot print', which is more suitable to the relatively small, varied lots in the Town.

A separate Progress Report relating to the proposed Policies relating to Residential Streetscapes, Residential Subdivisions and Single Bedroom Dwellings, is included in this Agenda.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 states:

"Strategic Objective 1 : Natural and Built Environment

- 1.1 *Improve and maintain environment and infrastructure*
 - 1.1.2 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.*
 - 1.1.3 *Enhance and maintain the character and heritage of the Town.*
 - 1.1.4 *Minimise negative impacts on the community and environment."*

FINANCIAL/BUDGET IMPLICATIONS:

The current 2006/2007 Budget allocates \$88,760 for Town Planning Scheme Amendments and Policies.

COMMENTS:

In light of the above, it is recommended that the Council receives this report and advertises the Draft Residential Design Elements Policy in accordance with the Officer Recommendation.

10.2.1 Further Report No 2 - Proposed Redevelopment - Axford Park, Mount Hawthorn

Ward:	North	Date:	27 June 2007
Precinct:	Mt Hawthorn P1	File Ref:	RES0049
Attachments:	001		
Reporting Officer(s):	R Lotznicker, J van den Bok		
Checked/Endorsed by:		Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report No 2 on the proposed redevelopment for Axford Park, Mount Hawthorn;*
- (ii) *NOTES that;*
 - (a) *the Mount Hawthorn RSL have been consulted regarding the proposed relocation of the memorial, fully support the proposal and their comments and input have been incorporated in the attached revised Plan No 2448-CP-5A;*
 - (b) *the revised estimated cost of the proposal as outlined on attached Plan No 2448-CP-5A is \$205,000;*
 - (c) *funds totalling \$175,000 will be available in the 2007/2008 Budget to implement the proposal; and*
 - (d) *the planting of waterwise shade trees under-planted with waterwise landscaping, including bird attracting native plants, is not supported as this proposal is not considered to be appropriate in the context of the Axford Park proposal for the reasons outlined in the report;*
- (iii) *APPROVES the revised proposal as outlined on attached Plan No plan No 2448-CP-5A and;*
 - (a) *proceeds with the installation of the self cleaning toilet, demolition of the existing building (and associated works) as the first stage of the project; and*
 - (b) *determines the additional funds required to complete the project once the works as outlined in clause (iii)(a) have been completed; and*
- (iv) *RECEIVES a further report outlining additional funds required to complete the project as per clause (iii)(b).*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

A new Plan No. 2448-CP-5B was tabled therefore corrected clauses (ii)(b) and (iii) to show Plan No.2448-CP-5B

Debate ensued.

MOTION CARRIED (6-2)

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

(Cr Ker was an apology for the meeting)

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (i) *RECEIVES the further report No 2 on the proposed redevelopment for Axford Park, Mount Hawthorn;*
- (ii) *NOTES that;*
 - (a) *the Mount Hawthorn RSL have been consulted regarding the proposed relocation of the memorial, fully support the proposal and their comments and input have been incorporated in the attached revised Plan No 2448-CP-5A;*
 - (b) *the revised estimated cost of the proposal as outlined on attached Plan No 2448-CP-5B is \$205,000;*
 - (c) *funds totalling \$175,000 will be available in the 2007/2008 Budget to implement the proposal; and*
 - (d) *the planting of waterwise shade trees under-planted with waterwise landscaping, including bird attracting native plants, is not supported as this proposal is not considered to be appropriate in the context of the Axford Park proposal for the reasons outlined in the report;*
- (iii) *APPROVES the revised proposal as outlined on attached Plan No plan No 2448-CP-5B and;*
 - (a) *proceeds with the installation of the self cleaning toilet, demolition of the existing building (and associated works) as the first stage of the project; and*
 - (b) *determines the additional funds required to complete the project once the works as outlined in clause (iii)(a) have been completed; and*
- (iv) *RECEIVES a further report outlining additional funds required to complete the project as per clause (iii)(b).*

PURPOSE OF REPORT:

The purpose of this report is to provide further information to the Council with regard to its preferred option for the redevelopment options for Axford Park in Mt Hawthorn.

BACKGROUND:

As the Council is aware, Axford Park, in Mount Hawthorn, was upgraded in March/April 2001 to facilitate ANZAC day commemorations. At its Ordinary meeting held on 19 December 2006, the Council decided to carry out extensive community consultation regarding four (4) possible redevelopment options for the park. A further report on the results of the consultation was considered by the Council at its Ordinary Meeting held on 27 March 2007, where the following decision was adopted:

That the Council;

- (i) *RECEIVES the further report on the proposed redevelopment options for Axford Park, Mount Hawthorn;*
- (ii) *NOTES;*
 - (a) *the comments received regarding the four (4) possible redevelopment Options for Axford Park as outlined on attached Plans Nos 2448-CP-1 to 4;*
 - (b) *that a number of Respondents, including the Mt Hawthorn branch of the Returned and Services League of Australia WA Branch Inc. (RSL), indicated a preference for a self cleaning toilet to be installed on the site should the existing building be demolished;*
- (iii) *ACKNOWLEDGES that while the residents' views were varied, the majority of respondents were in favour of one or other of the redevelopment options, all of which included the demolition of the existing building on the site;*
- (iv) *APPROVES the implementation of Option 2 as shown on attached Plan No 2448-CP-2, subject to revised layout and costings being submitted and approved by Council and considers replacing the proposed pencil pines with waterwise shade trees appropriate to the era of this park under-planted with waterwise landscaping including bird attracting native plants;*
- (v) *delays demolition of the existing toilet block until a self-cleaning toilet is installed in the Park;*
- (vi) *LISTS for consideration \$105,000 in the 2007/2008 draft budget for the installation of a self cleaning toilet in Axford Park;*
- (vii) *ADVISES all respondents of its decision and thanks them for their feedback regarding the proposal; and*
- (viii) *REFERS the proposed roundabout at the junction of Oxford Street and Scarborough Beach Road to the Local Area Traffic Management Advisory Group for discussion.*

DETAILS

The following information is provided with regard to Clause (iv) of the Council's decision, where the implementation of Option 2 (refer attached Plan No 2448-CP-2) was approved subject to the following conditions:

Proposed Revised layout:

The Council's preferred option (option 2), previously estimated to cost \$162,000, comprised the following:

- Demolition of existing building
- Relocation of memorial to the site of the demolished building
- Landscaping new memorial site
- Canary Island palm and seating to be located at previous memorial site
- Installation of self cleaning toilet

Following the Council decision, officers arranged a site meeting with representatives from the Mount Hawthorn Returned and Services League (RSL) in early May 2007, to discuss Council's preferred option for the redevelopment of the park. Following the meeting, a plan was prepared incorporating comments from the RSL. This plan was subsequently discussed at a May 2007 RSL meeting and, following this, a further meeting was held between officers and RSL representatives.

RSL Comments:

The RSL are fully *in favour* of relocating the memorial from its current location to opposite Oxford Street. They consider this location to be a more suitable location and will give the memorial more prominence and make it more of a focal point in the park.

The RSL further indicated that the memorial should face Oxford Street as this would be the predominant view to the memorial. They also suggested that more turfed area is required in the vicinity of the memorial and that a low limestone wall, for people to sit on, should be installed on the west side of the memorial.

They were not in favour of native plantings, or any additional plantings, in the vicinity of the memorial as they considered the existing large exotic trees with their spreading canopies provided adequate amenity.

The RSL were in favour of the installation of a self cleaning toilet and considered that a Gazebo should be considered on the former memorial site and that they could apply for funding to assist the Town for the gazebo in the future.

Officers' Comments

As a result of meetings with members of the Mount Hawthorn RSL, Plan No 2446-CP-5A has been prepared. This plan is generally based on the same principles as option 2 (*refer attached Plan No 2448-CP-2*).

Plan No 2446-CP-5A includes the following:

- Demolition of existing building
- Modified path layout to the memorial site including removal of existing paths to increase turfed areas
- Relocation of memorial to the site of the demolished building and increase the height of the memorial
- No additional landscaping is proposed other than a rose garden and some additional ground cover. A low limestone retaining wall will be installed on the western/northern extent of the brickpaved area. This will be required as the ground will require 'levelling off' to accommodate the memorial and will double up as seating

- Due to the extensive thick concrete base and comments from the RSL, it is proposed that the former memorial site be brick paved, seating provided and that the site be considered for a future gazebo
- Installation of self cleaning toilet

Revised Estimated Costs:

The preliminary estimated cost for option 2 was \$162,000. Officers have now determined that the estimated cost to implement a 'modified' option 2, as outlined on Plan No 2446-CP-5A, is in the order of \$205,000.

This includes the self cleaning toilet, which has now been estimated to cost \$130,000, and relocation and extending the height of the memorial, which has been estimated to cost in the order of \$25,000. The remaining \$55,000 includes the following:

- Removal of paving
- Earthworks
- Retaining wall
- Concrete base for monument
- New paving
- Landscaping/turf/reticulation
- Contingency/supervision

Landscaping:

The memorial needs to be the focal point in the park, surrounded by paving, retaining wall/seating and turfed areas in between the existing garden beds and the proposed paving around the memorial.

At the Ordinary Meeting of Council held on 27 March 2007, officers were requested to '*consider replacing the proposed Pencil Pines with waterwise shade trees appropriate to the area, under-planting with waterwise landscaping, including bird attracting native plants*'.

Axford Park comprises of many large palms, a significant Bunya pine and various other trees including many Ficus species that are planted within the north eastern corner of the park. The existing Ficus tree canopies in particular, currently cover and shade a large area of the park and it is considered that there is no scope or space to accommodate additional trees in the proposed design.

Existing under planting consists of various shrub and groundcover species, of which many would be considered waterwise. Additional waterwise plants such as Dianella and Lomandra will be incorporated into the final design.

It should be noted that the Mt Hawthorn RSL have indicated a preference to retain a rose bed adjacent to the Memorial along Scarborough beach Road.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.5 Enhance and maintain parks and community facilities. "*(b) Implement infrastructure improvements for public open space, including the Wetlands Heritage Trail and the Greenway*".

FINANCIAL/BUDGET IMPLICATIONS:

The Council has allocated \$50,000 in the current (2006/2007) budget for Axford Park - Toilet Demolition and replacement landscaping, and \$125,000 in the 2007/2008 draft budget - \$175,000 in total. The preliminary estimated cost of the proposal is \$205,000.

COMMENTS:

As previously reported to the Council, following community consultation, although the community had mixed views, the majority of respondents supported a redevelopment of some type at Axford Park and the majority of respondents were in favour of the demolition of the toilet block, however, there were mixed views on the relocation of the memorial. Notwithstanding this, the Mount Hawthorn RSL have indicated they support relocating the memorial to a more prominent location within the park, as outlined in this report.

The estimated cost of the revised proposal as presented is \$205,000 and funds totalling \$175,000 have been allowed for in the 2007/2008 budget. It is therefore recommended that the Council proceed with the installation of the self cleaning toilet, demolition of the building and associated works as the first stage of implementing the proposal. Once these works have been completed, it is recommended that the remaining works be costed to determine whether additional funds will need to be allocated.

10.2.2 Waiving of Annual Rubbish Charge - 45 Money Street, Perth

Ward:	South	Date:	28 May 2007
Precinct:	Beaufort P13	File Ref:	ENS0027
Attachments:	-		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	M Rootsey	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the waiving of the Annual Rubbish Charge at 45 Money Street, Perth;
- (ii) **NOTES:**
 - (a) *the reasons for supporting the waiving of the Annual Rubbish Charge for one (1) Mobile Garbage Bin as outlined in the report;*
 - (b) *that, in recognition of the services provided to the community and as a gesture of good will, the property was previously provided with one (1) MGB by the Town at no charge;*
- (iii) **APPROVES BY AN ABSOLUTE MAJORITY** the waiving of the Annual Rubbish Charge for an additional Mobile Garbage Bin of \$210 per annum (2006/2007 Fees and Charges); and
- (iv) **ADVISES** the President of the Vietnamese Buddhist Association of WA of its decision.

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

That the recommendation be adopted

MOTION CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Ker was an apology for the meeting)

PURPOSE OF REPORT:

The purpose of this report is to request the Council to waive the Rubbish Charge at the non rateable property, the Vietnamese Buddhist Association of WA (*the Association*), located at 45 Money Street, Perth.

BACKGROUND:

In late 2006 the Town received a request from the Vietnamese Buddhist Association of WA, located at 45 Money Street, to repair/replace three (3) damaged Mobile Garbage Bins (MGBs) at the above address. Following this request it was revealed that the Town had no record of the MBGs at this address and therefore the property was not being charged for the waste collection service. The property had five (5) MGBs.

DETAILS:

In accordance with the Council's fees and charges, non rateable properties are required to pay a rubbish charge of \$210 per bin per annum (2006/2007 fees and Charges). Upon determining that no fees were being paid, a letter was sent to the Association advising that if they required the rubbish service to continue, they would be required to pay for the number of MGBs.

A letter was subsequently received from the Association advising that the City of Perth (former) had given them the MGBs to use free of charge (well prior to the creation of the Town in 1994) and that as this was a public place they required the five (5) MGBs.

At a subsequent site meeting, the Association claimed they only required the additional MGBS during events. Therefore, as a gesture of 'good will', they were allowed to retain one (1) MGB (at no charge) and the four (4) MGBs were removed. They were also advised that should they require the additional MGBs during an event, the Town would provide the MGBs at \$18 per MGB per event (in accordance with the Fees and Charges - 2006/2007).

A subsequent meeting was held with the President of the Association in May 2007 to further discuss this matter. At this meeting they requested an additional MGB at no charge as they advised that only one (1) MGB was not suitable.

They were advised that the Town could provide recycling bins at no additional charge, however, to waive the fee on the additional MGB as requested, would need a Council decision.

The Association has now been provided with one (1) MGB at no charge and the four (4) MGBs have been removed from the premises. The Association require additional bins when they have an event. This they are prepared to pay for event by event (\$18 per additional bin per event).

The Association has requested an additional MGB at no charge. It is considered that this should be supported as they thought the five (5) MGBs they had for so long were free and they are now prepared to pay the appropriate charges for additional MGBs during events.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 4.1.4 Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.

FINANCIAL/BUDGET IMPLICATIONS:

The Town has been collecting waste from these premises since its inception at no charge. The cost to the Town for the additional MGB, as requested, will be \$210 per annum (2006/2007 fees and charges).

COMMENTS:

As mentioned in the report, the Association has requested an additional MGB at no charge. It is therefore recommended that this be supported as the Association considered the five (5) MGBs they had for so long were free of charge and they are now prepared to pay the appropriate charges for any additional MGBs during events. The Vietnamese Buddhist Association provide a valuable service to the community, accordingly, the provision of 1 bin (free of cost) is supported in recognition of this.

10.3.1 Investment Report as at 31 May 2007

Ward:	Both	Date:	1 June 2007
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	B Wong		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

The Presiding Member advised that he and Cr Messina had declared a financial interest in this item, they did not speak or vote on this item and departed the Chamber at 8.37pm. Deputy Mayor Cr Farrell assumed the Chair.

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 May 2007 as detailed in attachment 10.3.1.

Moved Cr Torre, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (6-0)

(Cr Ker apology for the meeting)

Mayor Catania and Cr Messina absent from the Chamber

Mayor Catania returned at 8.38pm and assumed the Chair

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 as detailed in attachment 10.3.1.

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 May 2007 were \$15,381,269 compared with \$17,495,568 at 30 April 2007. At 31 May 2006, \$11,753,389 was invested.

Total accrued interest earned on Investments as at 31 May 2007:

	Budget	Actual	%
	\$	\$	
Municipal	370,000	477,874	129.16
Reserve	434,300	572,670	131.86

COMMENT:

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

The major contributing factor of the significant increase in funds held in investments over the level of funds held last year, is due to the receipt in November of the \$3.8M loan funds for the Underground Power Project these funds will be called down over the twelve month period of the project.

10.4.2 Members Equity Stadium Committee - Receiving of Minutes

Ward:	South	Date:	1 June 2007
Precinct:	Beaufort, P13	File Ref:	RES0082
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Confirmed Minutes of the Members Equity Stadium Committee Meeting held on 20 February 2007 and the Unconfirmed Minutes of the Stadium Committee meeting held on 17 April 2007, as shown in Appendix 10.4.2; and*
- (ii) *ACCEPTS the recommendations of the Stadium Committee.*

CORRECTED OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Confirmed Minutes of the Members Equity Stadium Committee Meeting held on 20 February 2007 and the Unconfirmed Minutes of the Stadium Committee meeting held on 17 April 2007, as shown in Appendix 10.4.2;*
- (ii) *ACCEPTS the recommendations of the Stadium Committee; and*
- (iii) *APPROVES BY AN ABSOLUTE MAJORITY, pursuant to Section 5.10 of the Local Government Act 1995, to appoint Cr and Cr as Deputy Member to the Members Equity Stadium Committee.*

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

The Presiding Member called for nominations and Cr Farrell and Cr Doran-Wu nominated.

Chief Executive Officer advised that a ballot would need to be held to determine the Member and Deputy Member.

Cr Doran-Wu withdrew her nomination as Member and submitted her nomination as Deputy Member.

Debate ensued.

Cr Messina returned at 8.40pm

Debate ensued.

Cr Lake nominated as a Member.

The Presiding Member advised that a ballot would therefore be held.

Cr Chester departed the Chamber at 8.45pm

Cr Chester returned to the Chamber at 8.46pm

The Chief Executive Officer distributed ballot papers and a ballot was held.

The Presiding Member advised that the result of the ballot was Cr Farrell - 5 votes, Cr Lake - 3 votes, and he declared Cr Farrell to be appointed as the Member and Cr Doran-Wu therefore the Deputy Member.

Debate ensued.

MOTION CARRIED BY AN ABSOLUTE MAJORITY (7-1)

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

(Cr Ker was an apology for the meeting)

COUNCIL DECISION ITEM 10.4.2

That the Council;

- (i) *RECEIVES the Confirmed Minutes of the Members Equity Stadium Committee Meeting held on 20 February 2007 and the Unconfirmed Minutes of the Stadium Committee meeting held on 17 April 2007, as shown in Appendix 10.4.2;*
- (ii) *ACCEPTS the recommendations of the Stadium Committee; and*
- (iii) *APPROVES BY AN ABSOLUTE MAJORITY, pursuant to Section 5.10 of the Local Government Act 1995, to appoint Cr Farrell and Cr Doran-Wu as Deputy Member to the Members Equity Stadium Committee.*

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Confirmed Minutes of the Members Equity Stadium Committee Meetings held on 20 February 2007 and the Unconfirmed Minutes of the Stadium Committee meeting held on 17 April 2007.

BACKGROUND:

At the Ordinary Meeting of Council held on 14 September 2004, the Council considered the establishment of a Committee for the management of the Stadium (known as "Members Equity Stadium") and resolved inter alia as follows;

"That the Council APPROVES BY AN ABSOLUTE MAJORITY; ...

- (iii) *to delegate the following functions to the Committee;*
- (a) *to establish and review the Heads of Agreement (HOA) Key Performance Indicators (KPIs) in conjunction with Allia;*
 - (b) *to assess whether each proposed Licensing Agreement is consistent with the KPIs and the provisions of the HOA and to approve the proposed Licensing Agreement if it is consistent;*
 - (c) *to supervise the performance of the Services by Allia and to ensure that Allia performs the Services in accordance with the KPIs and the HOA;*
 - (d) *to receive and consider Performance Reports;*
 - (e) *to advise the Council on Capital Improvements required for the Stadium and to make recommendations to the Council about the use of the Reserve Fund;*
 - (f) *to review Naming Signage; and*
 - (g) *to review the Risk Management Plan;*

(For the purpose of avoidance of doubt, it is acknowledged that the Committee's functions do not include carrying out any of the Operational Management Services which are to be provided by Allia)."

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The Local Government Act Regulations 1996 requires that Committee Meeting Minutes be reported to the Council.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan 2006-2011 - "*Leadership, Governance and Management*", in particular, Objective 4.1.2 - "*Manage the Organisation in a responsible, efficient and accountable manner.*"

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The reporting of the Town's Committee Minutes to the Council Meeting is in keeping with the Local Government Act 1995 and its regulations.

10.4.3 Delegations for the Period 1 January 2007 to 31 March 2007

Ward:	Both	Date:	22 May 2007
Precinct:	All	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	J MacLean, S Beanland		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the delegations for the period 1 January 2007 to 31 March 2007 as shown in Appendix 10.4.3; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices/costs to the value of \$49,460.00 for the reasons as detailed below.*

<u>Description</u>	<u>Amount</u>
<i>Breakdown/Stolen (Proof Produced)</i>	<i>\$1,405.00</i>
<i>Details Unknown/Vehicle Mismatched</i>	<i>\$2,085.00</i>
<i>Equipment Faulty (Confirmed by Technicians)</i>	<i>\$1,335.00</i>
<i>Failure to Display Resident or Visitor Permit</i>	<i>\$18,265.00</i>
<i>Interstate or Overseas Driver</i>	<i>\$5,515.00</i>
<i>Litter Act</i>	<i>\$675.00</i>
<i>Dog Act</i>	<i>\$200.00</i>
<i>Other (Financial Hardship, Disability, Police On-duty, Etc)</i>	<i>\$7,350.00</i>
<i>Penalties Modified</i>	<i>\$1,155.00</i>
<i>Pound Fees Modified</i>	<i>\$270.00</i>
<i>Ranger/Clerical Error</i>	<i>\$4,050.00</i>
<i>Signage Incorrect or Insufficient</i>	<i>\$1,320.00</i>
<i>Ticket Purchased but not Displayed (Valid Ticket Produced)</i>	<i><u>\$5,835.00</u></i>
TOTAL:	<i>\$49,460.00</i>

Moved Cr Farrell, **Seconded** Cr Messina

That the recommendation be adopted.

MOTION CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Ker was an apology for the meeting)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the Ranger Services and Community Safety Section for the period 1 January 2007 to 31 March 2007 and to obtain the Council's approval to write-off infringement notices.

BACKGROUND:

The Local Government Act 1995, at Section 5.42, allows for a Council to delegate to the Chief Executive Officer its powers and functions.

The purpose of delegating authority to the Chief Executive Officer is to provide for the efficient and orderly administration of the day to day functions of the Local Government. The Chief Executive Officer, Executive Managers and specific Managers exercise the delegated authority in accordance with the Council's policies.

DETAILS:

By far, the single area which results in most infringement notices being withdrawn, is that of a resident/ visitor who was not displaying the necessary permits. While the offence is "Failure to Display a Valid Permit", it is not considered appropriate to penalise residents and their visitors, since the primary purpose of introducing Residential Parking Zones is to provide respite to them. The other area of withdrawal which shows a high balance of written-off penalties is that of "Other" and this category incorporates everything not specifically identified in one of the other categories. "Other" incorporates withdrawals for "Financial hardship", "Disabilities", "On-duty Emergency Personnel", such as Police detectives, Doctors, Silver Chain Nurses, Counsellors, etc, where they provide evidence that they were on-duty.

Other than the above categories, the next most prevalent withdrawal class is that of a driver purchasing a parking ticket, but not displaying it on the dashboard. Where a driver provides a valid purchased parking ticket to the Town and states that he had purchased it for his/her vehicle, it has been the practice to withdraw the infringement notice. It is acknowledged that the "valid ticket" could have been purchased for another vehicle and be passed on to the driver who received the infringement notice, but this has been difficult to prove. In an attempt to reduce this category of withdrawals, Ranger Services staff now send a Statutory Declaration Form to the offender, requiring him/her to provide the information in an evidentiary format. The basis for this is that, since there are severe penalties for giving an untruthful declaration, this may reduce the incidence, but where an offender submits a Statutory Declaration, it can be taken to be similar to giving evidence in a Court of Law and the infringement notice should be withdrawn.

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 the Council on a quarterly basis on the delegations utilised by the Town's Administration. A copy of these for the quarter is shown in the attached Appendix 10.4.3.

At the Council Meeting held on 23 January 2007, a New Policy No 3.9.2 was adopted to review requests for review of Parking Infringement Notices.

STRATEGIC IMPLICATIONS:

The above is in accordance with Strategic Objective 4.1.4(a) "*Achieve best Practice corporate governance standards and statutory compliance including effective delegations and independent review of processes*".

FINANCIAL/BUDGET IMPLICATIONS:

The Council's Auditors recommend that infringement notices be reported to the Council for a decision to write-off the value of the infringement notice. In these cases, it is the opinion of the Co-ordinator/Prosecutions Officer 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:

<u>Description</u>	<u>Amount</u>
Breakdown/Stolen (Proof Produced)	\$1,405.00
Details Unknown/Vehicle Mismatched	\$2,085.00
Equipment Faulty (Confirmed by Technicians)	\$1,335.00
Failure to Display Resident or Visitor Permit	\$18,265.00
Interstate or Overseas Driver	\$5,515.00
Litter Act	\$675.00
Dog Act	\$200.00
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$7,350.00
Penalties Modified	\$1,155.00
Pound Fees Modified	\$270.00
Ranger/Clerical Error	\$4,050.00
Signage Incorrect or Insufficient	\$1,320.00
Ticket Purchased but not Displayed (Valid Ticket Produced)	\$5,835.00
TOTAL:	\$49,460.00

COMMENTS:

It is recommended that the delegations be endorsed by the Council.

10.4.4 Draft Policy - Use of Open Fires at Public Buildings within the Town of Vincent

Ward:	Both	Date:	5 June 2007
Precinct:	All	File Ref:	ENS0043
Attachments:	001		
Reporting Officer:	S Teymant		
Checked/Endorsed by:	A Giles; R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report relating to the use of open fire places at Public Buildings within the Town of Vincent;
- (ii) **APPROVES** the application from The Queens Tavern, for an open fire in their building at No. 512 - 522 Beaufort Street, Highgate;
- (iii) **in accordance with Section 5.42 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY** to delegate to the Chief Executive Officer the power to approve as follows;

<i>Delegation Number</i>	<i>Responsible Area</i>	<i>Delegation</i>	<i>Assignee</i>	<i>Conditions</i>
14A	Health Services	Authority to: (i) Approve open fires at Public Buildings	EMEDS	Subject to: 1. A report being received from the Town's Manager Health Services, supporting any application for such open fire; 2. Compliant with Policy No. 3.8.9; and 3. A Register of approvals being kept and updated annually.

- (iv) **APPROVES IN PRINCIPLE** the Draft Policy 3.8.9 - Use of Open Fires at Public Buildings Within the Town of Vincent, contained in Appendix 10.4.4; and
- (v) **AUTHORISES** the Chief Executive Officer to:
 - (a) **advertise the Draft Policy 3.8.9 - Use of Open Fires at Public Buildings Within the Town of Vincent, for a period of 21 days seeking public comment;**
 - (b) **report back to the Council with any public submissions received; and**
 - (c) **include the new Policy in the Town's Policy Manual if no public submissions are received.**

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

MOTION CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Ker was an apology for the meeting)

PURPOSE OF REPORT:

A recent request by the Queens Tavern to continue use of its' open fire places has revealed that the *Health (Public Building) Regulations 1992* require the Town to approve their use. Given that such approvals may result in transference of liability from the proprietor to the Town, it is considered judicious that the Council resolves to only approve the use of open fire places under stringent conditions, including the provision of indemnification by the applicant.

DETAILS:

Reason for Policy Development

The following letter was received from the Queens Tavern on 23 April 2007:

"I wish to request consideration by the council that the Queens may maintain six open fire places in compliance with the Health (Public Buildings) Regulations 1992.

Please note that since 1986 under the operation of Australian Leisure and hospitality Group the Queens has been seasonally operating its open fire places with out disapproval from the town's council. Our fire places are indeed a much loved aspect of the tavern to many local and visiting patrons.

Most importantly, please also note the standard operation information below when considering this request.

- *We intend to operate the fire places from Late May until August pending weather.*
- *We execute professional chimney sweeps twice a year, (before and after usage period).*
- *Heavy fire grills (approximately 8kgs) to be in front of each fire place at all times*
- *All staff undergo accredited level 1 fire training at least per year (Management undergo Level 2) – ongoing.*
- *The Hotel performs an emergency drill at least once per year over seen by an accredited assessor - ongoing.*
- *Training standards are provided to all staff who are intended to carry out the building and maintenance of the fire places*
- *That consistent cellar staff build the fire places of the morning to house standard.*
- *Particular and capable staff are allocated to maintaining the fires through out the day / night.*
- *Customers are not under any circumstances allowed to attend to the fires.*
- *Fires are maintained, but not built with large logs from 1 hour before closing time*

Please consider the above request and don't hesitate to contact me should you require any more information at all."

Comments from FESA

Community and FESA Preparedness Manager Terry Jackson, praised the Town's Health Services for its initiative of drafting a policy to appropriately administer the use of open fire places within the Town's public buildings, particularly in absence of guidelines with regard to open fire places under the *Health (Public Building) Regulations 1992*.

Terry Jackson was unaware of any similar policy provided by local government to suitably manage this issue. Feedback received from FESA on the Town's proposed Policy, resulted in a new policy being drafted, which is contained in Appendix 10.4.4.

CONSULTATION/ADVERTISING:

It is not considered that advertising to the broader community is required in relation to the proposed policy. However, should the Council approve the policy, all public building proprietors within the Town will be advised in writing accordingly.

LEGAL/POLICY:

Regulation 22 of the *Health (Public Building) Regulations 1992* states as follows:

- "(1) A person shall not light, operate or maintain a fire or an open heating apparatus of any kind in a public building without the written approval of the local government.
- (2) A person shall not store within a public building any materials of a flammable nature that are not required for the purpose of the usual activities carried out in the public building".

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011 - *'Leadership, Governance and Management'*:

- 4.1.1 *Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

In view of the statutory requirements and comments received by FESA, it is considered that the Town should approve open fire places in public buildings only upon compliance with the provisions of the proposed policy being achieved.

10.4.5 Sustainable Environment Plan 2007 - 2012

Ward:	Both Wards	Date:	6 June 2007
Precinct:	All Precincts	File Ref:	PLA0175
Attachments:	001		
Reporting Officer(s):	A Fox		
Checked/Endorsed by:	D Abel, R Boardman, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final amended version of the Sustainable Environment Plan 2007 - 2012, as shown in Attachment 10.4.5 (b), and considers the six written (6) submissions received during the formal consultation, detailed in the Schedule of Submissions contained in Attachment 10.4.5 (a);*
- (ii) *ADOPTS the final amended version of the Sustainable Environment Plan 2007 - 2012 as shown in Attachment 10.4.5 (b); and*
- (iii) *AUTHORISES the Chief Executive Officer to prepare the Sustainable Environment Plan Draft Annual Implementation Plan in 2007/2008, and to refer the Draft Annual Implementation Plan 2007/2008 to the Sustainable Advisory Group for consideration and comment prior to the Draft Annual Implementation Plan being referred to the Council for consideration and determination.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Cr Torre and Cr Farrell departed the Chamber at 8.50pm

Debate ensured.

Moved Cr Lake, Seconded Cr Maier

That the Draft Plan be amended at page 18 to insert a new action item as follows:

Develop and Implement a strategy to reduce litter in the Town (the Administration to insert a target date for completion).

Debate ensured.

Cr Farrell returned to the Chamber at 8.53pm

AMENDMENT CARRIED (6-1)

For
Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Farrell
Cr Lake
Cr Maier

Against
Cr Messina

(Cr Ker was an apology for the meeting, Cr Torre absent from the Chamber)

MOTION AS AMENDED CARRIED (7-0)

(Cr Ker was an apology for the meeting, Cr Torre absent from the Chamber)

COUNCIL DECISION ITEM 10.4.5

That the Council;

- (i) *RECEIVES the final amended version of the Sustainable Environment Plan 2007 - 2012, as shown in Attachment 10.4.5 (b), and considers the six written (6) submissions received during the formal consultation, detailed in the Schedule of Submissions contained in Attachment 10.4.5 (a);*
- (ii) *ADOPTS the final amended version of the Sustainable Environment Plan 2007 - 2012 as shown in Attachment 10.4.5 (b); subject to the Draft Plan be amended at page 18 to insert a new action item as follows:*

“Develop and Implement a strategy to reduce litter in the Town” (the Administration to insert a target date for completion); and
- (iii) *AUTHORISES the Chief Executive Officer to prepare the Sustainable Environment Plan Draft Annual Implementation Plan in 2007/2008, and to refer the Draft Annual Implementation Plan 2007/2008 to the Sustainable Advisory Group for consideration and comment prior to the Draft Annual Implementation Plan being referred to the Council for consideration and determination*

PURPOSE OF REPORT:

The purpose of this report is to consider the submissions received during the community consultation period and to recommend adoption of the amended Sustainable Environment Plan 2007 – 2012.

BACKGROUND:

- 22 August 2006 The Council at its Ordinary Meeting resolved the following in relation to Item 10.4.7 – Sustainable Environment Plan 2006 – 2011;

“That the Draft Sustainable Environment Plan 2006 - 2011 as shown in Appendix 10.4.7 be referred to the Sustainability Advisory Group for its consideration and comment prior to Council approving the Plan.”
- 27 September 2006 A meeting of the Sustainable Advisory Group was convened to review and consider the draft Sustainable Environment Plan 2006-2011 (SEP) referred from the Ordinary Meeting of Council held on 22 August 2006.

- 19 October 2006 A memorandum was issued to the Chief Executive Officer from the Executive Manager Environmental and Development Services summarising the comments made at the Sustainability Advisory Group Meeting held on 27 September 2006 and the Town Officers' proposed course of action with regard to the progression of the SEP and associated Implementation Strategy.
- 20 November 2006 The Sustainable Advisory Group reconvened and reviewed an amended version of the draft SEP which incorporated previous comments received by the Group.
- 19 December 2006 An interim Progress Report was submitted to the Ordinary Meeting of Council, where the Council resolved as follows:
- “That the Council;*
- (i) *RECEIVES Progress Report No. 1 relating to the Town of Vincent’s Sustainable Environment Plan 2006 -2011; and*
- (ii) *ADOPTS the following recommendations in response to the Sustainable Advisory Group’s resolutions;*
- (a) *the final draft Sustainable Environment Plan 2006 – 2011 be presented to an Ordinary Meeting of Council no later than 27 February 2007 with the recommendation to advertise the Plan for Public Comment;*
- (b) *the Implementation Plan be prepared following the adoption of the Sustainable Environment Plan 2006 – 2011 no later than April 2007;*
- (c) *the draft Implementation Plan be referred to the Sustainability Advisory Group for consideration and comment prior to the Council considering and determining the Implementation Plan; and*
- (d) *a maximum of two (2) workshops be conducted with the community as part of the preparation of the Implementation Plan.”*
- 13 February 2007 The Council at its Ordinary Meeting resolved the following in relation to Item 10.1.7 – Sustainable Environment Plan 2007 – 2012:
- “That the Council;*
- (i) *APPROVES IN PRINCIPLE the Draft Sustainable Environment Plan 2007 – 2012, as shown in Attachment 10.1.7 subject to:*
- (a) *the following action being included under Part 4 - Energy:*

"Action	Target Date for Completion	Indicators
<i>The Town participate in a government approved Greenpower Program</i>	<i>August 2007</i>	<i>Sustainable Management System Implementation"</i>

- (b) *removal of all change tracking such as underlining to signify new text and text which has strikethrough;*
- (c) *removal of 'as a subterfuge to reduce fertiliser use' from 3. Biodiversity on page 12; and*
- (d) *transfer of 'Prepare and implement a Stormwater Management Plan' from 5. Waste Management section to 2. Water section; and*

(ii) *AUTHORISES the Chief Executive Officer to:*

- (a) *advertise the Draft Sustainable Environment Plan 2007 – 2012 for a period of six (6) weeks seeking public comment; and*
- (b) *report back to the Council with any public submissions received."*

3 March 2007 The draft Sustainable Environment Plan was advertised for six consecutive weeks in the 'Voice News' and 'Guardian' newspapers ending 13 April 2007 and placed on the Town's Website for a period of two months.

26 April 2007 The Town sent correspondence to Community Precinct Groups inviting comment on the draft Plan by 25 May 2007.

DETAILS:

The Sustainable Environment Plan (SEP) will form a strategic framework for initiatives to be undertaken by the Town and wider community with regard to enhancing and protecting the Town's valued environment, giving particular attention to five key focus areas; air, water, biodiversity, energy and waste management.

Following the adoption of the SEP a more comprehensive Implementation Plan will be required to provide details of how to implement these actions and to set timeframes in which actions are to be achieved.

The release of the draft SEP for public comment served to promote the Town's undertakings in relation to environmental management as well as encourage the community to become involved in initiatives addressed in the SEP.

CONSULTATION/ADVERTISING:

Following the decision by the Council at its Ordinary Meeting held on 13 February 2007 the draft SEP was advertised for six consecutive weeks in the 'Voice News' and 'Guardian' newspapers and placed on the Town's website for a period of two months. The Town also

extended the consultation period and sent correspondence to Community Precinct Groups inviting their comment.

During this time, the Town received six (6) submissions including two (2) late submissions, which are addressed in the attached Schedule of Submissions.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Town of Vincent Plan for the Future: Strategic Plan 2006-2011:

Objective : Natural and Built Environment

Objective 1.1 Improve and maintain environment and infrastructure

1.1.4 Minimise negative impacts on the community and environment.

1.1.5 Enhance and maintain parks and community facilities.

1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

Objective 2: Economic Development

Objective 2.1 Progress economic development with adequate financial resources

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

Objective 3: Community Development :

Objective 3.1 Enhance community development and wellbeing

3.1.3 Determine the requirements of the community.

3.1.5 Focus on community and customer needs, values, engagement and involvement.

Objective 4: Leadership. Governance and Management

Objective 4.1 Provide good strategic decision-making, governance, leadership and professional management

4.1.2 Manage the organisation in a responsible and accountable manner.

4.1.4 Deliver services in ways that accord with the expectations of the community, whilst maintaining statutory compliance.

4.1.5 Plan effectively for the future.

FINANCIAL/BUDGET IMPLICATIONS:

Given this project involves and affects all service areas within the Town, funding will be determined in the Plan for the Future and subsequent Budgets for each of the respective service areas, following the adoption of the SEP and initiation of the Implementation Strategy.

An amount of \$7,000 for the preparation of the Implementation Plan has been included in the Draft Budget 2007/2008.

COMMENTS:

The Town has been involved with many sustainability projects in recent years and, following the release of the Western Australian State Sustainability Strategy, there has been a need for the Town to develop a local sustainable strategy to provide an integrated approach to addressing sustainability issues within the Town.

The various sustainable projects that the Town has been involved with or is influenced by include the following:

- Cities for Climate Protection™ (CCP™);
- Cities for Climate Protection™ (CCP™) Plus Program (CCP Plus);
- Cities for Climate Protection™ (CCP™) Water Campaign™ Australia (CCPWC);
- Cities for Climate Protection™ (CCP™) Strategy (CCPS);
- United Nations Car Free Day (UNCFD);
- State Sustainability Strategy (SS);
- State Water Conservation Strategy (SWCS);
- Water Sensitive Urban Design and Rain/Water Tanks;
- Western Australian Sustainable Industry Group (WASIG);
- Perth Biodiversity Project (PBP);
- Local Agenda 21 issues (LA21);
- Towards Sustainable Transport Coalition (TSTC);
- Travel Smart Program;
- Residential Design Codes of Western Australia (R-Codes)/Planning and Building Policies;
- International Council for Local Environmental Initiatives (ICLEI) – Endorsement of the Toronto Declaration;
- Introduction of Energy Efficiency Provisions to the Building Code of Australia (BCA);
- Men of the Trees Carbon Neutral Program; and
- Town of Vincent Strategic Plan.

The SEP encompasses many of the above mentioned initiatives and incorporates the Town's current environmental practices and policies and other key strategic documents. The SEP is intended to form the basis for environmental objectives to be actioned and for further initiatives to be undertaken within the Town and community to ensure protection of the environment over the next five years.

The SEP has been amended mainly to clarify and update the Town's 'Objectives' as well as the 'Actions' in a number of the five key focus areas. In addition, a number of the timeframes for actions to be completed have been updated accordingly.

Following the adoption of the SEP, further development of an Implementation Plan is required which will comprise specific goals, actions, measures and timeframes for achieving these initiatives. The Implementation Plan will operate as the working document under which specific actions can be achieved and will be regularly reviewed and updated to ensure changing needs and priorities are considered and addressed.

In light of the above, it is recommended that the Council adopts the amended Sustainable Environment Plan and authorise the preparation of a draft Implementation Plan in 2007/2008.

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion – Cr Izzi Messina – Town Entry Signage

That;

- (i) *the Chief Executive Officer be requested to investigate and report on options for possible new Entry Signage for the Town;*
- (ii) *the report include types of signage available, purchase costs, maintenance, possible suggestions for a new slogan, the appropriateness of the current slogan - "The Town of Vincent is a Nuclear Free Zone"; and*
- (iii) *the report be submitted to the Council no later than September 2007.*

Moved Cr Messina, Seconded Cr Chester

That the motion be adopted.

Debate ensued.

(Cr Torre returned to the Chamber at 8.53pm)

Debate ensued.

MOTION CARRIED (8-0)

(Cr Ker was an apology for the meeting)

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

At 8.54pm Moved Cr Farrell, Seconded Cr Torre

That the Council proceed behind Closed Doors to consider the confidential items 14.1, 14.2 and 14.3.

(Journalist's Lindsay McPhee and Chris Thomson departed the meeting. There were no members of the public present)

14.1 Confidential Report: - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI) Quarterly Report: 1 January 2007 - 31 March 2007 - Finalisation Report
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Ward:	Both Wards	Date:	5 June 2007
Precinct:	All Precincts	File Ref:	PLA 0098
Attachments:	-		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to Adding/Deleting/Amending Places Listed on the Town's Municipal Heritage Inventory (MHI) Quarterly Report: 1 January 2007 to 31 March 2007 - Finalisation Report, resulting from the proposed amendments to the Town's Municipal Heritage Inventory having being reviewed and with regard to no written submissions received during the four week advertising period in accordance with the Town's Policy No. 3.6.5 relating to Heritage Management - Adding/Deleting/Amending Places on the Town's Municipal Heritage Inventory (MHI);*
- (ii) *DELETES the following properties from the Town's Municipal Heritage Inventory:*
 - (a) *No. 21 (Lot 2) Angove Street, North Perth;*
 - (b) *Nos. 22 - 28 (Lot 24) Angove Street, North Perth; and*
 - (c) *No. 129 (Lot 50) Lake Street, Perth from the MHI; and*
- (iii) *ADDS the following property onto the Town's Municipal Heritage Inventory:*
 - (a) *Nos. 104 - 106 (Lot 4) Parry Street, Perth onto the MHI as a Management Category B - Conservation Recommended.*

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensured.

Cr Chester spoke against deleting the Angove Street properties. He requested that clauses (ii) (a) and (b) be considered separately.

Presiding Member ruled that he would consider them separately.

Debate ensued.

Clause (ii)(a) CARRIED (7-1)

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

Clause (ii)(b) put and CARRIED on the casting vote of the Presiding Member (5-4)

<u>For</u>	<u>Against</u>
Mayor Catania - 2 votes, deliverative and casting vote	
Cr Farrell	Cr Chester
Cr Maier	Cr Doran-Wu
Cr Torre	Cr Lake
	Cr Messina

MOTION CARRIED (8-0)

(Cr Ker was an apology for the meeting)

PURPOSE OF REPORT:

The purpose of this report is to seek approval of the Council for amendments to the Town's Municipal Heritage Inventory in accordance with the Town's Policy No. 3.6.5 relating to *Heritage Management - Adding/Deleting/Amending Places on the Town's Municipal Heritage Inventory (MHI)*.

BACKGROUND:

The Council at its Ordinary Meeting held on 24 April 2007 considered the matter and resolved as follows:

"That the Council;

- (i) *RECEIVES the report relating to Adding/Deleting/Amending Places Listed on the Town's Municipal Heritage Inventory (MHI) Quarterly Report: 1 January 2007 to 31 March 2007;*
- (ii) *ADVERTISES for public comment in accordance with the Town's Policy No. 3.6.5 relating to Heritage Management - Adding/Deleting/Amending Places on the Town's Municipal Heritage Inventory (MHI) the following proposed amendments to the Town's Municipal Heritage Inventory:*
 - (a) *DELETE No. 21 (Lot 2) Angove Street, North Perth from the MHI;*
 - (b) *DELETE Nos. 22 - 28 (Lot 24) Angove Street, North Perth from the MHI;*

- (c) *DELETE No. 129 (Lot 50) Lake Street, Perth from the MHI; and*
- (d) *ADD Nos. 104 - 106 (Lot 4) Parry Street, Perth onto the MHI as a Management Category B - Conservation Recommended; and*
- (iii) *after the expiry of the period for submissions:*
- (a) *REVIEWS the proposed amendments to the Town's Municipal Heritage Inventory having regard to any written submissions; and*
- (b) *DETERMINES the proposed amendments to the Town's Municipal Heritage Inventory."*

DETAILS:

The key objectives of the Town's Policy No. 3.6.5 relating to *Heritage Management - Adding/Deleting/Amending Places on the Town's Municipal Heritage Inventory (MHI)* are to:

- 1) Provide a procedure for adding, deleting or amending entries on the Town of Vincent's Municipal Heritage Inventory.
- 2) Ensure places are added, deleted or amended from the Town of Vincent Municipal Heritage Inventory following due process.
- 3) Ensure that decisions for adding, deleting or amending places on the Town of Vincent's Municipal Heritage Inventory are based on consideration of the cultural heritage significance of the place.

In accordance with the Town's Policy No. 3.6.5, Heritage Assessments have been undertaken on the places at Nos. 104 - 106 Parry Street, Perth at the request of the owner to include the place onto the Town's Municipal Heritage Inventory and; No. 21 Angove Street, North Perth, Nos. 22 - 28 Angove Street, North Perth, and No. 129 Lake Street, Perth at the request of the owners to remove the places from the Town's Municipal Heritage Inventory. A summary of the four (4) places and the Town's Officer actions and recommendations are detailed below:

No. 21 Angove Street, North Perth

- Shop and attached house constructed c1921 in the Inter-war style of architecture.
- Place identified by consultants in the 2006 review of the Town's Municipal Heritage Inventory as a Management Category B - Conservation Recommended.
- During the consultation period of the review of the Town's Municipal Heritage Inventory no objection was received for the proposed listing of the subject place.
- Place entered on the Town's Municipal Heritage Inventory at the Ordinary Meeting of Council held on 12 September 2006.
- Owner submitted an Application for Deletion Form on 9 February 2007.
- Site visit undertaken on 11 April 2007.
- Draft Heritage Assessment prepared and sent to owners for comment on 13 April 2007. A copy of the Heritage Assessment forms an attachment to this report.
- Recommendation - delete the place from the Town's Municipal Heritage Inventory.

Nos. 22 - 28 Angove Street, North Perth

- Row of shops constructed c1928 in the Inter-war style of architecture.
- Place identified by consultants in the 2006 review of the Town's Municipal Heritage Inventory as a Management Category C - Conservation Encouraged.
- At the request of an Elected Member, the Management Category for the shops was amended from Management Category C - Conservation Encouraged to Management Category B - Conservation Recommended prior to the commencement of the consultation period for the Town's draft Municipal Heritage Inventory undertaken in 2006.
- During the consultation period of the review of the Town's Municipal Heritage Inventory no objection was received for the proposed listing of the subject place.
- Place entered on the Town's Municipal Heritage Inventory at the Ordinary Meeting of Council held on 12 September 2006.
- Owner submitted an Application for Deletion Form on 2 April 2007.
- Site visit undertaken on 11 April 2007.
- Draft Heritage Assessment prepared and sent to owners for comment on 12 April 2007.
- Owner submitted an updated Application for Deletion form on 19 April 2007.
- Recommendation - delete the place from the Town's Municipal Heritage Inventory.

No. 129 Lake Street, Perth

- Semi-detached dwelling constructed in the Late Colonial Georgian style.
- Place identified by consultants in the 2006 review of the Town's Municipal Heritage Inventory as a Management Category B - Conservation Recommended as a group with the semi-detached dwelling at No. 131 Lake Street and the former shop and attached house and Nos. 133 - 135 Lake Street, Perth.
- During the consultation period of the review of the Town's Municipal Heritage Inventory no objection was received for the proposed listing of the subject property at No. 129 Lake Street. An objection was received for No. 131 Lake Street, which shares a common wall with the subject dwelling, however is on a separate title.
- No. 129 Lake Street, together with Nos. 133 - 135 Lake Street was entered on the Town's Municipal Heritage Inventory at the Ordinary Meeting of Council held on 21 November 2006.
- Town received an email from the owner of No. 129 Lake Street on 1 March 2007 formally requesting that the property be considered for removal from the Town's Municipal Heritage Inventory.
- Owner was advised by the Town's Officers of the procedures available in relation to the consideration of the removal of a property from the Town's Municipal Heritage Inventory were in accordance with the Town's Policy relating to Heritage

Management - Adding/Deleting/Amending Places on the Town's Municipal Heritage Inventory (MHI) and was forwarded a copy of the Application for Deletion Form.

- At the Special Meeting of Council held on 3 April 2007, the Council resolved not to include the property at No. 131 Lake Street on the Town's Municipal Heritage Inventory 2007. As outlined above, No. 131 Lake Street shares a common wall with the subject property at No. 129 Lake Street, which is detailed in the Heritage Assessment that forms an attachment to this report.
- Draft Heritage Assessment prepared and sent to owners for comment on 13 April 2007.
- Owner submitted Application for Deletion Form on 17 April 2007.
- Recommendation - delete the place from the Town's Municipal Heritage Inventory.

Nos. 104 - 106 Parry Street, Perth

- Semi-detached pair constructed c1894 in the Federation Style of architecture.
- Owner submitted Nomination Form on 27 December 2006 requesting subject place to be considered for entry onto the Town's Municipal Heritage Inventory.
- Site visit undertaken on 19 December 2006.
- Draft Heritage Assessment prepared and sent to owners for comment on 7 February 2006. No further comments were received from the owner. A copy of the Heritage Assessment forms an attachment to this report.
- Place has some cultural heritage significance in terms of its historic value and aesthetic value.
- Recommendation - add the place onto the Town's Municipal Heritage Inventory as a Management Category B - Conservation Recommended.

CONSULTATION/ADVERTISING:

Any proposed amendments to the Town's Municipal Heritage Inventory are to be advertised in accordance with Clause 3 of the Town's Policy No. 3.6.5 relating to Heritage Management - Adding/Deleting/Amending Places on the Town's Municipal Heritage Inventory.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2006-2011: Strategic Objectives - 1. Natural and Built Environment "... 1.1.3 (b) Implement and promote the Municipal Heritage Inventory and Heritage Management Policies".

FINANCIAL/BUDGET IMPLICATIONS:

The current 2006/2007 Budget allocates \$88,760 for Town Planning Scheme Amendments and Policies.

COMMENTS:

In light of the above, it is recommended that the Council receives this report and adopts the proposed amendments to the Town's Municipal Heritage Inventory, in line with the Officer Recommendation.

14.2 Confidential Report: No. 29 (Lot 32 D/P: 2324) Grosvenor Road, Mount Lawley - Proposed Carport Addition to Existing Single House - State Administrative Tribunal Review Matter No. DR 147 of 2007

Ward:	South	Date:	4 June 2007
Precinct:	Norfolk; P10	File Ref:	PRO3907; 5.2007.96.1
Attachments:	-		
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 DOES NOT SUPPORT as part of the State Administrative Tribunal Review Matter No. DR 147 of 2007 for proposed Carport Addition to Existing Single House, at No.29 (Lot 32 D/P: 2324) Grosvenor Road, Mount Lawley, and as shown on revised plans stamp-dated 25 May 2007, for the following reasons:

- (i) the development will unduly and adversely affect the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the Town's Policies relating to Vehicular Access and Street Setbacks as the proposed carport is required to be accessible from the rear/southern right of way, which is 3.01 metres wide, Town owned and sealed.*

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

Debate ensured.

MOTION LOST (0-8)

Reasons:

- (i) Consideration of the applicant's submission;*
- (ii) The design is in keeping with character of the area.*

ALTERNATIVE MOTION:

Moved Cr Maier, Seconded Cr Farrell

That the ALTERNATIVE RECOMMENDATION be adopted, 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 SUPPORT as part of the State Administrative Tribunal Review Matter No. DR 147 of 2007 for proposed Carport Addition to Existing Single House, at No.29 (Lot 32 D/P: 2324) Grosvenor Road, Mount Lawley, and as shown on revised plans stamp-dated 25 May 2007, subject to the following conditions:

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

CARRIED (8-0)

(Cr Ker was an apology for the meeting)

PURPOSE OF REPORT:

- To advise the Council of the above review application.
- To comply with the requirements of the Town's Policy/Procedure for State Administrative Tribunal (SAT).
- To advise the Council to reconsider the Town's decision of Planning Refusal issued under delegated authority on 4 April 2007 relating to the refusal of a carport with access from the street, in lieu of access from a rear right of way (ROW). The application has amended plans dated 25 May 2007 as part of Review Matter No. DR 147 of 2007 to the State Administrative Tribunal (SAT), which includes further details relating to the rear yard and additional photographs of the rear yard and adjoining residences. The matter is currently being mediated at the SAT, and the Town is represented by its Officers.
- The owners are representing themselves in the above review matter.

Landowner:	P M & L L McGuire
Applicant:	Patl Construction
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:	450 square metres
Access to Right of Way	Rear (southern) side, 3.01 metres wide, sealed, Town owned

BACKGROUND:

4 April 2007 The Town under delegated authority from the Council refused an application (circulated separately) for carport addition to an existing house at No.29 Grosvenor Road, Mount Lawley, for the following reasons:

- "(i) the development will unduly adversely affect the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the Town's Policies relating to Vehicular Access and Street Setbacks as the proposed carport is required to be accessible from the rear/southern right of way, which is 3.01 metres wide, Town owned and sealed."*

9 May 2007 At the Directions Hearing held at the State Administrative Tribunal (SAT), the Tribunal requested that the matter be re-considered by the Council and that the reasons for refusal are addressed and additional information be provided justifying the access off the street by the applicant.

DETAILS:

The proposal involves the addition of a double carport to the existing single house. The carport is proposed to be located within the front setback area, with vehicular access off the street. The front fence is not part of this review application.

Following the State Administrative Tribunal Directions Hearing held on 9 May 2007, the applicant has submitted additional details dated 25 May 2007 (circulated separately) in support of the amended proposal, and has requested the Council to further consider the matter under review. The details are summarised as follows:

- There is an existing crossover and driveway at the front. There are signs of the remains of a previous carport in the front.
- Serious concerns of safety of cars and property at the same time, which mainly stem from unacceptable behaviour of patrons of the Flying Scotsman, who access the street late in the evenings. Cars along the street have been damaged in the past. As such, parking of car under cover and behind a locked gate is the best way to protect property.
- Rear yard is not suitable for the carport as there are established Chinese Tallow trees at the rear. The construction of the carport will also result in disruption or possible destruction of a frog colony living in the backyard.
- Dimensions of rear setback would not be adequate to construct a carport.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
East Side Setbacks	1 metre	0.9 metre	Supported - not considered to have an undue impact on affected neighbour.
The Town's Policies relating to Vehicular Access and Street Setbacks	Access to on-site parking provided, where available, solely from a right of way.	Carport is accessed from Grosvenor Road when access is available from a sealed rear right of way.	Not supported - carport is considered to have an undue impact on the streetscape and could be located in the backyard of the property.
Consultation Submissions			
No advertising was undertaken as the proposal is a Category 4 application and was refused by the Town under delegated authority from the Council.			
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.

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

Planning and Development Act 2005 (WA), State Administrative Tribunal Act 2004 (WA) and Town's Policy No. 4.1.25 - Procedure for State Administrative Tribunal.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The variation to the Town's Vehicular Access and Street Setback Policies is not supported, as there is rear access from the ROW and it is considered that there is sufficient room for a new carport at the rear of the property. The carport is considered to have an undue impact on the streetscape. Compliance with the provisions of the Town's Policies will be a positive contribution to the Grosvenor Road streetscape and the locality in general. Matters regarding security could be addressed by way of a 1.8 metres high fence (solid to 1.2 metres high and visually open above), visually permeable gates and sensor or similar lighting.

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

14.3 CONFIDENTIAL REPORT - No.324 (Lot 2 D/P: 3538) Fitzgerald Street, North Perth - Proposed Change of Use from Offices to Non-Medical Consulting Rooms (Beauty Salon) and Associated Alterations- State Administrative Tribunal Review Matter No. DR 159 of 2007

Ward:	South	Date:	4 June 2007
Precinct:	North Perth Centre; P9	File Ref:	PRO0967; 5.2007.18.1
Attachments:	-		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *the Council RECEIVES the report relating to No.324 (Lot 2 D/P: 3538) Fitzgerald Street, North Perth - Change of Use from Offices to Non-Medical Consulting Rooms (Beauty Salon) and Associated Alterations - State Administrative Tribunal Review Matter No. DR 159 of 2007; and*
- (ii) *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. DR 159 of 2007 the removal of condition (xi) to Planning Approval (serial number 5.2007.18.1) granted by the Council on 27 March 2007 and issued on 11 April 2007 for the Change of Use from Offices to Non-Medical Consulting Rooms (Beauty Salon) and Associated Alterations at No.324 (Lot 2 D/P: 3538) Fitzgerald Street, North Perth.*

COUNCIL DECISION ITEM 14.3

Moved Cr Farrell, Seconded Cr Torre

That the recommendation be adopted.

MOTION PUT AND CARRIED (7-1)

For: Mayor Catania, Cr Farrell, Cr Chester, Cr Doran-Wu, Cr Lake, Cr Maier, Cr Torre

Against: Cr Messina

(Cr Ker was an apology for the meeting.)

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

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the above review application and for the Council to reconsider its decision for the inclusion of condition (xi) (as detailed in the report) which was placed on the conditional approval granted by the Council at its Ordinary Meeting held on 27 March 2007 for change of use from offices to non-medical consulting rooms (beauty salon) and associated alterations at the subject property. The applicant has provided additional information in support of the subject review application. The matter is currently being mediated at the State Administrative Tribunal (SAT), and the Town is represented by its Officers.

Landowner:	D J & M Mitsikas
Applicant:	Q Le
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Office Building
Use Class:	Shop

Use Classification:	"P"
Lot Area:	925 square metres
Access to Right of Way	East side, 5.0 metres wide, sealed, Town-owned

BACKGROUND:

27 March 2007 The Council at its Ordinary Meeting conditionally approved an application for change of use from offices to non-medical consulting rooms (beauty salon) and associated alterations, at the subject property.

26 April 2007 Application lodged with the State Administrative Tribunal to review the above decision, namely condition (xi).

23 May 2007 Directions Hearing held at the State Administrative Tribunal (SAT).

18 June 2007 Matter has been listed for further Directions Hearing.

DETAILS:

The proposal involves change of use from offices to non-medical consulting rooms (beauty salon) and associated alterations, at the subject property. The subject SAT application relates to the removal of the following condition, which was placed on the conditional approval granted by the Council at its Ordinary Meeting held on 27 March 2007:

"(xi) no car parking shall occur within the front setback area, and a detailed car parking configuration and access plan 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); and"

At the Directions Hearing held on 23 May 2007, the SAT made the following order:

" Pursuant to s31 of the State Administrative Act 2004 the Tribunal invites the respondent to reconsider condition xi in light of the use of the front setback previously approved and the applicant's further submission on how the front setback would now be used".

The applicant's submission is attached to this report on a confidential basis.

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

Planning and Development Act 2005 (WA), State Administrative Tribunal Act 2004 (WA) and Town's Policy No. 4.1.25 - Procedure For State Administrative Tribunal.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The review application in this instance is supported by the Town's Officers as the Town's records indicate that the car bays and crossovers are existing and have been previously approved, there is a precedence along Fitzgerald Street with car parking in the front setback area and no further structures are being proposed in the subject front setback area. As such, it is considered that the Town is not in a position to retract the approved car bays. In light of this, it is recommended that the Council receives the subject report and supports the applicant's SAT application to remove condition (xi).

15. CLOSURE

The Presiding Member, Mayor Nick Catania JP, declared the meeting closed at 9.15pm with the following persons present:

Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Maddalena Torre	South Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Mike Rootsey	Executive Manager, Corporate Services
Rick Lotznicker	Executive Manager, Technical Services

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 12 June 2007.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2007