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2. Mr Craig Hutchison of the Leederville Hotel at 742 Newcastle Street - Item 10.2.1 - Stated that he is in support of the residents of Carr Place. Requested that the restrictions be placed on both sides of the street as the trial has been very successful, and this would only help to improve the situation.
3. Mr Ken Eaton of 68 Matlock Street, Mt Hawthorn - Item 10.1.3 - Stated that he has been a rate payer in the Town for 18 years. Referred to clauses (ii)(a), (b) and (c) of the recommendation and noted that these conditions had been addressed in a meeting with the Town's Planning Department.
4. Mr Bruce Arnold - Item 10.1.12 - 118 Railway Parade, West Perth - Explained that the major issue with this development is the retention of the existing residence. Stated that of the variations submitted, all were dealt with except for the height of the boundary wall. Noted that overshadowing is completely compliant the R-Codes as this is of great concern to the affected neighbour. Stated that the development will be positive for the area and asked that the Council support the application.

Cr Torre entered the meeting at 6.15pm.

5. Mr Simon Angelcoff of 150 Carr Street, West Perth - Item 10.1.12 - Stated that he was responding to the previous speaker's statements. Explained that sunlight was not the main concern, but the sense of confinement these overheight walls would produce. Stated that he did meet with Mr Arnold to come to some sort of compromise, but Mr Arnold's clients were not interested in making the changes. Noted that he is in favour of retaining the existing front residence. Thanked the Council for their time.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania closed Public Question Time at 6.19pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

1. Cr Izzi Messina for the period 25 - 28 April 2006 inclusive, for work reasons.
2. Cr Helen Doran-Wu for the period 6 - 17 May 2006 inclusive, for work reasons.

Moved Cr Farrell, Seconded Cr Ker

That Cr Messina's and Cr Doran-Wu's application for leave of absence be approved.

CARRIED (8-0)

(Cr Messina on leave of absence.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

1. The Chief Executive Officer advised that a petition had been received from Kelly Kent of 9 Victoria Street, West Perth, with 35 signatories requesting that the Council consider allocating funds in the 2006/2007 Budget for an upgrade of the parking, traffic safety and streetscape in Victoria Street.

Moved Cr Torre, Seconded Cr Farrell

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

CARRIED (8-0)

(Cr Messina on leave of absence.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Ker, Seconded Cr Maier

That the Minutes of the Ordinary Meeting of Council held on 11 April 2006 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Messina on leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

1. URGENT BUSINESS - TOWN OF VINCENT BOUNDARY PROPOSAL TO THE LOCAL GOVERNMENT ADVISORY BOARD FOR THE SUBURBS OF MOUNT LAWLEY, MENORA AND COOLBINIA - CITY OF STIRLING ACTIONS

The Presiding Member advised that he had approved of urgent business to consider a report relating to the City of Stirling brochure issued on 25 April 2006 to the ratepayers of Mount Lawley, Menora and Coolbinia.

The purpose of this report is to inform the Council about the City of Stirling's actions concerning the Town's boundary proposal for the suburbs of Mount Lawley, Menora and Coolbinia and to lodge a complaint with the Minister for Local Government and Regional Development, the Department of Local Government and Regional Development, the Chairman of the Local Government Advisory Board and the City of Stirling.

It is important that the Council consider this matter for the reasons outlined in the report.

2. MEETING WITH THE MINISTER FOR SPORT & RECREATION

The Presiding Member advised that he had held a meeting with the Honourable John Kobelke MLA regarding sporting facility developments within the Town.

Mayor Catania noted that the meeting had a very positive feel and he hoped that the discussions would encourage positive actions for development of facilities in the Town.

8. DECLARATION OF INTERESTS

1. Mayor Catania declared a financial interest in Item 10.1.17 - Amendment No. 39 to Planning and Building Policies- Draft Policy Relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses. The nature of his interest being that he owns property listed on the Town's Municipal Heritage Inventory. *(Mayor Catania has Minister for Local Government approval to participate in debate and vote on this matter and to preside at Council meetings where the matter is discussed.)*
2. Mayor Catania declared an interest affecting impartiality in Item 14.1 - Confidential Report - East Perth Football Club - Outstanding Monies. The nature of his interest being that he is often invited to games as Mayor of the Town.
3. Cr Chester declared a financial interest in Item 10.1.17 - Amendment No. 39 to Planning and Building Policies- Draft Policy Relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses. The nature of his interest being that he co-owns property listed on the Town's Municipal Heritage Inventory. *(Cr Chester has Minister for Local Government approval to participate in debate and vote on this matter.)*
4. Cr Chester declared an interest affecting impartiality in Item 14.1 - Confidential Report - East Perth Football Club - Outstanding Monies. The nature of his interest being that he receives invitations to games as a Councillor of the Town, but he does not take advantage of the offer.
5. Cr Doran-Wu declared an interest affecting impartiality in Item 10.1.13 - Local Government (Miscellaneous Provisions) Amendment Bill 2005 - Comments for the Department of Housing and Works. The nature of her interest being that the Department of Housing and Works is the major funding contributor of her employer.
6. Cr Doran-Wu declared an interest affecting impartiality in Item 10.1.15 - Department of Housing and Works: A New Building Act for Western Australia - Discussion Draft. The nature of her interest being that the Department of Housing and Works is the major funding contributor of her employer.
7. Cr Doran-Wu declared an interest affecting impartiality in Item 14.1 - Confidential Report - East Perth Football Club - Outstanding Monies. The nature of her interest being that she has received a complimentary membership and is often invited to events as a Councillor of the Town.
8. Cr Farrell declared an interest affecting impartiality in Item 14.1 - Confidential Report - East Perth Football Club - Outstanding Monies. The nature of his interest being that he receives invitations to games as a Councillor of the Town, but has not attended in this capacity to date.

9. Cr Ker declared a financial interest in Item 10.1.17 - Amendment No. 39 to Planning and Building Policies- Draft Policy Relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses. The nature of his interest being that he owns property listed on the Town's Municipal Heritage Inventory. *(Cr Ker has Minister for Local Government approval to participate in debate and vote on this matter.)*
10. Cr Ker declared an interest affecting impartiality in Item 10.2.1 - Further Report - Carr Place, Leederville Parking and Associated Issues. The nature of his interest being that he was previously employed by ARRB Consulting, which has offices in Carr Place.
11. Cr Ker declared an interest affecting impartiality in Item 14.1 - Confidential Report - East Perth Football Club - Outstanding Monies. The nature of his interest being that he is a member of the East Perth Football Club and sometimes attends games at the invitation of the Club.
12. Cr Lake declared a financial interest in Item 10.1.17 - Amendment No. 39 to Planning and Building Policies- Draft Policy Relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses. The nature of her interest being that she owns property listed on the Town's Municipal Heritage Inventory. She requested that she be permitted to remain in the Chamber but not participate in debate or vote on the matter.
13. Cr Maier declared a financial interest in Item 10.1.17 - Amendment No. 39 to Planning and Building Policies- Draft Policy Relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses. The nature of his interest being that he owns property listed on the Town's Municipal Heritage Inventory. He requested that he be permitted to remain in the Chamber but not participate in debate or vote on the matter.
14. Cr Torre declared an interest affecting impartiality in Item 14.1 - Confidential Report - East Perth Football Club - Outstanding Monies. The nature of her interest being that she receives invitations to games as a Councillor of the Town, but has not attended in this capacity to date.
15. The Chief Executive Officer declared an interest affecting impartiality in Item 14.1 - Confidential Report - East Perth Football Club - Outstanding Monies. The nature of his interest being that he has a close working relationship with the East Perth Football Club as Chair of the Leederville Oval Ground Management Committee. He also receives invitations to games as Chief Executive Officer of the Town, but has not attended in this capacity as Chief Executive Officer, to date.

The Presiding Member advised Crs Lake and Maier that their request would now be considered.

Crs Lake and Maier departed the chamber at 6.30pm.

Moved Cr Torre, Seconded Cr Ker

That Crs Lake and Maier be permitted to remain in the chamber during Item 10.1.17 but not participate in, debate or vote on the matter.

CARRIED (4-2)

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

(Cr Messina on leave of absence. Crs Lake and Maier were absent from the chamber and did not vote.)

Crs Lake and Maier returned to the chamber at 6.31pm.

The Presiding Member advised Crs Lake and Maier that their request had been approved.

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

Nil.

Cr Farrell departed the chamber at 6.32pm.

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 10.2.1; 10.1.3 and 10.1.12

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

Items 10.4.2 and 10.4.3

Cr Farrell returned to the chamber at 6.33pm.

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	Nil
Cr Chester	Items 10.1.1; 10.2.3 and 10.4.5
Cr Ker	Item 10.1.2
Cr Doran-Wu	Item 10.1.18
Cr Torre	Nil
Cr Lake	Item 10.4.2
Cr Maier	Items 10.1.7; 10.1.9; 10.1.11 and 10.1.20
Mayor Catania	Item 10.1.21

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

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

Item 10.1.17

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

Items 10.1.4; 10.1.5; 10.1.6; 10.1.8; 10.1.10; 10.1.13; 10.1.14; 10.1.15; 10.1.16; 10.1.19; 10.2.2; 10.3.1; 10.3.2; 10.3.3; 10.3.4; 10.4.1 and 10.4.4

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

Items 14.1 and 14.2

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

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

Items 10.1.4; 10.1.5; 10.1.6; 10.1.8; 10.1.10; 10.1.13; 10.1.14; 10.1.15; 10.1.16; 10.1.19; 10.2.2; 10.3.1; 10.3.2; 10.3.3; 10.3.4; 10.4.1 and 10.4.4

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

Items 10.2.1; 10.1.3 and 10.1.12

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

Moved Cr Ker, Seconded Cr Farrell

That the following unopposed items be moved en bloc;

Items 10.1.4; 10.1.5; 10.1.6; 10.1.8; 10.1.10; 10.1.13; 10.1.14; 10.1.15; 10.1.16; 10.1.19; 10.2.2; 10.3.1; 10.3.2; 10.3.3; 10.3.4; 10.4.1 and 10.4.4.

CARRIED (8-0)

(Cr Messina on leave of absence.)

Note: Item 10.1.17 - Amendment No. 39 to Planning and Building Policies-Draft Policy Relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses - was inadvertently omitted from debate and will therefore be placed on the Agenda for the Ordinary Meeting of Council to be held on 9 May 2006.

Note: This Item was inadvertently omitted from debate and will therefore be placed on the Agenda for the Ordinary Meeting of Council to be held on 9 May 2006.

10.1.17 Amendment No. 39 to Planning and Building Policies- Draft Policy Relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses

Ward:	Both Wards	Date:	18 April 2006
Precinct:	All Precincts	File Ref:	PLA 0161
Attachments:	001		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Draft Policy relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses, as shown in Attachment 10.1.17;*
- (ii) *ADOPTS the Draft Policy relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses, to be applied in the interim until the formal adoption of the Draft Policy;*
- (iii) *ADVERTISES the Draft Policy relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses 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 consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Draft Policy; and*
 - (c) *forwarding a copy of the subject Draft Policy to the Western Australian Planning Commission and the Heritage Council of Western Australia; and*
- (iv) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Draft Policy relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Policy relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses, with or without amendment, to or not to proceed with them.*

PURPOSE OF REPORT:

The purpose of this report is to introduce and outline the contents of the Draft Policy relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses.

BACKGROUND:

On 23 August 2005, the Council adopted the following Draft Policies relating to heritage: Heritage Management - Development Guidelines; Heritage Management – Assessment; and Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI); to be applied in the interim up to formal adoption on 17 January 2006.

The Policies were developed in part to provide a framework for the proposed release of the Municipal Heritage Inventory, as well as to offer clear procedural guidelines for heritage management at the Town of Vincent.

At the Ordinary Meeting of Council held on 14 March 2006, the Council resolved to adopt a revised Model for the management of the Municipal Heritage Inventory and its relationship to the Town of Vincent Town Planning Scheme No. 1 (TPS No.1). Essentially, this new Model provides that all places that have been categorised as Management Category A and Management Category B are to be included on the Municipal Heritage Inventory and, as such, on the Heritage List, in effect providing those places protection under the TPS No.1.

In response to these changes and the proposed release of the Municipal Heritage Inventory in June 2006, it was requested at the Elected Members Workshop held on 20 February 2006 that changes be made to Policies relating to Heritage Management - Development Guidelines and Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI) and that a new Policy be developed that summarised the incentives and development bonuses available to property owners whose places are listed on the Municipal Heritage Inventory.

DETAILS:

The key objectives of the Draft Policy relating to Heritage Management - Municipal Heritage Inventory (MHI) Incentives and Development Bonuses are:

- 1) To outline incentives and development bonuses for owners for heritage listed places within the Town of Vincent;
- 2) To encourage the conservation and enhancement of the Town's built environment, including individual buildings and streetscapes generally; and
- 3) To outline incentives for development applications that deliver sound conservation outcomes.

CONSULTATION/ADVERTISING:

Any new or 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 and associated Policies.

STRATEGIC IMPLICATIONS:

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

"1.2 Recognise the value of heritage in providing a sense of place and identity."

FINANCIAL/BUDGET IMPLICATIONS:

The current 2005/2006 Budget allocates \$80,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

In light of the above, it is recommended that the Council receives, adopts in the interim and advertises the Draft Policy, in line with the Officer Recommendation.

The Presiding Member advised that he had received a request to defer Item 10.1.11 from the applicant.

10.1.11 No. 18A (Lot: 115 STR Lot 2) Harold Street, Mount Lawley - Proposed Two (2) Storey Single House

Ward:	South	Date:	20 April 2006
Precinct:	Banks Precinct; P15	File Ref:	PRO3462; 5.2006.92.1
Attachments:	001		
Reporting Officer(s):	E Saraceni		
Checked/Endorsed by:	R Rasaratnam, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owners R K D Singh & K J Polla for proposed Two (2) Storey Single House, at No. 18A (Lot: 2 STR: 46886) Harold Street, Mount Lawley and as shown on plans stamp-dated 7 March 2006, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the Open Space and Plot Ratio requirements of the Residential Design Codes and as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Lake, Seconded Cr Maier

That the Item be DEFERRED as per the applicant's request, to further investigate the matter.

CARRIED (8-0)

(Cr Messina on leave of absence.)

Landowner:	R K D Singh & K J Polla
Applicant:	R K D Singh & K J Polla
Zoning:	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Vacant Land
Use Class:	Single House
Use Classification:	"P"
Lot Area:	220 square metres
Access to Right of Way	Eastern side, 3.62 metres wide, sealed and Council owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the construction of a single two-storey house at the rear of an existing single house.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	0.65 Or 151.45 square metres	0.95 or 222.81 square metres	Not supported- plot ratio variation is not supportable under the Town's Non-Variation Policy. Moreover, the proposal is considered overdevelopment of the lot and would result in bulk and scale impact on the amenity of the area.
Density	R60	R60	Noted.
<u>Setbacks</u> Ground Floor- East (to main dwelling) East (to porch) West North South	2.5 metres 1.5 metres 1.5 metres 1 metre 1.8 metres	1.8 metres 1.2 metres 1.6-5.2 metres Nil Nil-5.9 metres	Noted- the variations are considered to be of a minor nature and will have a minimal impact on adjoining neighbours.
Upper Floor- East West North	2.5 metres 1.9 metres 1.5 metres	1.5-3.5 metres 1.6-4.1 metres Nil	Noted- the variations are considered to have an adverse impact on adjoining neighbours.
<u>Open Space</u>	45 per cent	37 per cent	Noted- open space variation is not supportable under the Town's Non-Variation Policy.
<u>Carports and Garages</u>	Carports and garages located off a Right of Way are to be located in such a	5.2 metres	Not supported- as manoeuvring space is not sufficient to enable safe access.

	manner as to provide a minimum access manoeuvring dimension of 6 metres.		
Consultation Submissions			
Consultation is not required as the application is non compliant with the Residential Design Codes and the Town's Non-Variation Policy, and is being referred to the Council for refusal.			
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

* The 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.

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

COMMENTS:

In light of the above, the application is recommended for refusal.

10.1.4 No 52 (Lot 11 D/P: 13828) Scarborough Beach Road, North Perth - Proposed Additional Two (2) Two-Storey Grouped Dwellings and Carport Additions to Existing House

Ward:	North	Date:	18 April 2006
Precinct:	North Perth; P8	File Ref:	PRO3423; 5.2005.3352.1
Attachments:	001		
Reporting Officer(s):	L Mach		
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 C Sarris on behalf of the owner R Ridolfo-Branca for proposed Additional Two (2) Two-Storey Grouped Dwellings and Carport Additions to Existing House, at No.52 (Lot 11 D/P: 13828) Scarborough Beach Road, North Perth, and as shown on plans stamp-dated 11 April 2006, subject to the following conditions:

- (i) *any new street/front wall, fence and gate between the Scarborough Beach 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;*
 - (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 Scarborough Beach Road 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;*

- (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) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Scarborough Beach Road 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);*
- (iv) *first obtaining the consent of the owners of No. 50 Scarborough Beach Road for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 50 Scarborough Beach Road in a good and clean condition; and*
- (v) *the carport shall be one hundred (100) per cent open on all sides and at all times (open type gates/panels are permitted).*

COUNCIL DECISION ITEM 10.1.4

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Messina on leave of absence.)

Landowner:	R Ridolfo-Branca
Applicant:	C Sarris
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	769 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the construction of two (2) two-storey grouped dwellings and carport additions to an existing house.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	4 dwellings R 60	3 dwellings R40	Supported- as there is no variation.
Plot Ratio	<u>Existing House</u> 0.65- or (192 square metres). <u>Unit 1</u> 0.65- or (154 square metres). <u>Unit 2</u> 0.65- or (155 square metres). <u>Overall</u> 0.65- or (500 square metres).	<u>Existing House</u> 0.32- or (96 square metres). <u>Unit 1</u> 0.78- or (186 square metres). <u>Unit 2</u> 0.77- or (185 square metres). <u>Overall</u> 0.60- or (467 square metres).	Supported- bulk and scale (as controlled by setbacks and height) of development is considered acceptable in this instance, as a result of site constraints due to the retention of the existing dwelling. The overall plot ratio is compliant and is not considered to have an undue impact on streetscape or adjoining neighbours.
Setbacks <u>Ground Floor</u> - South	1.5 metres	Nil (compliant with C1.3.3.2 of the Residential Design Codes - Buildings on Boundaries)	Supported- as there is no variation and no objections received from affected neighbour.
<u>First Floor</u> - North	6.6 metres	6.0 metres	Supported- as setback is considered a minor variation in this instance, with no undue impact and no objections received by affected neighbour.
- South	2.7 metres	1.7 metres	Supported- as above.
Outdoor Living Area	Minimum dimension of 4.0 metres	Unit 2- approximately 3.6 metres.	Supported-site constraints due to the retention of the existing dwelling and irregular shape boundary, however, the provided area (25 square metres) of courtyard exceeds requirement of 16 square metres.
Communal Accessway	To be no closer than 3.0 metres to a wall with a major opening	Communal accessway 0.5 metre from major openings.	Supported- as no undue impact.

Consultation Submissions		
Support (1)	• Details not provided.	Noted.
Objection	Nil	Noted.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes.
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

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

COMMENTS:

The planning application is recommended for approval, subject to standard and appropriate conditions to address the matters raised in the report.

10.1.5 No. 43 (Lot 65 D/P: 1659) Kalgoorlie Street, Mount Hawthorn - Proposed Partial Demolition and Two-Storey Addition and Alterations and Additions to Existing Single House

Ward:	North	Date:	20 April 2006
Precinct:	Mount Hawthorn; P1	File Ref:	PRO3463; 5.2006.49.1
Attachments:	001		
Reporting Officer(s):	B McKean		
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 Tangent Nominees T/As Summit Homes Group on behalf of the owners S & J MacKenzie for proposed Partial Demolition and Two-Storey Addition and Alterations and Additions to Existing Single House, at No. 43 (Lot 65 D/P: 1659) Kalgoorlie Street, Mount Hawthorn, and as shown on plans stamp-dated 4 April 2006, subject to the following conditions:

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the southern window to the sitting room on the upper floor, on the western elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished /upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR the subject window not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major opening as defined in the Residential Design Codes 2002.*

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

- (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) *any new street/front wall, fence and gate between the Kalgoorlie Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
- (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*

- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

COUNCIL DECISION ITEM 10.1.5

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Messina on leave of absence.)

Landowner:	S & J MacKenzie
Applicant:	Tangent Nominees Pty Ltd.
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	480 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves partial demolition and two-storey addition and alterations and 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: Upper Floor- South	4.1 metres	2.12 metres - 2.55 metres - 5.36 metres	Supported - as the variation is not considered to have an undue impact on affected neighbour and no objections received.
North	1.8 metres	1.76 metres - 2.34 metres - 3.895 metres	Supported - as above.
Building Wall Height: North (Side)	6 metres	5.98m metres - 6.138 metres	Supported - as the variation is not considered excessive, the overall building height complies, it would have no impact on the streetscape or amenity of adjoining owners and no objections were received.
South (Side)	6 metres	6.151 metres - 6.425 metres	Supported - as above
West (Rear)	6 metres	6.2 metres - 6.35 metres	Supported - as above
Privacy: Upper Floor- East Master Bedroom (northern window)	4.5 metres	3.8 metres to northern boundary	Supported - overlooking is into adjacent properties front setback area, and therefore no undue impact on affected neighbour.
West Sitting Room (southern window)	6 metres	2.8 metres to southern boundary	Not supported - addressed in Officer Recommendation.
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> No objection – however, if plans were amended, it is requested that the plans be re-advertised. 		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 proposal is considered supportable, subject to standard and appropriate conditions to address the above matters.

10.1.6 No. 10 (Lot: 606 D/P: 42235) Haynes Street, Corner Sydney Street, North Perth - Alterations and Additions to Street/Front Fence to Existing Single House (Application for Retrospective Approval)- State Administrative Tribunal DR48 of 2006

Ward:	North	Date:	18 April 2006
Precinct:	North Perth; P08	File Ref:	PRO2691; 5.2006.98.1
Attachments:	001		
Reporting Officer(s):	E Saraceni		
Checked/Endorsed by:	R Rasaratnam, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M J Slatter on behalf of the owner D S & M J Slatter for proposed Alterations and Additions to Street/Front Fence to Existing Single House (Application for Retrospective Approval), at No. 10 (Lot: 606 D/P: 42235) Haynes Street North Perth, and as shown on plans stamp-dated 11 April 2006, subject to the following condition:*
- (a) *the solid portion of the fence adjacent to the Sydney Street common boundary and within the 4 metre front setback common boundary fence between No.10 Haynes Street and 33A Sydney Street can increase to a maximum height of 1.8 metres, provided that the fence and gate along Sydney Street 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; and*
- (ii) *the Council ADVISES the applicant and owners that the above works that form part of clause (i)(a) above shall be completed within twenty eight (28) days of notification, and the Council AUTHORIZES the Chief Executive Officer to initiate legal proceedings should the above works not be completed within this twenty eight (28) days period .*

COUNCIL DECISION ITEM 10.1.6

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Messina on leave of absence.)

Landowner:	D S & M J Slatter
Applicant:	M J Slatter
Zoning:	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	660 square metres
Access to Right of Way	N/A

BACKGROUND:

- 24 June 2003 The Council at its Ordinary Meeting recommended conditional approval to the Western Australian Planning Commission for the subdivision of the subject site into two lots.
- 29 July 2003 The Western Australian Planning Commission conditionally approved the subdivision of the subject site into two lots, subject to one of the conditions requiring that the applicant obtain development approval for the development of houses on the proposed lots.
- 11 May 2004 The Council, at its Ordinary Meeting, resolved to approve demolition of existing single house and construction of two, (2) two-storey single houses at No. 10 Haynes Street, North Perth. Condition (i) of the Planning Approval stated as follows:
- “(i) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Haynes Street and Sydney Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. Any portion of solid fence along the secondary street for proposed unit 1, should incorporate a minimum of two significant design features to break up the visual bulk of the wall;*”
- 11 October 2005 Council at its Ordinary Meeting resolved to refuse a retrospective application for alterations and additions to the street/front fence of the existing single house.
- 20 January 2006 Council issued a Written Direction under Section 10(3) of the Town Planning and Development Act 1928 for non-compliance with the Town of Vincent Town Planning Scheme No. 1.
- 10 March 2006 Directions Hearing at the State Administrative Tribunal (SAT), reference DR48 of 2006.
- 20 March 2006 The SAT ordered that the decision to issue the Notice under review be stayed until further Order of the Tribunal and that the parties undertake discussions with each other in an effort to settle outstanding issues between them. The matter was adjourned for further directions on 3 May 2006.

DETAILS:

The current application involves alterations and additions to street/front fence to existing single house (application for retrospective approval). The applicant has submitted additional information (attached) in support for the unauthorised fencing.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Street Walls and Fences: (as per Council resolution) Sydney Street	Not to exceed a maximum height of 1.8 metres above ground level. Solid portion of the wall or fence excepting piers is to be a maximum height of 1.2 metres above the adjacent footpath level. Upper portion of the wall or fence being visually permeable, with a minimum of 50 per cent transparency when viewed directly in front of the fence.	Solid Portion of the fence on eastern side of the gate on Sydney Street is 1.8 metres Approximately 5 per cent visually permeable	Supported - as the outdoor living area for the dwelling is located directly behind this portion of the wall. The effect of this wall on the streetscape can be significantly reduced by the incorporation of significant design features, as specified in Condition (i) (a) of the Officer's Recommendation. There is, furthermore, a metre drop in level between the footpath and the adjacent outdoor living area for the dwelling. The solid common boundary wall is supportable, as it is not apparently visible from Sydney Street. Supported - as above.

Consultation Submissions	
No consultation was required for this application as the matter is being referred to the Council for determination.	
Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Financial/Budget Implications	Nil

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

COMMENTS:

Whilst the street/front fence at No. 10 Haynes Street, North Perth is non-compliant with the Town's Policy relating to Street Walls and Fences, the effect of the solid portion of the wall on the streetscape can be significantly reduced through the incorporation of significant design features.

In light of the above, the application is recommended for approval.

10.1.8 No. 14 (Lot 4 D/P: 3801) Norham Street, North Perth - Proposed Single House and Bed and Breakfast Renewal

Ward:	North	Date:	18 April 2006
Precinct:	North Perth; P8	File Ref:	PRO2198; 5.2006.66.1
Attachments:	001		
Reporting Officer(s):	L Mach		
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 S Rossetti on behalf of the owner N & S Rossetti for proposed Single House and Bed and Breakfast Renewal, at No.14 (Lot 4 D/P: 3801) Norham Street, North Perth and as shown on plans stamp-dated 17 February 2006 , subject to the following conditions:

- (i) this approval for a Bed and Breakfast is for a period of 5 years only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use. If no valid planning complaints are received within the 5 years period, the new application may not require consultation/advertising and conditional approval may be issued by the Town under delegated authority from the Council;*
- (ii) a maximum of two lodgers/guests shall be accommodated on the premises at any one time;*
- (iii) the bed and breakfast use shall be ancillary and incidental to and associated with the single house on-site;*
- (iv) any new street/front wall, fence and gate between the Norham Street boundary and the Ruby 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 Ruby Street boundary from the above truncation(s) and from the main building line setback of Norham Street, can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence; and*
- (v) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Messina on leave of absence.)

Landowner:	N & S Rossetti
Applicant:	S Rossetti
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential 30/40
Existing Land Use:	Single House and Bed and Breakfast (B & B)
Use Class:	Single House, Bed and Unlisted Use
Use Classification:	"P", "SA"
Lot Area:	506 square metres

BACKGROUND:

- 10 February 2003 The Town conditionally approved an application for change of use from single house to single house and bed and breakfast under delegated authority from the Council.
- 16 December 2003 The Council at its Ordinary Meeting conditionally approved an application for signage at the subject property.
- 9 March 2004 The Council at its Ordinary Meeting conditionally approved an application for the renewal of single house and bed and breakfast for a period of 24 months.

DETAILS:

The proposal involves the renewal of the approval of the existing single house and bed and breakfast use. There are no changes proposed from the previous applications, except that the applicant is requesting that the bed and breakfast be approved for a longer time period. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support	Nil		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The proposal is considered acceptable given its limited scale, nature and impact on the amenity of the surrounding area. It is also noted that there has been no complaints received by the Town in relation to the proposal in the time that the B& B has been in operation.

In light of the above, it is recommended that the proposal be approved, subject to standard and appropriate conditions, including the approval period being extended to 5 years and that if no valid planning complaints are received, renewals at the same scale can be dealt with under delegated authority.

10.1.10 No. 69 (Lot 120 D/P: 2334) Sydney Street, North Perth - Proposed Two Storey Grouped Dwelling to Existing Single House

Ward:	North	Date:	19 April 2006
Precinct:	Mount Hawthorn; P1	File Ref:	PRO1852; 5.2005.3290.1
Attachments:	001		
Reporting Officer(s):	B Phillis		
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 REFUSES the application submitted by A Federico on behalf of A and AB Federico for proposed Two -Storey Grouped Dwelling to Existing Single House, at No. 69 (Lot 120 D/P: 2334) Sydney Street, North Perth, and as shown on plans stamp-dated 22 November 2005, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the R20 density requirements of the Residential Design Codes, whereby the minimum and average lot area requirements for grouped dwellings are not met.*

COUNCIL DECISION ITEM 10.1.10

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Messina on leave of absence.)

Landowner:	A and A B Federico
Applicant:	A Federico
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	564 square metres
Access to Right of Way	N/A

BACKGROUND:

5 October 2001

A development application (00/33/0760) was received for a rear two storey grouped dwelling at the subject property.

- 6 December 2001 The Western Australian Planning Commission conditionally approved a two lot Survey Strata 893-01 for the subject property.
- 4 December 2002 A development application (00/33/1411) was received for additions and alterations to the front dwelling and for the identical rear two storey grouped dwelling that was approved on 5 October 2001.
- 5 February 2003 The development application (00/33/1411) was approved by the Council.
- 3 October 2003 The Minister for Planning and Infrastructure adopted Amendment No. 11 which down-coded the Eton Locality from R30/R40 to R20, which is applicable to the subject property.
- 14 November 2003 The development application (00/33/0760) expires. Construction for two storey grouped dwelling not initiated.
- 6 December 2004 The Western Australian Planning Commission's conditional approval for a two lot Survey Strata 893-01 expired.
- 5 February 2005 The development application (00/33/1411) expired. Alterations and additions for front dwelling are completed. Construction for the rear two storey grouped dwelling has not been initiated.
- 22 November 2005 The current development application (5.2005.3290.1) is received, involving plans for the identical two storey grouped dwelling as the abovementioned development applications (00/33/0760 and 00/33/1411.)
- 14 March 2006 Final adoption of Amendment No. 22 by the Council to retain the R20 density for the Eton Locality after 1 July 2006, which is applicable to the subject property.

DETAILS:

The proposal involves a two (2) storey grouped dwelling to existing single house. The applicant's submission is attached.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	1 dwelling R20	2 dwellings R35	Not supported - as number of proposed dwellings exceed lot area requirements of the Residential Design Codes. (Applicant is seeking a 77.3 per cent density bonus, in lieu of 50%)
Plot Ratio	N/A	N/A	N/A

Setbacks: Southern Ground Floor	1.5 metres	1.0 metre to 3.0 metres	Supported - 77 per cent of the wall is setback further than 1.5 metres.
Buildings on Boundary	One boundary wall is permitted with an average height of 2.7 metres and a maximum height of 3 metres, up to 9 metres in length.	Northern boundary wall is for store room (3.1 metres in length, 2.9m to 3.3 metres in height).	Supported - due to being a minor boundary wall with limited length and height, with no overshadowing or bulk consequences.
		Eastern boundary wall is for the double garage (6.6m in length, 2.8m in height).	Supported - internal boundary, with no overshadowing or bulk consequences.
Consultation Submissions			
The subject proposal was not advertised as it is being recommended for refusal and is being referred to the Council for determination.			
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		Nil	

* The 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:

Heritage Comments:

The place at No.69 Sydney Street, North Perth is not currently listed on the Town of Vincent Municipal Heritage Inventory or the Town's Interim Heritage Inventory.

The Eton Locality Statement states that *"the retention and/or restoration of established houses which are indicative of the era in which the locality was developed and generally contribute to its existing character will be encouraged."* The subject dwelling is an inter-war bungalow, which was built in 1935. The dwelling although modest, is indicative of the type of housing that was constructed in the Eton Locality during the inter-war period.

In light of the above, it is considered that the subject dwelling is worthy of retention.

Summary

The proposal is recommended for refusal as it does not comply with the minimum and average lot size requirements under the R20 density and also does not qualify for a density bonus under Clause 20 of Town Planning Scheme.No.1.

**10.1.13 Local Government (Miscellaneous Provisions) Amendment Bill 2005 -
Comments for the Department of Housing and Works**

Ward:	Both	Date:	12 April 2006
Precinct:	All	File Ref:	ENS 0056
Attachments:	-		
Reporting Officer(s):	G. Snelling		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the Local Government (Miscellaneous Provisions) Amendment Bill 2005, introducing transitional provisions that progress towards other States Legislation and brings Western Australia into line with national reforms;*
- (ii) *ADVISES the Department of Housing and Works, Office of Policy and Planning, that the Council SUPPORTS the principles and contents of the proposed Local Government (Miscellaneous Provisions) Amendment Bill 2005, and that of the following concerns be further considered and addressed:*
 - (a) *taking into consideration the population of the district, the class, size and complexity of building work that a person has delegated responsibility for, a grandfather clause should be included in the Local Government (Miscellaneous Provisions) Amendment Bill 2005, stating that "Persons currently employed as a Building Surveyor and accredited with a Municipal Building Surveyors Certificate of Qualification (MBSCQ) by the Municipal Building Surveyors Qualification Committee (MBSQC), in accordance with the Local Government (Qualification of Municipal Officers) Regulations 1984, and has held that position for no less than five (5) years, shall continue to be authorized to approve any building work of any class, size and complexity, in accordance with their current position in local government, and have their Municipal Building Surveyors Certificate of Qualification accepted as sufficient justification for appointment to Level 1 pursuant to the proposed National Accreditation Framework, until that person retires/resigns from the Building Surveying profession."*

Additionally, Environmental Health Officers that work in rural and regional local authorities and have the additional role of Building Surveyor, could be recognized as a Building Surveyor Technician, pursuant to the proposed National Accreditation Framework;

- (b) *due to the decreasing availability of qualified Building Surveyors in the industry, persons that have many years of extensive experience should be encouraged by recognition of prior learning and experience to remain in the industry, as this would alleviate the likely shortfall of currently qualified and experienced Building Surveyors. Therefore, recognition of prior learning and experience should be included as a provision in the new Building Act; and*

- (c) *the Australian Institute of Building Surveyors (AIBS), currently provides accreditation in accordance with the National Accreditation Framework. Such accreditations are currently accepted in a number of other jurisdictions as part of their registration process. Therefore, persons currently accredited by AIBS (Australia's highest professional organisation), should be able to be accredited in WA without the need for further justification.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Messina on leave of absence.)

PURPOSE OF REPORT:

The Local Government (Miscellaneous Provisions) Amendment Bill 2005, was introduced in the Legislative Assembly on 10 October 2005. Most of the proposals contained in this Bill originate from the Local Government (Miscellaneous Provisions) Amendment Bill 2003 (2003 Bill). The 2003 Bill provided for regulation of qualifications to be held by building surveyors exercising delegated powers to approve building licences and to align with a national accreditation framework. It also provided for retrospective building approvals through the issue of a 'Certificate of Substantial Compliance.' The 2003 Bill progressed to the second reading stage in the Legislative Council but lapsed on 23 January 2005. Subsequent review of the 2003 Bill as part of the transfer of appeals to the State Administrative Tribunal (SAT) identified improvements, which could be progressed, and these improvements are contained in the current Amendment Bill. The amendments in this Act (other than in Sections 13 and 14) are to the *Local Government (Miscellaneous Provisions) Act 1960*. Comments relating to Sections 13 and 14 are not the subject of this report, however, Section 13 is an amendment to the *Local Government Act 1995*, and section 14 is an amendment to the *Builders' Registration Act 1939*.

DETAILS:

The Amendment Bill provides for:

1. A mechanism to approve retrospectively the buildings that have been constructed illegally.
2. Regulating the qualifications to be held by building surveyors performing functions under the Local Government (Miscellaneous Provisions) Act 1960. The intent of these amendments is to permit the alignment of the required qualifications with the national accreditation framework, developed by the Australian Building Codes Board (ABCB). This provides an opportunity to meet some of the State's national competition policy obligations, by providing greater contestability and flexibility of building certification services.
3. Removing the ability of unqualified people, such as local government elected Councillors, to resolve to approve a building licence application, without first obtaining the advice of an appropriately qualified and experienced person.
4. Clarifies more clearly the existing definition of what is a private swimming pool, for the purposes of applying the swimming pool barrier safety requirements.
5. A number of miscellaneous amendments.

The Local Government (Miscellaneous Provisions) Amendment Bill 2005, timeframe:

Timeline:

Phase	Task	Timeframe
<i>Local Authority Consultation</i>	Release of Discussion Draft seeking comments from Local Government Authorities	Closing 5 May 2006
<i>Review of Comments</i>	Analysing comments received	During first half of 2006
<i>Refining Proposal</i>	Incorporating comments received where appropriate, refining proposal	First half of 2006
<i>Legislation</i>	Submission of draft Bill to Cabinet	Second half of 2006

Glossary of Terms:

Amendment Bill	Local Government (Miscellaneous Provisions) Amendment Bill 2005 currently before the Parliament.
BST	Building Surveyor Technician.
Building Act	As per the document 'A New Building Act for Western Australia' currently out for public consultation until 28 April 2006. Copies of the document may be obtained from www.dhw.wa.gov.au/buildingactwa .
Certificate of Construction Inspection	Certificate to be issued under the proposed Building Act.
Certificate of Design Compliance	Certificate to be issued under the proposed Building Act.
Certificate of Occupancy	Certificate to be issued under the proposed Building Act.
L1 or Level 1	Building Surveyor Level 1 as per the National Framework.
L2 or Level 2	Building Surveyor Level 2 as per the National Framework.
LIA or Licence Issuing Authority	Entity that would be responsible for issuing building and occupancy approval under the proposed Building Act.
MBSCQ	Municipal Building Surveyor Certificate of Qualification issued by the Municipal Building Surveyor Qualification Committee pursuant to Local Government (Qualification of Municipal Officers) Regulations 1984.
Proclamation date	Refers to the date that the Amendment Bill is proclaimed, except where specifically refers to the proposed Building Act.
Transitional Period	The period after the proclamation of the Amendment Bill and prior to proclamation of the proposed Building Act.

Retrospective Approval of Unauthorised Buildings:

The existing provisions in the Local Government (Miscellaneous Provisions) Act 1960 (the Act) do not provide a power for local governments to issue approvals retrospectively for unauthorised work that has been commenced or completed without a building licence, or which is not built in compliance with, or is a departure from, approved plans and specifications.

Some local governments have been issuing orders to demolish unauthorised works so that the building owner has an opportunity to apply for review to the State Administrative Tribunal. This causes a considerable administrative burden on the Department of Justice, local governments and members of the public. Other local governments, on receiving certain certifications from the building owner, have been advising the owner that while the building in question remains unauthorised, they do not propose to take action in respect of that building.

The Amendment Bill provides for the issue of a "Building Approval Certificate" in relation to unauthorised building work when an owner has lodged plans with the local government, paid all relevant fees and demonstrated to the local authority that the building work complies with all of the relevant standards. Providing an approval of this nature retrospectively will allow local governments to be satisfied that a building is safe, complies with all requirements, and is included in the building records.

As a separate process, owners or builders who carry out unauthorised building work may still be prosecuted by local governments under the Act and/or the Builders' Registration Board under the Builders Registration Act 1939. It should be noted however, that the offences for these breaches continue to apply only to the person who commit the offence, that is, the builder or original owner who commences unauthorised building work or who allows an unauthorised building to be occupied.

The regulations will provide sufficient fees for the local governments to ensure ratepayers, or those that apply properly for building licences, are not subsidising those issued retrospectively with Building Approval Certificates.

Regulating the Qualification of Building Surveyors:

Local governments are currently required to appoint a person to the office of building surveyor. Local governments with over 15,000 people must appoint a person with a certificate from the Municipal Building Surveyors Qualifications Committee (MBSQC), but local governments with 15,000 or less people do not have to appoint a person with any qualifications. The Coroner's Inquest identified this concession as a possible contributor to the death of a young girl. The Coroner recommended that:

"All Shires be required to access the input of persons capable of adequately performing the duties of a building surveyor to ensure plans appropriately specify all requirements necessary for a safe construction in terms of the specific requirements for the area of the construction and general specifications."

This Amendment Bill provides a head of power for regulations to prescribe the level of qualifications of people to whom a local government may delegate the power to issue building licences or building approval certificates (in relation to unauthorised building work) based on the complexity of building being assessed. The Amendment Bill also provides that where a local government elects to issue a building licence or building approval certificate in its own right, it must obtain advice from a person with at least the same qualifications as a person to whom it may delegate the power. This will ensure that appropriately qualified people scrutinize buildings requiring building licences.

These changes also provide the opportunity to meet some of the State's national competition policy obligations to introduce a national accreditation framework for building surveyors, and to provide greater flexibility and contestability in the provision of building certification services.

However, any changes in the level of qualifications required for building surveyors must be accompanied by a transitional period whereby both the local governments employing the building surveyors and the building surveyors themselves are able to adjust to the new requirements. Thus, there is a need to consider and accept for the transitional period at least, a compromise between the ideal level of qualifications and experience that a building surveyor should have, and the difficulties that local governments will face in finding and employing such building surveyors.

The State Government, through the Department of Housing and Works, wishes to agree on a transitional arrangement with local governments and the building surveying profession to ensure building surveyors currently employed in local governments are able to remain in their positions and continue to carry out their normal functions, while steadily improving the qualifications of people certifying compliance with the building codes up to the national level and thus addressing the concerns of the Coroner.

National Accreditation Framework for Building Surveyors:

The National Accreditation Framework was developed by the Australian Building Codes Board, in order to promote consistency in regulatory processes in Australia. The Western Australian Government is committed to the National Accreditation Framework and the Local Government (Miscellaneous Provisions) Amendment Bill 2005 makes it possible for the Government to adopt that Framework.

The National Accreditation Framework promotes a two-tier building surveyor accreditation. The Level 1 building surveyor is one who is allowed to practice in an unrestricted fashion and, in order to do that must have a degree qualification in building surveying (or equivalent), as well as three years of relevant experience. The Level 2 building surveyor is restricted to assessing and certifying compliance of buildings that are no more than three storeys and 2000 square metres in total floor area and, in order to do that, must have an advanced diploma in building surveying (or equivalent), as well as 2 years of relevant experience. The Framework also recognises people that can have their experience and qualifications assessed through a formal "recognition of prior learning" process as being equivalent to either the degree or advance diploma in building surveying.

Suggested Transitional Provisions:

The suggested transitional provisions contained in this Paper were produced by the Department of Housing and Works to stimulate discussion and form the basis of consultation with the relevant stakeholders. The Government does not have a policy position on the transitional arrangements and will not develop one until after the consultation.

The proposed transitional provisions will allow an existing building surveyor employed by a local government, to continue fulfilling the statutory roles of the position in parallel with the new qualification framework until the proclamation of the proposed Building Act. During this period existing local government building surveyors that do not hold the minimum qualifications needed under the national accreditation framework may choose either to substantiate that their experience and qualifications are equivalent to new requirements through a formal "recognition of prior learning" process or choose to upgrade their qualifications by further study.

Existing Appointees:

The proposed transitional provisions will not force any existing local government employee out of a job. Any person employed on the proclamation date in a local government building surveying position will, for the duration of the transitional period, be able to remain in that position and retain all lawful delegations that applied to that position for as long as that local government and the employee choose to have that relationship continued. However, this privilege will be restricted to the local government employing the individual on the proclamation date and does not extend to any other subsequent employers.

New Appointees (During the Transitional Period):

In local governments with a population of not more than 15,000 persons where currently they are not required to appoint a qualified building surveyor, the transitional provisions will, in accordance with the Coroner's recommendations, remove the ability to appoint unqualified persons but will allow persons with a lower level of qualifications to be appointed to the office of building surveyor and fulfil the role of the building surveyor during the transitional period. This temporary accreditation which is referred to as Building Surveyor Technician (BST), will provide those local governments with more flexibility in employing building surveyors with some qualification in building surveying, whilst providing those building surveyors with time to upgrade their qualifications where necessary.

During the transitional period the situation in local governments with a population of more than 15,000 persons remains similar to the current requirements. Building surveyors with an MBSCQ may, during the transitional period, continue to be appointed to the office of building surveyor and be delegated the power to assess and approve any building plans and specifications for the purpose of issuing a building licence. However, no new MBSCQs will be issued and all new building surveyors would be required to apply for Level 1 or Level 2 accreditation under the national accreditation framework.

Building surveyors are encouraged to apply to the Building Surveyors Qualification Committee for their Level 1, Level 2 or BST accreditation during the transitional period. Such an accreditation will minimise disruptions to building approval processes both during and after the transitional period.

Assessment of Experience and Qualifications:

The Amendment Bill will provide for new regulations on the process of assessing applications for certificates of qualification. It is suggested that the existing Municipal Building Surveyors Qualification Committee be replaced with the Building Surveyors Qualification Committee (BSQC). The new name will reflect the fact that a growing number of building surveyors practice as private consultants and may choose not to be employed by local governments.

The Amendment Bill also permits the new regulations to require applicants to have their qualifications and experience assessed by third parties prior to BSQC making a determination on an application. This may be similar for example to Queensland, where to receive State registration to practice as a building surveyor/certifier, one needs to have obtained accreditation from the Australian Institute of Building Surveyors (AIBS). It must be noted that the process for AIBS accreditation is different to AIBS Membership. In other words, AIBS Membership is not proof of accreditation and to become accredited one does not need to be a member of AIBS.

The BSQC would only operate during the transitional period. Its main role would be to provide existing and new building surveyors with Level 1, Level 2 and BST certificates of qualification. The proposed Building Act is likely to have its own building practitioner accreditation system that may include engineers, architects, building surveyors and others.

Advice Prior to Approval:

Despite the need to appoint a person to the office of building surveyor, the current Act allows a local government through a resolution of its Council, to issue a building licence without any involvement of the building surveyor at all. As identified by the Coroner, there are clearly risks from unqualified people or unqualified local councillors issuing building licences without proper advice. In practice, most local governments do involve their building surveyor, or delegate the power to issue building licences to the building surveyor, but this practice is currently unregulated and the existing Act does not provide an adequate head of power for regulations.

To address this, the Amendment Bill provides that where a local government elects to issue a building licence or building approval certificate in its own right, it must obtain advice from a person with at least the same qualifications as a person to whom that particular local government may delegate authority. This will ensure that qualified people properly scrutinize buildings.

It should be noted that the qualified person advising a local government that it is or is not appropriate to issue a building licence or building approval certificate, in a particular case need not be the person appointed to the office of building surveyor, but may be another employee of the local government, a contractor to the local government, or a person engaged by the building owner.

This provision will allow considerable flexibility for local governments faced with difficulties in engaging qualified people in the current boom conditions, and will allow building owners and local governments to streamline the approval process by allowing independent building surveyors to certify compliance with the building codes concurrently with the design process, and present a fully certified proposal to the local government for approval through the issue of a building licence or building approval certificate without further scrutiny. The local government is not however, bound by this advice, and may obtain further advice from another appropriately qualified person.

This provision provides an opportunity to meet some of the State's national competition policy obligations, to introduce greater flexibility and contestability in the provisions of building certification services.

Delegation of Authority:

This Bill achieves the above by providing a more flexible head of power for regulations, to prescribe the qualifications of people to whom a local government may delegate the power to issue building licences or building approval certificates, instead of restricting the delegation to persons appointed to the office of building surveyor.

Regulations prescribing the qualifications needed to be appointed to the office of building surveyor, or to receive delegated power to issue building licences, will include the national framework, as well as the existing municipal building surveyors qualifications committee (MBSQC) certificates.

The regulations will provide that a person who may receive delegated authority must be employed by or engaged on contract to the local government.

Swimming Pool Definition:

The Act sets out provisions for the protection of persons that may enter upon private land on which there is a private swimming pool. These provisions and those contained in the Building Regulations 1989 require that a complying barrier be installed around such a private swimming pool.

Whilst the industry and local governments have generally been applying these requirements on the common understanding that a spa-pool is included in the definition of swimming pool, concerns have been raised that the existing definition in the Act may not be clear enough on this point. This Bill amends the definition of swimming pool to clarify the definition and confirms the existing understanding and practice.

Other Miscellaneous Amendments:

The Local Government (Miscellaneous Provisions) Act 1960 consists of those parts of the Local Government Act 1960 that were not repealed by the passage of the Local Government Act 1995.

Repealed Sections of the Local Government Act 1960:

A number of repealed sections of the 1960 Act were given continuing effect in relation to building surveyors pursuant to clause 4(2) of Schedule 9.2 of the Local Government Act 1995. These provisions which relate to building surveyors and building surveying functions do not appear in printed version of the Acts. The Amendment Bill reinstates the updated version of the relevant provisions contained in these "repealed" sections (157(2), 159 and 160) into the Local Government (Miscellaneous Provisions) Act 1960.

Increase in Penalties:

The maximum and daily penalties for building without a licence have been increased from \$5,000 and \$200 per day to \$50,000 and \$5,000 per day.

The maximum and daily penalties for permitting the occupation of an unauthorised building have been increased from \$400 and \$16 per day to \$4,000 and \$160 per day.

Proposed Transitional Provisions for Building Surveyors:

Every building surveyor (appointed to a position after the Amendment Bill proclamation date) must, if fulfilling a statutory function, hold an appropriate Qualification Certificate.

The Qualification Certificates recognised during the transitional period are:

- Municipal Building Surveyors Certificate of Qualification (MBSCQ);
- Level 1 – Building Surveyor *;
- Level 2 – Building Surveyor *; and
- Building Surveyor Technician (BST).

* Level 1 and 2 are the only certificates likely to be recognised by the proposed Building Act once it is proclaimed.

Restrictions that apply to different certificate holders in relation to appointment to the Office of Building Surveyor, may be restricted to:

Certificate	Transitional	Building Act ¹
MBSCQ	Any Local Government	Not Accepted
L1	Any Local Government	Any LIA
L2	Any Local Government	Any LIA
BST	Local Government with population < 15,000	Not Accepted

In relation to delegation to approve/provide advice, may be restricted to:

		Building Act ¹
MBSCQ	Any Building in any Local Government	Not Accepted
L1	Any Building in any Local Government	Any Building
L2	Any Building in any Local Government	2000m ² and 3 storeys
BST	500m ² and 2 Storeys in a Local Government with population < 15,000	Not Accepted

The role of building surveyors under the Building Act is subject to public consultation process and may be different to what is indicated above.

Suggested Transitional Arrangement for Building Surveyors:

Existing		Transition Period		Building Act ³
LG Population < 15000	LG Population >15000	Local Government Population < 15000	Local Government Population >15000	Anywhere
Local Government must appoint a person to the Office of Building Surveyor.	Local Government must Appoint a qualified (MBSCQ) person to the Office of Building Surveyor.	Local Government must appoint one of the following persons to the Office of Building Surveyor. Existing appointee continued; or Building Surveyor Technician ² ; or MBSCQ; or Level 1 building surveyor; or Level 2 building surveyor.	Local Government must Appoint a qualified person to the Office of Building Surveyor. MBSCQ; or Level 1 building surveyor; or Level 2 building surveyor.	Licence Issuing Authority requires: Level 2 building surveyor to issue Building Approval, Building Licence and Certificate of Occupancy.

Existing		Transition Period		Building Act ³
LG Population < 15000	LG Population >15000	Local Government Population < 15000	Local Government Population >15000	Anywhere
Local Government may delegate authority to approve any building of any size or complexity to the person appointed to the Office of Building Surveyor – s374(1b)	Local Government may delegate authority to approve any building of any size or complexity to the person appointed to the Office of Building Surveyor – s374(1b)	Local Government may delegate authority to approve any building of any size or complexity to any person employed, or engaged on contract, by the Local Government but only if one of the following applies (Except for BST, refer note 2): Existing delegation continued ¹ ; or Building Surveyor Technician ² ; or MBSCQ; or Level 1 building surveyor; or Level 2 building surveyor. The delegate may, or may not, be appointed to the office of building surveyor.	Local Government may delegate authority to approve any building of any size or complexity to a person employed, or engaged on contract, by the Local Government, but only if that person has minimum qualification: MBSCQ; or Level 1 building surveyor; or Level 2 building surveyor. The delegate may, or may not, be appointed to the office of building surveyor.	The building surveyors wishing to issue Certificate of Design Compliance, and Certificate of Construction Inspection may require to have accreditation as a: Level 1 building surveyor; or Level 2 building surveyor if building is less than 2000m ² and not more than 3 storeys.

1. Persons employed at the proclamation date as local government building surveyors and who are appointed to the office of building surveyor, including any delegations, are not affected by this transitional provision while they remain in their office at their current local government.

2. The concept of persons with no building related qualifications being appointed to the office of building surveyor and checking and approving building licence applications is not supported. In order to allow for a smooth transition to the national qualification framework, it is proposed to allow certain persons, who would otherwise not be able to be appointed to the office of building surveyor, to be able to be appointed and delegated the powers of a building surveyor. This concession is only provided for the duration of the transitional period. It is proposed that persons with a Building Surveyor Technician certificate, may, for the duration of the transitional period, be appointed to the office of building surveyor and be delegated the authority to assess and approve building licence applications for buildings not greater than 500 m² and not more than 2 storeys.
3. The final shape of the Building Act is subject to public consultation comments. The Building Act may have its own transitional provisions for building surveyors.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Local Government (Miscellaneous Provisions) Act 1960, the Building Regulations 1989, and the Building Code of Australia.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005 – 2010 Key Result Area Four: Governance and Management.

FINANCIAL/BUDGET IMPLICATIONS:

The affect of higher educational and accreditation standards will influence (possibly increase) the remuneration for Building Surveyors.

COMMENTS:

In order to progress the Local Government (Miscellaneous Provisions) Amendment Bill 2005, the Department of Housing and Works (DHW) is seeking comments from Local Government Authorities, and in particular the proposed building surveyor transitional framework.

The following matters are considered of concern to the Town's Officers, and it is recommended that they be conveyed to the Department of Housing and Works, Office of Policy and Planning:

- (a) taking into consideration the population of the district, the class, size and complexity of building work that a person has delegated responsibility for, a grandfather clause should be included in the Local Government (Miscellaneous Provisions) Amendment Bill 2005, stating that "Persons currently employed as a Building Surveyor and accredited with a Municipal Building Surveyors Certificate of Qualification (MBSCQ) by the Municipal Building Surveyors Qualification Committee (MBSQC), in accordance with the Local Government (Qualification of Municipal Officers) Regulations 1984, and has held that position for no less than five (5) years, shall continue to be authorized to approve any building work of any class, size and complexity, in accordance with their current position in local government, and have their Municipal Building Surveyors Certificate of Qualification accepted as sufficient justification for appointment to Level 1 pursuant to the proposed National Accreditation Framework, until that person retires/resigns from the Building Surveying profession."

Additionally, Environmental Health Officers that work in rural and regional local authorities and have the additional role of Building Surveyor, could be recognized as a Building Surveyor Technician, pursuant to the proposed National Accreditation Framework;

- (b) due to the decreasing availability of qualified Building Surveyors in the industry, persons that have many years of extensive experience should be encouraged by recognition of prior learning and experience to remain in the industry, as this would alleviate the likely shortfall of currently qualified and experienced Building Surveyors. Therefore, recognition of prior learning and experience should be included as a provision in the new Building Act; and
- (c) the Australian Institute of Building Surveyors (AIBS), currently provides accreditation in accordance with the National Accreditation Framework. Such accreditations are currently accepted in a number of other jurisdictions as part of their registration process. Therefore, persons currently accredited by AIBS (Australia's highest professional organisation), should be able to be accredited in WA without the need for further justification.

In light of the above, it is recommended that the Council receives and supports the principles and contents of the proposed Local Government (Miscellaneous Provisions) Amendment Bill 2005, inclusive of the above mentioned recommendations. Additionally, it is to be noted that all current Building Surveyors employed by the Town of Vincent, have been accredited with the 'Municipal Building Surveyors Certificate of Qualification (MBSCQ).'

10.1.14 Regulation Reduction Incentive Fund (RRIF) Agreement for the National Electronic Development Assessment (NeDA) Project

Ward:	Both Wards	Date:	13 April 2006
Precinct:	All Precincts	File Ref:	PLA0022
Attachments:	001		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES this report and the letter dated 24 February 2006 from the Cairns City Council in relation to the Regulation Reduction Incentive Fund (RRIF) Agreement for the National Electronic Development Assessment (NeDA) Project;*
- (ii) *ADVISES the Cairns City Council that the Town of Vincent is prepared to sign the Funding Agreement between the Commonwealth Government of Australia, Cairns City Council and Each Person named in the Schedule 8 as 'Laid on the Table'; and*
- (iii) *AUTHORISES the Chief Executive Officer to:*
 - (a) *enter into the Funding Agreement with the Commonwealth of Australia; and*
 - (b) *enter into contract arrangements with Civica for the execution of the project.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Messina on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide an outline of the National Electronic Development Assessment (NeDA) project and to seek endorsement by the Council for the Town's involvement in facilitating the progression of this national project by way of signing a funding agreement between the Commonwealth of Australia (as represented by the Department of Industry, Tourism and Resources), Cairns City Council and the Town of Vincent.

BACKGROUND:

A letter was received from the Cairns City Council on 24 February 2006, with supporting documentation, that provided an outline of the NeDA project and the associated RRIF that has been provided by the Commonwealth Government to aid in the implementation of this program with all participating Councils across Australia.

The Town's Officers attended a briefing at the Western Australian Local Government Association (WALGA) on 29 March 2006, where the principal coordinator of the NeDA Project provided an overview of the project and its relevance to Western Australian Local Councils.

The Town of Vincent has previously, through an Expression of Interest, offered its support to participate in the NeDA Project. As a result, the Town has been contacted by the Cairns City Council with respect to this Project. Specifically, the Cairns City Council has requested that the Funding Agreement (which formed part of the attached documentation to the correspondence) be signed and returned to them at the Town's earliest convenience.

DETAILS:

In July 2005, the Federal Government called for submissions for grants from Local Government authorities under the RRIF program. The RRIF was established by the Federal Government to fulfil an election commitment, *Promoting Enterprise Culture*. The RRIF is a \$50 million fund which aims to provide Local Government authorities with incentives to introduce improvements to the regulatory environment that will benefit small and home-based businesses through a reduction in regulation and compliance costs.

The RRIF is administered by AusIndustry, an agency of the Department of Industry, Tourism and Resources under the responsibility of the Minister for Small Business and Tourism, the Hon. Fran Bailey MP.

The Cairns City Council in partnership with the Development Assessment Forum, the Local Government Association of Queensland, the Local Government Association of South Australia and the Municipal Association of Victoria has led a consortium of 128 Councils to successfully apply for funding from the Australian Government's RRIF fund for the NeDA Project.

National Electronic Development Assessment (NeDA) Project

The following explanation was provided in the correspondence from the Cairns City Council with respect to the NeDA Project.

"NeDA aims to streamline the lodgement and reduce the confusion and inefficiency for users confronting a variety of different formats and system interfaces that result in the delays in processing Development Applications (DA's). It is estimated that with a total of over \$100 billion of DA's lodged annually in Australia, and where the reduction of the permit processing time results in a saving of some \$16 million per day, that there is the opportunity to achieve considerable saving through improvements in the electronic lodgement, tracking and assessment of applications.

A main component of the project is the engagement of the major national suppliers of Local Government computer software to establish performance criteria for vendor service integration to enable the electronic lodgement, tracking and assessments of applications.

The major vendors (ie Civica, Pathway, Geac) have existing contracts across the country with most Councils. The vendors will be required to develop or modify their respective systems for each State that they deliver their product to."

Given that the Town of Vincent had earlier expressed an interest in the Project, it is entitled, along with a number of other local government authorities in Western Australia to an allocation of funds and/or resources from the Project.

The funding and/or resources will be used by the Councils to implement business process changes to ensure that the existing internal processes within the Town of Vincent are compatible with the changes necessitated by our existing computer software and programs. The distribution of the funding and/or resources will occur at a State level through a State Association, which is most likely to be WALGA.

Benefits

The benefits to the Council, as listed in the Cairns City Council correspondence, are as follows:

- “(a) Council planning systems are retained and adapted to support a nationally consistent approach.*
- (b) Existing vendors are paid for the work involved in adapting their system, but at a lower cost than would normally be the case, because of the large number of Councils involved and the leverage involved in national negotiations with vendors.*
- (c) End users (ie applicants) will find it easier to apply for development applications because of a nationally consistent approach.*
- (d) Councils will find it easier to apply for development applications because of a nationally consistent approach.*
- (e) Councils will find it easier to attract or share, and train planning staff.*
- (f) Funding will be provided to integrate the changes to Council planning systems with nationally agreed systems and processes.*
- (g) Councils will benefit by having improved data quality and consistency through the data standards that will be imposed by the national eDA communication protocol. This will ensure Council’s internal systems for development assessment can be further automated and streamlined.*
- (h) Participating Councils will be funded or resources will be provided to implement the NeDA approach, including business process change internally to implement electronic lodgement, tracking and assessment of applications.”*

Regulation Reduction Incentive Funding Agreement

Included with the Cairns City Council correspondence are two bound copies of the Funding Agreement between the Commonwealth of Australia, as represented by the Department of Industry, Tourism and Resources, Cairns City Council and “Each Person Named in Schedule 8”. The Cairns City Council and the local government associations are confident there is little risk in the NeDA project for the Council and, therefore, have encouraged all consortium members to accelerate the signing of the agreement.

Legal advice has also been provided by the Cairns City Council, which was collectively sought through the Local Government Association of Queensland, Local Government Association of South Australia and Municipal Association of Victoria. The advice received is “*Laid on the Table*”.

Council Role and Costs

The Cairns City Council advises that the Town of Vincent’s role in the NeDA project will be to implement an upgraded development application solution and the project team, as referred to above, will either provide funding or resources to assist with the implementation and business changes required within the Town of Vincent’s current operating systems.

The Funding Agreement states in-kind contribution from Councils involved in this project. This in-kind contribution is based on effort required by Councils to implement the upgraded solutions and *no direct funding from Council is required*. The NeDA project will provide the

Town with a great opportunity to enhance its current development assessment process for business at no cash cost to the Council and be at the forefront of delivering Council services on line.

Civica has already advised that it is working towards modifying the existing software to enable the integration of the NeDA interface. The RRIF grant will accelerate their development by several years, as otherwise Civica would have to fund the research and development work from their own resources and recoup the investment from the progressive sales to the user base.

The funding provided, together with in-kind contributions from Civica, will provide the Town and other participating Councils with the following software modules:

- Development Application Pre-Lodgement: online enquiry providing statutory information, fee structure, process requirements prior to lodging development applications.
- Development Applications Lodgement: online lodgement of development applications, including attachment of associated plans.
- Customer Enquiry: online enquiry on the status of development applications and building licences.

Funding Agreement

Details of the contents and terms of the Agreement are provided in summary in the legal advice sought by the Cairns City Council from King and Company Solicitors, which forms an attachment to this report.

In signing the Funding Agreement and the use of Seals on the Agreement, the Council is advised that the Chief Executive Officer (CEO) can exercise powers delegated to him by the Council, meaning that if the CEO has authorisation to execute contracts then there would be no need for the Seal.

If it is decided that the CEO does execute the documents, then the Town will also need to provide along with the signed agreement a copy of the relevant act or a copy of the instrument that clearly authorises the person in question to execute contracts.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Town Planning Scheme No.1 and associated Policies.

STRATEGIC IMPLICATIONS:

The NeDA Project correlates with *Key Result Area Four: Governance and Management* of the Strategic Plan 2005-2010. Of particular relevance are the following two Strategies and Action Plans:

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

(b) *Implement a “one-stop shop” service and strengthen our customer focus.*

4.5 *Promote Financial Management and Information Technology Systems*

(d) *Enhance the information technology systems, prepare an E-Commerce Strategy which identifies opportunities to increase the use of online services for the Community and enhance customer service.”*

FINANCIAL/BUDGET IMPLICATIONS:

No direct funding is required. The Town is entitled to receive funds to participate in the project.

COMMENTS:

The Town of Vincent has recently undergone a software system upgrade (Authority) between late 2004 and mid 2005. In relation to Planning Building and Heritage Services, the aim of the system is to improve the processing and timeframes of planning applications as they are progressed through the Council, and to enable various entities with access to the system, to track the progress and work done to date on any application logged within the system.

Civica is the software vendor who was also responsible in overseeing and project managing last year’s Authority implementation, including staff training and is listed as one of the five major vendors, as referred to in the correspondence received from the Cairns City Council. The software system was specifically tailored to suit the Town of Vincent’s current and likely future work practices in relation to planning and building applications.

As highlighted in the report, the desired outcome of NeDA will be the creation of a consistent online interface for end users such as the community and developers, to use the system to lodge applications for development approval or building licence and to track the progress of the application once submitted, on-line. It is anticipated that the NeDA Project will not significantly change the existing business processes put in place for planning or building, rather it will be adapted to fit with the Town’s current practices and procedures.

Furthermore, in light of the recent Notice of Motion to review existing planning procedures and processes to reduce the time delays being experienced in processing applications, it is considered appropriate to coincide this review with the implementation of an online system that will facilitate a holistic improvement of the planning processes and procedures.

The project will greatly support the Town of Vincent’s strategic information technology direction towards providing greater e-services to the community.

In light of the above, it is recommended that the Council adopt the Officer Recommendation to support the initiatives of the NeDA Project and to authorise the Chief Executive Officer to sign the relevant Funding Agreement documents as soon as possible, so to enable commencement of the program.

10.1.15 Department of Housing and Works: A New Building Act for Western Australia - Discussion Draft

Ward:	Both	Date:	12 April 2006
Precinct:	All	File Ref:	ENS 0056
Attachments:	-		
Reporting Officer(s):	G. Snelling		
Checked/Endorsed by:	R. Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the report relating to the proposed new Building Act for Western Australia, that proposes significant and wide-ranging changes to the building regulatory environment, improves regulations governing the building industry and brings Western Australia into line with national reforms, national competition policy and other jurisdictions within Australia.

COUNCIL DECISION ITEM 10.1.15

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Messina on leave of absence.)

PURPOSE OF REPORT:

The Discussion Draft - *A New Building Act for Western Australia*, was launched for public comment on 8 November 2005 with the consultation period closing on 28 April 2006. This comprehensive proposal outlines a new building regulatory framework that is in line with national reforms. Western Australia is working toward a holistic building regulatory environment that ensures compliance with national building standards and maximum protection for the community.

The proposed new legislation will take into consideration National Competition Policy reform requirements by adopting the Building Code of Australia as the primary building standard, introducing competition into the building certification process, and providing a registration system for appropriately qualified building surveyors and certifiers.

The Department of Housing and Works (DHW) Office of Policy and Planning has responsibility for progressing proposals for the new building legislation for the State of Western Australia, and will be reviewing all comments received during the consultation period.

The Discussion Draft sets out these proposals in detail and invites public comment. Subject to comments received, legislation will be progressed in 2006.

DETAILS:

In order to progress the proposed new building legislation, DHW and other organisations such as the Western Australia Local Government Association (WALGA) will undertake research and consultation with all stakeholders to identify and address pertinent issues and to refine the drafting of the new legislation. This formal process will provide an insight into the views of the State Government in relation to the proposed New Building Act and what it should provide.

Objectives:

The objective of developing a New Building Act for Western Australia is to provide an efficient and effective system for:

- *"Defining buildings and other structures to be controlled under the Act;*
- *Prescribing design, construction and maintenance standards;*
- *Handling building applications;*
- *Certifying compliance with the relevant building standards;*
- *Issuing building and occupancy approvals;*
- *Registering practitioners;*
- *Clarifying liability; and*
- *Compliance and enforcement of building standards."*

Summary of the proposed new Building Act Framework:

The proposed new Building Act reflects the current trend of the Building Code of Australia (BCA) toward a more performance based code, and the emerging reality that no one profession or practitioner will have the necessary expertise to undertake the complete design, construction and certification of complex buildings. It represents a more comprehensive system, able to effectively manage the certification of all buildings based on performance or alternative solution criteria. When applied in practice, simple buildings with less complex solutions (which form the bulk of approvals) will be managed by streamlining the framework into simpler steps and processes.

Summary of Proposed Reforms:

Reforms to the current building regulatory environment proposed in the Discussion Draft are:

- whole of State coverage;
- covering all buildings, including those owned by the Crown;
- a clearer definition of what constitutes a building;
- having owners take prima facie responsibility for the design, construction and operations of buildings;
- licence issuing authorities to manage risk, audit processes and issue building licences and occupancy certificates;

- introducing competition among suitably qualified professionals in certifying compliance with the Building Code of Australia;
- introducing separate and streamlined processes for assessing designs for compliance and issuing building licences, including introduction of a simple notification process for some minor structures;
- building approval to require evidence of all necessary approvals and not just Building Code compliance;
- risk based approach to assessment of building licence and inspection requirements;
- introducing requirements for obtaining compliance certification for all buildings prior to occupancy;
- process for assessment and approval of building works carried out without a building licence;
- a nationally agreed accreditation framework for building surveyors qualified to assess applications for building licences; and
- registration requirements for a range of industry practitioners.

Legislation Development Timeframe:

Phase	Task	Timeframe
Public Consultation	Release of Discussion Draft seeking comments from industry and the general public	Closing 28 April 2006
Review of Comments	Analysing comments received	As they come to hand - during first half of 2006
Refining Proposal	Incorporating comments received where appropriate, refining proposal	First half of 2006
Legislation	Submission of draft Bill to Cabinet	Second half of 2006.

The Discussion Draft - A New Building Act for Western Australia is "*Laid on the Table.*"

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Local Government (Miscellaneous Provisions) Act 1960, the Building Regulations 1989, and the Building Code of Australia 1996.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005 – 2010 Key Result Area Four: Governance and Management.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

There are a number of reasons for the State Government re-examining proposals for new building legislation, and these include the following:

- The current Western Australian Building Legislation framework is some forty (40) years old, and although it has had various amendments and has been separated from the Local Government Act, the legislation still does not incorporate the significant changes that have occurred since the introduction of the Building Code of Australia.
- There is a need to modernise the building regulatory framework to bring it into line with other Australian States. Western Australia is now the only state that does not have a holistic building regulatory environment that ensures compliance with national building standards and maximum protection for the community. In particular, Western Australia is the only State that does not provide a regulatory mechanism for the provision of private sector services in the building approval process.
- The Australian Building Codes Board (ABCB) has been leading a national process for building administration reform. ABCB is encouraging all States to deliver a nationally consistent building code and regulatory system to facilitate a more efficient building industry, and meet the contemporary and changing community needs for protection of life in the built environment.
- A new Building Act will provide a contemporary framework for building regulation in Western Australia. The new legislation will be modern and easy to read, aiming to establish a building control system that results in efficient, effective and quality outcomes for all involved in the building process.

In September 1998, the State Government released a Discussion Paper "*Proposals for a Building Act for WA*" for public consultation. The State Government intends to incorporate these previously submitted findings, comments received where appropriate and recent changes in the Building Industry, to refine the proposed new Building Act during the first half of 2006.

In March 2006 WALGA on behalf of their members facilitated a Local Government Reference Group which includes the Town of Vincent, to consider the issues surrounding the proposed Building Act Discussion Draft. The purpose of this Reference Group is to assist WALGA prepare a representative submission to the State Government on the proposed new Building Act for Western Australia, and initial discussions have highlighted the following concerns for Local Government:

- (a) support for the formation of a state based Building Commission to register and audit building practitioners;

- (b) provide clarity as to the extent to which the Licence Issuing Authority (LIA) will be involved in the assessment at building licence issue stage. It should be noted that a LIA can not be responsible to verify that certifiers have no conflicting interests. Clear guidelines must be established to ensure clarity of responsibilities and liabilities.
- (c) limited discretion should apply to the requirement for building inspections. Consistency and certainty will benefit owners throughout the State. Risk-based building inspections should apply within a predetermined framework; and
- (d) consideration of enforcement, document storage and administration costs should be incorporated into the statutory Licence Issuing Authority fee.

In light of the above, it is recommended that the Council receives and supports in principle the proposed new *Building Act for Western Australia - Discussion Draft*.

10.1.16 Environmental Protection Authority - Environmental Guidance for Planning and Development: Guidance Statement No. 33

Ward:	Both	Date:	18 April 2006
Precinct:	All	File Ref:	PLA 0022
Attachments	-		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES this report relating to the Environmental Protection Authority - "Environmental Guidance for Planning and Development: Draft Guidance Statement No. 33", as "Laid on the Table";*
- (ii) *ADVISES the Environmental Protection Authority that the Council HAS NO OBJECTION in principle to the "Environmental Guidance for Planning and Development: Draft Guidance Statement No. 33";*
- (iii) *INVESTIGATES the Cities for Climate Change program and the subsequent propensity for the Town to become a member and apply for funding;*
- (iv) *USES the "Environmental Guidance for Planning and Development: Draft Guidance Statement No. 33" as part of the terms of reference for the review of the Parking and Access Policy and the Town of Vincent Town Planning Scheme No. 1; and*
- (v) *FORWARDS a copy of this report and its comments to the Environmental Protection Authority.*

COUNCIL DECISION ITEM 10.1.16

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Messina on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is for the Council to consider and formalise its comments regarding the Environmental Guidance for Planning and Development: Draft Guidance Statement No. 33 prepared by the Environmental Protection Authority (EPA) and released on 25 July 2005 for public comment. The closing date for all submissions is 1 May 2006.

BACKGROUND:

A need for environmental guidance for land use planning and development arose following the introduction of legislation in 1996 enabling the environmental assessment by the EPA of town planning schemes and their amendments. The EPA responded by releasing Draft Guidance Statement No. 33 entitled *Guidelines for Environment and Planning*, in 1997. The 1997 Guidance Statement has now been updated and expanded and has been released for public comment.

The Guidance Statement is prepared pursuant to the functions of the EPA as specified in s16 of the *Environmental Protection Act 1986*. The functions of the EPA specifically include the publication of guidelines for the benefit of planners and other persons to assist them in undertaking their activities in such a manner as to minimise the effect on the environment.

DETAILS:

The Environmental Guidance for Planning and Development: Guidance Statement No. 33 provides advice on protecting the environment during land use planning and development, plus information about the environmental impact assessment process in Western Australia (WA). The document is intended for the use by local governments, State Government agencies, private consultants, proponents and the public.

The document is formatted into 5 parts as follows:

Part A Environmental Protection and Land Use Planning In Western Australia - an overview on environmental protection processes in Western Australia and, in particular, the referral and environmental impact assessment procedures that apply to land use planning and development under the Environmental Protection Act 1986 (Environmental Impact Assessment, Environmental Impact Assessment of Schemes and Environmental Impact Assessment of Proposals).

Part B Biophysical Factors - the EPA's advice on protecting a range of biophysical factors, to assist land use planning (Biodiversity and Significant Natural Areas, Native Terrestrial Vegetation, Native Terrestrial Fauna, Wetlands, Waterways, Public Drinking Water Sources, Land Degradation, Landscape and Landform, Karst, Subterranean Wetlands and Fauna).

Part C Pollution Management - the EPA's advice on managing potential pollutants, waste and water (pollution management factors), to assist land use planning (Air Quality, Water Management, Noise and Vibration, Light, Radiation and Electromagnetic Fields, Soil and Groundwater Contamination, Waste Management).

Part D Social Surroundings - the EPA's advice on protecting aspects of the biophysical environment of cultural and social significance to the community (social surroundings factors), and the EPA's position on risk (Aboriginal Heritage, Non-Indigenous Heritage, Visual Amenity, Recreation, Risk).

Part E Sources of Information - the combined sources of information and references for all chapters.

The chapters on each environmental factor in Parts B, C and D typically address the following:

- The significance of the factor and key definitions.
- The EPA's key principles for the protection of the factor including EPA's objectives, EPA's published position and areas of high conservation significance.
- Considerations relevant to broadscale planning and to local area planning, including management measures.
- Referral to the EPA – procedures and information that assist the EPA to decide whether to assess a scheme or proposal.

In summation, the purpose of the Guidance Statement is to;

- provide an overview of environmental protection processes and information, to assist land use planning and development in Western Australia;
- describe referral and environmental impact assessment processes under Part IV of the Environmental Protection Act 1986 and, in particular, the procedures applied to schemes; and
- provide the EPA's advice on a range of environmental factors in order to assist participants in land use planning and development to protect, conserve and enhance the environment.

CONSULTATION/ADVERTISING:

Consultation undertaken by the EPA.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005 – 2010 Key Result Area One: Environment and Infrastructure:
“1.3 Develop, implement and promote sustainable urban design”.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The guidance document has been examined and analysed by the Town's Officers from the perspective of the potential impacts and implications for the Town. The following is a summary of the subject potential impacts and implications.

Part A

The Guidance Statement outlines the roles of different agencies, including local governments. This role includes the co-ordination of initiatives such as Travelsmart, Cities for Climate Change and Local Agenda 21. The Town's Officers consider that the Town addresses these initiatives in part within the Sustainability Management System, and also consider rejoining the Cities for Climate Change program as funding is available to local governments for that purpose. The Town's Officers also feel that it is important that the Town considers the relevant Travelsmart initiatives in its review of the Parking and Access Policy. These are reflected in the Officer Recommendation.

The Guidance Statement outlines a suggested environmental information base for local governments. The Town's Planning Building and Heritage Services and Technical Services advises that the Town has access to a majority of the relevant information required by the Guidance Statement, in both a digital and hard copy format. Furthermore, it is noted that some of the suggested data may not be applicable to the Town specifically or the metropolitan area in general.

Part B

The Town's Officers consider that the Town manages all land uses and development with a view to meeting overall biodiversity objectives, as detailed in the Guidance Statement. Furthermore, the Town considers it "*maintain(s) the abundance, diversity, geographic distribution and productivity of (its) flora at the species and ecosystem levels through the avoidance or management of adverse impacts.*"

Part C

In relation to pollution in general, the Town's Officers consider it has, or has plans to, reduce air, water, noise and light pollution. This will be demonstrated in the review of the Parking and Access Policy and has been demonstrated in general Planning and Town Policies, especially the Sound Attenuation Policy, which is currently being advertised for public comment.

The Town also is currently addressing issues associated with contaminated sites, specifically those in the Smith's Lake and Banks Precincts and has a successful waste management and recycling program.

Part D

The Town considers that it adequately addresses issues associated with the preservation of the social surrounds it encompasses. This is demonstrated within all its Policies and Town Planning Scheme No. 1, including the new Municipal Heritage Inventory currently being considered by the Council.

Summary

It is noted that the Town's Health Services concur with the abovementioned comments.

In light of the above, it is recommended that the Council receives and has no objection to the Environmental Guidance for Planning and Development: Draft Guidance Statement No. 33, in line with the Officer Recommendation.

10.1.19 No. 23 (Lot: 31 D/P: 1554) Brisbane Street, Perth - Proposed Change of Use From Mechanical Workshop to Unlisted Use (Art Gallery) and Associated Signage (Retrospective Planning Approval)

Ward:	South	Date:	20 April 2006
Precinct:	Beaufort; P13	File Ref:	PRO3472; 5.2006.58.1
Attachments:	001		
Reporting Officer(s):	J Barton		
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 S Staltari & J Morskate on behalf of the owner Manorscape Pty Ltd & Highscene Investments Pty Ltd for proposed Change of Use From Mechanical Workshop to Unlisted Use (Art Gallery) and Associated Signage (Retrospective Planning Approval), at No. 23 (Lot: 31 D/P: 1554) Brisbane Street, Perth, and as shown on amended plans stamp-dated 24 March 2006, subject to:

- (i) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking"*
- (ii) *doors, windows and adjacent floor areas fronting Brisbane Street shall maintain an active and interactive relationship with this street;*
- (iii) *the gross floor area of the art gallery shall be limited to a maximum of 183 square metres in area;*
- (iv) *the outstanding planning application for retrospective approval fee of \$600 shall be paid within 14 days of written notification;*
- (v) *a detailed landscaping schedule including a list of plants 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);*
- (vi) *prior to the first occupation of the development, one (1) class- two, and two (2) class three bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (vii) *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*
- (viii) *all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage.*

COUNCIL DECISION ITEM 10.1.19

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Messina on leave of absence.)

Landowner:	Manorscape Pty Ltd & Highscene Investments Pty Ltd
Applicant:	S Staltari & J Morskate
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/ Commercial
Existing Land Use:	Mechanical Workshop
Use Class:	Unlisted Use (Art Gallery)
Use Classification:	“SA”
Lot Area:	354 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves a Change of Use from Mechanical Workshop to Unlisted Use (Art Gallery) and Associated Signage.

The proposal involves minor modifications to the building, which includes the removal of the roller doors and replacement with windows, landscaping and signage.

The applicant’s submission is ‘Laid on the Table’.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Consultation Submissions			
The proposal was advertised for a period of 21 days via onsite signage, a notice in the local paper and letters to adjoining and affected property owners.			
Support (6)	No comments.		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

Car Parking Requirements		
Car Parking requirement Art Gallery- (1 bay per 50 square metres of gross floor area)- 183 square metres of gross floor area = 3.6 car parking bays	3.66 car parking bays	
Total car parking requirement before adjustment factor (nearest whole number)	4 car parking bays	
Apply the adjustment factors: <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.90 (within 400 metres of one or more existing public car parking places with in excess of 50 car parking spaces). 	(0.765)	3.06 car parking bays
Minus the car parking provided onsite	3 car parking bays	
Resultant shortfall	0.06 car parking bay	
Bicycle Parking Facilities		
Requirements	Required	Provided
Art Gallery		
1 space per 200 (proposed 183) square metres gross floor area (class 2)	0.915 spaces (rounded up to one space)	None provided-conditioned
2 spaces plus 1 per 1500 (183 square metres) square metres gross floor area (class 3)	2 spaces	None provided-conditioned.

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

COMMENTS:

It has recently been brought to the Town's attention by an anonymous complainant that some of the above works have been completed and one of the signs has been erected. Given this, the proposal is considered to be a retrospective approval. Accordingly, a condition has been recommended that the difference in fees be paid, based on four times original planning application fee of \$200.

Given that the car parking shortfall is less than or equal to 0.5 bays, no parking bays or cash in lieu of parking is required for the shortfall.

In light of the above, and given that the car parking provisions and signage comply with the Town's policies, approval is recommended subject to standard and appropriate conditions to address the above matters.

10.2.2 Traffic Management Matter - Referral to Local Area Traffic Management Advisory Group

Ward:	Both	Date:	20 April 2006
Precinct:	Beaufort P13	File Ref:	TES0006
Attachments:	-		
Reporting Officer(s):	R Lotznicher		
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 the following matter, as listed below and detailed in the report, to the Town's Local Area Traffic Management Advisory Group for their consideration;*
 - *Robinson Ave (west) - Traffic Management; and*
- (iii) *NOTES that a further report will be submitted on the matter listed following consideration by the Town's Local Area Traffic Management Advisory Group.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Messina on leave of absence.)

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:

On 21 March 2006, the Town received a letter from residents in Robinson Avenue, Perth, requesting, amongst other things, the following:

"There is a major problem with through traffic from William Street. The William Street/Robinson Avenue intersection is quite dangerous, with trucks servicing Kongs and other William Street facilities parking on the southern side of Robinson Avenue (between William Street and Brisbane Place) causing hold ups for traffic exiting and entering Robinson Avenue. The chaotic entry of cars from William Street is dangerous because traffic exiting Robinson has to travel on the right (or northern) side of the road. We believe that the introduction of a "nib" which prevents traffic entering Robinson Avenue from William Street (similar to the arrangement for Robinson Avenue east) would significantly ease this problem. The construction of an additional nib at the corner of Robinson Avenue and Brisbane Place would allow the section of Robinson Avenue between Brisbane Place and William Street to become one way. Parking in this section could then be restricted to the north side, allowing a free flow of traffic from Robinson into William while preventing the entry of traffic (including through traffic) into Robinson from William. This would also ease congestion on Fridays and other holy days when the Mosque is heavily utilised. Vehicles making deliveries to retailers in William Street could then use either Wellman or William for short term parking and would no longer cause problems for residents in our street.

We would also like some form of "traffic calming" at the Lake Street entrance to Robinson Avenue – possibly strategic placement of trees or a speed control hump similar to those used in Lake Street. Such a device (or devices) would assist in limiting west-east traffic speeds which can also cause problems for residents."

It is recommended that this matter be referred to the Town's LATM Advisory Group and that, community representatives be invited to attend the meetings.

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

FINANCIAL/BUDGET IMPLICATIONS:

No funds have been specifically allocated in the 2005/2006 draft budget for this matter.

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 funding being recommended.

10.3.1 Financial Statements as at 31 March 2006

Ward:	Both	Date:	18 April 2006
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	Bee Choo Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVE the Financial Reports for the month ended 31 March 2006 as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Messina on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 31 March 2006.

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports financial reports to be submitted to Council. The Financial Statements attached are for the month ended 31 March 2006.

DETAILS:

The Financial Statements comprise:

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

Operating Statement and Detailed Summary of Programmes/Activities

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

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

Operating Revenue

Operating revenue is currently 106 % of the year to date Budget estimate.

General Purpose Funding (Page 1)

General Purpose Funding is showing 102% of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 101% of the budgeted amount for the rates income. In addition interim rates for the year are 16% over the budgeted expectations.

Governance (Page 2)

Governance is showing 176 % of the budget received to date. This can be attributed to the receipt of higher than expected revenue from vehicle contributions and sale of electoral rolls.

Law Order & Public Safety (Page 3)

Revenue is showing an unfavourable variance of 67 %. This is due to the timing on the receipt of budget grants not yet received.

Health (Page 4)

Health is showing a favourable variance of 116 %. This is due to over 330 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining as well as an increase in the fees charged. This has resulted in an increase over budgeted revenue.

Education & Welfare (Page 5)

Education & Welfare revenue is just below the budget amount at 94% due to youth grants not yet received and under recoup of insurance charges.

Community Amenities (Page 6)

Community Amenities is 115 % of the year to date budget. This is as a result of Refuse Charges for non-rated properties being higher than budget and over 526 planning applications have been processed year to date; this has resulted in an increase in the budgeted revenue for this area at this time.

Recreation & Culture (Page 9)

The total revenue for Recreation and Culture shows a variance of 102 % of their revenue budget. As Beatty Park Leisure Centre operating revenue are meeting the target at 103% against budget projections.

Transport (Page 10)

Total Transport revenue is a favourable 161 % against the year to date revenue budget. This may be attributed to the favourable increase in parking income as well as modified penalties being significantly higher than budget due to increased fees and vigilant enforcement action.

Economic Services (Page 12)

Economic Services is 134 % over budget which is mainly due to more than 371 building licences issued to the end of March which has resulted in a higher than estimated revenue being received.

Other Property & Services (Page 13)

Other Property & Services revenue is operating below budget projections at 84% due to diesel fuel grant not yet claimed.

Operating Expenditure

Operating expenditure for the month of March is just over budget at 102 %.

Health (Page 4)

The expenditure is currently 120 % over budget attributable to the employment of a temporary Health Officer required for the increased work load and leave cover. There has also been an increase in after hour attendances which attract overtime payments.

Other Property & Services (Page 13)

This program is currently 164 % over budget because of the low recovery rate for the plant charges in the section. It is envisaged that this position should improve as the financial year progresses and the scheduled larger Capital Works Projects are undertaken.

Capital Expenditure Summary (Pages 18 to 25)

The Capital Expenditure summary details projects included in the 2005/06 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure and commitment for February amount of \$2,578,948 which is 6.39 % of the budget of \$40,388,796.

	Budget	Actual to Date	%
Furniture & Equipment	161,300	47,718	30%
Plant & Equipment	1,252,040	742,499	59%
Land & Building	32,651,460	132,575	1%
Infrastructure	6,318,996	2,426,604	38%
Total	40,383,796	3,349,396	8%

Capital Expenditure - Variance Comments

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

Plant and Equipment

	Budget	Actual to Date	%
Major Plant Replacement Program			
Rough cutter	9,500	16,244	171%

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

Beatty Park Leisure Centre

	Budget	Actual to Date	%
Inflatable feature	7,200	14,700	204%

The difference in cost of item was sponsored by Schweppes.

Lane Rope Reel	1,600	1,890	118%
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The original quote was supplied by a supplier in March 2005 but they will not hold the prices as material cost are subject to significant change due to the building industry boom and other external influences

Land and Building Assets

	Budget	Actual to Date	%
Beatty Park Leisure Centre			
Upgrade of family disabled change room	9,500	11,013	116%

\$4000 grant was received last year from the Leederville Lions Club to partly finance the upgrade.

Infrastructure Assets

	Budget	Actual to Date	%
Right of Ways (ROW)			
Scarborough Beach Road-			
Faraday Street	18,000	24,203	134%
Anzac Road - Matlock Street	20,000	24,213	121%
Elna Street - Doris Street	40,000	46,949	117%

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

Parks Services

	Budget	Actual to Date	%
Fencing			
Britannia Road Reserve	20,000	22,673	113%
Ellesmere Street Reserve	7,000	10,240	146%

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

	Budget	Actual to Date	%
Drainage			
Drainage Upgrade	30,000	35,686	119%

Cost of upgrade is greater than the budgeted due to increased cost of material and high on cost.

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

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

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

The statement shows the current assets of \$18,165,178 less current liabilities of \$3,636,757 for a current position of \$14,528,421. The total non current assets amount to \$114,746,335 less non current liabilities of \$10,970,767 with the total net assets of \$118,303,989.

Restricted Cash Reserves (Page 28)

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

Debtors and Rates Financial Summary

General Debtors (Page 29)

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

Sundry Debtors of \$443,413 are outstanding at the end of March. Of the total debt \$100,375 (23%) relates to debts outstanding for over 60 days. The Debtor Report identifies significant balances that are well overdue.

Finance has been following up with debt recovery by issuing reminder when it is overdue.

Rate Debtors (Page 30)

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

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

The due dates for each instalment are:

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

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

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

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

Rates outstanding are \$611,416 which represents 4.23 % of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 31)

As at 31 March 2006 the operating deficit for the Centre was \$182,155 in comparison to the budgeted year to date deficit of \$221,176 and annual deficit of \$581,324.

The cash position showed a current cash surplus of \$170,585 in comparison to the year to date budget of cash surplus of \$129,890 and an annual budget estimate of a cash deficit of \$126,359. The cash position is calculated by adding back depreciation to the operating position.

The Swim school is currently exceeding budget estimate, with classes at capacity continues to perform above budgeted expectation.

The Retail Shop continues to perform with higher than expected figure; the sale has assisted in maintaining this performance.

Aquarobics performed higher than expected estimates as a result of increased membership.

Statement of Financial Activity (Page 32)

The amount raised from rates for the year to date 31 March 2006 was \$14,509,587.

Representation of Net Working Capital (Page 33)

Reconciliation of Net Working Capital (Page 34)

10.3.2 Authorisation of Expenditure for the period 1 March - 31 March 2006

Ward:	Both	Date:	03 April 2006
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 March - 31 March 2006 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

COUNCIL DECISION ITEM 10.3.2

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Messina on leave of absence.)

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 March 2006.

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	\$728,298.99
	EFT	\$981,290.48
Total Municipal Account		\$1,709,589.47
Advance Account		
Automatic Cheques		
	54699-54837, 54839-54986, 54988-55063	\$717,436.35
Trust Account Cheques		0
Transfer of Creditors by EFT Batch 499, 501-504, 506, 508-509		\$940,270.44
Transfer of PAYG Tax by EFT	March 2006	\$166,779.45
Transfer of GST by EFT	March 2006	\$28,888.00
Transfer of Child Support by EFT	March 2006	\$492.85
Transfer of Superannuation by EFT		
City of Perth	March 2006	\$0.00
Local Government	March 2006	\$0.00
Total Advance Account		\$1,853,867.09
Transfer of Payroll by EFT	March 2006	\$540,630.59

Bank Charges & Other Direct Debits

Bank Charges – CBA	\$2,880.12
Lease Fees	\$2,788.09
Corporate Master Cards	\$1,141.98
Australia Post Lease Equipment	\$7,082.74
2 Way Rental	\$860.80
Loan Repayment	\$64,664.31
Rejection Fees	\$5.00
ATM Rebate	\$0.00
Beatty Park - miscellaneous deposit	\$0.00
Total Bank Charges & Other Direct Debits	\$79,423.04

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

Total Payments **\$4,183,510.19**

STRATEGIC IMPLICATIONS:

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

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

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

10.3.3 Capital Works Program 2005/2006 - Progress Report No 3 as at 31 March 2006

Ward:	Both	Date:	13 April 2006
Precinct:	All	File Ref:	FIN0025
Attachments:	001		
Reporting Officer(s):	M Rootsey, R Lotznicer, R Boardman		
Checked/Endorsed by:	J Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES Progress Report No 3 for the period 1 July 2005 - 31 March 2006 for the Capital Works Program 2005/2006, as detailed in Appendix 10.3.3.

COUNCIL DECISION ITEM 10.3.3

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Messina on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the Council's Capital Works Program 2005/06 for the period 1 July 2005 to 31 March 2006.

BACKGROUND:

The Council adopted the Capital Works Program at the Ordinary Meeting of Council held on 9 August 2005. Quarterly reports will be presented to Council to advise of the schedule and progress of the Capital Works Program. This is the third Progress Report for this financial year covering the period ending 31 March 2006.

DETAILS:

The report focuses on the work that was due to be completed up to the end of the second quarter. Comments on the report relate only to works scheduled to be carried out in the period up to 31 March 2006.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

Nil

STRATEGIC IMPLICATIONS:

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

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

FINANCIAL/BUDGET IMPLICATIONS:

The progress of the Capital Works Program is in the main proceeding according to funding in the Annual Budget 2005/2006; however a number of major projects have been deferred or delayed for a variety of reasons as listed. The second phase of the redevelopment of the Members Equity Stadium will not take place in this financial year.

Also the redevelopment of the Loftus Centre has been approved by Council but construction will not commence in this financial year. Other major projects that have not commenced in accordance with the Capital Works Program are the William Street Upgrade, Mt Hawthorn Precinct Upgrade and Leederville Public Open Space.

COMMENTS:

The Capital Works Program is progressing according to the Council approved schedule with the exception of the projects listed.

10.3.4 Sponsorship for Rugby League National under 15 Championship

Ward:	Both	Date:	6 April 2006
Precinct:	All	File Ref:	FIN0088
Attachments:	-		
Reporting Officer(s):	J Symons		
Checked/Endorsed by:	M Rootsey / J Anthony	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES a sponsorship to the amount of \$1,500 (one thousand five hundred) to the Australian Secondary Schools Rugby league for the National Australian Secondary Schools Under 15 Rugby League Championships to be held at Members Equity Stadium in June 2006.

COUNCIL DECISION ITEM 10.3.4

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Messina on leave of absence.)

PURPOSE OF REPORT:

To request the Council's approval for sponsorship of \$1,500 for the Australian Secondary Schools Rugby league to conduct the National Australian Secondary Schools Under 15 Rugby League Championships, at Members Equity Stadium.

BACKGROUND:

The Australian Secondary Schools Rugby League is a non-profit organisation chartered to promote and develop Rugby League throughout Australia. These National Titles will involve approximately 200 players participating and a further 100 plus officials, staff and administrators. It is expected that the number of parents and supporters from interstate will take the opportunity to visit Perth and the Town.

The members of the State Team is yet to be finalized however the team is expected to consist of a number of students from Aranmore College, a noted Rugby League School of excellence. A number of students are residents of the Town.

The impact on businesses within the Town will be substantial with several accommodation outlets fully booked with Rugby League teams and supporters specifically for this carnival. It is also expected that local businesses particularly restaurants, cafes, hotels and retail outlets in the area will benefit from increased patronage from visiting Rugby League people.

CONSULTATION/ADVERTISING:

Not applicable.

The program has been structured to have minimal impact on local residences, with most games played during the day.

LEGAL/POLICY:

The standard conditions for sponsorship would apply to this event:

1. The events must not promote smoking, alcohol, any use of illicit substances and/or adult "R" rated entertainment;
2. The sponsorship funds should be expended in keeping with ethical conduct and practices;
3. The Town of Vincent must be acknowledged in associated publicity and promotional material with the Town's Logo displayed appropriately;
4. Event organisers must liaise with relevant Council officers before proceeding to use the Town's Logo or material;
5. Upon completion of the sponsored event, a report outlining the outcomes of the event, publicity/promotion and how the sponsorship monies were expended must be submitted to Council no more than 30 (thirty) days after the event;
6. The event organisers must take out and hold current a policy of insurance for Public Liability for an amount of not less than \$10,000,000 for any one event. A copy of the current certificate is to be provided to Council at least 10 (ten) days before the commencement of the event; and
7. The event organisers must indemnify the Council 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 event, regardless of the cause.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 – Key Result Area 2.2

(k) *"Provide and develop a range of community programs and community safety initiatives"*.

FINANCIAL/BUDGET IMPLICATIONS:

The funds will be expended from the Donations account as an ad hoc grant.

COMMENTS:

The Western Australian Rugby League is convening these championships and is providing their support towards the event.

It is considered that sponsoring this event will reflect positively on the Town and will support students of the Town, especially those from Aranmore College who are heavily involved in rugby league and also indirectly local businesses. It is therefore recommended that the sponsorship be approved.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	20 April 2006
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

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

COUNCIL DECISION ITEM 10.4.1

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Messina on leave of absence.)

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
06/04/06	Notification under Section 70A	2	Town of Vincent and J L Byrne, J E Cullity, B J Allan, D W Walling, L J Saleeba and Treasurer Holdings Pty Ltd, all of 1111 Hay Street, West Perth re: No. 333 (Lot Part 32) Charles Street, North Perth (Lots 1 - 16 and common property the subject of Strata Plan 47665)
07/04/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Western Australian Rugby League Ltd (WARL) of 310 Pier Street, Perth re WARL 94.5 BBQ (WARL Offices and North West corner of Stadium) – 7 April 2006

Date	Document	No of copies	Details
18/04/06	Contract of Employment	3	Town of Vincent and Andrew David Neilson - Co-ordinator - Major Projects with effect from 24 April 2006
18/04/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco re Coke Product Launch (Pitch, Change Rooms, Glory Lounge and Gareth Naven Room) – 21 April 2006
19/04/06	Licence	3	Town of Vincent and Global Aquatic Services of PO Box 283, Claremont 6910 re: use of Beatty Park Leisure Centre

**10.4.4 Strategic Plan 2005-2010 (Amended) – Progress Report for the Period
1 January 2006 – 31 March 2006**

Ward:	Both	Date:	20 April 2006
Precinct:	All	File Ref:	ADM0038
Attachments:	001		
Reporting Officer(s):	Managers, Executive Managers		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the progress report on the Strategic Plan 2005-2010 (Amended) for the period 1 January 2006 – 31 March 2006 as shown in Appendix 10.4.4.

COUNCIL DECISION ITEM 10.4.4

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Messina on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly update on the Strategic Plan for the period 1 January to 31 March 2006.

BACKGROUND:

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

“That the Council;

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

DETAILS:

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

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

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

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

10.2.1 Further Report - Carr Place, Leederville Parking and Associated Issues

Ward:	South	Date:	05/04/06
Precinct:	Oxford Centre (P4)	File Ref:	TES0090
Attachments:	001		
Reporting Officer(s):	A. Munyard, R Lotznicher, S Teymant, J MacLean		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the comments from residents and business proprietors and details of the progress of various measures implemented to improve the amenity of residents in Carr Place, Leederville;*
- (ii) *APPROVES the following, due to the positive response received from the majority of respondents;*
 - (a) *retention of the "Residents Only" parking restriction adjacent to the residential component of Carr Place and Bold Court, to continue to be in place between 9.00pm and 7.00am; and*
 - (b) *implementation of the proposed infrastructure improvements in Carr Place as shown on attached Plan 2413- CP-1 and liaises with property owners regarding the planting of additional verge trees as requested by some respondents;*
- (iii) *DOES NOT APPROVE the implementation of the following measures in Carr Place due to the negative response received from the majority of respondents;*
 - (a) *introduction of ticket parking machines; and*
 - (b) *introduction of "No Verge Parking" restrictions;*
- (iv) *LISTS \$20,000 for consideration in the 2006/2007 draft budget for the modification of the taxi rank in Newcastle Street outside the Leederville Hotel and the removal of the taxi feeder lane in the Frame Court Carpark;*
- (v) *NOTES that;*
 - (a) *the bin collection day in Carr Place will change from Wednesday to Tuesday commencing 2 May 2006 (residents have been notified of the proposed change) and the advisory signage at the start of Carr Place (refer appendix 10.2.1) will soon be installed; and*
 - (b) *a further report will be submitted to the Council once the Director of Liquor Licensing and the Office of the Alcohol and Drug Adviser (WA Police Service) have formally responded to the Town regarding their investigations on whether other nearby liquor licensed establishments contribute substantially to unruly behaviour in the Carr Place vicinity; and*
- (vi) *ADVISES all respondents of its decision.*

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Moved Cr Maier, Seconded Cr Ker

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

“(ii) (a) *retention and extension of the "Residents Only" parking restriction adjacent to the residential component on both sides of Carr Place and Bold Court, ~~to continue east of the proposed speed hump adjacent to 214 Carr Place,~~ to be in place between 9.00pm and 7.00am; and”*

Debate ensued.

AMENDMENT LOST (3-5)

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

(Cr Messina on leave of absence.)

Moved Cr Chester, Seconded Cr Farrell

That;

1. *Clause (ii)(a) be amended to read as follows:*

“(ii) (a) *retention and extension of the "Residents Only" parking restriction adjacent to the residential component on both sides of Carr Place and Bold Court, ~~to continue east of the proposed speed hump adjacent to 214 Carr Place,~~ to be in place between 9.00pm and 7.00am; and”*

and;

2. *The amended parking restrictions be advertised for community comment.*

AMENDMENT CARRIED (7-1)

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

(Cr Messina on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Messina on leave of absence.)

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (i) ***RECEIVES*** the further report on the comments from residents and business proprietors and details of the progress of various measures implemented to improve the amenity of residents in Carr Place, Leederville;
- (ii) ***APPROVES*** the following, due to the positive response received from the majority of respondents;
 - (a) retention and extension of the "Residents Only" parking restriction on both sides of Carr Place and Bold Court, east of the proposed speed hump adjacent to 214 Carr Place, to be in place between 9.00pm and 7.00am; and
 - (b) implementation of the proposed infrastructure improvements in Carr Place as shown on attached Plan 2413- CP-1 and liaises with property owners regarding the planting of additional verge trees as requested by some respondents;
- (iii) ***DOES NOT APPROVE*** the implementation of the following measures in Carr Place due to the negative response received from the majority of respondents;
 - (a) introduction of ticket parking machines; and
 - (b) introduction of "No Verge Parking" restrictions;
- (iv) ***LISTS*** \$20,000 for consideration in the 2006/2007 draft budget for the modification of the taxi rank in Newcastle Street outside the Leederville Hotel and the removal of the taxi feeder lane in the Frame Court Carpark;
- (v) ***NOTES*** that;
 - (a) the bin collection day in Carr Place will change from Wednesday to Tuesday commencing 2 May 2006 (residents have been notified of the proposed change) and the advisory signage at the start of Carr Place (refer appendix 10.2.1) will soon be installed; and
 - (b) a further report will be submitted to the Council once the Director of Liquor Licensing and the Office of the Alcohol and Drug Adviser (WA Police Service) have formally responded to the Town regarding their investigations on whether other nearby liquor licensed establishments contribute substantially to unruly behaviour in the Carr Place vicinity;
- (vi) ***ADVISES*** all respondents of its decision; and
- (vii) ***ADVERTISES*** the proposal for public comment for a period of twenty one (21) days, in accordance with Council Policy No. 4.1.21 "Community Consultation".

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the review of the effectiveness of various measures implemented to improve the amenity of the residents of Carr Place. The report also details the responses received from the survey of residents and businesses in Carr Place and Bold Court regarding parking matters and Infrastructure improvements.

BACKGROUND:

Ordinary Meeting of Council - 23 August 2005

Following requests from some Carr Place residents to implement measures to alleviate the incidence of anti-social behaviour and general disturbance experienced as crowds disperse from the licensed premises in the vicinity, at its Ordinary Meeting held on 23 August 2005 the Council made a number of decisions to address residents' concerns.

One decision - *clause (iii)* - was to introduce a three month trial period of "Residents Only Parking", operating between 6.00pm to 7.00am, Wednesday to Sunday inclusive, on both the north and the south sides of Carr Place and Bold Court.

Special Meeting of Council - 7 September 2005

Following dissatisfaction of this decision by some members of the public, a further report on the matter was presented to a Special Meeting of Council held on 7 September 2005, where the previous decision (23 August 2005) was *rescinded* and the following decision adopted (in part):

"(v) That the Council APPROVES BY AN ABSOLUTE MAJORITY of the following:

- (a) to immediately REMOVE the "Residents Only" parking restrictions on both the northern and southern side of Carr Place and Bold Court (operating 6pm to 7am Wednesday to Sunday) and NOTES that the existing restrictions will remain in place until a Council decision is made;*
- (b) to CONSULT in accordance with the Council's Community Consultation Policy 4.1.5 relating to "Parking Restrictions", with all residents and business proprietors in Carr Place, Bold Court, the north and south side of Newcastle Street between Oxford Street and Carr Place and the east side of Oxford Street, between Vincent Street and Frame Court Car park for a period of twenty one (21) days, requesting their comments on the proposed introduction of a three (3) month trial of "Residents Only" parking on the northern side of Carr Place adjoining only the residential component of the street, between 6.00pm and 7.00am Monday to Sunday inclusive, as shown on attached Plan No 2363-PP-1;"*
- (c) to RECEIVE a further report at the conclusion of the consultation period;"*

At this meeting the Council further decided as follows:

- "(d) to REQUEST the Liquor Licence Inspector of the Department of Racing, Gaming and Liquor and the Alcohol and Drug Advisor of the WA Police to conduct a minimum of three (3) late night random surveys of human activities and/or anti-social behaviour in the Oxford Centre on Wednesday nights and one of either Friday, Saturday or Sunday nights and to advise the Town of;*

- (1) *the findings;*
 - (2) *the permitted hours of operation (particularly closing times) of the liquor licensed establishments in the Oxford Business Centre, Leederville; and*
 - (3) *subsequent recommendations;*
- (e) *upon receiving the report referred to in (d) above, the Council gives consideration to lodging a formal complaint under Section 117 of the Liquor Licensing Act 1988 (as amended) that;*
- (1) *the amenity, quiet or good order of the neighbourhood of the licensed premises is frequently unduly disturbed by reason of any activity occurring at the licensed premises; or*
 - (2) *any –*
 - (i) *behaviour of persons on the licensed premises;*
 - (ii) *noise emanating from the licensed premises; or*
 - (iii) *disorderly conduct occurring frequently in the vicinity of the licensed premises on the part of persons who have resorted to the licensed premises;*

is unduly offensive, annoying, disturbing or inconvenient to persons who reside or work in the vicinity.
- (f) *to REQUEST the Western Australian Police to carry out an increased presence and patrols on Wednesday nights, until the problem is abated; and*
- (g) *to arrange a Forum of the various stakeholders including Licensees', business proprietors, residents, Police, Liquor Licensing Officers and Council Officers, with the aim to address the current problems being experienced in the Oxford Business Centre and Carr Place."*

Ordinary Meeting of Council - 11 October 2005

Consultation was carried out with stakeholders (residents and businesses) and a further report was presented to the Council's Ordinary Meeting held on 11 October 2005. At that meeting, the Council decided the following (in part);

"That the Council;

- (iii) *PROCEEDS with "Residents Only" parking on Carr Place and Bold Court, adjoining only the residential zoned components of the streets, between 9.00pm and 7.00am Monday to Sunday inclusive for a trial period of three (3) months only, and for a two (2) hour time limit to be applicable at all other times and for a report to be prepared and presented to Council as soon as practicable after the conclusion of the trial;*
- (iv) *IMPLEMENTS the following measures to improve the overall amenity of Carr Place;*

- (a) *erects advisory signage at the entrance to Carr Place advising that there is a residential parking area and of alternative parking areas in the Oxford Centre;*
- (b) *examines ways to provide additional parking in the Oxford Centre and promote these areas via 'directional signage' and___the production/distribution of a leaflet outlining the location of the existing parking locations and make the existing parking locations more legible and illuminated;*
- (c) *carries out an appropriate infrastructure upgrade including the addition of an entry statement to improve the amenity of Carr Place in liaison with residents and businesses as detailed in the report and notes that funds for this purpose have been allocated in the 2005/2006 budget; and*
- (d) *investigates changing the bin collection day, thereby removing the bin vandalism factor on Wednesday nights when residents have left their bins out;*
- (v) *REQUESTS the Chief Executive Officer to:*
- (a) *investigate the introduction of paid parking, including parking meters and "no verge" parking in Carr Place and adjacent Newcastle Street and Oxford Street (between Leederville Parade and Vincent Street) and in consultation with residents and business proprietors and submit a further report at the conclusion of the consultation;*
- (b) *investigate the number of taxi ranks, their location and visibility in the area as outlined in the report and prepare further report at the conclusion of consultation;*
- (c) *continue to liaise with the Taxi Industry Board regarding the number of taxis in the area; and*
- (d) *write to the Minister for Planning and Infrastructure requesting an increase in the number of taxi licences granted to cater for demand in entertainment districts citing examples of excessive waiting periods of up to two hours, the number of people exiting licensed premises at once and conflict with residential areas; "*

Community Consultation - Results

At the conclusion of the trial period, and in compliance with the Council's decisions clauses (iii), (iv) and (v) [OMC 11 October 2005], a consultation letter was delivered to residential and business premises in the vicinity of Carr Place and Bold Court. The letter included a questionnaire regarding the following:

- Residents Only parking restriction
- Proposed ticket parking in Carr Place
- Proposed infrastructure improvements
- Proposed verge parking restrictions.

The consultation closed on 22 March, 2006 and of the 135 questionnaires distributed, 33 responses were received representing a 24% response.

Trial "Residents Only" Parking

Residents/businesses were asked whether they were in favour of the restriction remaining in place. Thirty one (31) or 94% of respondents were *in favour* of the restrictions and two (2) or 6% were *against* the restrictions.

Significant comments "in favour" were:

- We have definitely seen a big improvement, especially at night and evenings as a result of these trial parking restrictions
- Seems to have worked without dilemma
- Perhaps clearer signage of this and the penalties involved should be placed in obvious places
- I am strongly in favour of restrictions remaining
- Since this has been in place we are able to park out the front in our own street
- I would like to see exceptions made to the 1 permit per apartment rule
- The restrictions have made significant impact on increasing parking spaces for residents/visitors and have also greatly reduced night time disturbance to residents
- The restriction has made a huge difference to the number of disruptive incidences on Wednesday nights

Significant comments "against" were:

- During the trial I have found it to be impossible to have friends visit me. Most of my friends are young girls who do not feel comfortable parking at the top of the street and walking to my house
- Under the trial, several of my friends have received parking fines for parking outside my house after 9.00pm. My friends cannot visit me after 9.00pm because my house has only one visitor permit and that is used by one of the residents of the house as we have three people living here and only 2 parking bays

Officer's comments "Residents Only" Parking

With 31 of the 33 respondents keen to see the "Residents Only" restriction continue, it is clear that the restriction is popular with residents, and this outcome was not unexpected. The majority of respondents commented that there have been significant improvements in Carr Place, in terms of noise and vandalism, since the beginning of the trial. Rangers have issued 475 infringement notices during the trial, which suggests that unauthorized vehicles continue to park in the street, regardless of the restriction.

The survey results show that the general consensus is that the "Residents Only" restriction should remain. The comments also showed that some residents have disregarded the terms of issue of Visitors' Parking permits and are using them as de-facto Residents' Permits, in contravention of the Town's Local Law.

Some residents were not satisfied with the number of exemption permits they were allowed. The Town's Local Law governing the issue of permits, is, however, based on the on-site parking requirements as set out in the Residential Design Codes and the Town's own "Parking and Access" policy. Any shortfall in parking requirements provided on-site is tolerated based on the site's proximity to public transport and public car parking, and not on an expectation to use kerbside parking in substitution. Furthermore, the suggested over-issue of permits would defeat the intended purpose of a "Residents Only" zone, resulting in residents being forced to compete amongst themselves for available spaces.

Officer Recommendation

Approve the retention of the "Residents Only" parking restrictions in Carr Place and Bold Court between 9.00pm and 7.00am Monday to Friday;

Proposed Ticket Parking

Residents/businesses were asked whether ticket parking should be introduced in Carr Place in lieu of "Residents Only" restrictions. Two (2) or 6% of respondents were *in favour* of the ticket parking and 31 (2) or 94% were *against* the proposal.

Significant comments "in favour" were:

- However, it could operate 8.00am to 5.30pm, as long as holders of residential permits are exempt of fee
- Revenue for the Council through the dumb motorists. Motorists should pay for their noisy cars and radios and dirty habits. Noisy voices also.

Significant comments "against" were:

- I would only be in favour if friends of residents could park for free
- I think that this would turn Carr Place into one big car park during the night. Definitely an unwise decision
- I feel that ticket parking in Carr Place will see people not wanting to pay, parking in vacant bays at front of business premises
- Our clients find it extremely difficult to get parking as it is. Paying for parking could be a deterrent
- We have family and friends who visit and I don't feel they should have to pay to park to visit us. Its bad enough if we get more than two people as we only have 2 car passes
- There would be no lull of people coming and going at all hours - residents only is better
- No - definitely not. This would mean that visitors would be unlikely to find a parking spot on Wednesday or Saturday nights
- Why should my friends have to pay to park outside my house? This is a ridiculous attempt by Vincent Council to increase their already inflated revenue raising tactics
- We object to the introduction of ticket parking. Business proprietors should be issued with permit parking should this be the case
- Ticket parking will negatively impact upon the streetscape and result in even more disruption as people return to vehicles to "top up" metres/ticket payments
- Ticket parking would potentially enable people to park all day which would be worse than the present situation
- From a business perspective, paid parking would mean extra expense to our company as we would have to pay for our clients' parking which amounts to another way of increasing our Council rates
- Don't be ridiculous - Council would abandon all responsibility. The appeal of Carr Place will diminish
- I could not think of a worse way to "resolve" the problem of too much pedestrian and vehicular traffic down Carr Place
- Why would you ticket park a street with more residents than the average Perth Street (per sq metre). Retards.

Officer's comments: Ticket Parking

Once again, the vast majority of respondents were overwhelmingly opposed to the introduction of ticket parking in Carr Place. Many respondents did not seem to appreciate the implications of ticket parking. The consultation letter clearly stated that *"permit holders would be exempt from payment for parking in the street"*, however many responses expressed concern that their visitors would have to pay for parking. Those who did not have access to a permit would also not be able to park under the alternative proposal of "Residents Only".

It was accurately identified that residents would no longer have exclusive use of the street in the evenings, though, and this outcome was perceived as being contrary to the desired outcome of the "Residents Only" trial. Businesses, who have accepted the "Residents Only" restriction in the street between 9.00pm and 7.00am as a compromise benefiting residents, felt that ticket parking during business hours was a further impost on their amenity.

Officer Recommendation

That the Council not proceed with the introduction of ticket machines in Carr Place

Proposed Infrastructure Improvements

Residents/businesses were asked whether they were in favour of the proposed infrastructure improvements in Carr Place as outlined on attached Plan 2413-CP-1. Twenty (20) or 60% of respondents were *in favour* of the proposal, eight (8) or 24% were *against* and five (5) or 16% were unsure or had no specific comment to make.

Significant comments "in favour" were:

- I am in favour of parking bays being outlined on the street, and the building of a speed bump down the street to slow people down who speed down the street
- Speed bumps a great idea. Will stop the dangerous speeding drivers. More the better
- It would be good to see trees on every verge. A tree was cut down outside 172A and it has never been replaced
- The street has poor appearance and the proposed improvements will certainly improve the overall look
- Damaged verge vegetation should be replaced
- I am in favour of the upgrade as long as there is no ticket parking
- Yes on the basis that the footpath will be improved or new and bumps etc will slow traffic
- The infrastructure improvements may be a good use of council funds and anything that improves the streetscape is a good idea. We have in the past offered to beautify our verge area and are still willing to do so.
- Speed hump is not required. Use an "entry statement" treatment eg different colour brick paving. Parking bays to Australian Standard so that two cars don't try to squeeze into one bay

Significant comments "against" were:

- It seems unnecessary although sure the rangers have generated plenty of revenue. I could only suggest some clearer markings for parking but I'm sure the money could be better spent elsewhere
- As parking is very limited in Carr Place, more should be done to assist business in the immediate areas for business parking
- Paving the verge areas where damage has occurred from verge parking would enhance the area
- Roadworks on this already crowded street will cause inconvenience to residents
- I think Carr Place looks fine and I don't see the need for disruptive roadworks

Officer's comments, Infrastructure Improvements

The majority of respondents were in favour of the proposed works. Some respondents expressed concerns about possible inconvenience they may suffer as a result of the upgrade works, however the duration from beginning to completion is expected to be no more than two weeks, with parking restored each evening. It is anticipated that the upgrade will result in a change in public perception of the street, creating a less "public" zone east of the low profile speed hump.

Officer Recommendations

That the Council approve the proposed infrastructure improvements for Carr Place

Proposed Verge Parking Restrictions in Carr Place

Residents/businesses were asked whether they were in favour of the introduction of a "No Parking on Verge" restriction in Carr Place. Eight (8) or 24% of respondents were *in favour* of the proposal, nineteen (19) or 58% were *against* and six (6) or 18% were unsure or had no specific comment to make.

Significant comments "in favour" were:

- We are broadly in favour of banning verge parking as this would improve the ambiance of the road but, if this step was taken, then the maintenance of the "Residents Only" parking scheme is imperative
- As long as residents display a residential permit they should be able to park on "their" verge
- A restriction on verge parking would improve the visual appeal of the residential area and therefore encourage more consideration and respect for the surrounding environment
- It would be good to see a bit of work on the verges. Perhaps the council should look at some appropriate native plantings
- Safety reasons. Fire brigade and ambulances would be restricted with verge parking - also cannot get your shopping bags past the cars. Ruining verge lawns

Significant comments "against" were:

- I own a business in Carr Place, with common ground parking in front of the units for customers. I should still be able to park my vehicle on the verge in front of my units. Not only do I own the business, but I own the other units in the complex and pay substantial amounts of rates to the Council and have found the whole issue of parking in Carr Place to have been blown out of all proportion.
- No - particularly if ticket parking is introduced. While I have off street parking there are many other residents who don't. If all bays/spaces in the street are occupied by people using Carr Place as a car park, where are residents/their visitors to park if there is no street parking left
- Sometimes that is the only option residents have
- The verge parking restriction would add a considerable burden to our business where access for our clients would become just that much more difficult.
- This would disadvantage some residents and some businesses (we do not allow verge parking in our strata complex) and we personally police this.
- We have no "off street" parking and occasionally it is necessary to utilize our verge for ourselves and visitors if parking is restricted
- I see no reason for the introduction of these restrictions. The minor detriment to the aesthetic value of Carr Place that verge parking causes is not so great that those residents who park their cars there should be forced onto the street.
- What are the verges for anyway? Lawn? Seems in days of water shortages the less consumption of water the better

- Again, as limited parking is available - verge parking is only option for businesses as public patrons park at will
- The verge is the only parking I have to get near my property. I have no drive in

Officer's comment, Verge Parking Restriction

The majority of respondents were not in favour of restricting parking on verges. Those who were in favour of the restriction were generally concerned about the degradation of the verge and resultant "shabbiness" of appearance (generally, but not in all cases adjacent to the commercial component of the street).

It was apparent from several of the responses that residents were not aware that maintenance and beautification of the verge is their own responsibility. Some business proprietors expressed a desire to improve the verges adjacent to their properties and suggested that others would be inclined to participate in a co-ordinated upgrade funded by the businesses themselves. Residents who wish to prevent parking on their verges are able to do this now, and rangers will issue infringements for unauthorised verge parking. Under the current scheme, residents have discretion over who may and who may not park on their adjacent verge, and most have expressed a desire to retain that right.

Officer Recommendation

That the Council not proceed with the introduction of a "No Verge Parking" restriction in Carr Place.

Taxi Ranks

As per the Council decision of 11 October 2005, the Town wrote to the Minister for Planning and Infrastructure to express concern regarding the lack of taxis servicing the Leederville area in the late evening and early morning, on most days of the week. An extract from the Minister's response received on 11 April is as follows:

"The Department for Planning and Infrastructure (DPI) monitors data from the Taxi Dispatch Services (TDS) against performance standards. In the last two years demand has increased rapidly, particularly in the peak time of Saturday night. However, monitoring shows that industry performance in this peak time has dropped, with a greater number of jobs not covered. Monitoring has also shown that demand generally spikes for just a few hours of each week, particularly from midnight on Saturday nights through to until about 4.00 am on Sunday. This represents a clear challenge in balancing customer service levels against taxi driver viability concerns outside those hours.

The Minister has made substantial increases in the number of taxis in the last two years, with 183 additional taxis since 2003, the majority of which have been Peak Period Restricted Taxis that are able to operate on Friday and Saturday nights and other times as approved. The current taxi fleet size is now 1,253 of which 151 are Peak Period Restricted. Additionally, on March 17, 2006, the Minister announced the release of a further 78 taxis.

As well as increasing the number of taxis available, the Minister has been addressing the problem of peak demand with the following initiatives.

- *Compliance activities focussing on ensuring that all taxis operate on Friday and Saturday nights. The owners of taxis not operating face infringement or prosecution.*
- *Placing the issue of peak service on the agenda of the recent National Taxi Regulators meeting to canvas views and potential solutions nationwide. DPI will*

follow this up with a workshop with industry representatives to develop further strategies for Perth.

- *Requiring TDSs to submit performance improvement plans when performance drops below required standards.*
- *Developing and implementing a tendering process for new peak period taxi plates to streamline the process and ensure full take-up of available taxi plates.*
- *Implementing and assessing trials of FareShare and multi-hiring initiatives at the Fremantle Rank to increase the number of passengers per taxi."*

In the Leederville area, there are currently a total of seven (7) bays, specifically allocated for use by Taxis - four (4) immediately outside the Leederville Hotel, in Newcastle Street, Leederville and three (3) adjacent to the Hip-E Club, in Frame Court Car Park. In 1998, the Town installed a "Taxi Feeder Lane" in Frame Court Car Park, in an attempt to reduce the congestion caused by taxis during peak usage periods.

The Town's officers have investigated ways of creating additional taxi rank space in the area and have met with the Taxi Industry Board, on site, to discuss a proposal to modify the current taxi rank, outside the Leederville Hotel, to accommodate an additional five (5) taxis.

The proposal was met with approval, from the Taxi Industry Board and funds have been allocated in the 2006/2007 draft budget for these works.

At the same meeting, it was explained that, since taxis did not make use of the existing "Taxi Feeder Lane" in the Frame Court Car Park, its removal was recommended. An additional 20 public parking spaces could then be provided in the car park. The representatives of the Taxi Industry Board accepted that taxis rarely used the facility and acknowledged that, because there is a current parking shortfall in the Leederville area, its removal would provide more facilities to the public. Funds have been listed for consideration in the 2006/2007 draft budget for this proposal.

Officer Recommendation

That funds be listed in the 2006/2007 Budget for the modification of the taxi rank in Newcastle Street outside the Leederville Hotel and the removal of the Taxi Feeder lane in the Frame Court Carpark.

Ranger's Report

Since the introduction of the Residential Parking Zone in Carr Place Leederville, Rangers have monitored the street, to identify any obvious problems or parking trends.

Between November 2005, (*when the Residential Parking Zone was introduced*) and 31 March 2005, a total of 599 Parking Infringement Notices were issued. As a result of correspondence from residents, 47 of these were withdrawn as the resident or visitor did not display a Residential or Visitor's Parking Permit.

The data collected by the Town's Rangers indicates that there has been a clear reduction of approximately 41% in the number of vehicles parked in Carr Place, averaged on a weekly basis, with a reduction of approximately 88%, in the number of pedestrians in the street.

The reduction in the number of vehicles in the street may be due to a security guard preventing non-resident vehicles from entering the street during the evenings and the increased Police presence in the Leederville area.

While the trends for the number of vehicles parked on both sides of Carr Place and the trend for the number of pedestrians in Carr Place are clearly downward, the average number of infringement notices issued by Rangers has remained fairly steady.

Other Recommended Measures to Improve Amenity

Advisory signage

It was recommended that a sign be placed at the entrance of Carr Place advising that there is a residential parking area in place and of alternative parking areas in the Oxford Centre. Once an appropriate design had been agreed to, an order for the manufacture of the sign was placed. Unfortunately a delay in manufacturing the sign has occurred due to internal issues with the sign company used by the Town and high demand (due to a major contract). As a result, at the time of writing this report the sign had not yet been erected. (*a copy of the proposed sign is attached*).

Additional parking in the Oxford Centre

Additional "directional signage" has been installed in the Oxford district centre. The production/distribution of a leaflet outlining the location of the existing parking locations has not been implemented as yet. Additional parking can be accommodated in the Frame Court Carpark. As previously mentioned in the report, this will require the removal of the taxi feeder lane. Funds have been included in the 2006/2007 draft budget for these proposed works.

Changing the bin collection day

This was recommended to reduce the bin vandalism factor on Wednesday nights when residents have left their bins out. Following a re-assessment of the Waste Collection rounds in the area, it has been decided the collection day for Carr Place will be changed from Wednesday to Tuesday. This will commence on Tuesday 2 May 2006.

Matters relating to the Health Services Section

In addition at its Ordinary Meeting held on 11 October 2005, the Council further decided the following (in part).

"(vii) *AUTHORISES the Chief Executive Officer to:*

- (a) *lodge a formal sub-sections (a) and (b) Complaint/s under Section 117 (2)(b) of the Liquor Licensing Act on behalf of the Council on the grounds of the petition received, outlining reported unruly, noisy and anti-social behaviour being experienced by the residents in Carr Place, Leederville, alleging a contravention of Section 117;*
- (b) *lodge a request with the Director (of Liquor Licensing) to review the Leederville Hotel's liquor license and conditions thereof in accordance with Section 117 sub-sections (1):*
 - (aa) *alleging that:*
 - (1) *the amenity, quiet or good order of the neighbourhood of the licensed premises is frequently unduly disturbed by reason of activities occurring at the licensed premises; and*

- (2) *disorderly conduct occurs frequently in the vicinity of the licensed premises on the part of the persons who have resorted to the licensed premises, which is unduly offensive, annoying, disturbing or inconvenient to persons who reside or work in the vicinity; and*
- (bb) *requesting that such a review include:*
 - (1) *a review of the trading hours;*
 - (2) *a review of the maximum accommodation numbers;*
 - (3) *a review of the activities being provided at the premises;*
 - (4) *a review of the measures taken by the Licensee outside and in the vicinity of the licensed premises;*
 - (5) *conditions requiring licensees to provide a courtesy bus to transport patrons from their venue; and*
 - (6) *any other matters deemed appropriate;*
- (c) *lodge a request with the Department of Racing, Gaming and Liquor and Office of the Alcohol and Drug Adviser (WA Police Service) to investigate if other nearby liquor licensed establishments contribute substantially to unruly behaviour in the Carr Place vicinity, in particular;*
 - (aa) *to ensure appropriate compliance with the Act;*
 - (bb) *to give effect to an agreement about the management of the premises;*
 - (cc) *to minimize harm caused by alcohol abuse and misuse and associated violence;*
 - (dd) *to minimize alcohol related disturbances, or public disorder in the locality; and*
 - (ee) *conditions requiring licensees to provide a courtesy bus to transport patrons from their venue; and*
- (d) *upon receiving the reports, submit a report to Council to consider if Section 117 Complaints should also be lodged against one or more of those relevant liquor licensed establishments;*
- (viii) *AUTHORISES the Chief Executive Officer to take legal action or counsel that may become necessary as a consequence of the lodgment of the complaint; and*
- (ix) *prior to lodging a formal complaint REQUESTS that the Licensee of the Leederville Hotel voluntarily consent to immediately undertake the following measures to minimise the impact of its patrons on Carr Place residents and these to be included in the reviewed conditions of its liquor license as follows:*
 - (a) *implements measures to ensure that patrons depart the hotel via the rear entrance to the Leederville Hotel Car Park subject to management plans to advise in conjunction with Council Officers;*

- (b) *implements measures to promote the use of the Town's Leederville Oval Car Park at night; and*
- (c) *continues the current security patrol of two Crowd Controllers with visible or reflective clothing on Wednesday, Friday, Saturday and Sunday evenings between 11.00pm to 1.00am at the Hotel's expense until at least the end of the current use, when a restaurant use is implemented as advised; and for this to be agreed in writing to the Town and the Director Liquor Licensing prior to Friday 25 November 2005;*
- (d) *reviews its activities on Wednesday nights; and*
- (e) *considers the provision of a courtesy bus services to transport late-night patrons from the venue; and*
- (x) *that a meeting be held between the owners and operators of licensed premises within the Leederville area and Council Officers to discuss anti-social behaviour."*

Health Services Officers Comments / Actions

The following comments provide a response in relation to the status of each *clause (vii) to (x)* from the Council decision from its Ordinary Meeting held on 11 October 2006.

A Section 117 complaint was sent to the Director Liquor Licensing on 1 March 2006, in accordance with the requirements of *clause (vii) (a) and (b)*. The Department of Racing, Gaming and Liquor's, Liquor Licensing Branch have since commenced investigation of the Hotel and have scheduled an invitation only meeting to be held at the Leederville Hotel on Monday, 24 April 2006, to discuss the matter further. It is also understood that Section 117 complaints had been lodged by residents, prior to the Town's submission.

In relation to *clause (vii) (c) and (d)*, the Town wrote to the Director of Liquor Licensing and the Office of the Alcohol and Drug Adviser (WA Police Service), requesting that each Department investigate if other nearby liquor licensed establishments contribute substantially to unruly behaviour in the Carr Place vicinity. Both Departments are yet to formally respond to the Town's correspondence in this regard. However, the need for further action in accordance with *clause (viii)* will be determined upon receipt of a response from each Department.

The Leederville Hotel has voluntarily consented to undertake the measures listed in *clause (ix)* from the Ordinary Meeting held on 11 October 2005.

With regard to *clause (x)*, matters relating to anti-social behaviour are regularly discussed at the Vincent Accord Meetings which are held every second month.

CONSULTATION/ADVERTISING:

Stakeholders have been consulted and all respondents will be advised of the Council's decision.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

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

FINANCIAL/BUDGET IMPLICATIONS:

The 2005/2006 budget has funds totalling \$39,439 allocated for road infrastructure improvement in Carr Place. The erection of the advisory sign estimated to cost \$1,000 will be funded from the signs operating budget. The sign will be placed in a well lit location.

COMMENTS:

The results of the community consultation indicated that the majority of respondents were in favour of the retention of the residential only parking restriction in Carr Place and the proposed road infrastructure upgrade. The respondents were however not in favour of the introduction of ticket machines nor of banning verge parking. Property owners will be provided advice of verge improvement options as part of the road infrastructure upgrade works.

Therefore, give the results of the community consultation, it is recommended that the Council approves the retention of the "Residents Only" parking restriction adjacent to the residential component of Carr Place and Bold Court, to continue to be in place between 9.00pm and 7.00am; and implements the proposed infrastructure improvements in Carr Place as shown on attached Plan 2413-CP-1 and liaises with property owners regarding the planting of additional verge trees and provides advice on possible verge improvement option.

It is further recommended that the Council not approve the introduction of ticket parking machines or the introduction of "No Verge Parking" restrictions in Carr Place.

It is also requested that the other officer recommendations be approved.

10.1.3 No. 68 (Lot 175 D/P: 3642) Matlock Street, Mount Hawthorn - Proposed Partial Demolition of Existing Single House and Alterations and Two Storey Additions to Existing Single House

Ward:	North	Date:	18 April 2006
Precinct:	Mount Hawthorn Precinct; P1	File Ref:	PRO3425; 5.2005.3360.1
Attachments:	001		
Reporting Officer(s):	L Mach		
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 owner K L Eaton for proposed Partial Demolition of Existing Single House and Alterations and Two Storey Additions to Existing Single House, at No.68 (Lot 175 D/P: 3642) Matlock Street, Mount Hawthorn, and as shown on plans stamp-dated 6 February 2006 , subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the wall height as projected above the eaves being a maximum of 6.0 metres from the natural ground level;*
 - (b) *the windows to the master suite on the northern elevation and the sitting room on the southern elevation on the first floor, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002; and*
 - (c) *the eastern side of the balcony on the upper floor shall be screened with a permanent obscure material and be non-openable to a minimum height of 1.6 metres above the finished first floor level within the 7.5 metres cone of vision.*

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

- (iii) *any new street/front wall, fence and gate between the Matlock Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Messina on leave of absence.)

Landowner:	K L Eaton
Applicant:	K L Eaton
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	470 square metres
Access to Right of Way	East side, 5.8 metres wide, sealed, Crown- owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves partial demolition of existing single house and alterations and two storey additions to existing single house.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	1 dwelling R 30	1 dwelling R 30	Supported- as there is no variation.
Plot Ratio	N/A	N/A	N/A
Setbacks- Upper Floor			
North	3.2 metres (or 1.5 metres if windows are screened appropriately)	1.3 metres	Supported in part- as subject windows have been conditioned to comply, resulting in a minor variation and no undue impact.
South	3.6 metres (or 1.5 metres if wall height is reduced and windows are screened appropriately)	1.6 metres	Supported in part- as height and subject windows have been conditioned to comply, resulting in no variation being sought.
Privacy Setbacks	Bedrooms- 4.5 metres. Habitable rooms other than bedrooms - 6.0 metres. Unenclosed outdoor active habitable spaces - 7.5 metres.	Master suite- 1.3 metres to north boundary. Sitting- 1.6 metres to south boundary. Eastern side of balcony- 2.8 metres to south boundary.	Not supported- undue impact and has been conditioned to comply. Not supported- as above. Not supported- as above.
Wall Height	6.0 metres	6.1 metres	Not supported- as above.
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> Details of support not provided. 		Noted.
Objection (2)	<ul style="list-style-type: none"> Privacy Overshadowing Visual Impact and bulk and scale Height 		Supported- refer to above in Assessment Table. Not supported - as overshadowing is compliant with relevant requirements. Not supported - as the height has been conditioned to comply, the number of storeys are compliant and setback variations are considered minor. Not supported- refer to above.

	<ul style="list-style-type: none"> • Setbacks 	Supported in part- refer to above.
	<ul style="list-style-type: none"> • Inaccuracy of the plans in terms of overshadowing and privacy 	Not supported- as plans are considered to represent overshadowing and privacy accurately.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

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

COMMENTS:

The planning application is recommended for approval, subject to standard and appropriate conditions to address the matters raised in the report.

10.1.12 No. 148 (Lot 64 D/P: 2360) Carr Street, West Perth - Proposed Additional Five (5) Two-Storey Single Bedroom Grouped Dwellings with Studios to Existing Single House

Ward:	South	Date:	20 April 2006
Precinct:	Cleaver; P5	File Ref:	PRO3362; 5.2005.3247.1
Attachments:	001		
Reporting Officer(s):	B McKean		
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 REFUSES the application submitted by Bruce Arnold Architects on behalf of the owners A Burns, A Dragojevich & J Dragojevich for proposed Additional Five (5) Two-Storey Single Bedroom Grouped Dwellings with Studios to Existing Single House, at No. 148 (Lot 64 D/P: 2360) Carr Street, West Perth, and as shown on amended plans stamp-dated 12 April 2006, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the upper floor building on boundary, upper floor setback and height requirements of the Residential Design Codes; and*
- (iii) consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.12

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Ker, Seconded Cr Lake

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

“(iv) the proposed additional grouped dwelling does not meet the requirement for single bedroom dwellings.”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Messina on leave of absence.)

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

That clause (ii) be amended as follows:

“(ii) the non-compliance with the upper floor building on boundary, open space, upper floor setback and height requirements of the Residential Design Codes; and”

AMENDMENT CARRIED (8-0)

(Cr Messina on leave of absence.)

Moved Cr Maier, **Seconded** Cr Lake

That a new clause (v) is added to the recommendation as follows:

“(v) the non-compliance with the minimum lot size requirements of the Residential Design Codes as the units are not considered to be single bedroom units and retention of the front house is not worthy of attracting a sufficient density bonus.”

Debate ensued.

AMENDMENT LOST (2-6)

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

(Cr Messina on leave of absence.)

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

That the Item be DEFERRED for further investigation.

**CARRIED ON THE
CASTING VOTE OF THE
PRESIDING MEMBER (5-4)**

<u>For</u>	<u>Against</u>
Mayor Catania - 2 votes	Cr Chester
Cr Doran-Wu	Cr Ker
Cr Farrell	Cr Lake
Cr Torre	Cr Maier

(Cr Messina on leave of absence.)

Landowner:	A Burns, A Dragojevich & J Dragojevich
Applicant:	Bruce Arnold Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House, Grouped Dwelling
Use Classification:	"P"
Lot Area:	1017 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves additional five (5) two-storey single bedroom grouped dwellings with studios to existing dwelling at the subject property.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	8 single bedroom grouped dwellings Or 5 multi-bedroom grouped dwellings or single houses Or 5 single bedroom grouped dwellings and 2 multi-bedroom grouped dwellings or single houses R60 (Note: all standards for grouped dwellings and single houses within R80-R160 areas are as for the R60 Code)	1 single house and 5 single bedroom grouped dwellings with studio. R42.5	Noted.
Minimum Site Area: Single House	160 square metres	335.20 square metres	Noted.
Unit 2	106 square metres	96.56 square metres	Supported - as the existing dwelling is proposed to be retained, and the Town's Heritage Officer has stated that the building is considered to contribute to the historic character of the area and a density bonus is considered acceptable under Clause 20 of the Town's Town Planning Scheme No. 1.

Unit 3	106 square metres	96.56 square metres	Supported - as above.
Unit 4	106 square metres	90.66 square metres	Supported - as above.
Unit 5	106 square metres	89.14 square metres.	Supported - as above.
Unit 6	106 square metres	90.66 square metres	Supported - as above.
Setbacks: Ground Floor- West Unit 3	1.5 metres	Nil	Supported - as boundary wall is compliant in terms of height and length (for the ground floor) and not considered to have an undue impact on affected neighbour.
Unit 4	1.5 metres	Nil	Supported - as above.
Upper Floor- West Unit 3	2.1 metres	Nil	Not supported - as it results in undue impact on affected neighbour and creates a feeling of confinement for adjacent properties outdoor living area and an objection was received to that effect.
Unit 4	2.2 metres	Nil	Not supported - as above.
Building on Boundary West- Unit 3	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Height - 6.73 metres - 7.3 metres. Two boundary walls.	Not supported - as building wall height is considered excessive, it will cause undue impact on affected neighbour, and it creates a feeling of confinement for adjacent properties outdoor living area whereby an objection was received to that effect.
Unit 4	As above	6.3 metres - 6.9 metres. Two boundary walls.	Not supported - as above.

East- Unit 6	As above	6.26 metres - 7.06 metres. Two boundary walls.	Not supported - despite being on the boundary to a right of way and the adjacent neighbours having a similar type gable wall, the building wall height is considered excessive.
Building Height Unit 3: West -Wall height	6 metres	6.73 metres - 7.3 metres.	Not supported - as building wall height is considered excessive, undue impact on affected neighbour, the wall creates a feeling of confinement for adjacent properties outdoor living area, an objection was received and a variation is sought relating to the Town's Policy 'Non-Variation of Specific Development Standards and Requirements'.
-Pitch Height	9 metres	9.3 metres	Not supported - as pitch height is considered excessive and proposes variation outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.
North -Pitch height	9 metres	9.2 metres	Not supported - as above.
South -Pitch height	9 metres	9.2 metres	Not supported - as above.

Unit 4: West -Wall height	6 metres	6.3 metres - 6.9 metres	Not supported - as building wall height is considered excessive, undue impact on affected neighbour, creates a feeling of confinement for adjacent properties outdoor living area, objection received and proposed variation as outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.
-Pitch Height	9 metres	9.1 metres	Not supported - as pitch height is considered excessive and proposed variation outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.
South -Pitch height	9 metres	9.3 metres	Not supported - as above.
Unit 5 South -Pitch height	9 metres	9.4 metres	Not supported - as above
Unit 6: East -Wall Height	6 metres	6.26 metres - 7.06 metres.	Not supported - despite being on the boundary to a right of way and the adjacent neighbours having a similar type gable wall as the building wall height is considered excessive and proposed variation as outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.

South -Pitch height	9 metres	9.3 metres	Not supported - as pitch height is considered excessive and proposed variation as outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.
Unit 2: East -Wall height	6 metres	6.6 metres - 7.1 metres	Not supported - despite being on the boundary to a right of way and the adjacent neighbours having a similar type gable walls as the building wall height is considered excessive and proposed variation as outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.
-Pitch height	9 metres	9.3 metres	Not supported - as pitch height is considered excessive and proposed variation as outlined in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements.
South -Pitch height	9 metres	9.2 metres	Not supported - as above.
North -Pitch height	9 metres	9.2 metres	Not supported - as above.
Outdoor Living Area Existing House	Behind the street setback.	Located within the street setback.	Supported- as site constraints as a result of retention of existing dwelling.

<p>Vehicular Access</p>	<p>No closer than 0.5 metre to side boundary.</p> <p>Driveways with a minimum width of 4 metres, which may be reduced to 3 metres where necessary to retain an existing dwelling.</p>	<p>On boundary.</p> <p>2.8 metres</p>	<p>Supported - due to site constraints as compliance with this matter would require demolition of the existing dwelling.</p> <p>Supported- Technical Services has advised that this variation is not supported. However, due to site constraints, compliance with this matter would require demolition of existing dwelling. It is to be noted that a 2.42 metres wide driveway at (Nos.134-136 Summers Street) has been previously approved with an under-width access way.</p>
<p>Essential Facilities Unit 2</p> <p>Unit 3</p> <p>Unit 4</p> <p>Unit 5</p> <p>Unit 6</p>	<p>An enclosed lockable storage area, constructed in a design and material matching the dwelling, accessible from outside the dwelling, with a minimum dimension of 1.5 metres with an internal area of at least 4 square metres</p> <p>As above.</p> <p>As above</p> <p>As above</p> <p>As above</p>	<p>4 metres by 1 metre (4 square metres)</p> <p>4 metres by 1 metre (4 square metres) and accessed from studio.</p> <p>3.7 metres by 1 metre (3.7 square metres) and accessed from garage.</p> <p>As above</p> <p>As above</p>	<p>Supported – due to site constraints as a result of the retention of the existing dwelling. The units vary in size from 94.7m² - 98.7m². The proposed store size is considered adequate to the needs of the occupant/owner and would not detract from the amenity of the locality.</p> <p>Supported - as above.</p> <p>Supported - as above</p> <p>Supported - as above.</p> <p>Supported - as above.</p>

Consultation Submissions		
Support	Nil	Noted
Objection Three (3)	<ul style="list-style-type: none"> • Concern the development may result in more street parking. 	Not supported - proposal is compliant with car parking requirements of the Residential Design Codes (R Codes).
	<ul style="list-style-type: none"> • Many non-compliance components which do not constitute orderly and proper planning within the Cleaver Precinct. 	Partly not supported - as most non compliance issues are a result of the existing dwelling being retained and the Town's Heritage Officer has stated that the building is considered to contribute to the historic character of the area and a density bonus is considered acceptable under Clause 20 of the Town's Town Planning Scheme No. 1. In light of the above, some of the proposed variations to the requirements are considered acceptable.
	<ul style="list-style-type: none"> • Density - would like to see more landscaping to soften the overdevelopment of the site. 	Not supported - addressed in Assessment Table.
	<ul style="list-style-type: none"> • Feeling of confinement due to height of boundary wall (visual impact of great concern) 	Supported - building height is considered to have an undue impact on affected neighbour's amenity such as outdoor living area.
	<ul style="list-style-type: none"> • Overshadowing 	Not supported - as the development is compliant with the overshadowing requirements of the R Codes and is, therefore, not considered to have an undue impact on affected neighbour.
	<ul style="list-style-type: none"> • Noise 	Not supported - as the development is purely residential and as such the issue is not a valid planning consideration.
	<ul style="list-style-type: none"> • Privacy/overlooking 	Not supported - as the development complies with the privacy requirements of the R Codes and is, therefore,

		not considered to have an undue impact of affected neighbours.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

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

COMMENTS:

Heritage

The place at No.148 Carr Street, West Perth is not currently listed on the Town of Vincent Municipal Heritage Inventory or the Town's Interim Heritage Inventory.

The place was built circa 1917 in the Federation Georgian style. Since its construction, the place has undergone alterations to the front verandah and has had additions constructed to its rear. The place has an interesting and unusual symmetrical façade, which features four small, uncommon recessed arches and intact fenestration.

Florence Locality Plan 22 encourages the retention of original dwellings relating to the early development of the Locality. The existing place contributes to the historic character of the area and, therefore, consideration of a density bonus for the proposed new development is considered acceptable.

Summary

While the variations sought by the applicant are generally acceptable due to the retention of the existing dwelling, the variations sought to the upper floor setback, upper floor boundary wall and building height are considered to have an undue impact on the affected neighbour. In light of this, the planning application is recommended for refusal.

10.1.1 Further Report - Amendment No. 21 to Planning and Building Policies - Provision for Cash-in-lieu of Car Parking within the Parking and Access Policy

Ward:	Both	Date:	18 April 2006
Precinct:	All Precincts	File Ref:	PLA 0154
Attachments:	001 ; 002		
Reporting Officer:	T Durward		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council DEFERS consideration for adoption of Amendment No. 21 until the entire Parking and Access Policy is reviewed, including a review of the proposed amendments to clause 11 relating to Amendment No. 21.

Moved Cr Torre, Seconded Cr Ker

That the recommendation be adopted.

Moved Cr Chester, Seconded Cr Ker

That a new clause (ii) be added to the recommendation as follows:

“(ii) RECEIVES a proposed timeline for the review and adoption of the Cash-In-Lieu, Parking and Access Policy within one month.”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Messina on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Messina on leave of absence.)

COUNCIL DECISION ITEM 10.1.1

That the Council;

- (i) DEFERS consideration for adoption of Amendment No. 21 until the entire Parking and Access Policy is reviewed, including a review of the proposed amendments to clause 11 relating to Amendment No. 21; and*
- (ii) RECEIVES a proposed timeline for the review and adoption of the Cash-In-Lieu, Parking and Access Policy within one month.*

FURTHER REPORT:

The Council, at its Ordinary Meeting held on 17 January 2006, considered the subject Amendment and resolved the following:

"That the Item be DEFERRED so that it can be discussed at a Council Forum."

Amendment No.21 relates to the provision for cash-in-lieu for car parking within the Parking and Access Policy, and was initiated via a Notice of Motion resolved by the Council at its Ordinary Meeting held on 27 April 2004. The Notice of Motion was as follows:

"That the Council AUTHORIZES the Chief Executive Officer to;

- (i) conduct a review of the cash-in-lieu provisions in the Policy and the amount charged;*
- (ii) explore the Cash-in-lieu policies of other Councils;*
- (iii) include the review as part of the Town's Budget process, as per the Policy; and*
- (iv) prepare a report for the consideration of Council on 8 June 2004."*

Subsequently, Amendment No.21 has dealt solely with clause 11 of the Parking and Access Policy, which relates to cash-in-lieu.

The Town Officers, through requests received from Elected Members prior to the Ordinary Meeting of Council held on 17 January 2006 and the discussion at the Elected Members Forum held on 21 March 2006, are aware that the Council has further concerns with respect to Amendment No. 21 and the current Parking and Access Policy. These are identified as follows:

- the usage of adjustment factors;
- land uses and parking requirements (especially Eating Houses);
- car parking strategy;
- potential for multi-storey car park;
- land value component for cash-in-lieu in Amendment No. 21 (how the figure is determined) and subsequent exception for the Town to acquire land;
- economic impact of Amendment No. 21;
- the Town needs to be aware that it is charging the user of the parking as well; and
- the Town needs to review the whole Policy, using a more comprehensive, equitable approach.

At the Elected Members Forum held on 21 March 2006, the Town's Officers proposed three options for the Council to consider in terms of the process for adoption of Amendment No. 21 and a review of the Parking and Access Policy, which are as follows:

Option 1

- The Town receives, adopts and advertises Amendment No. 21 in accordance with the Officer Recommendation contained in the Agenda Report considered at the Ordinary Meeting of Council held on 17 January 2006.
- A separate Policy amendment be initiated that will research and review the Parking and Access Policy in accordance with Elected Members concerns as outlined above, including any further concerns or issues raised as a result of the Elected Members Forum held on 21 March 2006. The Town's Officers would report its findings to an Ordinary Meeting of Council in May 2006.

Option 2

- The Town defers Amendment No. 21 until the Parking and Access Policy is researched and reviewed in accordance with Elected Members concerns as outlined above, including any further concerns or issues raised as a result of the Forum.

Option 3

- Defer Amendment No. 21 and address it as part of the review of Town Planning Scheme No. 1 and associated Policies.

The Council, in their discussion at the subject Forum, indicated that a holistic review of the Parking and Access Policy was required, including a review of the amendments proposed in Amendment No. 21 for clause 11 and the related issues and concerns discussed above, as per Option 2.

A summary of the matters discussed at the above Forum are as follows:

- Amendment No. 21 needs to be reviewed, especially in regard to land value component.
- Amendment No. 21 to be reviewed concurrently with a holistic review of the Parking and Access Policy.
- Officers to ascertain the 'terms of reference' for review of the Parking and Access Policy and present a further report to the Council for Amendment No. 21.
- Recommend services of a consultant to undertake a wider study of cash-in-lieu contributions and impact on car parking and integrated transport strategies for the Town and to make recommendations on how this is best implemented.
- The Town's Strategic Planning Services to seek additional funding for the consultancy services required to undertake this study.

It is recommended that the Council defer Amendment No. 21 in line with the Officer Recommendation and pending a Further Report outlining the Town's 'terms of reference' for the review in May 2006. Amendment No. 21 and the Schedule of Submissions are "Laid on the Table".

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 17 January 2006.

"OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES the final version of the amended Policy relating to Parking and Access, as shown in Attachment 10.1.19 (a), resulting from the advertised versions having been reviewed and regard to the two (2) written submissions which were received during the formal advertising period as shown in Attachment 10.1.19 (b), in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
 - (ii) ADOPTS the final version of the Policy relating to the Parking and Access, as shown in Attachments 10.1.19 (a), in accordance with Clause 47 (5)(b) of the Town's Town Planning Scheme No.1; and*
 - (iii) AUTHORISES the Chief Executive Officer to advertise the final version of the adopted amended Policy relating to Parking and Access as shown in Attachment 10.1.19, in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.*
-

COUNCIL DECISION ITEM 10.1.19

Moved Cr Ker, Seconded Cr Doran-Wu

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Messina

That the Item be DEFERRED so that it can be discussed at a Council Forum.

CARRIED (8-0)

(Cr Farrell was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the final version of the amended provisions for cash-in-lieu of car parking within the Parking and Access Policy, and seek final adoption.

BACKGROUND:

The Council at its Ordinary Meeting held on 27 March 2001 resolved to adopt the Planning and Building Policy Manual dated 2001 with some amendments.

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

"That the Council;

- (i) RECEIVES this report and the draft amended version of the Policy relating to Parking and Access, as shown in Attachment 001;*
- (ii) ADOPTS the draft amended version of the Policy relating to Parking and Access to be applied in the interim during the advertising period and up to formal adoption of the draft amended Policy to those planning and building applications received after the date the draft amended Policy is adopted by Council;*
- (iii) ADVERTISES the draft amended version of the Policy relating to Parking and Access 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 amended Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the amended Policy; and*
 - (c) forwarding a copy of the amended Policy to the Western Australian Planning Commission;*
- (iv) after the expiry of the period for submissions:*

- (a) *reviews the draft amended version of the Policy relating to Parking and Access, having regard to any written submissions; and*
- (b) *determines the draft amended version of the Policy relating to Parking and Access, with or without amendment, to or not to proceed with them; and*
- (v) *ACKNOWLEDGES that the Notice of Motion resolved at the Ordinary Meeting of Council on 27 April 2004 relating to cash-in-lieu of car parking, as listed in this report, has been addressed and finalised in the draft amended version of the Policy relating to Parking and Access."*

CONSULTATION/ADVERTISING:

Any new 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.

Advertising of the draft amended Policy concluded on 14 June 2005. Two submissions were received during the comment period, one of which objected to some aspects of the Policy. A summary of the points raised are provided in the attached Schedule of Submissions.

With respect to two points raised, the following responses are provided:

"To maintain the current status of item 22 i) appears to be unacceptable in these times of this popular and developing area. The potential influx of ten extra vehicles in a specific area to service a business would compromise the availability of parking space for established businesses and particularly side streets."

The continuation of cash-in lieu payments to be provided when the car parking provision for a development has a shortfall of ten (10) bays or less is considered appropriate as the cash-in lieu payments from such developments provide the Town with the necessary funding to provide alternative car parking locations within the Town. Furthermore, the additional funding aids in managing and maintaining existing car parking within the locality to an acceptable level.

"The total car parking requirement needs to read five bays instead of ten where cash in lieu may be paid to cover any shortfall. The alterations would need to follow through the requirements of 11 to 40 bays and 41 to 70 bays by a proportional scale."

It is considered that reducing the number of car parking bays from ten (10) bays to five (5) would unduly compromise the development. Consequently, the Policy has not been amended.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

*Strategic Plan 2005-2010 - Key Result Area One: Environment and Infrastructure:
"1.3 Develop, implement and promote sustainable urban design."*

FINANCIAL/BUDGET IMPLICATIONS:

The current 2005/2006 Budget lists \$80,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

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

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

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

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

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

In light of the above, it is recommended that the Council receives, adopts and advertises the final version of the amended Policy, in line with the Officer Recommendation.”

10.1.2 No.30 (Lot 8 D/P: 51138) Bulwer Street, Perth -Proposed Demolition of Existing Hostel and Construction of Twelve (12) Two- Storey with Loft Multiple Dwellings and Associated Car parking- State Administrative Tribunal Decision

Ward:	South	Date:	18 April 2006
Precinct:	Forrest; P14	File Ref:	PRO0311; 5.2005.2888.1
Attachments:	-		
Reporting Officer(s):	L Mach, H Eames		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to No.30 (Lot 8 D/P: 51138) Bulwer Street, Perth - Proposed Demolition of Existing Hostel and Construction of Twelve (12) Two - Storey with Loft Multiple Dwellings and Associated Carparking - State Administrative Tribunal (SAT) Decision (Matter No. DR 576 of 2005); and*
- (ii) *WRITES to the;*
 - (a) *State Administrative Tribunal (SAT) requesting further information and interpretation relating to its decision, particularly in relation to what it considers to be the percentage or ratio of overlapping required to constitute the dwellings to be 'multiple dwellings' rather than 'grouped dwellings'; and*
 - (b) *Western Australian Local Government Association (WALGA) and the Residential Design Codes Committee at the Western Australian Planning Commission (WAPC) to advise of the SAT decision made in relation to No.30 (Lot 8 D/P: 51138) Bulwer Street, Perth - Proposed Demolition of Existing Hostel and Construction of Twelve (12) Two- Storey with Loft Multiple Dwellings and Associated Carparking (Matter No. DR 576 of 2005) and the interpretation of 'grouped dwellings' and 'multiple dwellings'.*

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

Moved Cr Ker, Seconded Cr Farrell

That clause (ii) be amended as follows:

- “(ii) *WRITES to the;*
 - (a) *State Administrative Tribunal (SAT) requesting further information and interpretation relating to its decision, particularly in relation to what criteria are required to be fulfilled ~~it considers to be the percentage or ratio of overlapping required~~ to constitute the dwellings to be 'multiple dwellings' rather than 'grouped dwellings' both for this development and in general; and*

- (b) *Western Australian Local Government Association (WALGA) and the Residential Design Codes Committee at the Western Australian Planning Commission (WAPC) to advise that the Town is seeking further information and interpretation from SAT relating to its decision ~~of the SAT decision~~ made in relation to No.30 (Lot 8 D/P: 51138) Bulwer Street, Perth - Proposed Demolition of Existing Hostel and Construction of Twelve (12) Two- Storey with Loft Multiple Dwellings and Associated Car parking (Matter No. DR 576 of 2005) and the interpretation of 'grouped dwellings' and 'multiple dwellings'.*

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Messina on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Messina on leave of absence.)

COUNCIL DECISION ITEM 10.1.2

That the Council;

- (i) *RECEIVES the report relating to No.30 (Lot 8 D/P: 51138) Bulwer Street, Perth - Proposed Demolition of Existing Hostel and Construction of Twelve (12) Two - Storey with Loft Multiple Dwellings and Associated Carparking - State Administrative Tribunal (SAT) Decision (Matter No. DR 576 of 2005); and*
- (ii) *WRITES to the;*
- (a) *State Administrative Tribunal (SAT) requesting further information and interpretation relating to its decision, particularly in relation to what criteria are required to be fulfilled to constitute the dwellings to be 'multiple dwellings' rather than 'grouped dwellings' both for this development and in general; and*
- (b) *Western Australian Local Government Association (WALGA) and the Residential Design Codes Committee at the Western Australian Planning Commission (WAPC) to advise that the Town is seeking further information and interpretation from SAT relating to its decision made in relation to No.30 (Lot 8 D/P: 51138) Bulwer Street, Perth - Proposed Demolition of Existing Hostel and Construction of Twelve (12) Two- Storey with Loft Multiple Dwellings and Associated Car parking (Matter No. DR 576 of 2005) and the interpretation of 'grouped dwellings' and 'multiple dwellings'.*

PURPOSE OF REPORT:

To advise the Council of the of the SAT decision relating the review application at No.30 (Lot 8) Bulwer Street, Perth.

BACKGROUND:

13 August 2002

The Council at its Ordinary Meeting resolved to refuse an application for the demolition of the existing building at the subject property.

- 9 August 2005 The Council at its Ordinary Meeting resolved to refuse an application for the demolition of the existing hostel and construction of thirteen (13) two- storey with loft multiple dwellings and associated carparking.
- 16 September 2005 Application lodged with the SAT to review the Council's decision of 9 August 2005.
- 28 October and
17 November 2005 Mediations at SAT.
- 20 December 2005 The Council at its Ordinary Meeting resolved not to support the amended plans for the redevelopment of the subject property (Confidential Item).
- 14 March 2006 SAT Hearing.

DETAILS:

The proposal involves the proposed demolition of existing hostel and construction of twelve (12) two- storey with loft multiple dwellings and associated carparking and the implications associated with the SAT decision.

The SAT on 14 March 2006 determined the above review application and ordered as follows:

- "1. The application for review is dismissed.*
- 2. Development approval for the demolition of a two storey building and outbuildings and for the erection of 12 grouped dwellings on two buildings at Lot 8 (No.30) Bulwer, Street Perth is refused."*

The reasons for the decision of the SAT are *"Laid on the Table"* and is circulated to Elected Members separately.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

State Administrative Tribunal Act 2004 (WA) and the Town's Policy/Procedure For State Administrative Tribunal.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The Council authorised the appointment of the professional services of Mr Simon Bain, Planning Consultant and Mr Anthony Ednie-Brown, Architect based on the estimated cost as stated in the delegated authority reports between 21 December 2005-16 January 2006 to represent the Town in conjunction with the Town's Senior Heritage Officer as part of the subject State Administrative Tribunal Review Matter. The total cost for the above professional services amounted to \$6348.00 (inclusive of GST and disbursements).

COMMENTS:

Heritage

The principle issue considered by the Tribunal in relation to heritage was whether the cultural significance of the building was such that its demolition should be refused.

The Tribunal determined that *"the demolition should not be refused on heritage grounds. The cultural heritage significance of the place had been significantly reduced by very substantial physical works on each of the four facades of the building, including demolition of the original verandahs and two storey additions and alterations. The extent of the physical works fundamentally altered what was a Federation residence in the Queen Anne style into an unexceptional building of incongruous architectural character."*

More than eleven pages of consideration by the Tribunal is attributed to the issue of heritage, and a substantial amount of this consideration was given to the weight of the intent, or draft status, of the Town to include the place on the Municipal Heritage Inventory. In the end, the SAT considered the delay in formalising the intent to include the place on the Municipal Heritage Inventory as a relevant factor in considering the demolition.

The detailed discussion of the SAT in relation to the heritage evidence by the expert witnesses is considered insightful and made various useful observations about the procedural and policy applications of heritage listing, as well as the set of cultural heritage values debated at length by both the expert witnesses and the members of SAT.

Importantly, the SAT noted that although the place has social and historic significance and that the two storey Federation buildings in the Queen Anne style are rare in the locality, the cultural heritage significance of the building has been reduced to a point at which its demolition should not be refused on heritage grounds.

The SAT noted that the historic and social value of the site can be appropriately recognised by the naming of new development and by suitable interpretive materials installed at the street frontage of the site.

Town Planning

In accordance with the Residential Design Codes (R-Codes), 'grouped dwellings' and 'multiple dwellings' is defined as follows:

"Grouped Dwelling

A dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property."

"Multiple Dwelling

A dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other but does not include a Grouped Dwelling."

Notwithstanding this, it is noted that the Tribunal determined the subject application to comprise of "grouped dwellings" rather than "multiple dwellings" as minor and contrived projections of areas of units over garage areas of other units did not transform "grouped dwellings" into "multiple dwellings".

The above definition does cause problems, as the SAT has not further provided additional interpretation notes as to what ratio or percentage needs to be overlapped to meet the criteria of a multiple dwelling as per the R-Codes definition. The above decision of the SAT causes further uncertainty to the profession, proponents and public at large.

Accordingly, it is recommended that the Town writes to the Western Australian Local Government Association (WALGA) and the Residential Design Codes Committee at the Western Australian Planning Commission to advise them of this decision and the SAT to clarify what constitutes a multiple dwelling.

- In relation to other Town Planning matters, the Tribunal resolved the following in summary:
- The Tribunal found that the development did not conform to the Residential Design Codes in relation to minimum site area per dwelling, plot ratio, minimum dimensions of private open space, separate pedestrian paths or visitors' bays. Consequently, the development application had to be refused.
- The Tribunal also considered that the internal amenity of the proposed units was unacceptable in relation to the location and size of outdoor areas.
- The Tribunal considered that the streetscape impact was acceptable.

10.1.7 No. 16 (Lot: 120 D/P: 1106) Chatsworth Road, Highgate - Proposed Ancillary Accommodation Addition to Existing Single House

Ward:	South	Date:	20 April 2006
Precinct:	Hyde Park; P12	File Ref:	PRO2771; 5.2006.17.1
Attachments:	001		
Reporting Officer(s):	B McKean		
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 Inhouse Building Design on behalf of the owner M Solomon for proposed Ancillary Accommodation Addition to Existing Single House, at No. 16 (Lot: 120 D/P: 1106) Chatsworth Road, Highgate, and as shown on plans stamp-dated 17 January 2006, subject to the following conditions:

- (i) *any new street/front wall, fence and gate between the Chatsworth 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;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *the ancillary accommodation shall not be occupied by any more than two (2) occupiers;*

- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the balcony on the upper floor, on the southern elevation for 2.9 metres from the eastern end, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished /upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (v) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to ensure the ancillary accommodation structure:*
- (a) *will only be occupied by a member or members of the family of the occupier of the main dwelling;*
- (b) *will not be used or rented out as a separate dwelling to the main building; and*
- (c) *the person or persons for whom the ancillary accommodation structure is to be constructed, is for use by that person or persons and will be used for no other purposes or by other persons.*

All costs associated with this condition shall be borne by the applicant/owners(s); and

- (vi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*

"The Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the single house/ancillary accommodation. 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.

Moved Cr Maier, Seconded Cr Ker

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

- “(iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the balcony on the upper floor, on the southern elevation for 2.9 metres from the eastern end, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished /upper floor level, OR prior to the issue of a Building Licence written approval shall be provided to the Town showing that the owners to the east have no objection to the proposed amount of screening. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;”*

Debate ensued.

Cr Torre departed the chamber at 7.05pm.

Debate ensued.

CARRIED (7-0)

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

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 Inhouse Building Design on behalf of the owner M Solomon for proposed Ancillary Accommodation Addition to Existing Single House, at No. 16 (Lot: 120 D/P: 1106) Chatsworth Road, Highgate, and as shown on plans stamp-dated 17 January 2006, subject to the following conditions:

- (i) *any new street/front wall, fence and gate between the Chatsworth 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;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *the ancillary accommodation shall not be occupied by any more than two (2) occupiers;*

- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the balcony on the upper floor, on the southern elevation for 2.9 metres from the eastern end, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished /upper floor level, OR prior to the issue of a Building Licence written approval shall be provided to the Town showing that the owners to the east have no objection to the proposed amount of screening. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (v) *prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with and to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to ensure the ancillary accommodation structure:*
- (a) *will only be occupied by a member or members of the family of the occupier of the main dwelling;*
 - (b) *will not be used or rented out as a separate dwelling to the main building; and*
 - (c) *the person or persons for whom the ancillary accommodation structure is to be constructed, is for use by that person or persons and will be used for no other purposes or by other persons.*

All costs associated with this condition shall be borne by the applicant/owners(s); and

- (vi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*

"The Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the single house/ancillary accommodation. 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.

Landowner:	M Solomon
Applicant:	Inhouse Building Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	316 square metres
Access to Right of Way	North side, 3.02 metres wide, sealed, Town owned.

BACKGROUND:

13 May 2004 Conditional approval was granted for proposed Garage Additions to Existing Single House under delegated authority from the Council.

DETAILS:

The proposal involves ancillary accommodation addition 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	0.65-205.4 square metres	0.49 -155 square metres	Supported- as there is no variation.
Density.	R80 and R60 for Single House	No Change	Noted.
Setbacks: Upper Floor- West.	1.2 metres	Nil - 2 metres	Supported – as not considered to have an undue impact on affected neighbour and affected neighbour has provided written confirmation stating no objection.
Building on Boundary.	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Height - 5.4 metres Length - 7.49 metres.	Supported – as variation is not considered to have an undue impact on affected neighbour and affected neighbour has signed letter stating no objection.
Privacy Upper Floor- South Balcony.	7.5 metres 7.5 metres	3 metres to western boundary. 4.5 metres to eastern boundary.	Supported - affected neighbour has signed stating no objection. Not supported - addressed in the Officer Recommendation.

Weather protected pedestrian connection.	Where the ancillary accommodation structure is to be a separate structure, a weather-protected pedestrian connection between the main dwelling and the ancillary accommodation structure is to be provided.	None provided.	Supported- given that the garage structure already exists, and that the owners are merely adding a bathroom and bedroom/studio to the existing approved garage, the requirement to provide a weather-protected pedestrian connection is not considered necessary in this instance.
Ancillary accommodation building height	The external walls of the ancillary accommodation structure, including the external walls of the garage, carport and/or the like structure that it is proposed to be built above, is to be a maximum total height of five (5) metres	5.4 metres - 6 metres	Supported – as the ancillary accommodation structure complies with the 6 metres building wall height for two-storey developments in the Town, and the proposed structure is adjacent to a right-of-way and therefore no undue impact is imposed on the streetscape.
Parking	A minimum of one car parking space in addition to the spaces required for the main dwelling is to be provided.	No additional car parking bays are proposed.	Supported – as the ancillary addition is minor in nature and is mainly used temporarily by visiting members of the family for short periods of time, otherwise will be used as a studio by the landowners family. Given this, and that there is no space for an additional bay accessed off the right of way, the proposed variation is considered acceptable.
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> • Neighbour has signed stating no objection. 		Noted
Objection	Nil		Noted

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

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

COMMENTS:

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

10.1.9 New Zealand Planning Institute and Planning Institute Australia Congress 2006 - 'Imagine - Impacts 2'

Ward:	Not Applicable	Date:	13 April 2006
Precinct:	Not Applicable	File Ref:	ADM0031
Attachments:	001		
Reporting Officer(s):	H Smith, D Abel, Councillor Helen Doran-Wu		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES and NOTES the contents contained in this report on the New Zealand Planning Institute and Planning Institute Australia Congress 2006 - 'Imagine - Impacts 2', Appendix 10.1.9, and the Congress Program and Abstracts as 'Laid on the Table'.

Moved Cr Doran-Wu, Seconded Cr Ker

That the recommendation be adopted.

Cr Torre returned to the chamber at 7.06pm.

Debate ensued.

Moved Cr Ker, Seconded Cr Doran-Wu

That a new clause (ii) be added to the recommendation as follows:

*“(ii) **INVESTIGATES** the feasibility of providing a Compact Disc of the proceedings to Elected Members.”*

(Amended at 9 May 2006 Council Meeting)

AMENDMENT CARRIED (8-0)

(Cr Messina on leave of absence.)

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

(Cr Messina on leave of absence.)

COUNCIL DECISION ITEM 10.1.9

That the Council;

(i) *RECEIVES and NOTES the contents contained in this report on the New Zealand Planning Institute and Planning Institute Australia Congress 2006 - 'Imagine - Impacts 2', Appendix 10.1.9, and the Congress Program and Abstracts as 'Laid on the Table'; and*

(ii) *INVESTIGATES the feasibility of providing a Compact Disc of the proceedings to Elected Members.*

(Amended at 9 May 2006 Council Meeting)

PURPOSE OF REPORT:

The purpose of this report is to provide information relating to the attendance of the National conference by Cr Doran-Wu and Officers Des Abel and Helen Smith, as required by the Town's policy relating to conferences.

BACKGROUND:

The Council at its Ordinary Meeting held on 17 January 2006 approved of the Manager, Planning, Building and Heritage Services, Des Abel and Planning Officer (Strategic), Helen Coulter (now Smith), and one Elected Member, Councillor Helen Doran-Wu to attend the New Zealand Planning Institute (NZPI) and Planning Institute Australia (PIA) Congress 2006 to be held on the Gold Coast, Queensland, from Monday 3 April to Wednesday 5 April 2006, inclusive.

The theme of the Congress was "Imagine - Impacts 2" and over the three (3) days over 75 papers was presented, including a number of key note addresses by local and overseas delegates.

DETAILS:

The Congress was opened by Marcus Spiller, (out-going) National President, PIA and Her Excellency Quentin Bryce, Governor of Queensland. The theme of the Congress 'Imagine - Impacts 2' further explores the theme of the first joint congress, successfully held in Wellington in 2002 and over the three days, regeneration, adaptation and innovation was considered by planning professionals. A diverse range of inspirational speakers and stimulating activities were held to reflect the dynamic nature and complexity of planning today. The Congress was also seen as an opportunity to continue to grow with and learn from our counterparts in New Zealand.

Over 800 delegates attended the Congress which was principally sponsored by ING Real Estate, 'Colorbond', Stockland, the Queensland Government and the Federal Government's Department of the Environment and Heritage. The keynote speakers included Phillip Adams, Desley Boyle, Senator Kim Carr, Mayor Ron Clarke MBE, Julie Cowans, Dr Deborah Dearing, Jean Hillier, Charles Landry, Warren Mundine, Professor Lyndsay Neilson, Marcus Spiller and Mal Washer.

The Congress presentations were held over three days (Monday, Tuesday and Wednesday) with two plenary sessions each day relating to Creative Cities, Sustainable Cities (Day 1), Governing for Outcomes and Planning Practise (Day 2), and Social Planning and Inclusion and Metropolitan and Metro Region Planning (Day 3). Numerous speakers divided into 5 sessions across the three days covered Transport Integration, Regional Planning, Water, Tsunami Response, Settlement Patterns, Disaster Management, Healthy Cities and Belonging, Transport and Cities, Legislation and Policy Governance, Metropolitan Planning, Development Assessment, Urban Design, Tools and Technology, Sustainability, Environmental and Natural Resource Management, Social Inclusion, Town Centre Planning and Sub-Metro Planning. The Congress agenda also included panel discussions on Affordable Housing and the Future of the Profession.

The sessions, which ran concurrently, are attached. Those sessions attended by the Manager Planning Building and Heritage Services and Planning Officer Smith (Strategic) is indicated in bold font. A copy of the Program and Abstracts is '*Laid on the Table*'.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Town's Policy No 4.1.13 - "Conferences - Attendances Representation and Related Issues" - states that:

The following guidelines are to be considered for any proposal for representatives of the Council to attend conferences:-

"1. Attendance:

.....

Following attendance at State conferences, congresses, study tours and any seminars, forums, workshops of two (2) days or more duration, the attendees shall submit a report to the Council within thirty days of their return to Perth, for the Council's information and records. The report shall include a summary of the event's proceedings, major points of interest to the Town and recommendation as to whether attendance at similar conferences is warranted.

5.2 All Conference Papers are the property of the Town and are also to be placed in the Town's Library so that they are accessible by the public."

STRATEGIC IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable.

COMMENTS:

The Congress was particularly informative in highlighting the state of play between planning and other associated disciplines in today's world. The general feeling was that planning is, so to speak, is at a turning point, both in the workplace and the wider community. The demand for 'Planning' is growing at an ever-increasing rate and this has, to some extent, resulted in a shortage of experienced planners in Australia and internationally. Notwithstanding this aspect, the Congress highlighted that 'Planning' as a profession is embracing many wider issues than traditional land-use planning techniques and practices and is responding to new demands and pressures in a sophisticated, professional manner.

Many speakers highlighted the need for planners to embrace and respond to the changing demographics, the need for sustainable planning and building practices and to consider differently, the social aspects in planning decisions. Professionally, the Congress was particularly useful in providing up to date information across a wide range of planning related areas and attendance at conferences/congress events of this nature in the future is recommended for its contribution to professional development. It is noted that strong alliances were established with New Zealand planning and heritage counterparts, with resultant sharing of information and work techniques, which will in turn benefit the planning and heritage services provided by the Town.

The Congress included speakers who made an impact on conference discussions such as Phillip Adams, who in his presentation of 'theme' cities made suggestions on how cities could be successful and Charles Landry, in his simple approach to creative cities, questioning whether we could *'fall in love with the places in which we live'*.

The Town of Vincent's Community Visioning project, *Vincent Vision 2024*, was recognised and awarded three State Awards for Planning Excellence at the Planning Institute of Australia WA Division's Annual Awards, held on 12 October 2005. As previously noted in Item 10.1.22 to the Ordinary Meeting of Council held on 17 January 2006, the Town was automatically a finalist for the National Awards which were held on the evening of Monday 3 April at the conference. The Town was successful in receiving a *'Merit Award'* for Community Based Planning in this respect.

10.1.18 Mainstreet-Scape and Heritage Business Premises Assistance Funds Policy - Discussion Paper

Ward:	Both Wards	Date:	19 April 2006
Precinct:	All Precincts	File Ref:	PLA 098
Attachments:	001		
Reporting Officer(s):	A. du Boulay		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	John Giorgi

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES this Report and Discussion Paper as shown in the Attachment, relating to the Mainstreet-Scape and Heritage Business Premises Assistance Funds Policy;*
- (ii) *IDENTIFIES Model 4 in the Attached Discussion Paper as the preferred model for future considerations in relation to this matter;*
- (iii) *AUTHORISES the Chief Executive Officer to develop appropriate grant criteria suitable for commercial heritage listed properties; and*
- (iv) *DEFERS the allocation of \$100,000 to the Heritage Assistance Fund for consideration in the 2007/2008 Draft Budget.*

Moved Cr Doran-Wu, Seconded Cr Torre

That the recommendation be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Torre

That clauses (ii), (iii) and (iv) be deleted and new clauses (ii), (iii), (iv) and (v) be added as follows:

- “(ii) *DOES NOT further consider the proposed Mainstreet-Scape and Heritage Business Premises Fund following issues raised in the Discussion Paper;*
- (iii) *INVESTIGATES a Heritage Business Premises Assistance Fund, to be administered under the current Heritage Grants Scheme, as identified in the report, to be submitted within six (6) months for consideration;*
- (iv) *EXAMINES the amount of \$50,000 for the proposed fund for consideration as part of the mid-year Budget Review; and*
- (v) *ACKNOWLEDGES that Mainstreet-Scape and Heritage is to be considered within the economic strategy at a future date.”*

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Messina on leave of absence.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Messina on leave of absence.)

COUNCIL DECISION ITEM 10.1.18

That the Council;

- (i) ***RECEIVES this Report and Discussion Paper as shown in the Attachment, relating to the Mainstreet-Scape and Heritage Business Premises Assistance Funds Policy;***
- (ii) ***DOES NOT further consider the proposed Mainstreet-Scape and Heritage Business Premises Fund following issues raised in the Discussion Paper;***
- (iii) ***INVESTIGATES a Heritage Business Premises Assistance Fund, to be administered under the current Heritage Grants Scheme, as identified in the report, to be submitted within six (6) months for consideration;***
- (iv) ***EXAMINES the amount of \$50,000 for the proposed fund for consideration as part of the mid-year Budget Review; and***
- (v) ***ACKNOWLEDGES that Mainstreet-Scape and Heritage is to be considered within the economic strategy at a future date.***

PURPOSE OF REPORT:

The purpose of this report is to outline the development of a Mainstreet-Scape and Heritage Business Premises Assistance Funds Policy in response to a Notice of Motion carried at the Ordinary Meeting of Council held on 28 February 2006.

BACKGROUND:

At the Ordinary Meeting of Council held on 28 February 2006, the Council considered a Notice of Motion (Item 11.1) proposing that a Mainstreet-Scape and Heritage Business Premises Assistance Funds Policy was to be investigated and developed. The Council resolved as follows:

“That the Council;

- (i) ***AUTHORISES the Chief Executive Officer to investigate and report on the following;***
 - (a) ***the development of a Mainstreet-scape and Heritage Business Premises Assistance Funds Policy; and***
 - (b) ***the allocation of \$100,000 to fund the application of the proposed Assistance Funds Policy;***
- (ii) ***REQUESTS the report examine, but not be limited to, the following;***
 - (a) ***similar programs in other Councils and the capacity to promote, conserve, restore, revitalise and improve Mainstreet-scapes and Heritage Business Premises;***

- (b) *the funds allocation being based on a percentage of the development cost of the proposed development;*
 - (c) *identifying a cap on funds available per application;”*
 - (d) *identifying and recognising synergies between the existing relevant policies and initiatives of the Council, including the Economic Development Strategy, Heritage Assistance Fund and the Leederville Masterplan and the Assistance Funds;*
 - (e) *identifying the number of properties potentially benefiting from the Assistance Funds;*
 - (f) *the development of a promotional package for the Assistance Funds, targeting property and business owners and potential developers; and*
 - (g) *identifying a target date for completion of a policy; and*
- (iii) *REQUESTS the report be presented to Council by the second Ordinary Meeting of Council to be held in April 2006.”*

An additional aspect identified by the Town’s Officers relates to financial management implications or structure, as it is considered to be a critical aspect of the proposal.

DETAILS:

A review was carried out on similar assistance funds offered by various local, state and federal government authorities in Australia, the United Kingdom, New Zealand, USA and Canada to gain an insight into the various approaches taken towards developing the policy. This research revealed a commonality between many of the Assistance/Incentive Funds aimed at commercial properties and Heritage Incentive Policies aimed at Heritage Listed places.

Many of the funding programs which are specific to commercial properties focus on works to the buildings’ façade. Works include the reinstatement of shop-fronts, structural repairs or improvements, repainting, new awnings, new shop signs and removing inappropriate materials. Some programs fund interior works. In some assistance funds, the works are linked to improving the aesthetics of the streetscape. In these cases, the property is often located in a heritage conservation area or the property is on a Heritage List. This list could be the equivalent to a Municipal Heritage Inventory (MHI), a National Trust listing or a State Government Heritage Register.

In addressing Mainstreet-Scapes, most of the research has indicated that the local government authority undertakes the capital improvements, such as making areas more pedestrian friendly by narrowing roads, tree planting along boulevards and revitalising areas through encouraging commercial ventures such as shops and restaurants to the area.

The key objectives of the policy cannot be determined at this stage due to the many variables which need to be addressed, and in particular the broad definitions and scope of the concept. A consideration of a preferred model from the Discussion Paper would enable a more detailed determination of the scope of the policy. Further research is considered necessary.

The considerations raised in the attached Discussion Paper relating to a concept of 'mainstreet scapes' are significant and broad. It reaches across various service areas within the Town’s Administration and potentially requires substantial resources and long-term strategic commitment from the Town if it is to be purposeful and successful.

In administering this Assistance Fund, it would be beneficial to utilise the already existing Heritage Assistance Fund and include the proposed funding allocation for commercial properties. A scheme which intended to target heritage listed local commercial properties could be successfully implemented by coming under the overarching objectives of the Heritage Assistance Fund. Separate selection criteria and an identified portion of fund would facilitate this merge.

Once a preferred Model addressing the scope of the potential commercial properties has been identified by the Council, it is considered that a survey should be conducted of owners of the affected properties to gauge their level of interest in the proposed policy. This could be incorporated into the promotion of the fund and could, for instance, provide some guidance as to the likely take-up rate of the grants or the general level of interest from potential benefactors

CONSULTATION/ADVERTISING:

This matter does not require formal advertising or consultation.

LEGAL/POLICY:

There are no legal or policy matters relating to the Discussion Paper.

STRATEGIC IMPLICATIONS:

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

“1.2 Recognise the value of heritage in providing a sense of place and identity.”

FINANCIAL/BUDGET IMPLICATIONS:

The Chief Executive Officer has recommended that it is premature to consider monies in the Budget for the 2006/2007 financial year.

The feasibility of the proposed amount is dependant on further investigation relating to the questions and options shown in the “*DETAILS*” section of this report. Additional funds to advertise and promote the Assistance Funds would also need consideration.

Accordingly, it is recommended that the funding be further considered in the 2007/08 Draft Budget.

COMMENTS:

The Mainstreet-Scape and Heritage Business Premises Assistance Funds Policy (MHBAF), requires further discussion to determine limitations on the possible potential properties affected. At this stage, there are four models which have different strategic and financial implications due to the amount of eligible properties included. These are addressed in the Discussion Paper.

It is also recommended that, at this stage, the Council impose limitations on the type of commercial property to be eligible; for example, only places on the MHI would be eligible.

If the Council were to pursue a concept of 'mainstreet-scape' initiative, this would require that the Council defines a Mainstreet by description, criteria and geographic boundaries. Issues relating to definitions and criteria are fully addressed in the Discussion Paper.

It is recommended that the Council identifies Model 4 shown in the attached Discussion Paper as the preferred model for future consideration in relation to this matter, although at this stage only the heritage aspects of this model should be addressed. Heritage rather than a concept of 'mainstreets' should be addressed at this time only, with the intent of the MHBAF to generate encouragement, momentum and assistance to property owners to improve building presentation, conservation and use.

It is recommended that the proposed funding for commercial properties be incorporated into the existing Heritage Assistance Fund, with separate criteria to be developed for commercial buildings which are the target of this Notice of Motion. Utilising the existing Heritage Assistance Fund will make effective use of administration and an already publicly recognised program.

CEO's Comment:

The Town's administration have researched this matter in the time available. However, there is further research to be carried out and a considerable amount of further work to be completed in order to provide the Council with all the necessary information to implement this matter, which is considered to have merit.

As the Council is aware, it is committed to the release and implementation of the Town's Municipal Heritage Inventory. This will no doubt fully occupy the Town's Heritage Officers, whose prime function will be the Municipal Heritage Inventory, for the remainder of 2006 (and possibly longer).

The Chief Executive Officer believes it is premature to list \$100,000 in the budget 2006/07, whilst the fully information has not been researched for Council to make an informed decision. Furthermore, considering the current and anticipated workload for the Town's officers, it is highly unlikely that the proposed project could be completed within the 2006/07 financial year, unless additional resources are approved by the Council.

The Chief Executive Officer strongly recommends that the Council approve of the recommendation and allow the Municipal Heritage Inventory project to be completed, using the current Town Heritage Officers and resources. To include the proposed MHBAF project with the 2006/07 financial year will cause an unacceptable workload (and stress) on the current employees and may also potentially jeopardise the successful implementation of the Municipal Heritage Inventory.

Furthermore, a delay of one (1) year for the implementation of MHBAF will not materially affect this project and will in fact allow the Council to be better informed.

Should the Council determine that it wishes to proceed with the implementation of the MHBAF in 2006/07, it will need to approve of the \$100,000 required, plus an additional amount of approximately \$80,000 for additional resources (ie additional Heritage Officer, computer, workstation etc). This will also cause an additional strain on the proposed budget 2006/07.

The MHBAF is considered to be commendable and is in keeping with the Town's strategic direction for heritage. However, as stated above, much more research is required in order to provide all the necessary information for the Council to make a fully informed decision.

10.1.20 LATE REPORT-No. 59 (Lot 257 D/P: 2816) Dunedin Street, Mount Hawthorn- Proposed Demolition of Existing Single House and Construction of Two-Storey Single House

Ward:	North	Date:	24 April 2006
Precinct:	Mount Hawthorn; P01.	File Ref:	PRO2262; 5.2006.188.1
Attachments:	001		
Reporting Officer(s):	T Durward, J Barton		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application dated 24 April 2006 by the owner D Linnios for proposed Demolition of Existing Single House and Construction of Two-Storey (2) Single House, at No. 59 (Lot 257 D/P: 2816) Dunedin Street, Mount Hawthorn, and as shown on plans stamp-dated 19 February 2003 (site plan and floor plan of existing dwelling) and 1 November 2005, subject to the following conditions:

- (i) *first obtaining the consent of the owners of No. 61 (Lot 256) Dunedin Street, for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 61 (Lot 256) Dunedin Street, in a good and clean condition;*
- (ii) *any new street/front wall, fence and gate between the Dunedin Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*
- (iii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
 - (a) *the two (2) windows to the retreat on the first floor level on the northern elevation; and*

- (b) *the windows to bedroom 2 and bedroom 3 on the first floor level on the western elevation;*

shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;

- (iv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (v) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (vi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the boundary wall on the northern side being reduced to an average height of 3 metres and a maximum height of 3.5 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

COUNCIL DECISION ITEM 10.1.20

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

That clause (vii) be amended as follows:

- “(vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating;*
- (a) the boundary wall on the northern side being reduced to an average height of 3 metres and a maximum height of 3.5 metres;*
- (b) the garage be set back a minimum of 6 metres from the front/Dunedin Street boundary.*

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

Debate ensued.

**AMENDMENT LOST ON THE
CASTING VOTE OF THE MAYOR (4-5)**

<u>For</u>	<u>Against</u>
Cr Chester	Mayor Catania - 2 votes
Cr Ker	Cr Doran-Wu
Cr Lake	Cr Farrell
Cr Maier	Cr Torre

(Cr Messina on leave of absence.)

**ORIGINAL MOTION CARRIED
ON THE CASTING VOTE
OF THE PRESIDING MEMBER (5-4)**

<u>For</u>	<u>Against</u>
Mayor Catania - 2 votes	Cr Chester
Cr Doran-Wu	Cr Ker
Cr Farrell	Cr Lake
Cr Torre	Cr Maier

(Cr Messina on leave of absence.)

Landowner:	D Limnios
Applicant:	A Michael
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	455 square metres
Access to Right of Way	Western side, 4.6 metres wide, sealed, resumed and vested in the Town

BACKGROUND:

- | | |
|------------------|--|
| 13 May 2003 | The Council at its Ordinary Meeting conditionally approved the demolition of the existing dwelling and the construction of a two-storey single dwelling, subject to standard and appropriate conditions. |
| 14 February 2006 | The Council at its Ordinary Meeting conditionally approved the demolition of the existing dwelling and the construction of a two-storey single dwelling, subject to standard and appropriate conditions. |
| 11 April 2006 | The Council at its Ordinary Meeting conditionally approved the proposed demolition of existing single house and construction of two-storey single house, subject to the following conditions: |

"That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A Michael on behalf of the owner D Linnios for proposed Demolition of Existing Single House and Construction of Two-Storey (2) Single House, at No. 59 (Lot 257 D/P: 2816) Dunedin Street, Mount Hawthorn, and as shown on plans stamp-dated 19 February 2003 (site plan and floor plan of existing dwelling) and 1 November 2005, subject to the following conditions:

- (i) first obtaining the consent of the owners of No. 61 (Lot 256) Dunedin Street, for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 61 (Lot 256) Dunedin Street, in a good and clean condition;*
- (ii) any new street/front wall, fence and gate between the Dunedin Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*
- (iii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development;*
 - (a) the two (2) windows to the retreat on the first floor level on the northern elevation; and*
 - (b) the windows to bedroom 2 and bedroom 3 on the first floor level on the western elevation;*

shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002;

- (iv) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (v) an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (vi) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*
- (vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the boundary wall on the northern side being reduced to an average height of 3 metres and a maximum height of 3.5 metres; and*
 - (b) the garage being setback a minimum of 6 metres from the front/Dunedin Street boundary.*

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

DETAILS:

Approval is sought for the demolition of the existing dwelling and the construction of a two-storey single house.

The proposal is identical to the previous application approved by the Council at its Ordinary Meeting held on 11 April 2006. However, the applicant has requested that the Council reconsider the following condition (vii) (b), imposed at its Ordinary Meeting held on 11 April 2006, which is as follows:

- “(vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) the boundary wall on the northern side being reduced to an average height of 3 metres and a maximum height of 3.5 metres; and*

(b) *the garage being setback a minimum of 6 metres from the front/Dunedin Street boundary.*

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

ASSESSMENT:

As identical plans are being considered as part of this application the following Assessment Table has been taken verbatim from the Minutes of the Ordinary Meeting of Council held on 11 April 2006.

<i>"Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted</i>
<i>Setbacks:</i>			
<i>Northern side (first floor)</i>	<i>4.5 metres</i>	<i>1.5 metres-2.5 metres</i>	<i>Supported- as it is considered that the side setback variations do not present an unreasonable loss of amenity to the adjacent properties, as the setback variations on the southern side are minor in nature and they have already been approved by the Council on the previous expired application. Also, the variation on the northern side does not represent any undue impacts, in terms of overshadowing, as no shadow is cast on the north side. Also, overlooking of habitable room openings at first floor level have been conditioned to be screened in accordance with the requirements of the Residential Design Codes (R-Codes). Therefore, the setback variation are considered supportable.</i>
<i>Southern side (ground floor)</i>	<i>1.5 metres</i>	<i>1.0 metre</i>	
<i>Southern side (first floor)</i>	<i>1.9 metres</i>	<i>1.5 metres</i>	
<i>Building on boundaries</i>	<i>One boundary wall is permitted per property, 2/3 the length of the common boundary, with an average height of 3 metres and a maximum</i>	<i>Boundary wall on northern side averages 3.8 metres in height and has a maximum height of 3.915 metres from natural ground level.</i>	<i>Not supported- the height of the boundary wall will create an undue visual impact on the amenity of the adjoining property, as the garage protrudes in front of the main building line and the adjoining</i>

	<i>height of 3.5 metres.</i>		<i> dwellings. Accordingly, a condition has been recommended to bring the proposed boundary wall into compliance with the R-Codes.</i>
<i>Privacy Setbacks:</i>			
<i>Northern side-window to retreat</i>	<i>6 metres</i>	<i>2.5 metres</i>	<i>Not supported-with regard to the potential for unreasonable overlooking from the windows on the first floor northern and western elevations, it is considered necessary that relevant screening conditions are applied to these openings to comply with the privacy requirements of the Residential Design Codes.</i>
<i>Western side-window to bedroom two</i>	<i>4.5 metres</i>	<i>3.6 metres</i>	
<i>Western side-window to bedroom three</i>	<i>4.5 metres</i>	<i>3.8 metres</i>	
<i>Setbacks of garages</i>	<i>Garage to be setback 6 metres, or behind main building wall.</i>	<i>Garage setback 5.019 metres from street and in front of main building wall.</i>	<i>Supported-the Town's Policy relating to street setbacks requires the garage to be setback behind the main building wall. In this instance, the garage is proposed to be setback in front of the main building wall. This is considered acceptable as the garage setback has been approved previously by the Council. Also, the porch is positioned slightly in front of the garage, and the master bedroom, with a front major window for street surveillance, sits above the garage at 6.02 metres from the street, thus helping to slightly reduce the dominance of the garage on the street.</i>
<i>Vehicular Access</i>	<i>Use of right of way</i>	<i>Parking off Dunedin Street</i>	<i>Supported-the property has rear access off a right of way. In this instance, the vehicular access is proposed to/from Dunedin Street. This is supportable as there are only sixteen properties which have access from the right of</i>

			<p>way and the right of way has no through access with the end of the right of way abutting a residential lot. Also, the majority of lots have limited subdivision potential, and use Dunedin Street for vehicular access. As such, access from Dunedin Street is supported in this instance.</p>
<p><i>Building Height</i></p>	<p><i>6 metres to eaves and 9 metres to ridge</i></p>	<p><i>6.298 metres to eaves at the highest point. Overall height less than 9 metres.</i></p>	<p><i>Supported-the height protrusion is minimal and remains the same as the previous application. Also, the proposal complies with the R-Codes' overshadowing requirements. Also, the overall height complies with the 9 metre requirement."</i></p>
<p><i>Consultation Submissions</i></p> <p><i>An identical proposal has been advertised within the last 12 months, therefore, the current planning application was not advertised and the previous comments received are summarised below and considered as part of this application.</i></p>			
<p><i>Part Support/ part Objection (1)</i></p>	<p><i>Concerns raised regarding the visual impact of the height of the proposed boundary wall on the northern side.</i></p> <p><i>Concerns raised regarding the setback of the garage restricting the view and natural light into the neighbouring properties study.</i></p>		<p><i>Supported- the height of the parapet wall is considered excessive and it will create an undue visual impact when viewed from the adjoining property as the garage protrudes forward of the adjoining properties building line. Given this, it is considered appropriate to impose a condition to require the wall to be brought into compliance with the requirements of the R-Codes.</i></p> <p><i>Not supported-the concerns regarding the setback of the garage are noted, however, the previous application, which has recently expired, was approved by the Council with the reduced setback to the garage and the applicant is merely renewing the expired application. Given this, it is not considered appropriate to refuse the reduced</i></p>

		<i>setback of the garage. Also, the proposal does not create an undue impact on the amenity of the adjoining property, in terms of overshadowing, as the adjoining property is located on the north side.</i>
<i>Objection (1)</i>	<i>Concerns raised regarding the setback variations on the southern sides and the resultant reduction of light into the neighbouring dwelling.</i>	<i>Not supported- the proposal complies with the Residential Design Codes' overshadowing requirements and setting the proposal back in compliance with the R-Codes setback requirements will do little to alleviate the impact of the shadow, as the proposal will still overshadow windows to habitable rooms on the northern side of the adjoining property.</i>
	<i>Concerns regarding the setback of the garage and the impact on the streetscape.</i>	<i>Not supported- see comments above.</i>
<i>Other Implications</i>		
<i>Legal/Policy</i>		<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>		<i>Nil</i>
<i>Financial/Budget Implications</i>		<i>Nil</i>

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

DETAILS:

Demolition

The subject place is a brick and decramastic tiled dwelling that, according to the City of Perth Building Licence archive cards, was constructed in 1927. A number of alterations have been undertaken to the external fabric and these have impacted on the authenticity and integrity of the place. The place is a very basic dwelling of the Interwar period that has undergone significant alterations. Overall, it is considered to have little to no cultural heritage value and does not warrant a full heritage assessment. Dunedin Street is characterised by single-storey detached residences and the subject place makes a limited contribution to the street in terms of its detached, single-storey scale and massing. It is considered that its contribution to Dunedin Street is limited to these aspects and it otherwise contributes little to the amenity of the area.

In light of the above considerations, it is recommended that the proposal to demolish the place be approved, subject to standard conditions.

Existing Trees

The proposal involves removal of two (2) existing mature Jacaranda trees on-site in order to facilitate the subject development. These trees are listed on the Town's Interim Significant Tree Data Base – Possible Inventory Inclusion (List 2).

At present, a final review of the Trees of Significance Inventory is being undertaken. The completion of this review and the adoption of the Inventory is anticipated to be mid-2006.

The previous condition requiring a detailed Arborculturist report justifying the removal of the two (2) on-site mature Jacaranda trees was deleted following discussion at the Ordinary Meeting of Council held on 14 February 2006.

Summary

In light of the above, the proposal is supportable as it is not considered to unreasonably adversely affect the amenity of the adjacent properties or the streetscape of the area. Accordingly, it is recommended that condition (vii) (b) of the previous approval be deleted as per the above recommendation."

The Officers previous recommendation to support the deletion of condition (vii) (b) remains unchanged.

10.1.21 LATE REPORT - No.172 (Lot 162 D/P: 1659) Anzac Road (Corner Buxton Street), Mount Hawthorn- Demolition of Existing Single House and Construction of Two-Storey Single House- Reconsideration of Conditions

Ward:	North	Date:	24 April 2006
Precinct:	Mount Hawthorn Precinct; P1	File Ref:	PRO3428; 5.2006.178.1
Attachments:	001		
Reporting Officer(s):	L Mach, B Phillis		
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 dated 20 April 2006 submitted by B C Waters on behalf of the owners B C & K L Waters for proposed Demolition of Existing Single House and Construction of Two- Storey Single House, at No.172 (Lot 162 D/P: 1659) Anzac Road, corner Buxton Street, Mount Hawthorn, and as shown on plans stamp-dated 20 April 2006 , subject to:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) any new street/front wall, fence and gate between the Anzac Road boundary and the Buxton 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;*

- (f) *the solid portion adjacent to the Buxton Street boundary from the above truncation(s) and from the main building line setback of Anzac Road, 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;*
- (iv) *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;*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the overall height of the dwelling being a maximum of 9.0 metres and the wall height as projected above the eaves being a maximum of 6.0 metres from the natural ground level;*
- (b) *the windows to the activity room on the western elevation, on the first floor, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002; and*
- (c) *the garage/store being setback at a minimum of 1.5 metres from the Buxton Street boundary.*

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

- (vi) *prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s); and*
- (vii) *first obtaining the consent of the owners of No. 17 Buxton 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. 17 Buxton Street in a good and clean condition.*

Moved Cr Torre, Seconded Cr Farrell

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

“(v) (d) *the parapet wall, roof, eaves and any other associated structures of the garage/store being fully contained within the subject lot and complying with the provisions of the Building Code of Australia.*”

Debate ensued.

Moved Cr Torre, Seconded Cr Doran-Wu

That clause (v)(c) be amended as follows:

“(v) (c) *the garage/store being setback at a minimum of ~~1.5~~ 1.0 metres from the Buxton Street boundary.*”

Debate ensued.

**AMENDMENT CARRIED
ON THE CASTING VOTE OF
THE PRESIDING MEMBER (5-4)**

<u>For</u>	<u>Against</u>
Mayor Catania - 2 votes	Cr Chester
Cr Doran-Wu	Cr Ker
Cr Farrell	Cr Lake
Cr Torre	Cr Maier

(Cr Messina on leave of absence.)

**ORIGINAL MOTION AS AMENDED
CARRIED ON THE CASTING VOTE
OF THE PRESIDING MEMBER (5-4)**

<u>For</u>	<u>Against</u>
Mayor Catania - 2 votes	Cr Chester
Cr Doran-Wu	Cr Ker
Cr Farrell	Cr Lake
Cr Torre	Cr Maier

(Cr Messina on leave of absence.)

COUNCIL DECISION ITEM 10.1.21

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 dated 20 April 2006 submitted by B C Waters on behalf of the owners B C & K L Waters for proposed Demolition of Existing Single House and Construction of Two- Storey Single House, at No.172 (Lot 162 D/P: 1659) Anzac Road, corner Buxton Street, Mount Hawthorn, and as shown on plans stamp-dated 20 April 2006 , subject to:

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

- (ii) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) *any new street/front wall, fence and gate between the Anzac Road boundary and the Buxton 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;*
 - (f) *the solid portion adjacent to the Buxton Street boundary from the above truncation(s) and from the main building line setback of Anzac Road, 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;*
- (iv) *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;*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the overall height of the dwelling being a maximum of 9.0 metres and the wall height as projected above the eaves being a maximum of 6.0 metres from the natural ground level;*
 - (b) *the windows to the activity room on the western elevation, on the first floor, shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material*

that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002;

- (c) the garage/store being setback at a minimum of 1.0 metres from the Buxton Street boundary; and*
- (d) the parapet wall, roof, eaves and any other associated structures of the garage/store being fully contained within the subject lot and complying with the provisions of the Building Code of Australia.*

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

- (vi) prior to the issue of a Building Licence, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s); and*
- (vii) first obtaining the consent of the owners of No. 17 Buxton 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. 17 Buxton Street in a good and clean condition.*

BACKGROUND:

11 April 2006 The Council at its Ordinary Meeting resolved to conditionally approve an application for proposed Demolition of Existing Single House and Construction of Two- Storey Single House (Application for Part Retrospective Approval - Demolition) at the subject property.

DETAILS:

The proposal involves the reconsideration of conditions (v)(b), (v)(d) and (viii) of the application approved at the Ordinary Meeting of Council on 11 April 2006 for demolition of existing single house and construction of two- storey single house (application for part retrospective approval - demolition), at the subject property, which are as follows:

"(v)(b) the driveway width being setback a minimum of 0.5 metres from the northern boundary."

"(v)(d) the garage/store being setback at a minimum of 1.5 metres from the Buxton Street boundary."

"(viii) the applicants/owners shall pay the outstanding fee, being \$420, for part application for retrospective Planning Approval, within 14 days of the date of notification of this approval or prior to the issue of a Building License whichever occurs first."

In addition to the above, the applicant has also requested that the fees (\$150) for the subject planning application be refunded.

The applicant's latest submission and photographs dated 23 April 2006 is attached. Other matters are *"Laid on the Table"*.

As identical plans are being considered as part of this application, the following has been taken verbatim from the Minutes of the Ordinary Meeting of Council held on 11 April 2006.

"ADDITIONAL INFORMATION

It was brought to the Town's attention that partial demolition of the subject property has commenced. Accordingly, it is recommended that clause (viii) be added and the proposal description be changed as indicated in the "Corrected Recommendation".

<i>Landowner:</i>	<i>B C & K L Waters</i>
<i>Applicant:</i>	<i>B C Waters</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>807 square metres</i>
<i>Access to Right of Way</i>	<i>N/A</i>

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves demolition to existing single house and construction of two- storey single house. The applicant's submission is "Laid on the Table".

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>2 dwellings R 30</i>	<i>1 dwelling R 12.4</i>	<i>Supported- as there is no variation.</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Ground Floor -West (games, laundry and WC)</i>	<i>1.5 metres</i>	<i>1.0- 3.5metres</i>	<i>Supported- as minor variation, no undue impact and no objections received by affected neighbour.</i>

- North	1.5 metres	Nil-1.2 metres	Supported- as above, and refer to 'Buildings on Boundaries' under Clause 3.3.2 of the Residential Design Codes.
First Floor - East - West	6.0 metres 3.9 metres (or 1.8 metres if activity room window is screened)	4.0-6.5 metres 1.0-2.16 metres	Supported - refer to Comments Section. Supported in part- as minor variation, no undue impact, staggering of setbacks and no objections received by affected neighbour as activity window has been conditioned to be screened.
Buildings on Boundaries	One wall built up to boundary is permitted with an average height of 3 metres and a maximum height of 3.5 metres for 66.7 per cent of the length of the balance of the boundary behind the front setback.	Two boundary walls proposed: Western wall on boundary with average and maximum height of 3.2 metres. The northern boundary wall is compliant.	Supported - as no undue impact on streetscape due to setback and no objections received from affected neighbour. Supported in part - as above, as wall has been conditioned to be setback accordingly.
Garage Setback	Garages setback at 6.0 metres from the frontage street, or behind the line of the front main building wall.	Nil	Not supported- as undue impact on streetscape and has been conditioned to comply.
Wall Height	6.0 metres	Up to 6.1 metres	Not supported- undue impact and has been conditioned to comply.
Overall Height	9.0 metres	Up to 9.2 metres	Not supported- as above.
Privacy Setbacks	Habitable rooms other than bedrooms - 6.0 metres	Activity room is 3.5 metres to west boundary.	Not supported- as above.
Driveway Setback	0.5 metre from boundary	0.4 metre	Not supported- as above.
<i>Consultation Submissions</i>			
The proposal was not advertised as the owners and occupiers of the affected adjacent properties (No. 168 Anzac Road, No. 174-176 Anzac Road and No.17 Buxton Street) have stated in writing that they have viewed the plans and the non-compliance table and have no objections to the proposal.			

<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:

Demolition

A detailed Heritage Assessment is included as an attachment to this report. The place at No.172 Anzac Road is a brick and tile dwelling in the interwar bungalow style, which was constructed circa 1930. The place has been subject to a number of post-war contemporary alterations, which have removed and obscured much of the original fabric. These alterations include painting the external brick work a light blue colour and painting the roof tiles a dark blue colour. In addition to this, the majority of the timber window frames were replaced with aluminium sliding windows and the majority of the internal, original lighting fixtures were replaced with fluorescent alternatives. More recently, all the architraves, floorboards and skirting boards have been removed in all rooms leaving the timber beams and joists exposed.

The section of streetscape in which the subject dwelling is located is eclectic with a range of both post-war and interwar housing stock. The place is not considered to be an integral component of the streetscape in terms of setback and style as it is adjacent to a row of shops with a nil setback to the road and adjacent to a modern post war international style dwelling. The place is not rare and is considered to be of little aesthetic, historic, scientific and social value. The place is not considered to meet the threshold for entry in the Municipal Heritage Inventory and it is recommended that the application to demolish the place be approved, subject to standard conditions.

Redevelopment

In accordance with the Residential Design Codes (R-Codes), a primary street is defined as "the sole or principal public road that provides access to a site". As the subject plans proposes both vehicular access and pedestrian access from Buxton Street, for the purpose of assessment, Buxton Street was considered as the primary street.

Notwithstanding the above, while the 6.0 metres primary setback has not been achieved on Buxton Street, the applicant has contended that Anzac Road has been treated as the primary street. This is supported by the Town's Officers on the basis that the Anzac Road elevation has been designed in such a way that allows for casual surveillance and interaction with the street. The proposed dwelling maintains a similar building envelope to the dwelling being demolished and it is more feasible to have access from Buxton Street rather than Anzac Road due to the shape of the lot.

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

COMMENTS:

In terms of the request made to delete condition (v)(b), relating to a 0.5metre setback for the driveway from the northern adjoining property, it is recommended that the condition be deleted as the applicant will be required to comply with Technical Services requirements relating to crossovers.

In relation to the reconsideration of condition (v)(d), whilst the applicants comments regarding the sewer line is noted, it is considered that the sewer line can also be feasibly accommodated via a minor redesign either through shifting the whole garage/store structure away from the northern boundary or through a reduction in width of the garage, which is 1.6 metres wider than the minimum width requirement. It is therefore considered that condition (v)(d) should remain as previously approved by the Council.

The request for the removal of condition (viii) is supported on the basis that a site inspection has been undertaken by the Town's Officers on 24 April 2006, which has indicated that the works undertaken (involving the removal of some but not all roof tiles, the removal of two windows and removal of floor boards to a portion of the house) do not require demolition licence or planning approval. The applicant/owner has further advised in writing (attached) that all works would be re-instated should a demolition licence not be issued for the main building.

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

10.2.3 LATE ITEM - Faulty Street lighting - Vincent Street Opposite Bulwer Street, North Perth

Ward:	South	Date:	24 April 2006
Precinct:	Smith's Lake P6	File Ref:	TES0175
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on Faulty Street Lighting in Vincent Street opposite Bulwer Street, North Perth; and
- (ii) **REQUESTS** Western Power Corporation to improve the monitoring of their street lighting network as a matter of urgency to ensure that their infrastructure is maintained to a high standard.

COUNCIL DECISION ITEM 10.2.3

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Messina on leave of absence.)

PURPOSE:

The purpose of this report is to inform the Council of a incident which occurred on Vincent Street resulting in the death of an elderly person where it is alleged that poor lighting at the location may have contributed to the fatality.

BACKGROUND:

On Wednesday evening 19 April 2006, a fatality occurred on Vincent Street opposite Bulwer Street. An elderly person, while crossing Vincent Street on foot, was hit by a vehicle travelling east towards Fitzgerald Street. It is alleged that at the time of the fatality two (2) western power lights were inoperable and one (1) light was 'dim' at this location. There was an inference made that the lack of adequate lighting contributed to the fatality and that the Town was responsible for the lighting.

The Executive Manager Technical Services has since been advised that two large four wheel drive vehicles were parked on the Vincent Street verge. This may also have contributed to the mishap as visibility could have been restricted.

DETAILS:

The installation and ongoing maintenance of streetlights is undertaken by Western Power who owns this asset. Annual running costs and the cost for the installation of additional or higher wattage lighting is borne by Local Government.

Until the late 1990s Western Power regularly inspected the streetlight network to ensure a high level of service. However, it appears that Western Power no longer carries out this function and that the onus has been shifted to Local Government and the general public to advise Western Power of any faulty streetlights by way of telephone, email or facsimile.

As a result, and as widely acknowledged, the level of service has diminished as the public are generally unaware that they are expected to report faulty streetlights in lieu of Western Power actively inspecting the network.

Therefore since 2001, Technical Services officers have undertaken an annual streetlight audit. The aim of the audit is to identify lights not working and to assess the adequacy of the lighting and to make recommendations, where necessary, to install improved or additional lighting.

Following a street light audit, in September 2004 the Council decided to request Western Power Corporation to *improve the monitoring of their network to ensure that the street lighting infrastructure is better maintained.*

The audit found that 3.4% of the streetlights in the Town (106 lights) were inoperable. Since 2001 an average of 3.7% (or 111 streetlights) have not worked at any one time.

An acknowledgement was received by Western Power in late December 2004, however, no further correspondence regarding this matter has been received since that date.

StreetVision Street Lighting Agreement

The Town, like the majority of Local Governments, is signed up to Western Power's StreetVision Street Lighting Agreement whereby Western Power undertakes to operate and maintain the street lighting network for an annual service cost of approximately \$360,000 per annum.

Annual Streetlight Upgrade program

At its Ordinary Meeting on 12 May 1997, Council adopted a four (4) year Streetlight upgrading program. The intent of the program was to ensure that the level of street lighting within the Town was commensurate with that of the requirements of the functional road hierarchy. A revised six (6) year streetlight upgrade program was approved by the Council at its Ordinary Meeting of 22 February 2001.

As part of the program, the street lighting in Vincent Street between Leederville Parade and Fitzgerald Street was upgraded to 250watt High pressure Sodium in 2000/2001.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Town's Policy "Street Lighting" No. 2.2.15 states the objectives of this policy are to provide effective and efficient street lighting through the Town and to provide a mechanism by which street lighting requests and designs can be assessed and sets out the minimum standard according to road classification.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENTS:

Currently Western Power relies on the public and Local Government to advise them when a street light is not working. It is considered that Western Power should be more proactive in maintaining their street lighting network.

10.4.2 Donation - Communities affected by Cyclone Larry, North Queensland

Ward:	-	Date:	19 April 2006
Precinct:	-	File Ref:	FIN0008
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council APPROVES BY AN ABSOLUTE MAJORITY a donation of \$2,500 (two thousand, five hundred dollars) to the Premier of Queensland Disaster Relief Appeal Fund for the communities affected by Cyclone Larry, North Queensland, in accordance with the Town's Policy No. 4.1.27 - "Disaster Appeals - Donations and Assistance".

COUNCIL DECISION ITEM 10.4.2

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Messina on leave of absence.)

PURPOSE OF REPORT:

To approve of a donation to the Premier's Disaster Relief Appeal Fund for the communities affected by Cyclone Larry in North Queensland.

BACKGROUND:

On 20 March 2006 the Far North Queensland coast just south of Cairns was hit by a Category 5 cyclone, Tropical Cyclone Larry. While there was no loss of life, a significant number of homes and businesses in the area were affected and the area was declared a natural disaster zone by the Queensland Government. It is considered to be the worst cyclone to hit the coast of Queensland since 1931. Premier of Queensland, Peter Beattie, declared Larry a disaster situation, comparing it to Cyclone Tracy and giving local governments the power to enforce mandatory evacuations.

Preliminary reports estimate the cost of loss and damage to domestic and commercial premises is to be in excess of half a billion dollars.

The Queensland Government is working with local and federal authorities to help communities affected by Cyclone Larry. Currently the majority of their efforts are focused on delivering essential services and supplies to people living across the impact zone. In coming days plans for the medium and long-term recovery and rebuilding of the region will be announced and put into action.

DETAILS:

At the time of writing this report, the Town has been advised that the best way to offer help is to donate to the Tropical Cyclone Larry Relief Appeal, by making a donation through any branch of the Commonwealth Bank, Westpac, NAB, ANZ, Suncorp or Bank of Queensland.

Previous Donations

The Town of Vincent has previously provided donations for disaster relief as follows;

Date	Details	Amount
January 1998	Lord Mayor's Distress Relief Fund for the Brookton/Pingelly Bush Fire	\$ 500
April 1999	<ul style="list-style-type: none">• Lord Mayor's Moora Flood Appeal• Lord Mayor's Exmouth Cyclone Appeal	\$1,000 \$1,000
November 2002	Lord Mayor's Distress Relief Fund for the Victims of the Bali Bombing	\$5,000
January 2005	Tsunami Appeal to CARE Australia	\$5,000
November 2005	Earthquake Relief Appeal - Afghanistan, India, Pakistan and Kashmir	\$2,500
March 2006	Lord Mayor's Distress Disaster Relief Fund (<i>General request for Donations</i>)	\$ 500

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Town's Policy No. 4.1.27 - "Disaster Appeals - Donations and Assistance" states;

"OBJECTIVES

To provide guidance to the Council when considering requests for the provision of financial assistance and other support to alleviate the impact of disasters and other significant emergencies.

*POLICY STATEMENT**1. Council to Approve Requests*

All requests to provide financial assistance and other support to alleviate the impact of disasters and other significant emergencies shall be in response to an appeal launched by the Federal, State, Local Government or other bona fide agency (Lord Mayor's Disaster Appeal) and shall be reported to the Council for consideration and determination.

2. *Financial Support*

- (a) *Financial support shall be limited to a maximum of \$5,000 to any one disaster or other significant emergency appeal.*
- (b) *In the event of more than one relief organisation/agency being involved in the Disaster Appeal, the Council shall determine the most appropriate relief organisation to receive the support.*
- (c) *Financial support will only be made to approved agencies/organisations and cash donations will not be made directly to individuals."*

STRATEGIC IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$2,500 (two thousand, five hundred dollars) would be expended from the Donation account. An amount of \$3,000 remains in this account.

COMMENTS:

The recommended donation is in accordance with the Town's Policy.

10.4.3 Delegations for the Period 1 January 2006 to 31 March 2006

Ward:	Both	Date:	13 April 2006
Precinct:	All	File Ref:	ADM0018
Attachments:	001		
Reporting Officer(s):	J MacLean, S Beanland,		
Checked/Endorsed by:	R Boardman; John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *ENDORSES the delegations for the period 1 January to 31 March 2006 as shown in Appendix 10.4.3; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to write-off infringement notices/costs to the value of \$50,198.50 for the reasons as detailed below:*

<u>Description</u>	<u>Amount</u>
<i>Breakdown/Stolen (Proof Produced)</i>	<i>\$870.00</i>
<i>Details Unknown/Vehicle Mismatched</i>	<i>\$1,165.00</i>
<i>Dog Act</i>	<i>\$100.00</i>
<i>Equipment Faulty (Confirmed by Technicians)</i>	<i>\$2,050.00</i>
<i>Failure to Display Resident or Visitor Permit</i>	<i>\$17,380.00</i>
<i>Interstate or Overseas Driver</i>	<i>\$3,885.00</i>
<i>Other (Financial Hardship, Disability, Police On-duty, Etc)</i>	<i>\$7,230.00</i>
<i>Penalties Modified</i>	<i>\$1,672.50</i>
<i>Pound Fees Modified</i>	<i>\$36.00</i>
<i>Ranger/Clerical Error</i>	<i>\$7,360.00</i>
<i>Signage Incorrect or Insufficient</i>	<i>\$1,250.00</i>
<i>Ticket Purchased but not Displayed (Valid Ticket Produced)</i>	<i>\$7,200.00</i>
TOTAL	\$50,198.50

COUNCIL DECISION ITEM 10.4.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Messina on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to provide a quarterly progress report of the delegations exercised by the Town's administration for the period 1 January to 31 March 2006 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 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 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 is difficult to prove. In an attempt to reduce this category of withdrawals, Ranger Services staff will now send a Statutory Declaration Form to the offender, requiring him/her to provide the information in an evidentiary format. It is hoped 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.

In the current three-month period, the number of infringement notices withdrawn because of "Ranger/Clerical Error" has doubled, from the number shown in the last report. This is primarily due to the most recently engaged Temporary Ranger using an incorrect offence clause. In an attempt to identify such issues in the future, a mechanism has been put in place that should "flag" such problems early, so that the Senior Ranger can deal with them quickly.

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. Quarterly reports are reported to the Council.

STRATEGIC IMPLICATIONS:

Nil.

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:

Description	Amount
Breakdown/Stolen (Proof Produced)	\$870.00
Details Unknown/Vehicle Mismatched	\$1,165.00
Dog Act	\$100.00
Equipment Faulty (Confirmed by Technicians)	\$2,050.00
Failure to Display Resident or Visitor Permit	\$17,380.00
Interstate or Overseas Driver	\$3,885.00
Other (Financial Hardship, Disability, Police On-duty, Etc)	\$7,230.00
Penalties Modified	\$1,672.50
Pound Fees Modified	\$36.00
Ranger/Clerical Error	\$7,360.00
Signage Incorrect or Insufficient	\$1,250.00
Ticket Purchased but not Displayed (Valid Ticket Produced)	<u>\$7,200.00</u>
TOTAL	\$50,198.50

COMMENTS:

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

10.4.5 Information Bulletin

Ward:	-	Date:	20 April 2006
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 26 April 2006 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.5

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Messina on leave of absence.)

DETAILS:

The items included in the Information Bulletin dated 26 April 2006 are as follows:

ITEM	DESCRIPTION
IB01	Letter from the State Administrative Tribunal – Attaching Orders Made on 7 April 2006. No. 77A (Lot 1) Eton Street, North Perth PRO0957.
IB02	Letter from the State Administrative Tribunal – Attaching Reasons and Orders made on 7 April 2006. No. 355 Fitzgerald Street, North Perth.
IB03	Building Note – Building Amendment Regulations 2005 – Letter from Peter Gow, Executive Director, Office of Policy and Planning – Department of Housing and Works.
IB04	Letter from the State Administrative Tribunal – Attaching Reasons and Orders made on 28 March 2006. 153 Coogee Street, Mount Hawthorn
IB05	Extended Trading Permit: The Flying Scotsman – Letter from Department of Racing, Gaming and Liquor.
IB06	Letter from the State Administrative Tribunal attaching Reasons and Orders made on 31 March 2006. No. 24 (Lot 150) Britannia Road, Mount Hawthorn
IB07	Letter from Minister for Health – Redevelopment of Hawthorn House
IB08	Letter of Thanks from Lord Mayor’s Distress Relief Fund – Donation
IB09	Report Relating to a Review of Town Employee Position Descriptions - Concerning Driver’s Licence Requirements

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

13.1 URGENT BUSINESS: Town of Vincent Boundary Proposal to the Local Government Advisory Board for the Suburbs of Mount Lawley, Menora and Coolbinia - City of Stirling Actions

Ward:	-	Date:	26 April 2006
Precinct:	-	File Ref:	ADM0076
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the City of Stirling brochure issued on 25 April 2006 to the ratepayers of Mount Lawley, Menora and Coolbinia, as attached at Appendix 13.1;*
- (ii) *WRITES a formal complaint to the Minister for Local Government and Regional Development, Director General of the Department of Local Government and Regional Development and the Chairman of the Local Government Advisory Board to express in the strongest possible terms, the Council's dissatisfaction with the City of Stirling brochure which contains errors, is misleading and deceptive, as it is contrary to the requirements and principles of the Local Government Act 1995;*
- (iii) *WRITES a formal complaint to the City of Stirling about its brochure which contains errors, is misleading and deceptive and REQUESTS that they refrain from these tactics and issue a correction; and*
- (iv) *AUTHORISES the Mayor and Chief Executive Officer to;*
 - (a) *take appropriate action to respond to the City of Stirling's brochure and tactics concerning the Town's boundary proposal, subject to the Council being regularly informed about action taken; and*
 - (b) *meet as soon as practicable with the Minister for Local Government and Regional Development, Chairman of the Local Government Advisory Board and other relevant persons concerning the boundary proposal.*

COUNCIL DECISION ITEM 13.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Chester departed the chamber at 8.03pm.

Debate ensued.

Cr Chester returned to the chamber at 8.06pm.

Debate ensued.

CARRIED (6-2)

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

(Cr Messina on leave of absence.)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council about the City of Stirling's actions concerning the Town's boundary proposal for the suburbs of Mount Lawley, Menora and Coolbinia and to lodge a complaint with the Minister for Local Government and Regional Development, the Department of Local Government and Regional Development, the Chairman of the Local Government Advisory Board and the City of Stirling.

BACKGROUND:

On 25 April 2006, a City of Stirling ratepayer complained to the Town of Vincent that they had just received a brochure from the City of Stirling which they believe contains errors, is misleading and deceptive. A copy of the brochure has been provided to the Town's Chief Executive Officer and is attached at Appendix 13.1 to this report.

In the short time available to review the brochure, the Town's Chief Executive Officer believes that Stirling's brochure contains a number of blatant errors and in cases, is misleading and deceptive.

This brochure will cause concern and confusion to the affected ratepayers of those suburbs. As the City of Stirling has engaged in this type of tactics previously and were publicly criticised by the Local Government Advisory Board and rebuked by the former Minister for Local Government, Hon Paul Omodei (now Leader of the Opposition), it is considered necessary for the Council to consider the matter and take the strongest possible action.

Previous Criticism of the City of Stirling

On 18 August 1998, the former Minister for Local Government, Hon Paul Omodei, stated in a media release concerning the Joondanna boundary proposal as follows;

"In its report the Board expressed significant concerns about the manner in which the City of Stirling portrayed the proposal, both in media statements and letters and brochures to residents in the affected area.

Information provided to residents was misleading and designed to cause unnecessary concern, especially in relation to rating levels.

This may have affected public feedback, but the Board nevertheless accepted that the great majority of expressions of public opinion were opposed to the proposal.

Mr Omodei said he was disappointed that the Board had found it necessary to express such firm criticism of the City of Stirling.

"People are entitled to expect that the information provided to them by public authorities will be truthful and rational," Mr Omodei said." [Underlining added.]

City of Stirling Brochure - Incorrect Statements

A sample of the incorrect statements is shown below;

Message from Stirling Mayor:

"The Town of Vincent conduct in their quest to annex the suburbs of Mount Lawley, Coolbinia and Menora is quite contrary to both the intent and process governing applications for boundary changes."

Chief Executive Officer's Comments:

The City of Stirling statement is strongly repudiated. The Town has followed the procedures prescribed in the Local Government Act in lodging its proposals to the Local Government Advisory Board. The Board has not advised the Town of any incorrect procedure. Accordingly, Stirling's statement is considered to denigrate the ethics of the Town.

A Sample of Stirling's incorrect, misleading and deceptive Statements

"It is highly likely that your rates would be used to subsidise other suburbs, as Vincent have admitted that they are financially unsustainable in their present state."

Chief Executive Officer's Comments:

This statement is totally incorrect as the Town has not even considered the matter - in fact the Local Government Advisory Board has not even carried out its review of the Town's proposal.

As at 28 February 2006, the Town of Vincent had \$9,158,710 in its Reserve Funds - this categorically refutes Stirling's statement that the Town is "financially unsustainable".

Stirling's statement is considered scaremongering.

"Vincent does not provide a customer contact centre for its customers and its Administration closes at 5.00pm."

Chief Executive Officer's Comments:

The statement is considered very misleading.

The Town of Vincent office hours are 8.00am to 5.00pm Monday to Friday, excluding public holidays. Vincent's administration is therefore open 2.5 hours more each week, than Stirling's.

City of Stirling office hours are: 8.30am to 4.30pm Monday to Friday, excluding public holidays.

The Town of Vincent provides an "after hours" answering service which is available 24 hours per day, every day of the year, as does Stirling.

Stirling does have a Customer Contact Centre (call centre) which is open to take calls from 8.00am to 5.30pm - but not handle in-person enquiries.

"Vincent has not dedicated Mount Lawley or other suburbs as heritage protection areas and manages heritage on an ad-hoc "site by site" basis, with no specific guidelines dealing with heritage streetscape and character."

Chief Executive Officer's Comments:

This statement is incorrect and misleading. The Town has a statutory Municipal Heritage Inventory - as it is a legal requirement for all local governments to have one. Vincent is far more pro-heritage than Stirling in all areas.

Low Density Codes:

The Town of Vincent has provisions to prohibit any unit development in Mount Lawley (except in the District Centre zone) and density bonuses are a successful mechanism used to protect the heritage, character and streetscape of suburbs.

Officer's Note:

- *The City of Stirling has densities ranging from R10 to R60 in Mount Lawley. All densities R30 and above **are not low density as stated.***
- *The Town of Vincent has one small portion of Mount Lawley (the area bounded by Harold, Vincent and Beaufort Streets) that is zoned R80, all else is zoned R40. No multiple dwellings (units) are permitted in this area.*
- *The City of Stirling has not completed a significant community consultation exercise like the Town's own VV 2024 Community Visioning Project to ascertain the views and aspirations of Menora, Coolbinia and Mount Lawley residents.*
- *The Town has no plan to change the existing residential densities in Menora, Coolbinia and Mount Lawley.*

Heritage Protection:

Vincent has developed comprehensive heritage policies and guidelines. Areas for protection are being considered in the current Town Planning Scheme Review and existing special heritage areas are already protected by the Town Planning Scheme and Development Guidelines.

"Vincent does not have a comprehensive heritage management program, and does not have a Heritage Advisory Committee, with community participation or independent professional advice."

Chief Executive Officer's Comments:

This statement is incorrect. The Town of Vincent has comprehensive policies and guidelines relating to heritage. A comprehensive Municipal Heritage Inventory will be released shortly. The Town has a Heritage Advisory Group, which comprises interested members of the community.

Heritage Management Program:

Vincent has a long-standing extensive heritage management program covering natural, built and indigenous heritage issues which is among the best in the State. The Town has 2 full-time Heritage Officers with additional 2 Officers working temporarily on projects. Vincent also has a Heritage Advisory Group with community representation and a dedicated heritage web site: www.vincentheritage.com.au which details all of our heritage leadership initiatives, community programs and planning policies.

Vincent has already publicly stated that it supports and will retain the Heritage Protection guidelines and restructure covenants that cover a large part of the affected suburbs.

"Vincent does not have committee or council meetings focusing only on planning and development".

Chief Executive Officer's Comments:

This statement is deceptive as it implies that planning and development applications do not receive full or proper attention. To the contrary, Vincent meets twice a month throughout the year (one meeting in January), with the majority of development applications being dealt with by the full Council.

"Vincent does not have its own Meals on Wheels service".

Chief Executive Officer's Comments:

This statement is deceptive as it implies that Vincent does not provide a Meals on Wheels service. In fact, Vincent provides a Meals on Wheels service through its contract arrangement with the Rosewood Group, thereby meeting the needs of its Seniors - an arrangement it has had since the creation of the Town in 1994.

What Stirling Failed to tell its Ratepayers

- Rates will be cheaper under Vincent.

As admitted by Stirling in its own brochure.

- Electors will be able to elect their own Mayor in Vincent.

In a Town referendum in 2001, Vincent residents voted overwhelmingly to retain direct election of their own Mayor.

Stirling has resisted this and their Councillors (not the electors) choose their Mayor.

Stirling residents' own survey showed 83.75% are in favour of electing their own Mayor, 10% against and only 6.25% without an opinion.

- Under Vincent, four Councillors will represent the ratepayers and residents and their interests.

Stirling has only two Councillors.

Recent Survey

In a recent survey by Stirling's own residents, 57.5% believe that the City is too large in size and population, compared to the 24.38% who are happy with it as it is. 53% fully agree that the City should be split into two or more smaller municipalities.

A number of Stirling Councillors also privately support the City being split into two or more Councils.

Stirling's issuing of incorrect, misleading and deceptive information is no doubt aimed at causing concern and confusion with its ratepayers, with the ultimate aim of thwarting the Town's proposal. It is essential that the Town of Vincent counter-act Stirling's actions and issue correct information so that the ratepayers of the suburbs of Mount Lawley, Menora and Coolbinia can make an informed decision, based on the correct facts.

Accordingly, it is recommended that the Mayor and Chief Executive Officer be authorised to respond to Stirling's tactics and actions.

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Local Government Act 1995 prescribes the role of the Council, Mayor, Deputy Mayor, Councillors and Chief Executive Officer. It is implicit that a local government is required to be truthful, accountable and transparent in providing information to its ratepayers.

STRATEGIC IMPLICATIONS:

The Town's proposal to re-align its boundaries is in keeping with the criteria prescribed by the Local Government Advisory Board.

FINANCIAL/BUDGET IMPLICATIONS:

Not specified. Costings are currently being obtained for various strategies.

COMMENTS:

It is most disappointing that the City of Stirling has resorted to its former tactics which were previously, criticised by the Local Government Advisory Board and rebuked by the former Minister for Local Government. It is evident that Stirling will resort to these tactics in an attempt to confuse its ratepayers and manipulate the outcome, in the lead up to the Local Government Advisory Board's examination of the Town's proposal, which is anticipated to commence in mid-2006.

The Town's Chief Executive Officer has spoken with the Chairman of the Local Government Advisory Board about the matter. The Chairman has stated that it is appropriate for the Town to lodge formal complaints.

As Stirling have blatantly and deliberately carried out these tactics to cause confusion, concern and to sway their ratepayers' opinions, it is appropriate that the Town of Vincent make a formal complaint in the strongest possible terms to the Minister for Local Government and Regional Development, the Director General of the Department of Local Government and Regional Development and the Chairman of the Local Government Advisory Board. It is also appropriate to write to the City of Stirling, as detailed in the recommendation.

At 8.34pm it was;

Moved Cr Torre, Seconded Cr Doran-Wu

That the Council move 'behind closed doors' to consider the confidential reports.

CARRIED (8-0)

(Cr Messina on leave of absence.)

Journalists Dan Hatch and Giovanni Torre departed the meeting at 8.35pm.

At the instruction of the Presiding Member - Crs Chester, Doran-Wu, Farrell and Ker, along with Mayor Catania - declared an Interest Affecting Impartiality in Item 14.1 at this time as they have received invitations to attend games in their capacity as Elected Members of the Town of Vincent.

14. CONFIDENTIAL REPORTS (*Behind Closed Doors*)

14.1 Confidential Report - East Perth Football Club - Outstanding Monies

Ward:	-	Date:	18 April 2006
Precinct:	-	File Ref:	ADM0014
Attachments:	001		
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *pursuant to section 5.23(2) of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members relating to the East Perth Football Club outstanding monies as it contains information about the financial affairs of a business; and*
- (ii) *AUTHORISES the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Messina on leave of absence.)

COUNCIL DECISION ITEM 14.1

That the Council;

- (i) *ACCEPTS the payment plan as proposed in the letter from East Perth Football Club dated 18 April 2006; and*
- (ii) *ADVISES East Perth Football Club that the Council acknowledges their financial difficulties and requests they maintain closer communication with the Town, to ensure that no further problems occur.*

THE REPORT INFORMATION REMAINS CONFIDENTIAL in accordance with Section 5.23(e)(iii) of the Local Government Act 1995 - relating to the East Perth Football Club outstanding monies, as it contains information about the financial affairs of a business.

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it contains sensitive financial information about the financial affairs of a business. In accordance with the Town's Policy it is to be kept confidential until determined by the Council to be released for public information.

LEGAL/POLICY:

The Town of Vincent Local Law Relating to Standing Orders states the following:

"2.15 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
 - (i) *to be treated as strictly confidential; and*
 - (ii) *not, without the authority of Council, to be disclosed to any person other than–*
 - (a) *the Members; and*
 - (b) *Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*

prior to the discussion of that matter at a meeting of the council held with open doors.
- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
 - (i) *then to be treated as strictly confidential; and*
 - (ii) *is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1)."*

COMMENTS:

The confidential report is provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

14.2 CONFIDENTIAL REPORT - Petition - Alleged Subsidence in Residences Built on Unstable Ground

Ward:	South	Date:	19 April 2006
Precinct:	Smiths Lake; P6	File Ref:	PRO3415; PRO1367
Attachments:	-		
Reporting Officer(s):	G Snelling		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That pursuant to section 5.23(2) of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, the Council PROCEEDS “behind closed doors” at the conclusion of the items, to consider the confidential report, circulated separately to Elected Members in response to a petition concerning alleged subsidence in residences built on unstable ground, as the report contains legal advice obtained or which may be obtained by the Town.

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Messina on leave of absence.)

COUNCIL DECISION ITEM 14.2

That the Council;

- (i) *RECEIVES the report regarding alleged subsidence and damage to dwellings originally built on unstable ground along Charles Street, North Perth and the legal advice dated 8 March 2006 from the Town’s lawyers, Mullins Handcock, attached as Appendix 14.2;*
- (ii) *AUTHORISES the Chief Executive Officer to:*
 - (a) *write to the City of Perth putting them on notice of the circumstances surrounding the matter in (i) above;*
 - (b) *formally report the matter in (i) above to the Town's insurer, Municipal Liability Scheme;*
 - (c) *make the information available to the public and the City of Perth, after it has been determined and finalised by the Town's Lawyers and the Town's Administration;*
 - (d) *provide guidance/administrative assistance (using the Town's in-house resources) to land owners who wish to pursue a claim with the City of Perth; and*
 - (e) *advise the petitioners that the Town is not liable in this case and that they may pursue the matter with the City of Perth.*

THE REPORT INFORMATION REMAINS CONFIDENTIAL in accordance with Section 5.23(c)(e)(ii) of the Local Government Act 1995 - response to a petition concerning alleged subsidence in residences built on unstable ground, as the report contains legal advice obtained or which may be obtained by the Town.

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to the Council considering a course of action to be taken in relation to the Town receiving a petition on 2 December 2005, requesting assistance from the Council regarding alleged subsidence and cracks appearing in dwellings built on unstable ground. It contains legal advice obtained by the Town.

LEGAL/POLICY:

The Town of Vincent Local Law Relating to Standing Orders states the following:

“2.15 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*
- (i) to be treated as strictly confidential; and*
 - (ii) not, without the authority of Council, to be disclosed to any person other than–*
 - (a) the Members; and*
 - (b) Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*
- prior to the discussion of that matter at a meeting of the council held with open doors.*
- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*
- (i) then to be treated as strictly confidential; and*
 - (ii) is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

COMMENTS:

The confidential report is provided separately to Elected Members, the Chief Executive Officer and Executive Managers.

At 8.39pm it was;

Moved Cr Ker, Seconded Cr Chester

That an 'open meeting' be resumed.

CARRIED (8-0)

(Cr Messina on leave of absence.)

15. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 8.40pm with the following persons present:

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

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 26 April 2006.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2006