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(27 JUNE 2006)

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 27 June 2006, commencing at 6.00pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Torre South Ward

(b) Present:

Mayor Nick Catania, JP	Presiding Member
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 Izzi Messina	South Ward (until 8.20pm)
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager, Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary
Crystal Fairbairn	Journalist - Guardian Express (until 8.20pm)
Giovanni Torre	Journalist – Perth Voice (until 8.20pm)

Approximately 11 Members of the Public

(c) Members on Leave of Absence:

Nil.

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

1. Ms Marie Slyth of 89 Carr Street, West Perth – Item 10.4.3 - Thanked Council for considering the need to insure cover premises where precinct groups hold their regular meetings. Urged Council to reconsider the request for Council assistance to precinct groups.

Made the following motion:

“Council make it clear to all ratepayer/residents (by whichever means it decided to take) that it does recognise that Precinct Groups exist to assist and help ALL those living within their precincts and THAT all are welcome to attend Precinct meetings and be heard.”

Believes this would stop any confusion that precinct groups are simply select little groups that do not represent all living within such precincts.

Mayor Catania thanked Marie for her continued support of the Town.

2. Ms Helen Saunders of 279 Vincent Street, Leederville – Item 10.1.6 - Stated that the dwellings have been redesigned internally with the footprint of the house. Advised that the end unit has been reduced in height and the passive surveillance on Oxford Street has been improved. Requested that Council support the application.

Cr Messina departed the Chamber at 6.12pm.

3. Mr Illio Rapoff of 9 Knutsford Street, North Perth – Item 10.1.2 - Thanked Council for deferring the Item previously. Referred to his requests for information from the Town, copies of which had been circulated to Elected Members. Advised that the Macedonian Community Meeting Minutes of October 2005 state that the Community Members approved the plans however the plans that are before Council are dated January 2006 and this raises concerns. Requested that Council defer this Item for at least eight weeks so that a general meeting of the Macedonian Community could be held.

Cr Messina returned to the Chamber at 6.15pm.

4. Mr Anthony Rechichi of 218 William Street, Northbridge – Item 10.1.13 - Stated that they are seeking a variation to the plot ratio as the site is zoned R80 and client only wants to build a single house. Believes that the design does address all the appropriate issues of bulk and scale and takes into account all the matters with regard to open space, overshadowing and privacy. Believes that variations should be considered on each individual merit and when they are appropriate. Requested that Council overturn the recommendation of refusal and approve the development application.
5. Mr Payem Golestani of 567 Beaufort Street, – Item 10.2.2 - Believes that native trees are an inappropriate choice as they are ugly. Urged Council to look at what other Councils are doing - for example, Subiaco and Perth. Believes it will be a missed opportunity if the decision is for native trees.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania, JP closed Public Question Time at 6.24pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 The Chief Executive Officer advised that a petition had been received from Ms Fay Torquato of Expo Fixing, 318 Charles Street, North Perth with 45 signatories requesting removal of advertising on Bus Shelter outside 324 Charles Street, North Perth.

The Chief Executive Officer advised that the petition would be referred to the Executive Manager Technical Services for investigation and action.

- 5.2 The Chief Executive Officer advised that a petition had been received from Mr & Mrs Harvey of 8 Muriel Place, Leederville with 8 signatories opposing change of use application from residential to consulting rooms - No. 271 Oxford Street, Leederville.

The Chief Executive Officer advised that the petition would be referred to the Executive Environmental and Development Services for investigation and action.

Moved Cr Farrell, Seconded Cr Ker

That the petition be received.

CARRIED (8-0)

(Cr Torre was an apology.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Farrell, Seconded Cr Messina

That the Minutes of the Ordinary Meeting of Council held on 13 June 2006 be confirmed as a true and correct record.

Cr Maier questioned the legality of the Council's decision relating to Item 10.1.19 – Richmond Street. He stated the substantive motion should have been voted on when the Item was recommitted.

The Presiding Member stated that he considered the due process had been correctly followed.

Cr Maier requested that it be recorded in the Minutes that he dissents with the ruling regarding this Item.

CARRIED (8-0)

(Cr Torre was an apology.)

Moved Cr Farrell, Seconded Cr Ker

That the Minutes of the Special Meeting of Council held on 20 June 2006 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Torre was an apology.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Banks Reserve Bike Path – Official Opening

Mayor Catania advised that he attended the opening of the Banks Reserve Bike Path on Sunday 25 June 2006 which was conducted by the Minister for Planning and Infrastructure, the Hon Alannah MacTiernan. Advised that he had received a letter from the Department of Planning and Infrastructure advising that there will be consultation with affected residents and the Town so that an agreed solution can be reached regarding the screen wall.

7.2 Town Planning Scheme No 1 – Extension of Sunset Clause

Mayor Catania advised that he had received a letter from the Department of Planning and Infrastructure the proposed Amendment No 2 to the Town of Vincent Town Planning Scheme No 1. The Minister advised that the extension to the “Sunset” Clause to 20 December 2007 has been granted to allow the Town the opportunity to complete the review of residential densities in the Town through the Local Planning Strategy, which will take into account both the community’s response to urban planning issues and the State’s strategic urban planning requirements.

8. DECLARATION OF INTERESTS

8.1 Mayor Catania declared a financial interest in the following Items:

- 10.1.14 - Amendment No 36 to Planning and Building Policies Relating to Heritage Management - Development Guidelines; and
- 10.1.15 - Amendment No 37 to Planning and Building Policies Relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory.

The nature of his interest being that he is the owner of property which may be listed on the Town’s Municipal Heritage Inventory. *(Mayor Catania has Minister for Local Government approval to participate in debate and vote in these matters and to preside at Council meetings where the matters are discussed.)*

8.2 Mayor Catania declared an interest affecting impartiality interest in Item 10.1.18 – Heritage Advisory Group Meeting – General Progress Report. The nature of his interest being that he is the owner of property which may be listed on the Town’s Municipal Heritage Inventory.

8.3 Mayor Catania declared a financial interest in Item 10.3.2 - Investment Report as at 31 May 2006. The nature of his interest being that he is the Chairperson of the North Perth Community Bank.

8.4 Cr Messina declared a proximity interest in Item 14.1 – Nos 412-414 (Lot 2) Fitzgerald Street, corner Forrest Street, North Perth – Non-Compliance with Town of Vincent Town Planning Scheme No 1 – State Administrative Tribunal Directions Hearing – Review Matter Nos Dr 123 of 2006 and Dr 124 of 2006. The nature of his interest being that his commercial property overlooks the subject property.

8.5 Cr Messina declared a financial interest in Item 10.3.2 - Investment Report as at 31 May 2006. The nature of his interest being that he is a Director and Shareholder of the North Perth Community Bank.

8.6 Cr Ker declared a financial interest in the following Items:

- 10.1.14 - Amendment No 36 to Planning and Building Policies Relating to Heritage Management - Development Guidelines; and
- 10.1.15 - Amendment No 37 to Planning and Building Policies Relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory.

The nature of his interest being that he is the owner of a property listed on the current Municipal Heritage Inventory. *(Cr Ker has Minister for Local Government approval to participate in debate and vote on these matters.)*

8.7 Cr Chester declared a financial interest in the following Items:

- 10.1.14 - Amendment No 36 to Planning and Building Policies Relating to Heritage Management - Development Guidelines; and
- 10.1.15 - Amendment No 37 to Planning and Building Policies Relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory.

The nature of his interest being that he is part owner of property that maybe considered for listing on the current Municipal Heritage Inventory. *(Cr Chester has Minister for Local Government approval to participate in debate and vote on these matters.)*

8.8 Cr Chester declared an interest affecting impartiality in Item 11.2 – Notice of Motion – Cr Dudley Maier – Review of Practices Relating to Conditions for Demolition. The nature of his interest being that he lives next door to a vacant block.

8.9 Cr Lake declared a financial interest in the following Items:

- 10.1.14 - Amendment No 36 to Planning and Building Policies Relating to Heritage Management - Development Guidelines; and
- 10.1.15 - Amendment No 37 to Planning and Building Policies Relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory.

The nature of her interest being that she is the owner of property listed in the Town's Municipal Heritage Inventory. Cr Lake requested permission to remain in the Chamber during discussion and decision making on the Items but not to vote.

8.10 Cr Maier declared a financial interest in the following Items:

- 10.1.14 - Amendment No 36 to Planning and Building Policies Relating to Heritage Management - Development Guidelines; and
- 10.1.15 - Amendment No 37 to Planning and Building Policies Relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory.

The nature of his interest being that he is the owner of property listed in the Town's Municipal Heritage Inventory. Cr Maier requested permission to remain in the Chamber during discussion and decision making on the Items but not to vote.

8.11 Cr Maier declared an interest affecting impartiality in Item 10.4.3 – Proposed Amendment to Policy 4.1.6 – Community/Precinct Groups. The nature of his interest being that he is a member of a precinct group.

8.12 Mayor Catania declared a financial interest in Item 10.4.2 – Investment Policy No 1.2.4 – Adoption. The nature of his interest being that he is the Chairperson of the North Perth Community Bank.

8.13 Cr Messina declared a financial interest in Item 10.4.2 – Investment Policy No 1.2.4 – Adoption. The nature of his interest being that he is a Director and Shareholder of the North Perth Community Bank.

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

Crs Lake and Maier departed the chamber at 6.35pm.

Moved Cr Ker, Seconded Cr Messina

That Crs Lake and Maier be permitted to remain in the chamber during Items 10.1.14 and 10.1.15 but not participate in, debate or vote on the matters.

CARRIED (4-2)

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

(Cr Torre was an apology.)

Crs Lake and Maier returned to the Chamber at 6.36pm. The Presiding Member advised them that their request had been approved.

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

Nil.

10. REPORTS

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

The Agenda Items were categorised as follows:

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

Items 10.4.3, 10.1.6, 10.1.2, 10.1.13 and 10.2.2

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, 10.4.3 and 10.4.4

Presiding Member, Mayor Nick Catania JP, advised that Item 10.3.4 – Provision of Meals on Wheels – Rosewood Care Group had been withdrawn as further information had become available.

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	Item 10.4.5
Cr Chester	Items 10.1.3, 10.1.4, 10.1.5, 10.1.7, 10.1.8, 10.1.9 and 10.2.3
Cr Ker	Items 10.1.1, 10.1.19 and 10.2.1
Cr Doran-Wu	Nil
Cr Lake	Item 10.1.16
Cr Messina	Nil.
Cr Maier	Items 10.1.17,10.1.18, 10.1.20 and 10.3.3

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:**

Items 10.1.14, 10.1.15, 10.3.2 and 10.4.2

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

Items 10.1.10, 10.1.11, 10.1.12, 10.2.4, 10.3.1 and 10.4.1

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

Item 14.1

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 10.1.10, 10.1.11, 10.1.12, 10.2.4, 10.3.1 and 10.4.1

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

Items 10.4.3, 10.1.6, 10.1.2, 10.1.13 and 10.2.2

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 10.1.10, 10.1.11, 10.1.12, 10.2.4, 10.3.1 and 10.4.1

CARRIED (8-0)

(Cr Torre was an apology.)

**Item Withdraw by the Chief Executive Officer
to consider additional information**

10.3.4 Provision of Meals on Wheels - Rosewood Care Group

Ward:	Both	Date:	19 June 2006
Precinct:	All	File Ref:	CMS0016
Attachments:	-		
Reporting Officer(s):	J. Anthony		
Checked/Endorsed by:	M. Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That Council;

- (i) *RECEIVES the report on the provision of Meals on Wheels to Town of Vincent residents as provided by Rosewood Care Group;*
- (ii) *ADVISES that the payment to Rosewood Care Group is to be made in two (2) instalments for the financial year 2006/07; and*
- (iii) *NOTES that the Meals on Wheels service will be monitored and, if necessary, a further report will be provided in late 2006.*

PURPOSE OF REPORT:

To report on the current status of Meals on Wheels service as provided by Rosewood Care Group for eligible residents in the Town of Vincent.

BACKGROUND:

At the Special Budget Council meeting on 30 May 2006, the following recommendation was adopted;

"That the Council;

- (v) *REQUESTS the Chief Executive Officer to obtain background details and prepare a report relating to the Rosewood Group's compliance with all legislative requirements (including Industrial Laws and other relevant matters) with respect to the provision of their "Meals on Wheels" services on behalf of the Town; "*

The Meals on Wheels service is for residents who are unable to prepare their own meals. A referral to the agency is generally made by the person themselves, relatives, hospitals, doctors or even a caring friend. All meal recipients are assessed for eligibility by the agency using the Home and Community Care (HACC) criteria.

The Home and Community Care (HACC) Program is a cost-shared program between the Commonwealth and State/Territory governments. It provides funding for services that support people who live at home and whose capacity for independent living is at risk of premature or inappropriate admission to long term residential care.

The HACC Program is a key provider of community care services to frail aged people and younger people with disabilities, and their carers. The target population is persons living in the community who, in the absence of basic maintenance and support services provided or to be provided within the scope of the Program, are at risk of premature or inappropriate long term residential care, including older and frail persons, with moderate, severe or profound disabilities and younger persons with moderate, severe or profound disabilities.

Examples of services include;

- Domestic Assistance;
- Social Support;
- Nursing Care;
- Personal Care;
- Allied Health Care;
- Nursing Care;
- Respite Care;
- Centre- Based Day Care;
- Food Services;
- Home Maintenance;
- Home Modification; and
- Transport.

Rosewood Care has received funding from the Town of Vincent through applying for the annual Community and Welfare Grants scheme since 1995.

At the Ordinary Council meeting on 28 June 2005, the following resolution was approved by Council

"That the Council;

- (v) *AUTHORISES the Chief Executive Officer to establish a separate recurrent funding agreement with Rosewood Care Group."*

DETAILS:

Rosewood Care group are a HACC contracted service provider for meals on wheels, meals at centre and assessments for HACC eligible residents in the Town of Vincent. They also service other areas in the western suburbs with the exception of the areas in the City of Subiaco.

A meeting was held on 7 June 2006 with the Chief Executive Officer and Systems Officer of Rosewood Care group, and Manager Community Development, Seniors Community Development Officer and Community Development Officer from the Town of Vincent, to gather the following information presented in this report.

Meals cost \$5.00 per person per day. Special dietary requirements are catered for at the request of the clients and subject to assessment. Meals are delivered to 97 residents of the Town per day. A nutritionally balanced, chilled two course meal is delivered by volunteers Monday to Friday and frozen meals are available if required for weekends and public holidays.

The following information was provided on the service provided specifically for Town of Vincent residents;

Year	No of Meals delivered	Funding from Town of Vincent
2003/2004	19,765	\$12,000
2004/2005	19,933	\$12,000
2005/2006	(11mths) 19,969	\$12,000

Contribution breakdown	
Recipient	\$5.00
HACC Subsidy	\$1.50
TOV	\$0.55
Rosewood	\$0.75
Total Cost of Meals	\$7.80

Council Contribution per meal	
Vincent	\$0.55
Council 1 (Western Suburbs)	\$0.46
Council 2 (Western Suburbs)	\$0.55
Council 3 (Western Suburbs)	\$0.60
Council 4 (Western Suburbs)	\$0.34
Council 5 (Western Suburbs)	\$0.48

Items included in the cost of meals are as follows;

- Food;
- Food containers;
- Wages;
- Insurance;
- Administration;
- Equipment;
- Electricity/Gas;
- Water;
- Volunteers petrol money;
- Repairs and Maintenance; and
- Depreciation.

Two course meals (main meal plus sweets or fruit) are provided daily with orange juice provided once a week. Volunteers are paid \$8 for a trip delivering around 30 meals. Assessments are conducted by an ex-registered nurse annually, which is a HACC requirement in their service contract.

The meals on wheels service is a relatively small proportion of core business for Rosewood. The core business of the group is to manage the three hostels; Tormey, Lakeview and Florence Hummerston. These hostels also having meals areas for HACC clients in the community to come to the centres for their meals and to socialise with other clients.

The hostels are accredited and through the process of accreditation, one of the items listed for improvement based on hostel residents' feedback was the quality and type of meals provided.

All the meals, for both meals delivery and onsite meals for hostel residents, were prepared using the "cook-chill" method where meals were prepared and chilled to the appropriate temperature prior to being delivered to the hostels and meals on wheels recipients. The food was then reheated for consumption. This method was deemed unsatisfactory given the feedback from clients. Options to deliver freshly cooked meals for the hostel residents was explored.

The accreditation agency also required that in three years time, that all staff responsible for meal preparation be qualified in HACCP (Hazard Analysis Critical Control Point) food safety management certification.

HACCP Australia Food Safety Accreditation provides a recognised endorsement of food safety excellence. This endorsement offers assurance to the industry a product's suitability for use within a HACCP-based food safety programme.

The staff at Rosewood only had FoodSafe certification, whilst the private catering company that has been contracted to deliver the service has all their staff certified in HACCP.

Rosewood management are of the opinion that the best way of achieving the requirements of the accreditation body was to contract an organisation whose staff were already trained.

The process of selecting a provider to deliver the service was kept confidential to avoid disrupting the previous service and losing staff members. Management made enquiries with other hostels and were recommended Aurum Catering services. There was no process of obtaining quotes from other organisations or calling for tenders as they were not legally required to do so, and such a process would have alerted staff prematurely.

Aurum signed a contract to provide meal services on 8 May 2006, with a commencement date of 12 May 2006. On the same day when the contract was signed, sixteen staff members were notified verbally and were given written correspondence that their positions would be redundant at the close of business on 11 May 2006. All staff members were invited to apply for positions at Aurum with a view to continuing the service delivery.

At a meeting on 8 May 2006, the CEO of Rosewood invited staff to a meeting on 9 May 2006 with Innovative People Solutions who would be available to assist them to apply for the other positions with the new provider. Staff were also invited to bring along their union representatives should they choose to do so. The meeting on 9 May was also to introduce Aurum management to staff members.

Of the sixteen (16) staff who were made redundant, eight (8) were offered and accepted a position with Aurum. Three (3) were offered a position but chose not to accept. Three (3) were not offered a position. One (1) did not apply for a position and another was not employed as there was no position available for this person.

According to the CEO, those who were made redundant were given five (5) weeks pay in lieu of notice and most of them also received twelve (12) weeks long service leave payment. One staff member was told to leave the office on 11 May by the CEO as there was a fear that critical data would be tampered with or lost. Rosewood management claim that they had sought legal advice on the matter prior to commencing the course of action as reported above.

The most devastating effect for the organisation as a result of these chain of events was the loss of 22 volunteers at the Cleaver Street kitchen. It is believed that the volunteers were disappointed that long serving staff members were made redundant and did not want to work with an organisation who had hired a private firm to operate meals on wheels. The volunteers also did not want to be associated with the private firm.

This has resulted in the management team of Aurum, plus family and other staff members delivering the meals.

The Town is not aware of any breach of legislative requirements and it would appear that Rosewood followed their legal advice. Notwithstanding that no laws appear to have been breached, it is considered that the process adopted by Rosewood did not take into consideration the “*human element*” of peoples employment and the services provided by volunteers.

Considerable media publicity has surrounded the course of events following the appointment of Aurum by Rosewood. As such, Rosewood’s reputation has been tarnished and this is a matter that they must address. However, according to the CEO of Rosewood, the service to the community has not been negatively affected, and to date, no one has missed a meal as a result of the changes.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005 – 2010 Key Result Area 2.2

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

FINANCIAL/BUDGET IMPLICATIONS:

The Town of Vincent has increased the contribution to Rosewood Care from \$12,000 to \$18,000 as listed in the Draft 2006/2007 Financial Budget.

As the Officer Recommendation refers to the matter being monitored, it is appropriate for the Town to make the annual grant in two parts.

The Town's officers were in negotiations with the previous coordinator at Rosewood to utilise the extra funding for special projects. The need to cater for people from non-English speaking backgrounds, people with a mental illness, Alzheimers and Dementia were proposed as areas to explore.

Prior to staff changes, it was negotiated that Rosewood would carry out a research project, beginning in the 2006/2007 financial year, involving the following activities:

- Surveying existing clients in regard to their satisfaction with the meals currently provided;
- Surveying clients who have discontinued the service within the last 6 months about why they no longer wish to receive meals on wheels; and
- Researching the ways in which other Meals on Wheels providers (in Perth, Australia and overseas) cater to the tastes of clients from non-English speaking backgrounds (for example, sourcing meals from restaurants that are collected and delivered by Meals on Wheels drivers) and for people with Alzheimers and Dementia.

COMMENTS:

The extent to which the service delivery to residents is impacted by the structural changes at Rosewood is yet to be determined. It is anticipated that the full extent of the impact would become evident after a period of three to six months. Officers have extended queries to various sectors of the community to establish if any residents have been disadvantaged by the recent changes. To date however, there has been no major complaints by residents.

10.1.10 No. 1 (Lot 4019 D/P Swan) Highlands Road, North Perth - Proposed Demolition of Existing Single House and Construction of Two-Storey Single Dwelling

Ward:	North	Date:	20 June 2006
Precinct:	North Perth; P08	File Ref:	PRO3403; 5.2005.3312.1
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 M Tascone on behalf of the owner T & M Muscara for proposed Demolition of Existing Single House and Construction of Two-Storey Single Dwelling, at No. 1 (Lot 4019 D/P: Swan) Highlands Road, North Perth, and as shown on plans stamp-dated 26 April 2006 (site plan, floor plans and elevation plan) and 2 December 2005 (overshadowing plan), subject to the following conditions:

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

- (iv) *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.*

COUNCIL DECISION ITEM 10.1.10

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

Landowner:	T & M Muscara
Applicant:	M Tascone
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	766 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves demolition of existing single house and construction of a two-storey single dwelling on 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
<u>Setbacks:</u> Ground Floor South	1.5 metres	1.2 metres	Supported - as the variation is considered minor, not to have an undue impact on affected neighbours and no objections were received.

North	1.5 metres	1.2 metres - 1.5 metres - 2.3 metres - 3.3 metres	Supported - as the variation is considered minor, not to have an undue impact on affected neighbour and no objections were received.
Upper Floor East	6 metres	5.499 metres (balcony) 6.236 metres (main dwelling)	Supported - as it is not considered to have an undue impact on streetscape or surrounding amenity.
North	3.3 metres	1.2 metres - 2.8 metres - 3.2 metres - 4.5 metres	Supported - as the variation is not considered to have an undue impact on affected neighbour and no objections were received.
<u>Building Height:</u> South	6 metres	4.69 metres - 6.2 metres (balcony wall portion)	Supported - as the variation is considered minor, the small portion of wall that is over the 6 metres height requirement is setback 5.5 metres from the southern property boundary, is not considered to have an undue impact on affected neighbour and no objections were received.
West	6 metres	6.2 metres (Balcony wall portion)	Supported - as variation is considered minor, the small portion of wall that is over the 6 metres height requirement is setback 17.6 metres from the western property boundary, is not considered to have an undue impact on affected neighbour and no objections were received.

North	6 metres	5.79 metres to 6.2 metres (Balcony wall portion)	Supported - as the variation is considered minor, the small portion of wall that is over the 6 metres height requirement is setback 8.6 metres from the northern property boundary, is not considered to have an undue impact on affected neighbour and no objections were received.
<u>Privacy:</u> East Bedroom 3	4.5 metres	4.2 metres to southern boundary	Supported - as it is not considered to have an undue impact on affected neighbours as overlooking is into the rear corner of the adjacent property which overlooks behind a shed.
East Balcony	7.5 metres	7.3 metres to northern boundary	Supported - as it is not considered to have an undue impact on affected neighbour as overlooking is into an adjacent neighbours front garden.
Consultation Submissions			
Support (1)	• No objection.		Noted.
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

Heritage

A detailed Heritage Assessment is contained in the attachment.

The place at No.1 Highlands Road, North Perth is an Interwar Bungalow style Workers Homes Board residence, which was constructed in 1939, from brick and tile. The dwelling has retained most of its original features and fittings including windows and associated timber shutters, elaborate cornices, timber skirtings and an exposed brick fireplace. While these original features are of interest, it is not considered that these features justify the retention of the house.

The place is considered to have "*little to some historic*" value as an example of the Workers Homes Board dwellings, which were constructed in the North Perth and Mount Hawthorn area during and after World War II, to provide basic and affordable accommodation for an increasing population. The place is considered to be of little aesthetic, scientific and social value.

The historical significance of Highland Road has been eroded as a number of the original dwellings have been demolished and new development now dominates the streetscape.

Overall, it is considered that the place does not meet the minimum criteria of cultural heritage significance for entry into the Town of Vincent Municipal Heritage Inventory. It is recommended that approval be granted for the demolition of the existing dwelling, subject to standard conditions.

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

10.1.11 No. 313 (Lot: Y10 D/P: 229) Stirling Street, Dual Frontage to McCarthy Street, Perth - Proposed Partial Demolition of and Two (2) Storey Additions and Alterations to Existing Single House

Ward:	South	Date:	20 June 2006
Precinct:	Forrest; P14	File Ref:	PRO2354 5.2005.3358.1
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 Arkitek 10 on behalf of the owner C Wohlert-Jensen for proposed Partial Demolition of and Two (2) Storey Additions and Alterations to Existing Single House, at No. 313 (Lot: Y10 D/P: 229) Stirling Street, dual frontage to McCarthy Street, Perth, and as shown on amended plans stamp-dated 19 April 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 any new street/front wall, fence and gate between the Stirling Street and McCarthy Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;
- (iii) the crossover being setback a minimum of 1.5 metres from both street trees on the McCarthy Street verge; and*

- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved to replace the steel and timber slatted screening with another permanent obscure material to the north-eastern and south-western sides of the terrace, such as frosted glass, and be non-openable to a minimum of 1.6 metres above the finished first floor level in a material to the satisfaction of the Town. 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.*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

Landowner:	C Wohlert-Jensen
Applicant:	Arkitek 10
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:	508 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	0.65 (or 330.2 square metres)	0.678 (344.424 square metres)	Supported- Although the Town's non-variation policy does not permit variations to the R-Codes plot ratio area requirements, in this instance, the variation is considered acceptable as the floor area of the basement exacerbates the plot ratio area, and the basement/games room is

			almost fully below natural ground level and not visible from the street or the adjoining properties.
<p>Setbacks:</p> <p>Ground Floor -North -South</p> <p>Upper Floor -South</p>	<p>5 metres 2 metres</p> <p>4.9 metres</p>	<p>1.88 metres 1.5 metres-2.4 metres</p> <p>1.5 metres-2.41 metres</p>	<p>Supported- Given that the proposal complies with the R-Codes overshadowing and privacy requirements, and that the adjoining neighbours do not object to the proposal, the setback variations are not considered to create a significant undue impact on the amenity of the adjoining properties. However, it is noted that the walls are visually bulky and not well detailed or articulated, and the bulk and scale is exacerbated by the dominant nature of the steel and timber slatted screening. In light of this, the variation is supported, subject to the screening material being more translucent in nature than solid steel and timber, such as frosted glass. Accordingly, a condition has been recommended to this effect to ensure that the screening materials are more opaque in nature and the material being to the satisfaction of the Town.</p>
Garage	To be at or behind main building line	In front of main building line	Supported- Given that McCarthy Street is the subject land's secondary street frontage, and that the setback complies with the R-Codes setbacks for garages to secondary streets, it is considered onerous to request the garage to be setback 6 metres from the street, in accordance with the Town's Policy. Also, several buildings along

			this street have setbacks as close as 1.5 metres to 2 metres. However, to reduce the dominance of solid structures along McCarthy and to enhance the amenity of the streetscape, and to ensure that the entrance is clearly identifiable from the street, it is recommended that the fence be visually permeable above 1.2 metres in height, in accordance with the standard fencing condition for primary streets. Accordingly, a condition has been recommended to this effect.
Fence	The solid portion of the front fence, within the front setback area to be 1.2 metres in height and the rest to be 50 per cent visually permeable to 1.8 metres in height. Decorative capping on pillars may extend to 2 metres.	Solid fence to 1.7 metres in height.	Not supported- See comments above. Accordingly, a standard fencing condition has been imposed to ensure that the fences along both street frontages are open in nature.
Consultation Submissions			
Support (1)	No comments.		Noted
Objection	None.		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

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

10.1.12 No. 68 (Lot: 585 D/P: 2177) Federation Street, Mount Hawthorn - Proposed Partial Demolition of and Two-Storey Addition and Alterations and Additions to Existing Single House

Ward:	North	Date:	19 June 2006
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3527; 5.2006.157.1
Attachments:	001		
Reporting Officer(s):	E Saraceni		
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 Arkitektura on behalf of the owner P P & M A Munns for proposed Partial Demolition of and Two-Storey Addition and Alterations and Additions to Existing Single House, at No. 68 (Lot: 585 D/P: 2177) Federation Street, Mount Hawthorn, and as shown on plans stamp-dated 5 April 2006 and 16 May 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; and*
- (ii) *any new street/front wall, fence and gate between the Federation Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (iii) *first obtaining the consent of the owners of 66 Federation Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing 66 Federation Street in a good and clean condition.*

COUNCIL DECISION ITEM 10.1.12

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

Landowner:	P P & M A Munns
Applicant:	Arkitektura
Zoning:	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	491 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves a second storey addition to 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	N/A	N/A	Noted
<u>Setbacks</u> Ground floor North	1.5 metres	1.2 metres	Supported- the variation is not considered to have an undue impact on adjoining neighbours.
Upper floor North	1.7 metres	1.2 metres	Supported- as above.
<u>Height</u>	6 metres to the top of the eaves.	6.3 metres on north elevation.	Supported- existing house has high ceilings, therefore, meeting the height requirements whilst retaining the existing house is not possible. Ceiling heights for second storey are the minimum 2.4 metres and the overall height is less than 9 metres.

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

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

COMMENTS:

In light of the above the proposal is recommended for approval.

10.2.4 Australian Institute of Traffic Planning and Management Conference

Ward:	-	Date:	21 June 2006
Precinct:	-	File Ref:	ADM0031
Attachments:	R Lotznicker		
Reporting Officer(s):	-		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council AUTHORISES the Executive Manager Technical Services and up to one (1) Elected Member to attend the Australian Institute of Traffic Planning and Management Conference, to be held in Melbourne from Wednesday 2 August to Friday 4 August 2006, at an approximate cost of \$2,480 per person.

COUNCIL DECISION ITEM 10.2.4

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE:

The purpose of this report is to request the Council's approval for the Executive Manager Technical Services and one (1) Elected Member to attend the Australian Institute of Traffic Planning and Management Conference, to be held in Melbourne from Wednesday 2 August to Friday 4 August 2006

BACKGROUND:

The Australian Institute of Traffic Planning and Management Conference to be held in Melbourne in 2006 will provide an opportunity for practitioners to increase their knowledge, exchange ideas and develop professional networks to assist in planning better integrated transport networks for the movement of people.

DETAILS:

The theme of this Conference is *Delivering Sustainable Transport "It's got legs"*. It will deal with the need to reduce private vehicle dependence and develop more sustainable traffic and transport solutions to create an environment which makes cities and towns more liveable and less costly places for people to live in.

Further it is contended that successful transport provision depends on the quality and operation of individual networks, and the effective coordination of these networks into a clear operating system. This depends on the quality of implementation, particularly at a detailed design level.

This conference, AITPM's 25th Annual Conference, will explore some of the principles and practical measures that can be used to give sustainable transport the 'legs' to get moving.

There will be a strong focus on lessons learnt from cities, both national and international, that are already applying sustainable transport and traffic techniques.

A few of the Topic that will be covered are outlined as follows:

- Traffic Management
- Pacifying Streets
- Worksite safety
- Safety by Design not by accident
- Safer performing pavement markings
- Assessing Road lighting performance
- Analysis of Roundabouts
- Transport and land Use integration - Local Government perspective
- Developing high quality Local Bicycle Networks
- Travel Behaviour change Initiatives by Local Government in Victoria
- Tools , design strategies to manage Pedestrian and Cyclists interaction
- Trams - Priority to moving people not vehicles
- Sustainable Transport - driving the message home

Various technical tours and workshops will also be held.

CONSULTATION/ADVERTISING:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Four of Strategic Plan 2005-2010 – 1.4 (c) "*Actively participate in community, Local, State and Federal Government forums and professional seminars.*"

FINANCIAL/BUDGET IMPLICATIONS:

<i>Cost per person</i>	
Conference registration	\$ 800
Technical Tours	\$ 120
Airfare/Taxi Transfers	\$ 670
Accommodation & Meals	\$ 890
TOTAL	\$2,480

LEGAL/POLICY IMPLICATIONS:

Nil.

Contract Requirement

The Executive Manager's Contract of Employment entitles the Officer to attend one interstate professional development conference each year.

COMMENTS:

It is recommended that approval be granted for the Executive Manager Technical Services and up to one (1) Elected Member to attend the Australian Institute of Traffic Planning and Management Conference, to be held in Melbourne from Wednesday 2 August to Friday 4 August 2006.

10.3.1 Financial Statements as at 31 May 2006

Ward:	Both	Date:	13 June 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 May 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 Torre was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 31 May 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 May 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
- Net Current Asset Position

Operating Statement and Detailed Summary of Programmes/Activities

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

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

Operating Revenue

Operating revenue is currently 104 % of the year to date Budget estimate.

General Purpose Funding (Page 1)

General Purpose Funding is showing 103% 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 30% over the budgeted expectations.

Governance (Page 2)

Governance is showing 210 % of the budget received to date. This can be attributed to the receipt of higher than expected revenue from vehicle contributions and sale of electoral rolls.

Law Order & Public Safety (Page 3)

Revenue is showing an unfavourable variance of 62 %. This is due to the credit note of \$6300 of the grant contribution from the AWARE program scheme and only \$3150 was paid instead.

Health (Page 4)

Health is still showing a favourable variance of 104 %. The budget had been reviewed to reflect in the increased in health licences and fees charges. There were 342 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco

Education & Welfare (Page 5)

Education & Welfare revenue is just below the budget amount at 97% due to youth grants not yet received and under recoup of insurance charges.

Community Amenities (Page 6)

Community Amenities is 102 % of the year to date budget. There was a budget review to correct the surplus in revenue where the Refuse Charges for non-rated properties being higher than original budget. There were over 637 planning applications have been processed year to date.

Recreation & Culture (Page 9)

The total revenue for Recreation and Culture is on target of their revenue budget. As Beatty Park Leisure Centre operating revenue are meeting the target at 101 % against budget projections.

Transport (Page 10)

Total Transport revenue is a favourable 124 % against the year to date revenue budget. Budget review has been done yet there is still a favourable increase in parking income as well as modified penalties being higher due to vigilant enforcement action.

Economic Services (Page 12)

Economic Services is 130 % over budget which is mainly due to more than 462 building licences issued to the end of May which has resulted in a higher than estimated revenue being received.

Other Property & Services (Page 13)

Other Property & Services revenue is operating above budget projections at 102 % due to increased revenue on insurance claims.

Operating Expenditure

Operating expenditure for the month of May is just over budget at 101 %.

Health (Page 4)

The expenditure is currently 109 % 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. Budget review reduced the variance by 8% from the increase in revenue.

Other Property & Services (Page 13)

This program is currently 159 % over budget because of the low recovery rate for the plant charges in the section and increased in plant operating costs. 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 May amount of \$3,881,000 which is 10 % of the revised budget of \$40,318,456.

	Revised Budget	Actual to Date	%
Furniture & Equipment	164,774	90,962	55%
Plant & Equipment	1,265,855	730,365	58%
Land & Building	32,653,960	154,557	1%
Infrastructure	6,233,867	2,905,116	47%
Total	40,318,456	3,881,000	10%

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	%
Administration Building			
Council Chamber Toilet	0	8,822	8822%

Completion of the council chamber toilet.

Beatty Park Leisure Centre

Upgrade of family disabled change room	9,500	11,013	116%
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\$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%
Elma 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	%
Reticulation			
Woodville Reserve	33,000	41,407	125%

Original budget estimates did not allow for the increased in cost of PVC pipes. There was surfacing of trenches of \$2,800 not budgeted for and additional \$2,900 to treat the tree roots affected.

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	36,704	122%

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 \$15,859,883 less current liabilities of \$3,684,490 for a current position of \$12,175,392. The total non current assets amount to \$114,453,941 less non current liabilities of \$10,950,443 with the total net assets of \$115,678,891.

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 \$281,672 are outstanding at the end of May. Of the total debt \$29,309 (10%) 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 \$436,761 which represents 3.02 % of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 31)

As at 31 May 2006 the operating deficit for the Centre was \$374,929 in comparison to the budgeted year to date deficit of \$218,432 and annual deficit of \$581,324.

The cash position showed a current cash surplus of \$57,598 in comparison to the year to date budget of cash surplus of \$166,267 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 May 2006 was \$14,572,012.

Net Current Asset Position (Page 33)

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	21 June 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 Torre was an apology.)

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
09/06/06	Lease	3	Town of Vincent and Western Australian Swimming Association of PO Box 205, Leederville re: Portion of Grandstand Mezzanine at Beatty Park Leisure Centre
09/06/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Western Australian Rugby League Ltd of Members Equity Stadium, 310 Pier Street, Perth re: National Under 15s Meeting - 24 June 2006 (Gareth Naven Room)

Date	Document	No of copies	Details
13/06/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Football Federation Australia Ltd, Level 7, 26 College Street, Sydney NSW 2000 re: FFA Training Sessions - 15, 16, 17, 19, 20, 21 and 22 June 2006 (Change Rooms 1 and 2 and Pitch)
14/06/06	Scheme Amendment Documents	3	Town of Vincent - Town Planning Scheme No. 1 - Amendment No. 22 - Adopted for Final Approval by the Council at its Ordinary Meeting held on 13 June 2006 - Rezoning the land contained in the "Eton Locality Plan 7".
14/06/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta 6021 and Western Australian Rugby Union of Meagher Drive, Floreat WA 6014 re: Western Force Gold v Samoa - 8 July 2006; Western Force Gold v Waratahs - 9 September 2006; Western Force Gold v Reds - 16 September 2006; Western Force Gold v Brumbies - 14 October 2006 and, if required, APC Final - 21 October 2006 (Stadium for all Events)
20/06/06	Withdrawal of Caveat	1	Town of Vincent and Mullins Handcock Lawyers, 13/37 St Georges Terrace, Perth re: Nos 128-130 (Lots 28 and 27), Joel Terrace, Mount Lawley (WAPC Ref: 551-05)

10.4.3 Proposed Amendment to Policy No 4.1.6 – Community/Precinct Groups

Ward:		Date:	20 June 2006
Precinct:		File Ref:	ORG0023
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES BY AN ABSOLUTE MAJORITY to amend Policy No 4.1.6 - Community/Precinct Groups as shown in Appendix 10.4.3;*
- (ii) *NOTES that an amount of \$2,000 has been included in the draft Budget 2006/2007 for Precinct/Community Groups Annual Grants; and*
- (iii) *AUTHORISES the Chief Executive Officer to:*
 - (a) *advertise the proposed new policy for a period of twenty-one days, seeking public comment;*
 - (b) *report back to Council with any public submissions received; and*
 - (c) *include the proposed policy in the Council’s Policy Manual if no public submissions are received.*

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted subject to:

- 1. *clause (i) be amended to read as follows:*
 - “(i) *APPROVES BY AN ABSOLUTE MAJORITY to amend Policy No 4.1.6 – Community/Precinct Groups as shown in Appendix 10.4.3 subject to clause 2(c) being further amended to read as follows:*
 - “(c) *The Town will keep current the Policy and will deduct a pro-rata amount (from the annual grant) for each Community/Precinct Group (based on the policy annual cost and the number of incorporated groups at the time). The Town will include in its Annual Budget an amount to cover the cost of the Policy for the approved Community/Precinct Group.*
2. *existing clause (iii) be renumbered to (v) and new clauses (iii) and (iv) be added as follows:*
 - “(iii) *APPROVES an increase in the amount provided to the Precinct Groups to cover the cost of the Public Liability Insurance premium; and*
 - (iv) *NOTES that the amount included in the Draft Budget 2006/2007 for the Precinct/Community Group Annual Grants will be amended to include the amount to cover the premium prior to the final adoption of the Budget.”*

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

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

“(i) **APPROVES BY AN ABSOLUTE MAJORITY to amend Policy No 4.1.6 – Community/Precinct Groups as shown in Appendix 10.4.3 subject to clause 2(e) being further amended to read as follows:**

(a) clause 1(ii)(b) being amended to read as follows:

‘(ii) (b) *the Town provide an annual grant of \$200 \$250 to incorporated Community/Precinct Groups who are in their second and subsequent years of operation, to cover ongoing costs associated with the administration/operations (eg photocopying, printing, postage, telephone and sundries), subject to;’ and*

(b) clause 2(c) being further amended to read as follows:

‘2. (c) *The Town will keep current the Policy and will deduct a pro-rata amount (from the annual grant) for each Community/Precinct Group (based on the policy annual cost and the number of incorporated groups at the time). The Town will include in its Annual Budget an amount to cover the cost of the Policy for the approved Community/Precinct Group.’”*

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

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

“(i) (b) *clause 2(c) being further amended to read as follows:*

‘2. (c) *The Town will keep current the Policy, and will deduct a pro-rata amount (from the annual grant) for each Community/Precinct Group (based on the policy annual cost and the number of incorporated groups at the time). The Town will include in its Annual Budget an amount to cover the cost of the Policy for the approved Community/Precinct Group.’”*

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

**MOTION AS AMENDED CARRIED
BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.4.3

That the Council;

(i) **APPROVES BY AN ABSOLUTE MAJORITY to amend Policy No 4.1.6 – Community/Precinct Groups as shown in Appendix 10.4.3 subject to:**

(a) clause 1(ii)(b) being amended to read as follows:

(ii) (b) the Town provide an annual grant of ~~\$200~~ \$250 to incorporated Community/Precinct Groups who are in their second and subsequent years of operation, to cover ongoing costs associated with the administration/operations (eg photocopying, printing, postage, telephone and sundries), subject to;’ and

(b) clause 2(c) being further amended to read as follows:

2. (c) The Town will keep current the Policy, ~~and will deduct a pro-rata amount (from the annual grant) for each Community/Precinct Group (based on the policy annual cost and the number of incorporated groups at the time).~~ The Town will include in its Annual Budget an amount to cover the cost of the Policy for the approved Community/Precinct Group.’;

(ii) **NOTES that an amount of \$2,000 has been included in the draft Budget 2006/2007 for Precinct/Community Groups Annual Grants;**

(iii) **APPROVES an increase in the amount provided to the Precinct Groups to cover the cost of the Public Liability Insurance premium;**

(iv) **NOTES that the amount included in the Draft Budget 2006/2007 for the Precinct/Community Group Annual Grants will be amended to include the amount to cover the premium prior to the final adoption of the Budget; and**

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

(a) advertise the proposed new policy for a period of twenty-one days, seeking public comment;

(b) report back to Council with any public submissions received; and

(c) include the proposed policy in the Council’s Policy Manual if no public submissions are received;

PURPOSE OF REPORT:

The purpose of this report is to seek Council’s approval to amend existing Policy No 4.1.6 - Community/Precinct Groups to provide an annual grant of up to \$200 to cover costs associated with the administration and operation costs of the Community/Precinct Groups and to approve of a Public Liability Insurance Policy for the Community/Precinct Groups and members of the public attending meetings as outlined in the Policy.

BACKGROUND:

A report was included on the Agenda for the Ordinary Meeting of Council held on 13 June 2006 concerning this matter but was withdrawn by the Chief Executive Officer as the Town’s insurer indicated that it may be possible to provide a public liability policy to cover Community/Precinct Groups.

ADDITIONAL INFORMATION:

The Town has received from the Town's Insurer a Public Liability Policy. This Policy provides the following:

- Coverage up to \$10,000,000 for personal injury and property damage; and
- An excess of \$250 applicable for any claim.

The cost is:

Base premium	\$560.00
Fees	56.00
GST	61.60
Stamp Duty	<u>61.60</u>
	\$739.20

Each Precinct Group will be required to pay a pro-rata percentage (based on the number of Groups) of the fee. In 2006, the amount will be approximately \$75.00 per Group. For administration purposes, the Town will hold the Policy and deduct the amount from the annual grant.

For the purposes of accountability and to minimise any difficulties with claims, it is recommended that the policy be subject to the following conditions:

1. Coverage will be for Precinct Group Members, as shown in the Group's adopted AGM Minutes. This will clearly identify who is covered.
2. Members of the public attending approved meetings as advertised by the Precinct Group and limited to persons who sign the Group's attendance sheet. This will clearly identify who will be covered and will minimise any ambiguity in the event that a claim is lodged.
3. Coverage will be in Town owned buildings or public buildings not owned by the Town. It will not be applicable to private residences. The Town's buildings and public buildings are required to be maintained to a legislative standard. The Town has little or no control about a person's private residence, which is being used as a meeting place. The potential for claims in residences is much higher. There are two Groups which meet or propose to meet in premises other than Town buildings or public buildings. These Groups should be encouraged not to meet in private residences.

At the Ordinary Meeting of Council held on 23 May 2006, the Council considered this item and resolved as follows:

"That the Item be DEFERRED for further information to be obtained regarding the need for Groups to provide Audited Annual Statements."

CEO's Comment:

Enquiries have been made with the Department of Consumer Protection, who advise as follows:

"Every incorporated association must keep accounting records which correctly show the financial transactions and position of the association. The accounting records must be kept so that true and fair accounts can be prepared at any time and so that they can be conveniently and properly audited (although there is no legislative requirement that an association's accounts be audited)."

All of the Groups (except Smith's Lake Precinct Group and the North Perth Business and Community Association) are incorporated. Each incorporated Precinct Group has a constitution, which is required by the Associations Incorporations Act 1987.

The Precinct Group's constitution prescribes how the Precinct Group's affairs and business are to be conducted, including the role of the Chairperson, Secretary and Treasurer.

It states:

"The Treasure shall –

- (a) be responsible for the receipt of all moneys paid to or received by, or by him or her on behalf of, the Association and shall issue receipts for those moneys in the name of the Association;*
- (b) pay all moneys referred to in paragraph 1 into such account or accounts of the Association as the Committee may from time to time direct;*
- (c) make payments from the funds of the Association with the authority of a general meeting or of the Committee and in so doing ensure that all cheques are signed by not less than one office bearer, one of which shall be the Chairperson or Secretary;*
- (d) **comply on behalf of the Association with sections 25 and 26 of the Act in respect of the accounting and membership records of the Association;***
- (e) whenever directed to do so by the Chairperson, submit to the Committee a report, balance sheet or financial statement in accordance with that direction;*
- (f) have custody of all securities, books and documents of financial nature and accounting records of the Association, including those referred to in paragraphs (d) and (e); and*
- (g) perform such other duties as are imposed by these rules on the Treasurer."*

The Associations Incorporation Act 1987 Sections 25 and 26 state:

"25. Accounting records to be kept

An incorporated association shall –

- (a) keep such account records as correctly record and explain the financial transactions and financial position of the association;*
- (b) keep its accounting records in such manner as will enable true and fair accounts of the association to be prepared from time to time; and*
- (c) keep its accounting records in such manner as will enable true and fair accounts of the association to be conveniently and properly audited.*

26. Annual accounts to be prepared

An incorporated association shall submit to its members at the annual general meeting of the association accounts of the association showing the financial position of the association at the end of the immediately preceding financial year."

In view of the above, the Town can accept certified copies of the Precinct Groups' bank statements for the financial year preceding the payment of the administrative money or unaudited financial statements.

The policy has been amended to reflect the above.

On 30 November 2005, the North Perth Precinct Group wrote to the Town suggesting that the Town's policy be amended to provide ongoing financial assistance for the operation Community/Precinct Groups and also suggests that the policy includes a provision that allows the Town's insurance to cover Community/Precinct Groups when meetings are held in non Town owned meeting venues (eg Church halls, Child Care Centres).

This matter was also raised as an Item at the Annual General Meeting of Electors where the following motion was passed:

"That;

- (i) Precinct Groups get a yearly financial payment to cover the cost of paper, printing of notices, postage etc with just one initial start-up sum payment rather than the existing one at the moment which is an initial payment and a follow-up next but make it a yearly payment;*
- (ii) Council provide the facility, when needed by the Precinct Groups, to be able to have their Agendas, Minutes and flyers printed off;*
- (iii) Council, in order to provide incentive for Precinct Groups Members to sit on Precinct Committees (which tend to get so heavily overburdened), and arrange for our Precinct Co-ordinator at Council to pull out each week the building and development applications for each precinct and forward them to each Precinct Group along with information on anything else that is likely to affect the Precinct Group. If such an arrangement were to be too burdensome for the Precinct Co-ordinator at Council, then an Assistant be employed at Council if possible to assist her or alternatively, that the Council website breakout for each individual Precinct each week's development and building applications and matters affecting each precinct so that hours are not spent by the Precinct Committee Secretary and Members going through entire Council Agendas and Minutes;*
- (iv) Council discuss with Precinct Groups what regular briefings the Precinct Groups would like the Town to hold (ie negotiate something that the Precinct Group Members are prepared to support and then they may turn up);*
- (v) Council promote Precinct Meetings through its website and other publicity (ie putting a regular notice in local paper encouraging residents and ratepayers to attend Precinct Meetings); and*
- (vi) Council consider the issue of Public Liability insurance or the appropriate insurance for Precinct Groups where they have to hire an external venue when a Council venue is not available."*

DETAILS:**Community/Precinct Groups**

The Town currently has ten (10) Community/Precinct Groups as follows:

Group Name	Incorporated
Banks Precinct Action Group Inc	16 January 1998
Cleaver Precinct Action Group Inc	11 June 1996
Forrest Precinct Group Inc	19 September 2000
Hyde Park Precinct Group Inc	3 October 1996
Leederville Community Action Group Inc	18 May 2000
Mount Hawthorn Precinct Group	18 November 2002
Norfolk Precinct Group Inc	7 July 2000
North Perth Business and Community Association	<i>Not Incorporated*</i>
North Perth Precinct Group Inc	10 January 2001
Smith's Lake Precinct Group	<i>Not Incorporated</i>

* *Established November 2001*

It should be noted that the Smith's Lake Precinct Group (established 1997) and the North Perth Business and Community Association (established November 2001) are not incorporated bodies. The Town has advised these Groups on several occasions that they are required to become an incorporated body in order to comply with the Council's requirements to receive grants.

Meetings - Provision of Meeting Notices/Agendas/Minutes

The Town's current policy requires the Group to provide copies of the meeting Agenda, Minutes and audited Financial Statements to the Town for distribution to Elected Members and the Town's records.

Attached to this report at Appendix 10.4.3B is a summary of Minutes/Agendas received by the Town. The following is a summation of the information provided to the Town:

Group Name	Information Provided to Town
Banks Precinct Action Group Inc	Since 1997 a limited number of Minutes/Agendas have been provided to the Town. Since 2006, monthly Minutes and Agendas have been received.
Cleaver Precinct Action Group Inc	Since 1996, this Group has regularly provided a copy of its Agendas and Minutes on a monthly basis.
Forrest Precinct Group Inc	In 2000 and 2001, this Group provided a copy of its Agendas and Minutes on a monthly basis. No copies were received for 2002, 2003 and 2005 and in 2004, they only provided four.
Hyde Park Precinct Group Inc	In 1996, 1997, 1998 and 2002, this Group provided a copy of its Agendas and Minutes on a monthly basis. Several copies were provided in 2000 and 2001 and little or no information has been received for 2003, 2004 and 2005.

Group Name	Information Provided to Town
Leederville Community Action Group Inc	Since its formation in 1997, it has regularly provided a copy of its Agendas and Minutes on a monthly/six weekly basis.
Mount Hawthorn Precinct Group	This Group first met in July 2002 and has only provided information on two occasions. In recent times, it has provided limited information.
Norfolk Precinct Group Inc	This Group was formed in July 2000 and provided regular information for 2000/2001. No information has been received from 2002 onwards.
North Perth Business and Community Association	No information has been received from this Group.
North Perth Precinct Group Inc	This Group was formed in 2000 and has provided information approximately three times a year. This Group regularly attends Council Meetings to address items.
Smith's Lake Precinct Group	This Group was formed in 1997 and provided minimal information from 1997 to 2000. Since 2001, it has provided regular information on a monthly basis.

1. *Precinct Groups get a yearly financial payment to cover the cost of paper, printing of notices, postage etc with just one initial start-up sum payment rather than the existing one at the moment which is an initial payment and a follow-up next but make it a yearly payment*

Comment:

The above information reveals that the Leederville Community Action Group and Cleaver, North and Smith's Lake Precinct Groups provide information on a regular basis and could justify an Annual Grant to assist in their administration and operations. However, the Smith's Lake Precinct Group is not an incorporated body and is therefore not eligible under the Town's current or proposed policy.

The provision of an annual grant of up to \$200 could be supported subject to the following conditions:

The Community/Precinct Group:

- holding at least four (4) meetings on a regular basis each year;
- providing to the Town a meeting schedule, Agendas and Minutes for their meetings;
- providing to the Town an audited annual Financial Statement prior to the grant being paid; and
- being an incorporated body.

2. *Council provide the facility, when needed by the Precinct Groups, to be able to have their Agendas, Minutes and flyers printed off;*

Comment:

In the event that an annual grant is provided, it is suggested that this money could be used for this purpose, therefore the need to use the Town's equipment to provide copying of Agendas, flyers, etc, would not be necessary. The use of Council copiers for printing purposes would need to be properly resourced. Therefore, this request is not support without additional resources being provided.

3. *Council, in order to provide incentive for Precinct Groups Members to sit on Precinct Committees (which tend to get so heavily overburdened), and arrange for our Precinct Co-ordinator at Council to pull out each week the building and development applications for each precinct and forward them to each Precinct Group along with information on anything else that is likely to affect the Precinct Group. If such an arrangement were to be too burdensome for the Precinct Co-ordinator at Council, then an Assistant be employed at Council if possible to assist her or alternatively, that the Council website breakout for each individual Precinct each week's development and building applications and matters affecting each precinct so that hours are not spent by the Precinct Committee Secretary and Members going through entire Council Agendas and Minutes.*

Comment:

The Town does not have resources to provide the requested information. At present, the Town's administration is providing a satisfactory level of service with its development approval process, as reported to the Council at its Ordinary Meeting held on 28 March 2006. The Town's developments, Agendas and Minutes are placed on the Town's website. To provide additional information would require additional resources for a person to carry out the additional tasks.

Interested persons, therefore, have ready access to information. Therefore, this request is not supported without additional resources being provided.

4. *Council discuss with Precinct Groups what regular briefings the Precinct Groups would like the Town to hold*

Comment:

The Town's Community Consultation policy involves consulting with each Group.

5. *Council promote Precinct Meetings through its website and other publicity (ie putting a regular notice in local paper encouraging residents and ratepayers to attend Precinct Meetings)*

Comment:

The Town is currently trialling for a twelve (12) month period a website link with the North Perth Precinct Group. Subject to a satisfactory trial, this could be extended to include other Groups. Information about the Groups is contained on the Town's website and also issued in the Town's "Welcome Pack" which is provided to all new residents/owners.

6. Council consider the issue of Public Liability insurance or the appropriate insurance for Precinct Groups where they have to hire an external venue when a Council venue is not available.

Comment:

The meeting venue and frequency of meeting are as follows:

Group Name	Meeting Frequency and Venue
Banks Precinct Action Group Inc	1st Wednesday of each Month Banks Reserve Scout Hall
Cleaver Precinct Action Group Inc	2nd Wednesday of each Month Beatty Park Leisure Centre
Forrest Precinct Group Inc	Bi-monthly - 3rd Wednesday Forrest Park Club Rooms
Hyde Park Precinct Group Inc	Bi-monthly - 3rd Monday (<i>except January</i>) Royal Park Hall
Leederville Community Action Group Inc	Six weekly - Tuesdays Loftus Community Centre
Mount Hawthorn Precinct Group	1st Wednesday of each Month Menzies Park Pavilion
Norfolk Precinct Group Inc	Meeting dates as advised Forrest Park Club Rooms
North Perth Business and Community Association	Information not provided
North Perth Precinct Group Inc	Meeting dates as advised* Private Home
Smith's Lake Precinct Group	Last Monday of each Month Beatty Park Leisure Centre

- * *The North Perth Precinct Group meets on an as-needed basis (recently every 2 weeks or weekly). The meetings are always in a private home. Every 3-6 months, they hold a general meeting for bigger issues. There is no permanent venue and they have been using the kindergarten in Haynes Street of late. They have previously had meetings in the North Perth Town Hall - but apparently don't have a venue in their area that is suitable.*

All groups (with the exception of the North Perth Precinct Group) meet in a Council owned building. No information is available from the North Perth Business and Community Group.

The Town's insurer advises as follows:

"As these groups are incorporated bodies, they need to have their own Public Liability insurance, regardless of where they meet. The Town's Public Liability policy does not cover them at all. The Municipal Liability Scheme covers the Town's liability if an event occurs and the Town has been negligent, subject to the policy terms and conditions.

The Municipal Liability Scheme cannot extend to cover any of these groups.

We have a new facility with QBE for community groups. Depending on the exact activities of the group, the premium would range between \$440 to \$500 per annum, plus a broker fee, GST and stamp duty, so all up \$590 to \$660. The limit of liability is \$10,000,000 with a \$250 to \$500 excess. We would need a completed proposal form to be submitted for approval by the Underwriter and a firm quote to be issued."

From a liability point of view, it is essential that each Group is an incorporated body. This ensures that individual Group committee members have a degree of protection from being sued in the event of a claim. It is also essential that this Group has its own insurance policy.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

4.3(a) Develop guidelines and policies to facilitate the interaction of all parties, which clearly identifies the roles and relationships between the Elected Members and the Town's administration and promotes professional and workable relationships between Elected Members.

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$2,000 has been included in the 2006/2007 Draft Budget.

COMMENTS:

It is recommended that the Council approve the proposed amendment to this policy, as detailed in this report.

10.1.6 No. 257 (Lot 1 D/P: 1925) Oxford Street, Corner Bourke Street, Leederville - Proposed Construction of Three (3) Two - Storey Plus Basement Multiple Dwellings

Ward:	North	Date:	20 June 2006
Precinct:	Leederville; P3	File Ref:	PRO2982; 5.2006.286.1
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 Adrian Grose Architectural Designer on behalf of the owners H Saunders and K Kelly for proposed Construction of Three (3) Two- Storey Plus Basement Multiple Dwellings, at No. 257 (Lot 1 D/P: 1925) Oxford Street, corner Bourke Street, Leederville, and as shown on plans stamp-dated 13 June 2006 and amended plans dated 26 June 2006 (basement and ground floor plan), subject to the following conditions:

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate along the Bourke Street boundary complying with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
 - (f) *the southern street/front wall, fence and gate of the front courtyards can increase to a maximum total height of 2.2 metres with the solid portion being a maximum height of 1.2 metres and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency.*

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

- (ii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iii) ~~*a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Oxford Street and Bourke Street verges adjacent to the subject properties, shall be submitted and approved prior to the issue of a Building Licence.*~~ *A semi-mature street verge tree (melaleuca quinquinerva - Paper Bark) shall be planted along the Oxford Street frontage in a location determined by the Town's Manager Parks Services, at the full cost of the applicant/owner. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (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; and*
- (vi) *subject to first obtaining the consent of the owners of No. 261 Oxford Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 261 Oxford Street in a good and clean condition.*

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

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.6

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Adrian Grose Architectural Designer on behalf of the owners H Saunders and K Kelly for proposed Construction of Three (3) Two- Storey Plus Basement Multiple Dwellings, at No. 257 (Lot 1 D/P: 1925) Oxford Street, corner Bourke Street, Leederville, and as shown on plans stamp-dated 13 June 2006 and amended plans dated 26 June 2006 (basement and ground floor plan), subject to the following conditions:

- (i) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate along the Bourke Street boundary complying with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*

- (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (f) *the southern street/front wall, fence and gate of the front courtyards can increase to a maximum total height of 2.2 metres with the solid portion being a maximum height of 1.2 metres and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency.*

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

- (ii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (iii) *A semi-mature street verge tree (melaleuca quinquinerva - Paper Bark) shall be planted along the Oxford Street frontage in a location determined by the Town's Manager Parks Services, at the full cost of the applicant/owner. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (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; and*
- (vi) *subject to first obtaining the consent of the owners of No. 261 Oxford Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 261 Oxford Street in a good and clean condition.*

ADDITIONAL INFORMATION:

The Oxford Street verge is fully brick paved and the Bourke Street verge is fully concreted. However, the Manager Parks Services has advised that it would be appropriate to plant a street verge tree in Oxford Street adjacent to the development.

The applicant has since submitted amended plans dated 26 June 2006 to address Technical Services requirements in relation to the car bays. In summary, the main changes are the reconfiguration of the basement car parking bays, the widening of the garage door, the removal of the pedestrian access way, an inclusion of a pedestrian access to the staircases and the increase in the building setback from Bourke Street to 2.1 metres.

The amended plans are attached for the Council's consideration and are supported by the Town's Officers. The Officer Recommendation therefore remains unchanged, except for the preamble to make reference to the amended plans and an amendment to clause (iii) to reflect the above.

Landowner:	H Saunders & K Kelly
Applicant:	Adrian Grose Architectural Designer
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Vacant Vehicle Sales Premises (Non-Conforming Use)
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	392 square metres or 410 square metres which includes 18 square metres of truncation
Access to Right of Way	West side, 2.73 metres wide, unsealed, privately-owned

BACKGROUND:

14 June 2005 The Council at its Ordinary Meeting conditionally approved an application for the demolition of vehicle sales premises and construction of three (3) two-storey grouped dwellings, at the subject property.

22 November 2005 The Council at its Ordinary Meeting conditionally approved an application for the demolition of existing vehicle sales premises and construction of three (3) two-three storey multiple dwellings.

DETAILS:

The proposal involves construction of three (3) two- storey plus basement multiple dwellings at the subject property. The main differences between the current proposal and the proposal approved by the Council at its Ordinary Meeting held on 22 November 2005 are as follows:

- deletion of the third storey from the corner multiple dwelling;
- the relocation of the front doors;
- internal floor plan changes; and
- changes to the external materials.

As the subject right of way is not programmed to be sealed this or next financial year, vehicular access is not required to be from the right of way, as per Council resolution in relation to *"Car Parking, Carports and Garages Accessed from the Street Rather than an Available Right of Way - Interim Practice"*, adopted at the Ordinary Meeting of Council held on 27 April 2004.

The vehicle sales premises use is listed on the Town's Non-Conforming Use Register.

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	2.46 dwellings R 60	3 dwellings R 73.2 21.5 per cent density bonus	Supported- as the proposed development effects the discontinuance of a non-conforming use and, therefore, the density bonus sought is considered supportable, in accordance with Clause 20 of the Town's Town Planning Scheme.
Plot Ratio	0.7 - 287 square metres	1.03 – 421.8 square metres, excludes basement storerooms, and includes truncation	Supported- as the proposed plot ratio is considered to be in accordance with the density bonus and height variation sought, and the adjoining right of way, basement car parking and buildings' articulation reduces the perceived site's confinement and bulk and scale of development.
<u>Setbacks</u>			
Basement/Ground: - South (Bourke Street)	4.0 metres	2.0 metres -6.04 metres (including truncation)	Supported- refer to 'Comments'.
- East (Oxford Street)	1.5 metres	Nil-2.59 metres (including truncation)	Supported- refer to 'Comments'.
- North	4.8 metres	1.55 metres -4.0 metres	Supported- adjacent to adjoining commercial property parapet wall and no undue impact on streetscape or neighbour. Supported- as above.
- North (Unit 3-living)	1.1 metres	Nil	
First Floor: - South (Bourke Street)	6.0 metres	2.0 metres -6.04 metres (including truncation)	Supported- refer to 'Comments'.
- East (Oxford Street)	1.5 metres	Nil -2.59 metres (including truncation)	Supported- refer to 'Comments'.

- North (Bed 2 of Units 1 and 2)	1.3 metres	Nil	Supported- adjacent to adjoining commercial property parapet wall and no undue impact on streetscape or neighbour. Supported- as above. Supported- as above.
-North (Bed 2 of Unit 3)	1.4 metres	Nil	
-North (Bathroom of Units 1,2 and 3)	3.1 metres	1.55 metres-2.64 metres	
Open Space	50 per cent	48.2 per cent (or 50 per cent if truncation is included)	Supported- as it is considered a minor variation in this instance. The adjoining right of way reduces the perceived site's confinement, and dwellings are designed to be similar to grouped dwellings (which requires 45 per cent open space).
Communal Open Space	48 square metres	Nil	Supported- as separate functional private open space has been provided for each dwelling instead (totaling 48 square metres).
Buildings on Boundaries	One boundary wall is permitted, behind setback area with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6 per cent of the length of boundary.	Two external boundary walls (northern and eastern) proposed with maximum height of 9.231 metres.	Supported- as the northern wall abuts a adjoining commercial property parapet wall and there would be no undue impact on streetscape or neighbour. In relation to eastern wall, refer to 'Comments'.
Privacy Setbacks	Bedrooms- 4.5 metres	Bedroom 2 of Units 1, 2 and 3 is approximately 1.5 metres to the northern boundary.	Supported- overlooks roof/parapet wall of adjoining commercial premises.
	Outdoor habitable spaces- 7.5 metres	Northern courtyards of Units 1, 2 and 3 abuts northern boundary.	Supported- overlooks parapet wall of adjoining commercial premises.
Building Height - 2 storey component	7.0 metres	Up to 9.231 metres	Supported- refer to 'Comments'

Street Walls and Fences	<p>Front walls and fences within the primary street setback area to be visually permeable 1.2 metres above footpath level and a maximum height of 1.8 metres.</p> <p>Street walls and fences to secondary street/district distributors- In these instances, the solid portion of the wall and/or fence may increase to a maximum height of 1.8 metres, provided that the wall and/or fence has at least two (2) appropriate design features .</p>	<p>Fence up to 2.2 metres</p> <p>Up to approximately 2.0 metres</p>	<p>Supported - as additional height is required for courtyard balustrading, as required by BCA requirements. Matter has been conditioned as plans are not dimensioned.</p> <p>Supported- as minor variation in this instance, design features and building articulation considered acceptable in reducing impact of wall.</p>
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Consultation Submissions

The proposal was not advertised as it was not considered to have an undue impact on the adjoining neighbours or involve any greater variations to the development requirements from the previously approved plans.

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:

Vincent Vision 2024

In relation to the Leederville/West Perth area, the Guiding Principles for 'Housing, Density and Urban Design 2024' from the Vincent Vision 2024 project included emphasis on urban design and contemporary architecture that contributes to the unique atmosphere and character of the area and high density housing strategically integrated and well positioned around Town Centres. It is also noted that 14.3 per cent of people surveyed in the area supported a height limit of 3 storeys for residential building in the Leederville/West Perth area and a further 8.2 per cent supported a height limit of greater than 3 storeys for residential buildings in the Leederville/West Perth area.

Setbacks to Oxford Street and Bourke Street and Height

In this instance, the proposed setbacks to Oxford Street and Bourke Street and height are supported on the basis of the outcomes of Vincent Vision 2024 as outlined above, the site's identification as being a key site for redevelopment as it is adjacent and provides a gateway to the Oxford Centre Precinct, current developments in the area which demonstrate similar scale and its corner location along a district distributor road.

It is further considered that the variations do not unduly impact on the amenity of the adjoining neighbour or streetscape due to the adjoining right of way which provides a 'buffer zone', the adjoining commercial premises nil side setbacks and the buildings design and articulation which limits the perceived bulk and scale of the building and promotes an interactive interface.

Summary

The proposal is considered to positively contribute to the surrounding area in that it effects the discontinuance of a non-conforming use, to be keeping with what is considered to be an appropriate future built form for the subject location and not to have any undue effect on the amenity and streetscape of both Oxford and Bourke Streets. The variations sought are, therefore, generally acceptable given the site constraints and surrounding context. Furthermore, the proposal is generally considered to be within the building envelope of the previously approved plans.

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

10.1.2 No. 8 (Lot: 191 D/P: 49587) Macedonia Place, North Perth - Proposed Pavilion Addition to Existing Place of Public Worship

Ward:	North	Date:	20 June 2006
Precinct:	Smith's Lake; P06	File Ref:	PRO1587; 5.2006.145.1
Attachments:	001		
Reporting Officer(s):	E Saraceni		
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 the owner Macedonian Community Of WA Inc for proposed Pavilion Addition to Existing Place of Public Worship, at No. 8 (Lot: 191 D/P: 49587) Macedonia Place, North Perth, and as shown on plans stamp-dated 29 April 2006, subject to the following conditions:

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

- (iv) *first obtaining the consent of the owners of No. 35 Deague Court, North Perth and Nos. 6/49, 7/49 and 8/49 Albert Street, North Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 35 Deague Court, North Perth and Nos. 6/49, 7/49 and 8/49 Albert Street, North Perth in a good and clean condition.*

COUNCIL DECISION ITEM 10.1.2

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Torre was an apology.)

Landowner:	Macedonian Community of WA Inc
Applicant:	Macedonian Community of WA Inc
Zoning:	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Church
Use Class:	Place of Public Worship
Use Classification:	"AA"
Lot Area:	2023 square metres
Access to Right of Way	N/A

ADDITIONAL INFORMATION:

At the Ordinary Meeting of Council held on 13 June 2006, the Council resolved as follows:

“That the Item be DEFERRED to allow the Macedonian Community of WA Inc to consult its members on the application.”

Mr Paul Temov, Vice President of the Macedonian Community rang and advised the Town that their organisation has consulted extensively with their members and that at their Annual General Meeting held in August 2004, over 600 members voted to proceed with the project. Further advised that approximately 120 members have made financial contributions. Apparently there was only one objector.

The Committee members will be attending the Council meeting to address the Council.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves an application for a pavilion addition to an existing place of public worship. The proposed pavilion will primarily be used as a shelter for the congregation for purposes such as Funerals, Saint Days, Easter and Anniversaries.

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
<u>Buildings on Boundary Maximum Height - North elevation</u>	3.5 metres	3.7 metres	Supported- As the minor variation will enable the proposed structure to be compatible in scale and height with the existing building. The proposed variation is not considered to have an undue impact on the amenity of the area.
<u>Average Height - North elevation</u>	3.0 metres	3.6 metres	Supported- As above
<u>East elevation</u>	3.0 metres	3.5 metres	Supported- As above
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> No reason/comments provided 		Noted
Objection (1)	<ul style="list-style-type: none"> Lack of consultation with Macedonian Community on proposal 		Not Supported- As this is not considered a planning issue. The application form has been signed by the President of the Macedonian Community.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

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

10.1.13 No. 1 (Lot: 14 D/P: 2268) McCarthy Street, Perth - Proposed Demolition of Existing Single House and Construction of Two (2) Storey Single House

Ward:	South	Date:	20 June 2006
Precinct:	Forrest; P14	File Ref:	PRO2595 5.2006.138.1
Attachments:	001		
Reporting Officer(s):	J Barton; S Kendall		
Checked/Endorsed by:	R Rasiah; R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Rechichi Architects on behalf of the owner T N Nguyen & V L Huynh for proposed Construction of Two (2) Storey Single House, at No. 1 (Lot: 14 D/P: 2268) McCarthy Street, Perth and as shown on amended plans stamp-dated 9 May 2006, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the plot ratio, setback and boundary wall requirements of the Residential Design Codes and the Town's Policies; and*
 - (c) *consideration of the objection received; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Rechichi Architects on behalf of the owner T N Nguyen & V L Huynh for proposed Demolition of Existing Single House at No. 1 (Lot: 14 D/P: 2268) McCarthy Street, Perth, and as shown on plans stamp-dated 24 March 2006, subject to the following conditions:*
- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (c) *a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
 - (d) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
 - (e) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community;*

- (f) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies; and*
- (g) *the street verge tree on McCarthy Street, commonly known as a Port Jackson Fig (Ficus rubiginosa), adjacent to the subject land being retained and measures being taken to ensure its identification and protection to the satisfaction of the Town prior to commencement of site work.*

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

The Presiding Member ruled that clauses (i) and (ii) would be voted on separately.

Clause (i) was put.

CLAUSE (i) LOST (0-8)

(Cr Torre was an apology.)

Reasons:

1. The articulation of the proposed development.
2. The second storey side setbacks comply.
3. The compliance with overall height.

Clause (ii) was put.

CLAUSE (ii) CARRIED (8-0)

(Cr Torre was an apology.)

ALTERNATIVE RECOMMENDATION - CLAUSE (i)

Moved Cr Maier, Seconded Cr Messina

That the following alternative clause (i) be considered and clause (ii) being amended to delete clauses (ii)(c), (d), (e), (f) and (g) as these are now not necessary and are embraced in clause (i).

“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 Rechichi Architects on behalf of the owner T N Nguyen & V L Huynh for proposed Construction of a Two (2) Storey Single House at No. 1 (Lot 14 D/P: 2268) McCarthy Street, Perth, and as shown on plans stamp-dated 24 March 2006 and 9 May 2006, subject to the following conditions:*
 - (a) *the street verge tree on McCarthy Street, commonly known as a Camphor Laurel, adjacent to the subject land being retained and measures being taken to ensure its identification and protection to the satisfaction of the Town prior to commencement of site work;*

- (b) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (c) *first obtaining the consent of the owners of No. 3 (Lot 13) McCarthy Street and Nos. 378-384 (Lot 1) Beaufort Street, North Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing east and west where applicable in a good and clean condition;*
- (d) *any new street/front wall, fence and gate between the McCarthy Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (e) *prior to the issue of a Building Licence, revised plans shall be submitted and approved to demonstrate the following:*
- (1) *reduce the average height of the boundary wall on the north-eastern side to 3 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
 - (2) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the balcony on the north-eastern and south-western sides 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 revised plans shall not result in any greater variation to the requirements of the Residential Design Codes; and

- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Rechichi Architects on behalf of the owner T N Nguyen & V L Huynh for proposed Demolition of Existing Single House at No. 1 (Lot: 14 D/P: 2268) McCarthy Street, Perth, and as shown on plans stamp-dated 24 March 2006, subject to the following conditions:*
- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site; and*
 - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - ~~(c) *a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*~~
 - ~~(d) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*~~
 - ~~(e) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community;*~~
 - ~~(f) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies; and*~~
 - ~~(g) *the street verge tree on McCarthy Street, commonly known as a Port Jackson Fig (Ficus rubiginosa), adjacent to the subject land being retained and measures being taken to ensure its identification and protection to the satisfaction of the Town prior to commencement of site work."*~~

Debate ensued.

CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.13

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 Rechichi Architects on behalf of the owner T N Nguyen & V L Huynh for proposed Construction of a Two (2) Storey Single House at No. 1 (Lot 14 D/P: 2268) McCarthy Street, Perth, and as shown on plans stamp-dated 24 March 2006 and 9 May 2006, subject to the following conditions:*
- (a) *the street verge tree on McCarthy Street, commonly known as a Camphor Laurel, adjacent to the subject land being retained and measures being taken to ensure its identification and protection to the satisfaction of the Town prior to commencement of site work;*

- (b) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (c) *first obtaining the consent of the owners of No. 3 (Lot 13) McCarthy Street and Nos. 378-384 (Lot 1) Beaufort Street, North Perth for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing east and west where applicable in a good and clean condition;*
- (d) *any new street/front wall, fence and gate between the McCarthy Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (e) *prior to the issue of a Building Licence, revised plans shall be submitted and approved to demonstrate the following:*
- (1) *reduce the average height of the boundary wall on the north-eastern side to 3 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
 - (2) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the balcony on the north-eastern and south-western sides 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 revised plans shall not result in any greater variation to the requirements of the Residential Design Codes; and

(ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Rechichi Architects on behalf of the owner T N Nguyen & V L Huynh for proposed Demolition of Existing Single House at No. 1 (Lot: 14 D/P: 2268) McCarthy Street, Perth, and as shown on plans stamp-dated 24 March 2006, subject to the following conditions:*

- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site; and*
- (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence.*

ADDITIONAL INFORMATION:

Following an Elected Members Forum on 20 June 2006 to discuss the proposed development, the applicant has submitted an amended plan (attached) to address the concerns in relation to the north-eastern setback variation on the upper floor and the boundary wall height variation on the north-eastern side. The applicant has also submitted further justification (attached) for the plot ratio variation for the Council's consideration.

The verge tree condition has been corrected to state that the tree is a Camphor Laurel. A condition has also been recommended to ensure that the north-eastern boundary wall height complies with the R-Codes 3 metre average wall height requirements. However, a condition to ensure that the north-eastern upper floor setbacks comply with the Residential Design Codes (R-Codes) is not necessary as the applicant has amended the design to bring this setback into compliance with the R-Codes; the Assessment Table has been amended to reflect this.

AMENDED ASSESSMENT TABLE:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Setbacks: <u>Upper floor</u> North-eastern side	2.2 metres	1.2 metres to 3.5 metres	Not supported—Given the objection received, and that the setback variation is created partly by the increase in plot ratio. As such, this variation is not supported as it will have an undue impact on the amenity of the adjoining property. <u>Complies</u>

Boundary Wall	One boundary wall is permitted, 2/3 length of the common boundary, with a maximum height of 3.5 metres and an average height of 3 metres.	Two boundary walls are proposed and the south-western wall averages 4.145 metres in height and the north-eastern wall height averages 3.130 metres, with a maximum height of 4.2 metres.	Supported- the boundary wall height variation on the south-western side is considered acceptable as it will not create an undue impact on the amenity of the adjoining property. However, the height variation on the north-eastern side is not supported given the objection received. <u>In the event that the proposal is approved by the Council, a condition should be imposed to reduce the boundary wall height in compliance with the R-Codes height requirements. A condition has been recommended to ensure compliance with the three (3) metre average height requirements.</u>
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In addition to the previous comments relating to plot ratio, as stated in the Officer comments of the Non-Compliant Requirements Table, there is further concern relating to the proposed deletion of plot ratio from the Residential Design Codes (Draft Version) as highlighted in Item 10.1.17 of this Agenda, which is verbatim as follows:

“Plot Ratio

There is significant concern with respect to the revised R Codes proposing to remove reference to plot ratio requirements in Table 1 of the Codes. The Town utilises plot ratio as the mathematical justification for controlling bulk and scale of buildings, particularly for multiple dwelling developments. The omission of the plot ratio requirements will result in an increased reliance on other design elements and factors to control bulk and scale. Given that the revised R Codes wish to diminish the need for local planning policies, the removal of plot ratio will counteract this objective, as local authorities will need to create their own policies to protect and control bulk and scale in lieu of there being no statutory requirement. This then could potentially lead to differing manners in which to calculate plot ratio, and inconsistencies as a result, causing frustration to both the administrators and developers.”

Landowner:	T N Nguyen & V L Huynh
Applicant:	Rechichi Architects
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:	306 square metres
Access to Right of Way	N/A

BACKGROUND:

20 June 2006 The proposal was presented at an Elected Members Forum.

DETAILS:

The proposal involves the demolition of the existing single house and the construction of a two-storey single dwelling.

The applicant provided the following comments in part in support of the proposed development:

- *“...Our client purchased the property for the purposes of building a family home to accommodate their children, their parents and themselves...”*
- *“...The lot is zoned R80 which is able to support 2 multiple dwellings with a plot ratio for multiple dwellings of 1.0...”*
- *“....The Town recently approved a plot ratio variation on the directly adjacent developable lot to the south of the property....”*
- *“....we believe the application demonstrates compliance with the Town’s future vision for the locality....”.*

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 198.9 square metres	0.83 or 254.5 square metres	<p>Not supported- In accordance with the Town’s Policy No. 3.5.16- Non-Variation of Specific Development Standards and Requirements, the Town does not support variations to the plot ratio requirements listed in Table 1 of the Residential Design Codes.</p> <p>It is noted that the property has an R80 Density Coding, however, given that the site is to be developed for a Single Dwelling, the R60 Density Code applies in this instance and the proposal exceeds the applicable plot ratio floor area by 55.6 square metres. The applicant has the ability to redesign to comply.</p>

<p>Setbacks:</p> <p><u>Ground floor</u></p> <p>South-western side</p> <p><u>Upper floor</u></p> <p>North-eastern side</p> <p>South-western side</p> <p>Front</p>	<p>1.5 metres</p> <p>2.2 metres</p> <p>2.3 metres</p> <p>6 metres</p>	<p>1.2 metres to 2.2 metres</p> <p>1.2 metres to 3.5 metres</p> <p>1.2 metres to 2.2 metres</p> <p>5 metres</p>	<p>Supported- the setback variation is minor and does not create an undue impact on the amenity of the adjoining property.</p> <p>Not supported- Given the objection received, and that the setback variation is created partly by the increase in plot ratio. As such, this variation is not supported as it will have an undue impact on the amenity of the adjoining property.</p> <p>Supported- the setback variation is considered minor and does not create an undue impact on the amenity of the adjoining property.</p> <p>Supported- the front setback variation is minor and is not considered to create an undue impact on the amenity of the street as the balcony is open in nature.</p>
<p>Boundary Wall</p>	<p>One boundary wall is permitted, 2/3 length of the common boundary, with a maximum height of 3.5 metres and an average height of 3 metres.</p>	<p>Two boundary walls are proposed and the south-western wall averages 4.145 metres in height and the north-eastern wall height averages 3.130 metres, with a maximum height of 4.2 metres.</p>	<p>Supported- the boundary wall height variation on the south-western side is considered acceptable as it will not create an undue impact on the amenity of the adjoining property. However, the height variation on the north-eastern side is not supported given the objection received. In the event that the proposal is approved by the Council, a condition should be imposed to reduce the boundary wall height in compliance with the R-Codes height requirements.</p>

Consultation Submissions		
Support (Nil)	None	Noted
Objection (1)	The objector's agrees with the Town's requirements	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.

HERITAGE COMMENTS:

Background

At the Ordinary Meeting of Council (OMC) held on 9 March 2004, the Council considered a planning application for the demolition of three buildings at Nos. 378-390 (Lots 1, 15, 1 and 2) Beaufort Street (former Civic Theatre Restaurant and single house) and No. 1 (Lot 14) McCarthy Street (single house), Perth.

At the OMC held on 9 March 2004, demolition of the buildings forming the former Civic Theatre and house, at Nos.378-390 Beaufort Street was conditionally approved and the proposed demolition of the dwelling at No.1 McCarthy Street was not supported, based on the contribution that the dwelling has to an intact inner city 1920s streetscape.

Comments

A full Heritage Assessment is included as an attachment to this report.

The single storey, brick and tile dwelling at No.1 McCarthy Street was constructed circa 1922, in the inter-war bungalow style. The place is one of four existing houses, along the street of similar design, which were built on adjoining lots as 'speculative homes' by builder James Higginson.

A series of alterations undertaken in 1967, to convert the place into a staff facility for Butchers, W.O Johnson and Sons have removed much of the original fabric and detailing of the place. The works also involved the removal of a number of internal walls, which resulted in a significant reconfiguration of the internal floor plan.

The dwelling is recognised as a component of a streetscape of Inter-war Bungalows, which were built as speculative homes by opportunist builder James Higginson. However, alterations to the detail, finishes and layout of the subject place have eroded its authenticity and when viewed in isolation, it is not considered to meet the threshold for inclusion onto the Town's Municipal Heritage Inventory.

In context of the larger streetscape, the subject dwelling is smaller and has a different roof form and façade, which has been painted, compared to the remaining dwellings. As previously mentioned, the majority of the original detail has been removed and the layout of the dwelling has been significantly altered. It is considered that the subject place is the poorest example in the collection and that visually, its removal is not critical in the reading of the streetscape as the remaining dwellings appear to have retained a higher level of authenticity.

Therefore, it is recommended that the Council approve the proposed demolition of the place, subject to standard conditions.

Park Services advised that McCarthy Street is well shaded by a number of mature trees, which are positioned along both sides of the street. Along the western side of the street, there is a row of Port Jackson Fig (*Ficus rubiginosa*) and on the eastern side of the street there is a row of Camphor Laurel (*Cinnamomum camphora*). These trees contribute to the amenity and setting of the street and, therefore, measures should be taken to ensure their protection and retention.

COMMENTS:

In light of the above, the demolition of the existing Single House is recommended for approval, subject to standard and appropriate conditions. However, the proposed redevelopment is contrary to the Town's Non-Variation Policy and would set a precedent for future variations to this policy. Given the latter, the construction of the new two-storey Single House is therefore recommended for refusal.

10.2.2 Beaufort Street - Additional Streetscape Improvements in the Mount Lawley Centre Precinct between Chelmsford Road, Mount Lawley and St Albans Avenue, Highgate.

Ward:	South	Date:	20 June 2006
Precinct:	Forrest P14 & Mount Lawley Centre P11	File Ref:	TES0234
Attachments:	001		
Reporting Officer(s):	J van den Bok, R. Lotznicker		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the recent public consultation undertaken for the proposal to carry out additional Streetscape Improvements along Beaufort Street Streetscape between Chelmsford Road, Mt Lawley and St Albans Avenue, Highgate;*
- (ii) *NOTES the comments received by the respondents and where appropriate, incorporates these comments in the proposal;*
- (iii) *APPROVES the works as outlined on attached Plans No. 2418-CP/21A and 2418-CP-2A estimated to cost \$150,000 and implement the works in the 2006/07 financial year;*
- (iv) *ADVISES Main Roads WA of the proposal and requests that they consider reducing the speed limit from 60kph to 50kph once the proposal has been implemented; and*
- (v) *EXPRESSES its appreciation to all respondents for their input towards this proposal.*

Moved Cr Farrell, Seconded Cr Chester

That the recommendation be adopted.

Moved Cr Chester, Seconded Cr Ker

That new clauses (vi) and (vii) be added as follows:

- “(vi) INVESTIGATES suitable measures to reduce the speed of vehicles through the Beaufort Street commercial precinct; and*
- (vii) RECEIVES a further report on the investigations as indicated in clause (vi) by no later than September 2006.”*

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

Debate ensued.

MOTION AS AMENDED CARRIED (7-1)

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

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.2.2

That the Council;

- (i) *RECEIVES the report on the recent public consultation undertaken for the proposal to carry out additional Streetscape Improvements along Beaufort Street Streetscape between Chelmsford Road, Mt Lawley and St Albans Avenue, Highgate;*
- (ii) *NOTES the comments received by the respondents and where appropriate, incorporates these comments in the proposal;*
- (iii) *APPROVES the works as outlined on attached Plans No. 2418-CP/21A and 2418-CP-2A estimated to cost \$150,000 and implement the works in the 2006/07 financial year;*
- (iv) *ADVISES Main Roads WA of the proposal and requests that they consider reducing the speed limit from 60kph to 50kph once the proposal has been implemented;*
- (v) *EXPRESSES its appreciation to all respondents for their input towards this proposal;*
- (vi) *INVESTIGATES suitable measures to reduce the speed of vehicles through the Beaufort Street commercial precinct; and*
- (vii) *RECEIVES a further report on the investigations as indicated in clause (vi) by no later than September 2006.*

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the results of the recent public consultation undertaken in relation to this proposal and seek approval to undertake the works as outlined within the report.

BACKGROUND:

At the Ordinary Meeting of Council held on the 11 April 2006 a report was presented outlining a proposal to provide additional streetscape improvements in Beaufort Street between Chelmsford Road and St Albans Avenue, Highgate where it was decided:-

That the Council;

- (i) *RECEIVES the report on the proposal to carry out additional Streetscape Improvements along Beaufort Street Streetscape between Chelmsford Road, Mt Lawley and St Albans Avenue, Highgate;*
- (ii) *APPROVES IN PRINCIPLE the tree replanting concept estimated to cost \$142,000 as shown in the attached Plans No. 2418-CP.1A and 2418-CP.2A and as illustrated in appendix 10.2.1A and B;*
- (iii) *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", inviting written submissions, and as a part of the consultation process, holds a public meeting and invites all relevant stakeholders, businesses and community groups; and*
- (iv) *NOTES that;*
 - (a) *additional funds will be required to be allocated/reallocated to this project should the concept as presented be ultimately adopted by the Council or alternatively, the project could be stated over two financial years as indicated in the report; and*
 - (b) *a further report will be submitted to the Council at the conclusion of the consultation period.*

Public Meeting

In accordance with clause (iii) of the Council's decision, a public meeting was held in Beaufort Street at the "Flying Scotsman" on 15 May 2006.

Ten (10) members of the public, the Mayor, several Elected Members and relevant Officers were in attendance at the meeting.

Attendees were shown a power point presentation of the proposal and Officers answered a number of questions following the presentation.

The majority of the attendees were supportive of the proposal and questions related to the type of proposed lights, the tree species, including the possibility of large tree/s at the Vincent/Beaufort Streets intersection, traffic and speeds/volumes.

Attendees were encouraged to complete comment sheets and return them to the Town by consultation closing date.

Community Consultation

Also, in accordance with clause (iii) of the Council's decision on 11 April 2006 two hundred and three (203) letters were distributed to adjacent residents/businesses advising of the proposal and requesting comments.

At the close of the consultation period on the 7 June 2006, twenty one (21) submissions were received (10% response). Fourteen (14) were in favour of the proposal (67% response), six (6) partially in favour (29% response) and one (1) against the proposal (4% response). A further submission was received after the closing date on 20 June 2006 in favour of the proposal.

Comments received were as follows:-

Related Comments *In Favour* of proposal

- Agreed - providing the maintenance is kept up of the trees, by vandalism or accident and that it will be attended to ASAP and not leave an unsightly condition for months at a time.
- Beautiful idea – It beautifies the area both commercial and local. Bring more business to the area and everyone would gather and enjoy themselves.
- Go for it!
- Ten (10) Comment sheets were returned with no comments.
- One (1) comment sheet was returned with not relevant comment to this proposal.

Officers Comments

Maintenance as advised at the public meeting, the Town's Parks Services have factored in additional "intensive" maintenance programs for upgraded streetscapes such as Angove Street and Fitzgerald Street and Beaufort Street will be no exception.

Related Comments *Partially In Favour* of proposal

- We have concerns with the choice of trees, mainly Spotted Gum. These are huge trees – what happens in the future with increasing problems with pulling up the bitumen. Wouldn't like to see them become a problem and need to be removed in 20 years time – if that has been factored in the we are okay with it.
- I would like to see a bin replaced on the north side of Clarence Street to alleviate the mess that is currently being left in the carparks.
- I would like to see the remaining area beside the tree on the south side of Clarence Street be paved to tie in with existing pathways.
- Please complete garden streetscape in Clarence Street, as this has been left unfinished since November 2005.
- Using Eucalyptus Maculata down the middle of the road is a fabulous – as for the type of tree to be used for the verge planting, suggestions have been made in relation to the potential for the lack of power lines in the near future in regards to the tree's height and shape being a problem.
- Agree in principle, however, the use of Eucalyptus and the amount of leaf/flower they create. I would like to see shrubs and palms. I think the streetscape needs softening with plants at street level, not above it, for example; planting in Beaufort St, Inglewood looks fantastic – is similar to this possible?
- Will the raised median strips be extended south of Vincent Street – surely this would create additional and subtle traffic calming?
- We desperately need to slow traffic down as well – can a sign, as placed on Fitzgerald Street – also be placed along Beaufort Street in the lower section?
- The ambience for shoppers and other visitors in the shopping strip south of Vincent Street on Beaufort Street is non-existent.
- I look forward to underground power, denser street planting, upgraded street lighting, slower traffic, happier customers and increased business.

Officers Comments

Tree Species/Plantings – The street tree selection for Beaufort Street has been a difficult one with the narrow median strip being an extremely “hostile” environment for trees to grow and the verge space available also being restrictive with adjacent building and awnings. Native species are generally more resilient in these situations than exotic species and given the success of the recent plantings further down Beaufort Street, the Spotted Gums were selected and are the species that officers consider will be the most successful within the median. Root barriers will be installed and it is hoped, but not guaranteed that this will ensure that in the majority of cases that these large trees are contained and root heave does not present too much of a problem in future years.

The planting of palms and other lower plantings was not considered appropriate due to the lack of space.

Further down Beaufort Street within the City of Stirling (in Inglewood), larger median islands were created and lower shrub plantings have been provided. The trees used in this location are Liquidambar and would not be appropriate for the Towns section of Beaufort Street.

Other species were considered, however sourcing reasonable stock is difficult and all alternative species identified have similar problems to what has been proposed or present alternative issues with excessive fruit drop etc.

For example, the Plum Pine or Podocarpus was identified at the public meeting as an alternative verge species (this tree species has separate male and female specimens and is referred to as a dioecious plant). This tree is available in larger containers however the female trees bear/drop excessive amounts of fruit which would not be desirable in Beaufort Street.

Male trees of this species maybe ideal however it is difficult to differentiate between male and female trees until they are large enough to flower/fruit, unless they have been cultivated asexually. Staff have contacted various nurseries and they have been unable to guarantee that male trees can be supplied, therefore it is not considered appropriate that the Podocarpus be used in this situation.

Due to the large verge space available at the corner of Beaufort Street and Vincent Street a larger native tree is being proposed as an entry statement. Peppermint Gums (Eucalyptus Nicholi) will be planted on either side of the Vincent Street verge at the corner of Beaufort Street.

It should be noted that any tree that is planted will provide issues with flower, bark, fruit and leaf drop at various times of the year.

Street Furniture – Litter bins and other associated street furniture similar to what has been installed in other streetscape upgrades will be provided. Where practical litter bins etc will be provided in locations as noted during the consultation period.

Paving –additional areas for paving have been noted and where considered appropriate, paving will be laid to tie in with existing areas.

Median Islands – Additional median islands were proposed to be installed. These will accommodate the additional/new trees and the proposed double and outreach light poles.

Clarence Street Garden – The completion of this area has been put on hold and will be completed in conjunction with the Beaufort Streetscape works.

Traffic Speeds – Speed zoning is the responsibility of Main Roads WA (MRWA). They will consider changing the posted speed of the road if the ‘speed environment’ of a road can be changed. This is what is proposed with the proposed landscaping. Should the proposal proceed MRWA will be requested to review the speed zoning in this section of Beaufort Street.

Signage – A sign similar to Fitzgerald Street will be considered for this section of Beaufort Street.

Related Comments *Partially In Favour* of proposal

- The trees are a good start, but it should be followed up with further developments on Beaufort and Walcott Street; - Lights of a uniform type, protective bollards, marked out crosswalks between Chatsworth and Grosvenor Road – in the busiest areas (not pedestrian crossings), public toilets (one is absolutely needed right now), greater utilisation of parking opportunities and definitely please, scooter and motorcycle parking bays (6 bays and 1 car bay).

Officers Comments

The lighting upgrade is proposed to be implemented as part of the SUPP project. The proposed light will comprise of Metal Halide globes. Marked crosswalks will not be supported/implemented by MRWA. A public toilet is beyond scope of this proposal. On road scooter and motorcycles parking will be considered.

Ambience – there is no doubt that the additional trees will provide a more pleasant shopping precinct and in the long-term hopefully assist in attracting more people to the area.

Related Comments *Against* the proposal

- One (1) comment form recorded with no comment.

Improved Street Lighting/Underground of Power

As the Council is aware the Highgate East SUPP project has been extended to include the section of Beaufort Street between Barlee Street and Broome Street. Should the proposal proceed this will result in the undergrounding of the overhead power lines and the installation of centre of road double out reach decorative lighting from the Western Power decorative street lighting range. A survey of residents in this area regarding this 'specific' proposal is currently in progress and is due to close on 27 June 2006.

CONSULTATION/ADVERTISING:

Respondents will be advised of the Council’s decision and thanked for their input in finalising this project.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area Three of Strategic Plan 2005-2010 – 3.1 *Identify the needs and expectations of the business community, promote business development and facilitate outcomes in the Town.*”

FINANCIAL/BUDGET IMPLICATIONS:

As advised in the previous report presented to the Council on 11 April 2006 the total cost of this project will be in the vicinity of \$150,000.

This will be made from the \$50,000 which is available, allocated to Beaufort Streetscape Upgrade in the 2005/06 budget and is to be carried forward. The remaining funds in the 2005/06 Street Tree Enhancement budget will also be carried forward and amount to \$53,000.

The Council has also allocated an additional \$50,000 in the 2006/07 draft budget towards the upgrade of Beaufort Streetscape.

COMMENTS:

Several concerns have been raised in relation to the types of trees proposed for the streetscape along Beaufort Street and their likely success over the long-term. These include the suitability of the trees to the location, vandalism and maintenance issues.

Whilst every effort is being made to ensure that what is being undertaken is a success in the short and longer terms, it is difficult to identify what will occur in the longer-term along the central median. Root barriers will be installed; however this median (100m) is very narrow and not ideally suitable for growing any tree. A median of at least 1.5 metres in width would be preferable where median planting is to occur, however in many locations this is not achievable given existing awnings, drainage etc.

Vandalism has been a significant issue along the entire length of Beaufort Street. The installation of tree guards will be a deterrent however again not guaranteed to resolve this matter. Additional support from Ranger Services and Community Safety and adjacent businesses may have to be sought if vandalism continues.

With the proposed upgrade of Beaufort Streetscape listed in the 2005/06 budget very little ongoing maintenance of the existing streetscape plantings occurred and subsequently many existing trees are in poor condition. As with recent upgrades undertaken in Angove and Fitzgerald Street, Parks & Engineering Services will ensure that the new streetscape is attached. In particular, the trees will be carefully monitored and trained to attain the correct height/form and replaced immediately if they are damaged or not likely to provide the effect that is desired.

Parks Services officers are currently in the process of acquiring the native tree stock for this project. Spotted Gums are relatively easy to source and large straight well formed trees have now been pre-ordered and will provide an immediate aesthetic improvement to the area when planted.

The Coral Gums have been sourced and are being grown on to what is hoped to be of a reasonable size (around 1.5metres) when planting is undertaken in April/May 2007.

10.1.1 Further Report- Nos. 566-570 (Lot: 6 D/P: 692) Beaufort Street, Corner Clarence Street, Mount Lawley - Proposed Change of Use from Shop and Take Away Food Outlet to Shop, Take Away Food Outlet and Eating House and Associated Alterations and Additions

Ward:	South	Date:	20 June 2006
Precinct:	Mount Lawley Centre; P11	File Ref:	PRO0816; 5.2005.3246.1
Attachments:	001		
Reporting Officer(s):	E Saraceni		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Developwise Pty Ltd on behalf of the owner Austgold Holdings Pty Ltd for proposed Change of Use from Shop and Take Away Food Outlet to Shop, Take Away Food Outlet and Eating House and Associated Alterations and Additions, at Nos. 566-570 (Lot: 6 D/P: 692) Beaufort Street, corner Clarence Street, Mount Lawley, and as shown on plans stamped 19 December 2005, subject to the following conditions:

- (i) doors, windows and adjacent floor areas fronting Beaufort Street and Clarence Streets shall maintain an active and interactive relationship with these streets;*
- (ii) prior to the issue of the Building Licence or first occupation of this development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$44,772 for the equivalent value of 17.22 car parking spaces, based on the construction cost of \$2,600 per bay as set out in the Town's 2005/2006 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (v) the floor areas to be limited as follows:*
 - (a) 163 square metres of eating house; and*
 - (b) 32 square metres of shop/take away food outlet; and*
- (vi) prior to the first occupation of the development the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town.*

COUNCIL DECISION ITEM 10.1.1

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

Moved Cr Ker, Seconded Cr Farrell

That the Item be DEFERRED as requested by the applicant.

CARRIED (8-0)

(Cr Torre was an apology.)

FURTHER REPORT:

The Council at its Ordinary Meeting held on 9 May 2006 resolved that "*the Item be DEFERRED to recalculate the cash in lieu contribution figures*".

The Town's Officers have recalculated the car parking shortfall. Below is the amended Car Parking table.

Car Parking	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> • Existing Eating House- 1 car bay per 4.5 square metres of public area (70 square metres) - 15.55 car bays • Proposed Take Away Food Outlet- 1 car bay per 2.5 square metres of queuing area (31.4 square metres of queuing area) - 12.56 car bays • Proposed Eating House- 1 car bay per 4.5 square metres of public area (87.48 square metres) - 19.44 car bays • Total = 47.55 car bays 	48
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 place(s) in excess of 50 car parking spaces) 	(0.765) 36.72
Minus the car parking provided on-site (as shown on plans)	4 car bays
Minus the most recently approved on-site car parking shortfall (after taking into account the relevant adjustment factors); that is, 25.5 car bays (15.5 car bays required at No. 566 as specified at OMC on 22 August 2000 and 10 car bays required at Nos. 568-570 as specified at OMC on 11 December 1995) x 0.765 = 19.5 car bays, minus 4 car bays on-site (previously 8 provided). Therefore, 15.5 car bays is the approved on-site parking shortfall.	15.5
Resultant Shortfall	17.22 car bays
Bicycle Parking	
N/A	Noted

The previous Officer Recommendation and cash in lieu contribution have been amended accordingly, taking into consideration the increase in the car parking shortfall. The following is a verbatim copy of the Minutes for the item placed before the Council at its Ordinary Meeting held on 9 May 2006.

“OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Developwise Pty Ltd on behalf of the owner Austgold Holdings Pty Ltd for proposed Change of Use from Shop and Take Away Food Outlet to Shop, Take Away Food Outlet and Eating House and Associated Alterations and Additions, at Nos. 566-570 (Lot: 6 D/P: 692) Beaufort Street, Corner Clarence Street, Mount Lawley, and as shown on plans stamp-dated 19 December 2005, subject to the following conditions:

- (i) doors, windows and adjacent floor areas fronting Beaufort Street and Clarence Streets shall maintain an active and interactive relationship with these streets;*
- (ii) prior to the issue of the Building Licence or first occupation of this development, whichever occurs first, the applicant/owner shall pay a cash-in-lieu contribution of \$18,655 for the equivalent value of 7.175 car parking spaces, based on the construction cost of \$2,600 per bay as set out in the Town's 2005/2006 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate planning application, and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage; and*
- (v) the floor areas to be limited as follows:*
 - (a) 163 square metres of eating house; and*
 - (b) 32 square metres of shop/take away food outlet.*

COUNCIL DECISION ITEM 10.1.10

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Torre

That the Item be DEFERRED to recalculate the cash-in-lieu contribution figures.

CARRIED (8-0)

(Cr Doran-Wu on leave of absence.)

<i>Landowner:</i>	<i>Austgold Holdings Pty Ltd</i>
<i>Applicant:</i>	<i>Developwise Pty Ltd</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial</i>
<i>Existing Land Use:</i>	<i>Shop and Take Away Food Outlet</i>
<i>Use Class:</i>	<i>Shop and Take Away Food Outlet and Eating House</i>
<i>Use Classification:</i>	<i>"P" & "P"</i>
<i>Lot Area:</i>	<i>594 square metres</i>
<i>Access to Right of Way</i>	<i>East/rear, 3.02 metres wide, sealed and vested in the Town</i>

BACKGROUND:

- 27 November 1995 *The Council at its Ordinary Meeting approved an additional use of a local shop to an existing pizza bar shop/take away food outlet at No. 570 Beaufort Street.*
- 26 May 1997 *The Council at its Ordinary Meeting approved a change of use from an eating house to shop at No. 566 Beaufort Street.*
- 22 August 2000 *The Council at its Ordinary Meeting approved a change of use from a shop to an eating house at No.566 Beaufort Street.*

DETAILS:

The proposal involves an application for a change of use from a shop and take away food outlet to shop, take away food outlet and eating house (87.48 square metres) and associated alterations and additions to an eating house at No. 570 Beaufort Street. The proposed alterations involve the rear part of the existing tenancy at No. 568 Beaufort Street being included in the tenancy at No. 570 Beaufort Street (58.5 square metres).

The alterations and additions also include, the addition of a 19.32 metre long wall on the north-east side of the property and the addition of 2 female toilets, 2 male toilets, 1 disabled toilet, one staff toilet and associated storage at the rear of the property.

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted</i>
<i>Consultation Submissions</i>			
<i>Support(1)</i>	<ul style="list-style-type: none"> <i>No additional comments were stated in the form received.</i> 		<i>Noted.</i>
<i>Consultation Submissions</i>			
<i>Objection (1)</i>	<ul style="list-style-type: none"> <i>Objection to the effects that the proposed land use will have on car parking. Car parking within the immediate vicinity of the development is a problem at present.</i> <i>Objection to the present waste disposal situation. In the past, the occupiers of the property have disposed of their waste in the right of way and there is concern that this practice may continue and worsen with the increase in floor space.</i> 		<p><i>Not supported- as the car parking shortfall does not greatly differ from that previously approved by the Council.</i></p> <p><i>Not supported- as this is not a planning consideration. This matter has been referred to the Town's Health Services for further action.</i></p>

<i>Other Implications</i>	
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies.</i>
<i>Strategic Implications</i>	<i>Nil</i>
<i>Financial/Budget Implications</i>	<i>Nil</i>
<i>Car Parking</i>	
<i>Car parking requirement (nearest whole number)</i> <ul style="list-style-type: none"> • <i>Existing Eating House- 1 car bay per 4.5 square metres of public area (74.7 square metres) - 16.6 car bays</i> • <i>Existing Take Away Food Outlet- 1 car bay per 2.5 square metres of queuing area (31.4 square metres of queuing area) - 12.56 car bays</i> • <i>Proposed Eating House- 1 car bay per 4.5 square metres of public area (87.48 square metres) - 19.44 car bays</i> 	49
<i>Apply the adjustment factors.</i> <ul style="list-style-type: none"> • <i>0.85 (within 400 metres of a bus stop)</i> • <i>0.90 (within 400 metres of one or more existing public car parking place(s) in excess of 50 car parking spaces)</i> 	(0.765) 37.485
<i>Minus the car parking provided on-site</i>	4 car bays
<i>Minus the most recently approved on-site car parking shortfall (after taking into account the relevant adjustment factors); that is, 29.16 car bays (74.7 square metres of public floor area for eating house at No. 566 and 31.4 square metres of queuing area for Take Away Food Outlet at No. 568) x 0.765 = 22.31 car bays, plus 4 car bays on-site. Therefore, 26.31 car bays is the approved on-site parking shortfall.</i>	26.31
<i>Resultant Shortfall</i>	7.175 car bays
<i>Bicycle Parking</i>	
<i>N/A</i>	<i>Noted</i>

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

COMMENTS:

In light of the above and the proposed alterations and additions will improve the streetscape along Clarence Street, the proposal is recommended for approval.”

10.1.3 No. 341 (Lot 3) Lord Street, Highgate - Proposed Demolition of Existing Single House - Reconsideration of Condition

Ward:	South	Date:	21 June 2006
Precinct:	Forrest; P14	File Ref:	PRO3172 5.2006.296.1
Attachments:	001 002		
Reporting Officer(s):	S Kendall, T Woodhouse		
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 the owner Orchard Holdings for proposed Demolition of Existing Single House at No. 341 (Lot 3) Lord Street, Highgate, and as shown on plans stamp-dated 3 May 2005, subject to the following conditions:

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

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted subject to the existing recommendation being renumbered to clause (ii)(a) to (e) and a new clause (i) being added as follows:

- “(i) the Council NOTES the development proposal for the site was lodged with the Town on 6 June 2006, subsequent presentation of the development proposal at a Forum on 16 May 2006; and”*

Debate ensued.

CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.3

That;

- (i) *the Council NOTES the development proposal for the site was lodged with the Town on 6 June 2006, subsequent presentation of the development proposal at a Forum on 16 May 2006; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner Orchard Holdings for proposed Demolition of Existing Single House at No. 341 (Lot 3) Lord Street, Highgate, and as shown on plans stamp-dated 3 May 2005, subject to the following conditions:*
 - (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (c) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
 - (d) *demolition of the existing dwelling will make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwelling valued by the community; and*
 - (e) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies.*

Landowner:	Orchard Holdings
Applicant:	K R Anderson
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:	830 square metres
Access to Right of Way	N/A

BACKGROUND:

28 June 2005

The Council at its Ordinary Meeting resolved to conditionally approve the proposed Demolition of the Existing Single House at No.341 Lord Street, Highgate. At this time, the Council also conditionally approved the demolition of the dwellings at Nos. 339 and 343 Lord Street, Highgate, which are adjacent to the subject property.

DETAILS:

The proposal involves the reconsideration of condition (iii) of the application approved at the Ordinary Meeting of Council held on 28 June 2005 for demolition of existing single house at No. 341 Lord Street, Highgate. The standard condition (iii) states:

"(iii) a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence."

In March 2006, the subject dwelling and the dwellings at Nos.339 and 343 Lord Street were sold and their Certificate of Titles transferred to Orchard Holdings. On 24 March 2006, the new owners/applicants submitted a Demolition Licence Application to the Town for the above site and for the dwellings at Nos.339 and 343 Lord Street, Highgate. The Town's Building Services sent a letter dated 27 March 2006, to the owners and Civil & Demo Pty Ltd informing them that a Demolition Licence could not be obtained until condition three (as above) of the planning approval for the demolition of all three dwellings dated 14 July 2005, had been met. In response to this, the applicants wrote to the Town on the 13 April 2006 and advised that the subject buildings had been 90 per cent demolished and requested that the condition, that requires a redevelopment proposal to be approved by the Town, be waived.

A planning application for the reconsideration of the condition (iii) was received by the Town on 1 June 2006. Attached to this letter, the applicants included images of the dwelling, showing the extent of the demolition and a letter from architects Lawrence J. Scanlan & Associates, which recommended that *'due to a combination of their age, the dilapidation caused during the last few years... and the beginning of a demolition/stripping process the buildings have now been rendered unsuitable and present a possible dangerous environment.'* This documentation is included as an attachment to this report.

It is to be noted that two other applications for the reconsideration of a similar condition (iii) for Nos.339 and 343 Lord Street have also been submitted to the Town and are being presented as part of this Agenda.

As the identical plans are being considered as part of this application, the following is a verbatim copy of the Item (10.1.18) considered by the Council at its Ordinary Meeting held on 28 June 2005:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner R Sanges for proposed Demolition of Existing Single House, at No. 341 (Lot 3) Lord Street, Perth, and as shown on plans stamp-dated 3 May 2005, 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) *a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (iv) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (v) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*
- (vi) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Planning Scheme No.1 and associated Policies.*

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted with the following amendment:

"Amend clause (v) of the previous recommendation, as follows:

- (v) *demolition of the existing dwelling ~~may~~ will make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and"*

Debate ensued.

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

COUNCIL DECISION ITEM 10.1.18

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner R Sanges for proposed Demolition of Existing Single House, at No. 341 (Lot 3) Lord Street, Perth, and as shown on plans stamp-dated 3 May 2005, 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) *a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (iv) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*

- (v) *demolition of the existing dwelling will make the property ineligible for any development bonuses under the provisions of the Town of Vincent Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*
- (vi) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Planning Scheme No.1 and associated Policies.*

<i>Landowner:</i>	<i>R Sanges</i>
<i>Applicant:</i>	<i>R Sanges</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>830 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 the demolition of the existing dwelling.

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Consultation Submissions</i>			
<i>No advertising was required for this application</i>			
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>

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

COMMENTS:

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

The subject place is likely to have been constructed c1920 and represents part of the Inter-War building stock constructed along Lord Street, formally known as Old Guildford Road, Highgate. The dwelling is single storey, brick and tile in which alterations have been made to the front and rear of the dwelling. The place is not rare and is considered to be of little aesthetic, historic, scientific or social value.

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

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

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			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The applicant has requested that condition (iii), relating to the requirement for a redevelopment proposal to be removed by the Town prior to the issue of a Demolition Licence, as some demolition/stripping works have already been undertaken, which they consider presents a possible dangerous environment.

The Town's Heritage Officers visited the subject site on 13 June 2006 to confirm the extent of the demolition works. It appears that there has been minimal demolition/stripping work to the dwelling at No.341 Lord Street. However, to the rear of this dwelling there is a remnant skeleton of a large shed with various portions of cladding loosely attached. The front and backyard of the subject place is littered with remnant building materials, as viewed from the vacant property at No.337 Lord Street.

The building in its current state and its location on a busy main road are attractive to vagrants and vandals. This statement can be validated as the Officers saw evidence of vagrant activity on their visit to the site. In addition to this, graffiti has been sprayed over the front facade of the subject place since the Town's Officers first visual inspection on 13 June 2006.

It is to be noted that the applicant has submitted a redevelopment proposal, which incorporates the subject place, Nos.337, 339 and 343 Lord Street. This application was received by the Town on 6 June 2006.

Condition (iii) is a standard condition, as per Clause 41 of the Town Planning Scheme No.1, which is applied to the approval of all demolition within the Town and is intended to stop parcels of land being left vacant and enables opportunity for the dwelling to be retained. Whilst the request to remove the condition is not generally granted, it is considered, that in this instance as the dwelling has the potential to encourage anti-social behaviour and as a redevelopment proposal is currently lodged with the Town that the condition should be removed, as reflected in the Officer Recommendation.

10.1.4 No. 343 (Lot 2) Lord Street, Highgate - Proposed Demolition of Existing Single House - Reconsideration of Condition

Ward:	South	Date:	21 June 2006
Precinct:	Forrest; P14	File Ref:	PRO3175 5.2006.261.1
Attachments:	001 002		
Reporting Officer(s):	S Kendall, T Woodhouse		
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 the owner Orchard Holdings for proposed Demolition of Existing Single House, at No. 343 (Lot 2) Lord Street, Highgate, and as shown on plans stamp-dated 4 May 2005, subject to the following conditions:

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

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted subject to the existing recommendation being renumbered to clause (ii)(a) to (e) and a new clause (i) being added as follows:

- “(i) the Council NOTES the development proposal for the site was lodged with the Town on 6 June 2006, subsequent presentation of the development proposal at a Forum on 16 May 2006; and”*

CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.4

That;

- (i) *the Council NOTES the development proposal for the site was lodged with the Town on 6 June 2006, subsequent presentation of the development proposal at a Forum on 16 May 2006; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner Orchard Holdings for proposed Demolition of Existing Single House, at No. 343 (Lot 2) Lord Street, Highgate, and as shown on plans stamp-dated 4 May 2005, subject to the following conditions:*
 - (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (c) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
 - (d) *demolition of the existing dwelling will make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwelling valued by the community; and*
 - (e) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No.1 and associated Policies.*

Landowner:	Orchard Holdings
Applicant:	K R Anderson
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:	835 square metres
Access to Right of Way	N/A

BACKGROUND:

28 June 2005

The Council at its Ordinary Meeting resolved to conditionally approve the proposed Demolition of the Existing Single Houses at No. 343 Lord Street, Highgate. At this time the Council also conditionally approved the demolition of the dwellings at Nos. 339 and 341 Lord Street, Highgate, which are adjacent to the subject property.

DETAILS:

The proposal involves the reconsideration of condition (iii) of the application approved at the Ordinary Meeting of Council held on 28 June 2005 for demolition of existing single house at No. 343 Lord Street, Highgate. The standard condition (iii) states:

"(iii) a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence."

In March 2006, the subject dwelling and the dwellings at Nos.339 and 341 Lord Street were sold and their Certificate of Titles transferred to Orchard Holdings. On 24 March 2006, the new owners/applicants submitted a Demolition Licence Application to the Town for the above site and for the dwellings at Nos.339 and 341 Lord Street, Highgate. The Town's Building Services sent a letter dated 27 March 2006, to the owners and Civil & Demo Pty Ltd informing them that a demolition licence could not be obtained until condition three (as above) of the planning approval for the demolition of all three dwellings dated 14 July 2005, had been met. In response to this, the applicants wrote to the Town on the 13 April 2006 and advised that the subject buildings had been 90 per cent demolished and requested that the condition, that requires a redevelopment proposal to be approved by the Town, be waived.

A planning application for the reconsideration of the condition (iii) was received by the Town on 1 June 2006. Attached to this letter the applicants included images of the dwelling, showing the extent of the demolition and a letter from architects Lawrence J. Scanlan & Associates, which recommended that *'due to a combination of their age, the dilapidation caused during the last few years... and the beginning of a demolition/stripping process the buildings have now been rendered unsuitable and present a possible dangerous environment.'* This documentation is included as an attachment to this report.

It is to be noted that two other applications for the reconsideration of a similar condition (iii) for Nos.339 and 341 Lord Street have also been submitted to the Town and are being presented as separate items as part of this Agenda.

As the identical plans are being considered as part of this application, the following is a verbatim copy of the Item (10.1.19) considered by the Council at its Ordinary Meeting held on 28 June 2005:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner J Constantine for proposed Demolition of Existing Single House, at No. 343 (Lot 2) Lord Street, Perth, and as shown on plans stamp-dated 5 May 2005, 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) a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*

- (iv) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (v) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*
- (vi) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Planning Scheme No.1 and associated Policies.*

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted with the following amendment:

Amend clause (v) of the previous recommendation, as follows:

- "(v) *demolition of the existing dwelling ~~may~~ will make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and"*

CARRIED (8-0)

(Cr Doran-Wu was an apology.)

COUNCIL DECISION ITEM 10.1.19

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner J Constantine for proposed Demolition of Existing Single House, at No. 343 (Lot 2) Lord Street, Perth, and as shown on plans stamp-dated 5 May 2005, 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) *a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
- (iv) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (v) *demolition of the existing dwelling will make the property ineligible for any development bonuses under the provisions of the Town of Vincent Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*

- (vi) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Planning Scheme No.1 and associated Policies.*

<i>Landowner:</i>	<i>J Constantine</i>
<i>Applicant:</i>	<i>J Constantine</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>835 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 the demolition of the existing dwelling.

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Consultation Submissions</i>			
<i>No advertising was required for this application</i>			
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>

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

COMMENTS:

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

The subject place is likely to have been constructed circa 1919 and represents part of the Inter-War building stock constructed along Lord Street, formally known as Old Guilford Road, Highgate. The dwelling is single storey, brick, iron and weatherboard in which alterations have been made to the front and rear of the dwelling. The place is not rare and is considered to be of little aesthetic, historic, scientific or social value.

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

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

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			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy	TPS 1 and associated Policies.		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		

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

COMMENTS:

The applicant has requested that condition (iii), relating to the requirement for a redevelopment proposal to be removed by the Town prior to the issue of a Demolition Licence, as some demolition/stripping works have already been undertaken, which they consider presents a possible dangerous environment.

The Town's Heritage Officers visited the subject site on 13 June 2006 to confirm the extent of the demolition works. The dwelling at No.343 Lord Street does not appear to have been largely impacted on, however sections of roof and wall cladding are hanging loosely in places. The front and backyard of the subject place is littered with remnant building materials, as viewed from the vacant property at No.337 Lord Street.

The building in its current state and its location on a busy main road are attractive to vagrants and vandals. This statement can be validated as the Officers saw evidence of vagrant activity on their visit to the site. In addition to this, graffiti has been sprayed over front façade of the subject dwelling since the Town's Officers first visual inspection on 13 June 2006.

It is to be noted that the applicant has submitted a redevelopment proposal, which incorporates the subject place, Nos.337, 339 and 343 Lord Street. This application was received by the Town on 6 June 2006.

Condition (iii) is a standard condition, as per Clause 41 of the Town Planning Scheme No.1, which is applied to the approval of all demolition within the Town and is intended to stop parcels of land being left vacant and enables opportunity for the dwelling to be retained. Whilst the request to remove the condition is not generally granted, it is considered, that in this instance as the dwelling has the potential to encourage anti-social behaviour and as a redevelopment proposal is currently lodged with the Town that the condition should be removed, as reflected in the Officer Recommendation.

10.1.5 No. 339 (Lot 4) Lord Street, Highgate - Proposed Demolition of Existing Single House - Reconsideration of Condition

Ward:	South	Date:	21 June 2006
Precinct:	Forrest; P14	File Ref:	PRO3171 5.2006.297.1
Attachments:	001 002		
Reporting Officer(s):	S Kendall, T Woodhouse		
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 the owner Orchard Holdings for proposed Demolition of Existing Single Houses, at No. 339 (Lot 4) Lord Street, Highgate, and as shown on plans stamp-dated 3 May 2005, subject to the following conditions:

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

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted subject to the existing recommendation being renumbered to clause (ii)(a) to (e) and a new clause (i) being added as follows:

- “(i) the Council NOTES the development proposal for the site was lodged with the Town on 6 June 2006, subsequent presentation of the development proposal at a Forum on 16 May 2006; and”*

CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.5

That;

- (i) *the Council NOTES the development proposal for the site was lodged with the Town on 6 June 2006, subsequent presentation of the development proposal at a Forum on 16 May 2006; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner Orchard Holdings for proposed Demolition of Existing Single Houses, at No. 339 (Lot 4) Lord Street, Highgate, and as shown on plans stamp-dated 3 May 2005, subject to the following conditions:*
 - (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (c) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property*
 - (d) *demolition of the existing dwelling will make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwelling valued by the community; and*
 - (e) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies.*

Landowner:	Orchard Holdings
Applicant:	K R Anderson
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:	825 square metres
Access to Right of Way	N/A

BACKGROUND:

28 June 2005

The Council at its Ordinary Meeting resolved to conditionally approve the proposed Demolition of the Existing Single House at No.339 Lord Street, Highgate. At this time the Council also conditionally approved the demolition of the dwellings at Nos. 341 and 343 Lord Street, Highgate, which are adjacent to the subject property.

DETAILS:

The proposal involves the reconsideration of condition (iii) of the application approved at the Ordinary Meeting of Council held on 28 June 2005 for demolition of existing single house at No. 393 Lord Street, Highgate. The standard condition (iii) states:

"(iii) a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence."

In March 2006, the subject dwelling and the dwellings at Nos.341 and 343 Lord Street were sold and their Certificate of Titles transferred to Orchard Holdings. On 24 March 2006, the new owners/applicants submitted a Demolition Licence Application to the Town for the above site and for the dwellings at Nos.341 and 343 Lord Street, Highgate. The Town's Building Services sent a letter dated 27 March 2006, to the owners and Civil & Demo Pty Ltd informing them that a demolition licence could not be obtained until condition three (as above) of the planning approval for the demolition of all three dwellings dated 14 July 2005, had been met. In response to this, the applicants wrote to the Town on the 13 April 2006 and advised that the subject buildings had been 90 per cent demolished and requested that the condition, that requires a redevelopment proposal to be approved by the Town, be waived.

A planning application for the reconsideration of the condition (iii) was received by the Town on 1 June 2006. Attached to this letter the applicants included images of the dwelling, showing the extent of the demolition and a letter from architects Lawrence J. Scanlan & Associates, which recommended that *'due to a combination of their age, the dilapidation caused during the last few years... and the beginning of a demolition/stripping process the buildings have now been rendered unsuitable and present a possible dangerous environment.'* This documentation is included as an attachment to this report.

It is to be noted that two other applications for the reconsideration of a similar condition (iii) for Nos.341 and 343 Lord Street have also been submitted to the Town and are being presented as part of this Agenda.

As the identical plans are being considered as part of this application, the following is a verbatim copy of the Item (10.1.17) considered by the Council at its Ordinary Meeting held on 28 June 2005:

"OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner R Sanges for proposed Demolition of Existing Single House, at No. 339 (Lot 4) Lord Street, Perth, and as shown on plans stamp-dated 3 May 2005, 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) a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*

- (iv) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
 - (v) *demolition of the existing dwelling may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*
 - (vi) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Planning Scheme No.1 and associated Policies.*
-

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted with the following amendment:

Amend clause (v) of the previous recommendation, as follows:

"(v) demolition of the existing dwelling ~~may~~ will make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and"

Debate ensued.

MOTION CARRIED (7-0)

(Cr Torre was absent from the Chamber. Cr Doran-Wu was an apology.)

Cr Torre returned to the Chamber at 9.52pm.

COUNCIL DECISION ITEM 10.1.17

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner R Sanges for proposed Demolition of Existing Single House, at No. 339 (Lot 4) Lord Street, Perth, and as shown on plans stamp-dated 3 May 2005, 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) *a redevelopment proposal for the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*

- (iv) *support of the demolition application is not to be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property;*
- (v) *demolition of the existing dwelling will make the property ineligible for any development bonuses under the provisions of the Town of Vincent Planning Scheme No. 1 and associated Policies for the retention of existing dwellings valued by the community; and*
- (vi) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Planning Scheme No.1 and associated Policies.*

<i>Landowner:</i>	<i>R Sanges</i>
<i>Applicant:</i>	<i>R Sanges</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>825 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 the demolition of the existing dwelling.

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>
<i>Consultation Submissions</i>			
<i>No advertising was required for this application</i>			
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>

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

COMMENTS:

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

The subject place is likely to have been constructed circa 1920 and represents part of the Inter-War building stock constructed along Lord Street formally known as Old Guildford Road, Highgate. The dwelling is single storey, brick and tile in which alterations have been made to the front and the rear of the dwelling. The place is not rare and is considered to be of little aesthetic, historic, scientific or social value.

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

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

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			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The applicant has requested that condition (iii), relating to the requirement for a redevelopment proposal to be removed by the Town prior to the issue of a Demolition Licence, as some demolition/stripping works have already been undertaken, which they consider presents a possible dangerous environment.

The Town's Heritage Officers visited the subject site on 13 June 2006 to confirm the extent of the demolition works. Whilst the Officer's did not enter the site, it was evident from the street that some demolition/stripping works commenced on the dwelling at No.339 Lord Street. The works involved the removal of the verandah covering. The front and rear garden is littered with wasted building materials, parts of the roof support and electricity cables are hanging freely in mid-air and there are loose, broken tiles piled on the roof.

The building in its current state and its location on a busy main road is attractive to vagrants and vandals. This statement can be validated as the Officers saw evidence of vagrant activity on their visit to the site. In addition to this, graffiti has been sprayed over the place's façade since the Town's Officers first visual inspection on 13 June 2006.

It is to be noted that the applicant has submitted a redevelopment proposal, which incorporates the subject place, Nos.337, 339 and 343 Lord Street. This application was received by the Town on 6 June 2006.

Condition (iii) is a standard condition, as per Clause 41 of the Town Planning Scheme No.1, which is applied to the approval of all demolition within the Town and is intended to stop parcels of land being left vacant and enables opportunity for the dwelling to be retained. Whilst the request to remove the condition is not generally granted, it is considered, that in this instance as the dwelling has the potential to encourage anti-social behaviour and as a redevelopment proposal is currently lodged with the Town that the condition should be removed, as reflected in the Officer Recommendation.

10.1.7 No. 20A (Lot 300 D/P: 45142) Lynton Street, Mount Hawthorn - Proposed Two-Storey Single House

Ward:	North	Date:	20 June 2006
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3402; 5.2005.3315.1
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 D Temov Arcus Developments on behalf of the owner P A & J M Bradshaw for proposed Two-Storey Single House, at No. 20A (Lot 300 D/P: 45142) Lynton Street, Mount Hawthorn, and as shown on plans stamp-dated 22 May 2006, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *any new street/front wall, fence and gate between the Lynton Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) *first obtaining the consent of the owners of No 20 Lynton Street and No. 22 Lynton 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. 20 and No. 22 Lynton Street in a good and clean condition;*

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

(a) *the maximum width of the carport being 5.4 metres; and*

(b) *the maximum width of the driveway shall be 5 metres or 47 per cent of the property frontage.*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes or the Towns Policies;

(v) *the removal of any asbestos shall be in accordance with the Health (Asbestos) Regulations 1992; and*

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

COUNCIL DECISION ITEM 10.1.7

Moved Cr Maier, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

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

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

(a) *the maximum width of the carport being 5.4 metres; and*

(b) *the maximum width of the driveway shall be 5 metres or 47 per cent of the property frontage- and the maximum width of the crossover shall be 4.22 metres or 40 per cent of the frontage of the property.*

The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes or the Towns Policies;"

Debate ensued.

AMENDMENT LOST (2-6)

For

Cr Lake
Cr Maier

Against

Mayor Catania
Cr Chester
Cr Doran-Wu
Cr Farrell
Cr Ker
Cr Messina

(Cr Torre was an apology.)

MOTION CARRIED (7-1)

For
Mayor Catania
Cr Doran-Wu
Cr Farrell
Cr Ker
Cr Lake
Cr Maier
Cr Messina

Against
Cr Chester

(Cr Torre was an apology.)

Landowner:	P A & JA M Bradshaw
Applicant:	D Temov Arcus Developments
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	658 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Setbacks: Ground Floor- North	1.5 metres	Nil - 1 metres - 1.5 metres	Supported - as it is not considered to have an undue impact on affected neighbour and affected neighbour has stated no objection.
South Upper Floor- West	1.5 metres 6 metres	Nil - 1.6 metres - 3.5 metres 5 metres (balcony) 6.5 metres (main dwelling)	Supported - as above. Supported - as it is not considered to have an undue impact on the streetscape or surrounding amenity.

North	1.8 metres	1.5 metres - 4 metres	Supported - as it is not considered to have an undue impact on affected neighbour and affected neighbour has stated no objection.
South	1.6 metres	1.5 metres	Supported - as above.
Carport- West	1 metre	Nil	Supported - as it is not considered to have an undue impact on the streetscape or surrounding amenity.
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.	3 buildings on boundary: West - Carport - compliant in terms of height and length. North - Carport - compliant in terms of height and length. South - Entertainment - compliant in terms of height and length.	Supported - as it is not considered to have an undue impact on the streetscape or surrounding amenity and building on boundary is compliant in terms of height and length. Supported - as it is not considered to have an undue impact on affected neighbour. The affected neighbour has signed stating no objection and building on boundary is compliant in terms of height and length. Supported - as it is not considered to have an undue impact on affected neighbour. The affected neighbour has stated no objection and boundary wall is compliant in terms of height and length.
Carport	Width of carport is not to exceed 50 per cent of the frontage at the building line.	63 per cent.	Supported - addressed in condition (iv)(a) of the 'Officer Recommendation'.
Vehicular Access	Driveways are not to occupy more than 40 per cent of the frontage of a property.	50 percent.	Supported - addressed in condition (iv)(b) of the 'Officer Recommendation' and refer to 'Comments'.

Consultation Submissions		
Support (2)	<ul style="list-style-type: none"> No objection provided that the south entertainment boundary wall is left in a finished state and aesthetically compliments future fencing and structures. 	Noted - addressed in condition (iii) of the Officer Recommendation; however dividing fences are a civil matter and not a major planning consideration.
	<ul style="list-style-type: none"> No objection provided the driveway does not occupy more than 47 per cent of the frontage of the property. 	Supported - addressed in the 'Officer Recommendation' and refer to 'Comments'.
	<ul style="list-style-type: none"> The balcony will add appeal, character and value to the house. 	Noted.
	<ul style="list-style-type: none"> No objection; however want to ensure that the removal of asbestos fencing for boundary walls is removed appropriately. 	Noted - addressed in condition (v) of the 'Officer Recommendation' and will be further addressed at the Building Licence stage.
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:

Vehicular Access - Driveway

The driveway has been conditioned to be a maximum of 5 metres wide so the driveway occupies 47 per cent of the frontage of the property. This is considered acceptable as the driveway will not have an undue impact on the streetscape or amenity. Furthermore, the two-storey single house proposed on the adjoining lot at No. 20 Lynton Street was recently conditionally approved by the Council at its Ordinary Meeting held on 26 March 2006, allowing a driveway occupying 47 per cent of the property frontage. In light of this, the driveway is considered to be in keeping with the streetscape.

Asbestos Fence Removal

The removal of the asbestos fence has been addressed in condition (v) of the Officer Recommendation. The guidelines for the removal of the asbestos have been included in the Town's Environmental Health Requirements which will form an attachment to the development approval, should the Council grant conditional approval to the subject application.

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

10.1.8 No. 2 (Lot 17 D/P: 1149) Scott Street, Leederville - Proposed Additional Two (2) Storey Single House to Existing Single House

Ward:	North	Date:	20 June 2006
Precinct:	Leederville; P03	File Ref:	PRO3510; 5.2006.118.1
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 M Flynn on behalf of the owners M & M Flynn for proposed Additional Two (2) Storey Single House to Existing Single House, at No. 2 (Lot 17 D/P: 1149) Scott Street, Leederville, and as shown on plans stamp-dated 25 May 2006, subject to the following conditions:

- (i) *any new street/front wall, fence and gate between the Scott Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; 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) *first obtaining the consent of the owners of No. 74 Richmond 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. 74 Richmond Street in a good and clean condition;*
- (iii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*

- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the boundary wall on the southern property boundary being a maximum of 3 metres high above natural ground level. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes or the Town's Policies; and*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the windows to Bedroom 2 on the northern elevation on the upper floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished ground/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 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 window not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED (7-1)

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

(Cr Torre was an apology.)

ADDITIONAL INFORMATION:

On further assessment by the Town's Officers, the overshadowing for the proposed development at No. 2 (Lot 17) Scott Street, Leederville is 6.5 per cent of No. 72 (Lot 12) Richmond Street and 6 per cent of No. 74 (Lot 11) Richmond Street. This is under the 35 per cent overshadowing requirement of the Residential Design Codes. A plan demonstrating the new calculation has been attached for the Council's information.

Landowner:	M & M Flynn
Applicant:	M Flynn
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	617 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves additional two (2) storey single house 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
<u>Setbacks:</u> Ground Floor- North -Sitting/ Dining	1.5 metres	1.22 metres	Supported - as the variation is considered minor and not have an undue impact on affected neighbour. No objection was received by the affected neighbour.
South	1.5 metres	Nil - 1.2 metres	Supported - as the height of boundary wall is addressed in condition (iv) of the 'Officer Recommendation' to be compliant with the Residential Design Codes (R Codes) in terms of height and length and is not considered to have an undue impact on affected neighbour.

West -Store	1 metre	Nil	Supported - as the setback is to an internal boundary wall and is not considered to have an undue impact on affected neighbour.
Upper Floor North -Bedroom 2 & 3	2.7 metres	1.22 metres - 2.8 metres - 4 metres	Supported - as the setback variation is not considered to have an undue impact on affected neighbour. No objection was received from the affected neighbour.
East	2.5 metres	2.27 metres	Supported - as above.
South	2 metres	1.2 metres	Supported - as the variation is not considered to have an undue impact on affected neighbour.
West - Bedroom 5	1.2 metres	Nil	Supported - as the setback is to an internal boundary and is not considered to have an undue impact on affected neighbour.
<u>Buildings on boundaries:</u> West	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the boundary behind the front setback, to one side boundary.	Two Boundary Walls West - 5.5 metres high	Supported - as boundary wall is on an internal boundary and is not considered to have an undue impact on affected neighbour.
South	As above.	South - 3.1 metres high	Not supported - and is addressed in condition (iv) of the 'Officer Recommendation' to be compliant in terms of height and length with the boundary wall requirements of the R Codes.

<u>Privacy:</u> North -Bedroom 2	4.5 metres	4.28 metres to northern boundary.	Not supported - as has been addressed in condition (v) of the 'Officer Recommendation'.
Consultation Submissions			
Support	Nil		Noted
Objection (2)	<ul style="list-style-type: none"> • Setbacks 		Not supported - and is addressed in the 'Assessment Table'.
	<ul style="list-style-type: none"> • Building on Boundary 		Supported - and this has been addressed in condition (iv) of the 'Officer Recommendation'.
	<ul style="list-style-type: none"> • Privacy 		Supported - and this has been addressed in condition (v) of the 'Officer Recommendation'.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

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

10.1.9 No. 38 (Lot: 25 D/P: 33991 & Lot: 26 D/P: 33991) Forrest Street, Mount Lawley- Proposed Demolition of Existing Single House and Construction of a Two (2) Storey Single House

Ward:	South	Date:	20 June 2006
Precinct:	Norfolk; P10	File Ref:	PRO3506 5.2006.111.1
Attachments:	001		
Reporting Officer(s):	J Barton; S Kendall		
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 Carissa Pty Ltd on behalf of the owner M Truong & T T Pham for proposed Demolition of Existing Single House and Construction of a Two (2) Storey Single House, at No. 38 (Lot: 25 D/P: 33991) Forrest Street, Mount Lawley, and as shown on plans stamp-dated 14 March 2006 and 17 May 2006, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) first obtaining the consent of the owners of No 36 (Lot 27) Forrest Street, Mount Lawley for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing east where applicable in a good and clean condition;*
- (iv) any new street/front wall, fence and gate between the Forrest Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*

- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (v) *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;*
- (vi) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the balcony 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, within a 7.5 metre cone of vision to the adjoining property, behind the adjoining ~~properties~~ property's 4 metre front setback line. A permanent obscure material does not include a self adhesive material or other material that is easily removed; and*
- (vii) *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).*

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

Moved Cr Farrell, **Seconded** Cr Ker

That the recommendation be adopted.

Debate ensued.

CARRIED (6-2)

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

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.9

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Carissa Pty Ltd on behalf of the owner M Truong & T T Pham for proposed Demolition of Existing Single House and Construction of a Two (2) Storey Single House, at No. 38 (Lot: 25 D/P: 33991) Forrest Street, Mount Lawley, and as shown on plans stamp-dated 14 March 2006 and 17 May 2006, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) first obtaining the consent of the owners of No 36 (Lot 27) Forrest Street, Mount Lawley for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing east where applicable in a good and clean condition;*
- (iv) any new street/front wall, fence and gate between the Forrest Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (v) 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;*

- (vi) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the balcony 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, within a 7.5 metre cone of vision to the adjoining property, behind the adjoining property's 4 metre front setback line. A permanent obscure material does not include a self adhesive material or other material that is easily removed; and*
- (vii) *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).*

Landowner:	M Truong & T T Pham
Applicant:	Carissa Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	672 square metres
Access to Right of Way	N/A

BACKGROUND:

25 January 2006 The Western Australian Planning Commission (WAPC) issued conditional approval to amalgamate the two lots lot and re-subdivide the site into two survey strata lots into a battleaxe configuration (WAPC Ref: 1328-05).

DETAILS:

The proposal involves the proposed demolition of the existing Single House and construction of a two-storey Single House.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2 dwellings R40	2 dwellings R40	See above comments in the "Background" section regarding the proposed subdivision.
Plot Ratio	N/A	N/A	Noted.

Building Height	6 metres to eaves	6.5 metres due to gable end	Supported- the gable end abuts the proposed 4 metre wide accessway and, therefore, does not impact on the amenity of the adjoining property. The overall building height is less than 9 metres.
Setbacks <u>Upper Floor</u> Front Western side Eastern side	 6 metres 4.5 metres 2.1 metres	 5 metres 4 metres 1.08 metres to 1.5 metres	Supported- the setback variations are considered minor as they do not create a significant undue impact on the amenity of the adjoining properties, or the streetscape, in terms of overshadowing, overlooking or significant bulk and scale. Furthermore, no objections were received and the front elevation is well articulated and only a small portions protrudes forward to 5 metres.
Boundary Walls	One boundary wall is permitted, 2/3 length of the common boundary, with a maximum height of 3.5 metres and an average height of 3 metres.	Two boundary walls are proposed. The eastern wall closest to the street is 5.86 metres in height.	Supported- although one of the boundary walls is considered bulky, the walls do not overshadow the adjoining property and the adjoining neighbours do not object to the proposed boundary walls.
Consultation Submissions			
Support	None		Noted
Objection	None		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.

* 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.

HERITAGE COMMENTS:

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

The subject brick and tile two-storey dwelling at No.38 Forrest Street, Mount Lawley was constructed in 1917. It is considered that the dwelling was originally constructed in the Bungalow style and then later altered to reflect the Inter-war Old English style of architecture. The dwelling was further modified after the Second World War in order to accommodate multiple tenancies in response to a population boom in Perth, which resulted in a shortage of housing and a lack of readily available building materials.

Much of the place's original detail, with the exception of the front two western rooms has been removed and the original floor plan has been severely modified to accommodate multiple tenancies. Internal walls have been removed and additional kitchen and bathroom areas have been added in an unsympathetic manner.

The place is considered to have little historic, aesthetic, social or scientific value. Whilst story of the place's evolution, adapting to accommodate multiple tenancies in response to housing demands is of interest, it is not considered to warrant the retention of the place. The place has some representative and rarity value as it reflects many characteristics of the Old English style of architecture.

Overall, it is considered that the place does not meet the minimum criteria of cultural heritage significance for entry into the Town of Vincent Municipal Heritage Inventory. As such, it is considered reasonable that the application for the demolition of the subject dwelling be approved, subject to a quality archival record and other standard conditions.

COMMENTS:

In light of the above, and given that the WAPC have issued conditional approval for the proposed two lot subdivision, the proposal is not considered to have an undue impact on the streetscape or amenity of the area generally and approval is recommended in this instance, subject to standard and appropriate conditions.

Mayor Catania advised that himself, Crs Chester, Ker, Lake and Maier had declared a financial interest in Items 10.1.14 and 10.1.15. Mayor Catania, Crs Chester and Ker had Ministerial approval to participate in debate and vote. In addition, Mayor Catania had Ministerial approval to preside at meetings. Crs Lake and Maier had Council approval to remain in the Chamber during discussion and debate but not to vote on the matter.

10.1.14 Amendment No. 36 to Planning and Building Policies Relating to Heritage Management - Development Guidelines

Ward:	Both	Date:	2 June 2006
Precinct:	All	File Ref:	PLA 0161
Attachments:	001		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final amended version of the Policy relating to Heritage Management - Development Guidelines, (MHI) as shown in Attachment, 10.1.21, resulting from the advertised version having been reviewed during the formal advertising period, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final amended version of the Policy relating to Heritage Management - Development Guidelines, as shown in Attachments 10.1.21, 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 amended version of the adopted Policy relating to Heritage Management - Development Guidelines, as shown in Attachment 10.1.21, in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.*

COUNCIL DECISION ITEM 10.1.14

Moved Cr Messina, Seconded Cr Ker

That the recommendation be adopted.

The Mayor asked Crs Lake and Maier to leave the Chamber as they did not have Council approval to vote. Crs Lake and Maier departed the Chamber at 7.19pm.

CARRIED (6-0)

(Cr Torre was an apology. Crs Lake and Maier were absent from the Chamber and did not vote.)

Crs Lake and Maier returned to the Chamber at 7.20pm.

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the final amended version of the Policy relating to *Heritage Management - Development Guidelines*, and seek final adoption.

BACKGROUND:

This Item was to be considered at the Ordinary Meeting of Council held on 13 June 2006, however, due to the lateness of the hour the Item was not considered or determined and was deferred to the Special Meeting of Council to be held on 20 June 2006.

At the Special Meeting of Council held on 20 June 2006 Crs Lake and Maier declared a financial interest in this Item. The Council resolved as follows:

“That the matter “LIE ON THE TABLE” as there would not be a quorum if Crs Lake and Maier could not vote on the Item.”

The Council at its Ordinary Meeting held on 28 March 2006 resolved the following:

That the Council;

- (i) RECEIVES the Amended Policy No. 3.6.1 relating to Heritage Management - Development Guidelines, as shown in Attachment 10.1.15;*
- (ii) ADOPTS the Amended Policy No.3.6.1 relating to Heritage Management - Development Guidelines in the interim until the formal adoption of the Amended Policy, subject to the Policy being amended as follows:*
 - (a) clause 3 (i) be amended to read as follows:*

"i) A Conservation Essential

This category applies to places with the highest possible heritage significance within the Town of Vincent. Places that are on the State Register of Heritage Places will always fall into this category. There are also places that meet this category that are of very high significance to the Town of Vincent but would not necessarily be suitable for inclusion on the State Register.

If a place falls into this category the following procedures apply:

- A Conservation Plan and/or Heritage Impact Statement is to be prepared in the event of a planning application to guide the decision making on the future conservation and development of the place.*
- The Conservation Plan and/or the Heritage Impact Statement is to be prepared by a suitable professional with demonstrated qualifications and experience in the field of heritage conservation management.*
- The Conservation Plan is to be prepared independently at the owner/applicant's expense. Financial assistance maybe available to contribute to this expense under the Town's Heritage Grants Policy.*
- The Heritage Impact Statement will be prepared by the Town of Vincent's Officers at no expense to the owner/applicant.*
- The development proposal should be assessed with close regard for the Conservation Plan/Heritage Impact Statement, and the planning decision is to be consistent with the recommendations of the Conservation Plan/Heritage Impact Statement.*

- The planning decision is to be reflective of the Performance Criteria and Acceptable Development Guidelines provided in this Policy.
- *If the place is listed on the State Register of Heritage Places comments are to be sought from the Heritage Council of Western Australia before a decision is made on an application for development."*;

(b) clause 3 (ii) be amended to read as follows:

"ii) B Conservation Recommended

This category applies to places of clearly established cultural heritage significance to the Town of Vincent. In the event of planning application a Heritage Assessment and/or a Heritage Impact Statement is necessary so that it is very clear what sort of adaptation or redevelopment can take place without compromising the cultural significance of the place. The Heritage Assessment will identify the degree of change or adaptation that is possible and this will vary from place to place, depending on the nature of significance.

If a place falls into this category the following procedures apply:

- *A Heritage Assessment and/or Heritage Impact Statement is to be prepared in the event of a planning application, in which there is clear identification of zones and elements of significance, to determine the opportunities and constraints that are to apply to alteration, adaptation and/or demolition proposals.*
- The Heritage Assessment and/or Heritage Impact Statement will be prepared by the Town of Vincent's Officers at no expense to the owner/applicant.
- *The development proposal should be assessed with close regard for the Heritage Assessment and/or Heritage Impact Statement, and the planning decision is to be consistent with the recommendations of the Heritage Assessment and/or Heritage Impact Statement.*
- The planning decision is to be reflective of the Performance Criteria and Acceptable Development Guidelines provided in this Policy.
- *In the event that a planning application proposes the demolition of two or more heritage places the Town of Vincent may request that the Heritage Assessments and/or Heritage Impact Statements are to be conducted independently by heritage professionals recognised by the Heritage Council of Western Australia."*

- (c) *clause 4 (i) be amended to read as follows:*
- "4) *In the event of a development application involving demolition or partial demolition of a heritage listed place the following guidelines are to be applied:*
- i) *Total demolition of a place in Management Category A and Management Category B will normally be refused by Council except in extraordinary circumstances and where it can be proven that the building is demonstrably unsound. ~~due to fire damage or severe structural problems.~~ The Town of Vincent can at its discretion apply the Policy relating to Heritage Management - Interpretive Signage if deemed appropriate.*"
- (iii) *ADVERTISES the Amended Policy No.3.6.1 relating to Heritage Management - Development Guidelines 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 Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
- (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
- (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
- (a) *REVIEWS the Amended Policy No.3.6.1 relating to Heritage Management - Development Guidelines, having regard to any written submissions; and*
- (b) *DETERMINES the Amended Policy No.3.6.1 relating to Heritage Management - Development Guidelines with or without amendment, to or not to proceed with them.*

DETAILS:

The key objectives of the *Policy relating to Heritage Management - Development Guidelines:*

- 1) To recognise the Municipal Heritage Inventory (MHI) as the database of essential information regarding cultural heritage values, the recommended degree of protection and conservation management of the listed places;
- 2) To ensure that the Council is familiar with the procedures that apply to the identified Management Categories when considering and determining planning applications, particularly in regard to the impact of proposed developments on heritage places and their environs;
- 3) To conserve and enhance those places which contribute to the heritage of the Town in recognition of the distinctive contribution they make to the character of the Town of Vincent;
- 4) To ensure that the evolution of the Town of Vincent provides the means for a sustainable and innovative process towards integrating the old and the new; and
- 5) To complement Town of Vincent Policies relating to Residential Design Elements.

It is anticipated that this Policy will facilitate the Council in considering and determining planning applications for places identified as having cultural heritage significance. The Management Categories are designed to provide an effective method to guide proposed works to be conducted and to recommend the level of protection and conservation appropriate for heritage listed properties. It is to be noted that formal Heritage Assessments have not been completed on each of the properties listed and thus further assessment will usually be required, in the event of a planning application being received for a heritage listed place.

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. The subject Policy was advertised accordingly.

No submissions were received during the comment period.

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:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

During the consultation period a letter was received by the Chief Executive Officer from one of the Town's Elected Members outlining several concerns regarding the subject Policy - *Heritage Management - Development Guidelines*. The first concern raised in the letter was in relation to a lack of distinction between Management Category A - Conservation Essential and Management Category B - Conservation Recommended. With regard to this concern, a sentence has been inserted to Clause 3 of the Policy to qualify that the 'statement of significance' forms the basis to the allocation of a Management Category.

A second concern raised was in relation to the perceived costs incurred in relation to preparing Conservation Plans. A Conservation Plan is a detailed document, combining both the heritage significance of the place and recommended development policies. Done professionally with expert advice in the fields of architecture, history and heritage, Conservation Plans can range from \$1,500 to \$15,000 depending on the nature of the heritage place being assessed. Conservation Plans are usually only conducted on places of high cultural heritage value, usually reserved for those places listed on State Register of Heritage Places. In most instances, the preparation of a Conservation Plan is funded through grants from the Heritage Council of Western Australia. Considering these costs, the subject Policy has been amended accordingly, so that a Conservation Plan is only conducted on rare occasions at the Council's discretion and, in all other instances, Heritage Assessments and/or Heritage Impact Statements are conducted by the Town at no additional expense to the owner. These changes are outlined in Clause 3 (i) of the subject Policy.

A third concern was raised in relation to the wording of when Heritage Assessments, Heritage Impact Statements and Conservation Plans were to be prepared, and by whom. The Officers consider that this need not be altered in the Policy. In most instances, as the Policy outlines, the Officers will prepare the Heritage Assessments and/or Heritage Impact Statement. However, the Officers consider it important that this is left open to the option that on the rare occasion, it would be in the best interests of the owner of the heritage listed place and the Town that a Heritage Assessment, Heritage Impact Statement or, if the case may be, a Conservation Plan is prepared by external professionals.

A fourth concern was raised in relation to Clause 4 (i) of the subject Policy, in relation to approving demolition when a building is 'demonstrably unsound', noting that this may encourage 'demolition through neglect' or deliberate action. Clause 4 (i) of the subject Policy has been amended accordingly to address this concern.

Clause 6 of the subject Policy has been removed, on the recommendation that the information is adequately covered in *Heritage Policy No. 3.6.5 Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI)*.

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

10.1.15 Amendment No. 37 to Planning and Building Policies Relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI)

Ward:	Both	Date:	2 June 2006
Precinct:	All	File Ref:	PLA 0161
Attachments:	001		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	R Rasiah R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final amended version of the Policy relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI) as shown in Attachment, 10.1.22, resulting from the advertised version having been reviewed during the formal advertising period, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final amended version of the Policy relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI), as shown in Attachments 10.1.22, 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 amended version of the adopted Policy relating to Heritage Management - Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory (MHI), as shown in Attachment 10.1.22, in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.*

COUNCIL DECISION ITEM 10.1.15

Moved Cr Ker, Seconded Cr Farrell

That the recommendation be adopted.

The Mayor asked Crs Lake and Maier to leave the Chamber as they did not have Council approval to vote. Crs Lake and Maier departed the Chamber at 7.21pm.

CARRIED (6-0)

(Cr Torre was an apology. Crs Lake and Maier were absent from the Chamber and did not vote.)

Crs Lake and Maier returned to the Chamber at 7.22pm.

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the final amended version of the Policy relating to *Heritage Management -Adding/Deleting/Amending Places Listed on the Municipal Heritage Inventory*, and seek final adoption.

BACKGROUND:

This Item was to be considered at the Ordinary Meeting of Council held on 13 June 2006, however, due to the lateness of the hour the Item was not considered or determined and was deferred to the Special Meeting of Council to be held on 20 June 2006.

At the Special Meeting of Council held on 20 June 2006 Crs Lake and Maier declared a financial interest in this Item. The Council resolved as follows:

"That the matter "LIE ON THE TABLE" as there would not be a quorum if Crs Lake and Maier could not vote on the Item."

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 28 March 2006 resolved the following:

That the Council;

- (i) RECEIVES the Amended Policy No. 3.6.5 Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI), as shown in Attachment 10.1.16;*
- (ii) ADOPTS the Amended Policy No.3.6.5 relating to Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI), to be applied in the interim until the formal adoption of the Amended Policy, subject to the Policy being amended as follows;*
 - (a) clause 3 (ii) be amended to read as follows:*
 - "ii) Before resolving to adopt the recommendations of the Town of Vincent Officers to include place/s on the Municipal Heritage Inventory outlined in Clause 2 (~~iv~~) (iv) Council will:";*
 - (b) clause 3 (iii) be amended to read as follows:*
 - "iii) Before resolving to delete or amend places from the Municipal Heritage Inventory outlined in Clause 2 (~~iv~~) (v) Council will:"; and*
 - (c) clause 3 (iv) be amended to read as follows:*
 - "iv) Before resolving to commence consultation in the event if a review of the Municipal Heritage Inventory outlined in Clause 2 (~~iv~~) (vi) Council will adopt a communication strategy prior to commencing advertising to direct the consultation process."*
- (iii) ADVERTISES the Amended Policy No.3.6.5 relating to Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI) 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 Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*

- (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
- (a) *REVIEWS the Amended Policy No.3.6.5 relating to Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI), having regard to any written submissions; and*
- (b) *DETERMINES the Amended Policy No.3.6.5 relating to Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI), with or without amendment, to or not to proceed with them.*

DETAILS:

The Policies address three key aspects of heritage management and are based strongly on the principles of the *Burra Charter*.

The key objectives of the *Policy relating to Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI)* are as follows:

- 1) To provide a clear procedure for adding, deleting or amending entries of places on the Town of Vincent's Municipal Heritage Inventory;
- 2) To ensure places that are added, deleted or amended, on the Town's Municipal Heritage Inventory, follow due process; and
- 3) To ensure that decisions for adding, deleting or amending places on the Town of Vincent's Municipal Heritage Inventory, are based on consideration of the cultural heritage significance of the place.

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. The subject Policy was advertised accordingly.

No submissions were received during the comment period.

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:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

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

10.1.16 Amendment No. 40 to Planning and Building Policy Manual - Appendix No.17 Design Guidelines for Lacey Street, Perth

Ward:	South	Date:	19 June 2006
Precinct:	Beaufort; P13	File Ref:	PLA0140, PLA0100, PLA0098
Attachments:	001		
Reporting Officer(s):	H Smith		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Draft Policy Relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, as shown in Attachment 10.1.16;*
- (ii) *ADOPTS the Draft Policy Relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, and that it be applied immediately;*
- (iii) *ADVERTISES the Draft Policy Relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, 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*
 - (d) *apply the Draft Policy in the interim; and*
- (iv) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Draft Policy Relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, having regard to any written submissions; and*
 - (b) *determines the Draft Policy Relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, with or without amendment, to or not to proceed with them.*

Moved Cr Maier, Seconded Cr Ker

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

- “(ii) *ADOPTS the Draft Policy Relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, and that it be applied immediately subject to:*
- *An additional paragraph being inserted prior to the existing first paragraph in the draft Policy Statement section of the Design Guidelines as follows:*

“The aim of these Guidelines is to retain and enhance the significant and distinctive qualities and characteristics of Lacey Street. It is the intention of these Guidelines that the original building stock in Lacey Street be retained and that alterations and additions to these buildings is carried out in a way which respects the integrity and continuity of the original building stock and streetscape.”

Debate ensued.

Moved Cr Maier, Seconded Cr

That clause (ii) be deleted.

AMENDMENT LAPSED FOR WANT OF A SECONDER

MOTION CARRIED (7-1)

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

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.16

That the Council;

- (i) *RECEIVES the Draft Policy Relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, as shown in Attachment 10.1.16;*
- (ii) *ADOPTS the Draft Policy Relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, and that it be applied immediately subject to;*
 - *An additional paragraph being inserted prior to the existing first paragraph in the draft Policy Statement section of the Design Guidelines as follows:*

“The aim of these Guidelines is to retain and enhance the significant and distinctive qualities and characteristics of Lacey Street. It is the intention of these Guidelines that the original building stock in Lacey Street be retained and that alterations and additions to these buildings is carried out in a way which respects the integrity and continuity of the original building stock and streetscape.”

- (iii) *ADVERTISES the Draft Policy Relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, 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*
 - (d) *apply the Draft Policy in the interim; and*
- (iv) *after the expiry of the period for submissions:*
- (a) *REVIEWS the Draft Policy Relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, having regard to any written submissions; and*
 - (b) *determines the Draft Policy Relating to Appendix No. 17 Design Guidelines for Lacey Street, Perth, with or without amendment, to or not to proceed with them.*
-

PURPOSE OF REPORT:

The purpose of this report is to present the Draft Policy relating to Appendix 17 Design Guidelines for Lacey Street, Perth, and to seek the Council's approval to advertise the Draft Policy and apply it in the interim.

BACKGROUND:

18 December 2001 The Council at its Ordinary Meeting supported the principle of identifying places of townscape value.

18 October 2005 The Town Planning Scheme Review was discussed at an Elected Members Forum.

DETAILS:

The review of Town Planning Scheme No.1 commenced with the completion of *Vincent Vision 2024* and as previously outlined, the new scheme will focus on five distinct town Centres and their surrounding residential areas. Each residential area will have 'mainstream' areas, Municipal Heritage Inventory (MHI) listed properties, strategic development sites and 'townscape areas'. In this respect, the principle of 'townscape areas' was outlined to the Council at its Ordinary Meeting held 18 December 2001 and as follows:

"Benefits of identifying townscape areas as well as places of cultural heritage significance

The recognition and identification of townscape areas and places that have cultural heritage significance allows a clear distinction between places which are assessed against the standard criteria and are found to have particular cultural heritage significance, and those places which, often collectively, form an area which is of 'townscape' or 'streetscape' value.

This is to say these places may not, either individually or collectively, be of cultural heritage significance as defined by the criteria, but are valuable for their more general contribution to the Town. Such places and areas are commonly referred to as 'character' buildings and are often not considered to meet the threshold for inclusion in the MHI in accordance with the established criteria, but nevertheless are often considered by a community as being a valuable asset in the retention of a certain identity of an area.

Therefore, the benefit of identifying these two separate elements within the Town means that clarity can be retained when discussing places of cultural heritage value and the clear criteria used to assess cultural heritage significance is not undermined or confused with places that may be of townscape value. The flow on benefits for this is that management guidelines and policies can be considered and put in place, which are appropriate for specific places, depending on if they are of cultural significance or townscape value. "

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

There is a legal requirement for the Town to commence a review of its Town Planning Scheme No.1 every five years, and to bring this to completion as soon as practicable.

STRATEGIC IMPLICATIONS:

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

"1. 1.2 Recognise the value of heritage in providing a sense of place and identity.

Action Plans to implement this strategy include:

- (a) *Protection of heritage through the on-going review of the Municipal Heritage Inventory and investigation and implementation of initiatives to conserve the heritage of the Town of Vincent.*
- (b) *Foster activities which add to the community's understanding of heritage values and undertake a community survey to determine community values and community aspirations in regard to the heritage character of the Town.*

1.3 Develop, implement and promote sustainable urban design.

...

- (c) *Review and release within an agreed time frame, the Town Planning Scheme, in accordance with the community vision...."*

FINANCIAL/BUDGET IMPLICATIONS:

The 2005/2006 Budget lists \$80,000 for Town Planning Scheme amendments and policies.

COMMENTS:

Briefly, the philosophy behind the new Scheme is to establish a simple, sophisticated scheme text and maps developed from a comprehensive Local Planning Strategy. The content of the Local Planning Strategy will focus on the five Town Centres in a Local Commercial Strategy and the residential areas of Leederville/West Perth, Mount Hawthorn, North Perth, Perth and Mount Lawley/Highgate in a Local Housing Strategy. Overall, the strategies will cultivate planning responses to the Vision Statements and Guiding Principles of *Vincent Vision 2024* in order that the resultant scheme text and maps will be representative of the community's vision. The Local Housing Strategy will also address aspects relating to the State Government's Network City, affordable housing, and how the Scheme will seek to facilitate the community's vision in terms of housing density and urban design, character and heritage, the five Town Centres and commercial areas, and environmental design and sustainability where it relates to town planning.

It is in the area of character and heritage, specifically townscapes, that the purpose of this report relates. The Town's Strategic and Heritage Officers, have commenced drafting criteria to establish the basis of townscape areas, and in this respect consider testing its applicability in the Lacey Street area. Lacey Street is a unique street possessing qualities reminiscent of a time gone by with its narrow road reserve and collection of intact federation-style buildings. Lacey Street is one of few streets with an intact single storey streetscape and given its proximity to the central business district and the growing demand for unfettered land, there is growing pressure on properties in this street for redevelopment.

The area is distinctive due to the predominance of dwellings in the Federation Cottage and Federation Georgian style of architecture. The cohesive streetscape is characterised by small dwellings, which have a two room presentation to the street and feature bull nose and skillion verandahs. The dwellings have medium pitched roof forms, with highly visible chimneys and feature simple window arrangements of single sash and casement windows.

Lacey Street was subdivided in the late 1890's as a residential area and to date, maintains its original housing stock constructed between 1900 and 1920. The street has a distinctive consistency and rhythm of built form elements originating from the dominance of Federation Georgian and Cottage style dwellings in an intimate, open and single storey streetscape. The Municipal Heritage Inventory Review has not identified the street, or any of the buildings, as being of cultural significance.

Until the new town planning scheme, inclusive of its townscapes, is adopted and gazetted, streetscapes of this nature will go unprotected. As such, it is considered necessary in the meantime, that Lacey Street be considered under the umbrella of specific Design Guidelines, until townscape guidelines are prepared as part of the Local Housing Strategy and considered by the Council.

The Draft Policy relating to Appendix No.17 Design Guidelines for the Lacey Street area is intended to provide developers and landowners with a set of guidelines and direction that reflect the Town's expectations with respect to the protection and development of this street.

In light of the above, it is recommended that Council adopts the Draft Policy relating to Design Guidelines for the Lacey Street area and advertises the Draft Policy in accordance with clause 47 of the Town of Vincent Town Planning Scheme No.1 and permits the application of the Policy in the interim.

10.1.17 Western Australian Planning Commission: Statement of Planning Policy 3.1: Residential Design Codes (Draft Variation 1) and Residential Design Codes - Explanatory Guidelines

Ward:	Both	Date:	21 June 2006
Precinct:	All	File Ref:	PLA0022
Attachments	"Laid on the Table"		
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 Western Australian Planning Commission's (WAPC) "Statement of Planning Policy 3.1: Residential Design Codes" (R Codes) and "Residential Design Codes – Explanatory Guidelines", as "Laid on the Table" and circulated separately to Elected Members;*
- (ii) *ADVISES the Western Australian Planning Commission that the Council SUPPORTS IN PRINCIPLE, the "Statement of Planning Policy 3.1: Residential Design Codes" and "Residential Design Codes – Explanatory Guidelines", subject to the following matters being addressed:*
 - (a) *the explanatory document be made to relate more closely to the R Codes, possibly by citing the relevant provisions or design elements within the Explanatory Document to provide some connectivity and relevance between the two documents;*
 - (b) *clauses 5.3.1 and 5.3.2 be amended to allow more flexibility in allowing local planning policies to be created where there is a need for it;*
 - (c) *in reference to calculating the minimum site area for battleaxe lots, it is requested that the provisions be supported by an illustration demonstrating what comprises the effective lot area and the exclusion of the battleaxe leg in this calculation;*
 - (d) *the R20 minimum lot area requirement of 450 square metres should be retained on a continuous basis, consistent with the original mathematical calculations for R20 coded sites in the original Residential Planning Codes;*
 - (e) *in relation to allowing buildings on boundaries for lots coded R20 and R25, that this provision be amended to be made only applicable to land coded R30 and above, with only extenuating circumstances and demonstrated justification for nil setbacks on land coded less than R30, being permitted on a discretionary basis;*
 - (f) *the proposal to increase the allowed fill or excavation behind the street setback line and within 1.0 metre of any side boundary from 0.5 metre to 1.0 metre not be supported;*
 - (g) *with respect to the Privacy provisions, the following considerations should be given:*
 - *revision needs to be made to the provisions relating to internal overlooking;*
 - *modifications being made to the illustrations, with supporting explanations of the provisions further definition of outdoor living areas is required if assessment is to be based on the protection of this;*

- *development situated at a residential and non-residential development interface; and*
- *the inclusion of provision for dealing with vacant sites is required;*
- (h) *variation to Clause 7.1.2 relating to Aged or Dependant Persons dwellings is not supported;*
- (i) *reference to what constitutes as ‘an existing streetscape worthy of retention’ needs to be clearly defined;*
- (j) *in relation to measuring building and roof heights, further direction is required to be included as part of the R Codes through additional illustrative examples on how roof and building heights are measured for developments with curved, skillion and gabled roofs, specifically;*
- (k) *the definition of what is represented and constitutes as ‘Common Property’ needs to be provided;*
- (l) *consideration should be given to reducing the store size requirements for multiple dwelling, mixed use developments and special purpose dwellings;*
- (m) *further clarify when a development constitutes to be a “multiple dwelling” and when it is seen to be defined as a “grouped dwelling”;*
- (n) *applications for development approval should not be required for development which comprises only of replacing original roofs or retaining walls with similar development provided that the replacement development is not considered to have additional impact than the original development (excludes heritage listed properties), as determined by the Council;*
- (o) *the definition for ‘single bedroom dwellings’ be further refined;*
- (p) *deletion of reference to Plot Ratio in Table 1 is not supported;*
- (q) *further clarification needs to be provided with respect to open space requirements for multiple dwellings, specifically in relation to location of open space for each multiple dwelling in relation to the communal open space requirement;*
- (r) *Design Element 6.9 ‘Design for climate requirements’ be further developed than what is currently proposed to incorporate and bring to the forefront the importance of sustainable design and energy efficient design principles;*
- (s) *reference to the Town Planning and Development Act 1928 in the document should be replaced with reference to the Planning and Development Act 2005;*
- (t) *all current planning policies adopted by local Council’s as per the respective Town Planning Schemes, be retained;*
- (iii) **REQUESTS** *the WAPC to conduct further forums with local authorities to discuss matters raised during the comment period; and*
- (iv) **FORWARDS** *a copy of this report and its comments to the Western Australian Planning Commission.*

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Cr Doran-Wu departed the Chamber at 7.27pm.

Debate ensued.

Moved Cr Lake, Seconded Cr Chester

That a new clause (ii)(u) be added as follows.

“(ii) (u) *the current R Codes do not adequately address the impact of overshadowing on strata lots.*”

AMENDMENT CARRIED (7-0)

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

Cr Doran-Wu returned to the Chamber at 7.30pm.

Moved Cr Maier, Seconded Cr Chester

That clause (ii)(d) be deleted and the remaining subclauses renumbered accordingly.

Debate ensued.

AMENDMENT CARRIED (5-3)

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

(Cr Torre was an apology.)

Debate ensued.

MOTION AS AMENDED CARRIED (8-0)

COUNCIL DECISION ITEM 10.1.17

That the Council;

- (i) *RECEIVES this report and the Western Australian Planning Commission’s (WAPC) “Statement of Planing Policy 3.1: Residential Design Codes” (R Codes) and “Residential Design Codes – Explanatory Guidelines’, as “Laid on the Table’ and circulated separately to Elected Members;*
- (ii) *ADVISES the Western Australian Planning Commission that the Council SUPPORTS IN PRINCIPLE, the “Statement of Planing Policy 3.1: Residential Design Codes” and “Residential Design Codes – Explanatory Guidelines’, subject to the following matters being addressed:*

- (a) *the explanatory document be made to relate more closely to the R Codes, possibly by citing the relevant provisions or design elements within the Explanatory Document to provide some connectivity and relevance between the two documents;*
- (b) *clauses 5.3.1 and 5.3.2 be amended to allow more flexibility in allowing local planning policies to be created where there is a need for it;*
- (c) *in reference to calculating the minimum site area for battleaxe lots, it is requested that the provisions be supported by an illustration demonstrating what comprises the effective lot area and the exclusion of the battleaxe leg in this calculation;*
- (d) *in relation to allowing buildings on boundaries for lots coded R20 and R25, that this provision be amended to be made only applicable to land coded R30 and above, with only extenuating circumstances and demonstrated justification for nil setbacks on land coded less than R30, being permitted on a discretionary basis;*
- (e) *the proposal to increase the allowed fill or excavation behind the street setback line and within 1.0 metre of any side boundary from 0.5 metre to 1.0 metre not be supported;*
- (f) *with respect to the Privacy provisions, the following considerations should be given:*
- *revision needs to be made to the provisions relating to internal overlooking;*
 - *modifications being made to the illustrations, with supporting explanations of the provisions further definition of outdoor living areas is required if assessment is to be based on the protection of this;*
 - *development situated at a residential and non-residential development interface; and*
 - *the inclusion of provision for dealing with vacant sites is required;*
- (g) *variation to Clause 7.1.2 relating to Aged or Dependant Persons dwellings is not supported;*
- (h) *reference to what constitutes as ‘an existing streetscape worthy of retention’ needs to be clearly defined;*
- (i) *in relation to measuring building and roof heights, further direction is required to be included as part of the R Codes through additional illustrative examples on how roof and building heights are measured for developments with curved, skillion and gabled roofs, specifically;*
- (j) *the definition of what is represented and constitutes as ‘Common Property’ needs to be provided;*
- (k) *consideration should be given to reducing the store size requirements for multiple dwelling, mixed use developments and special purpose dwellings;*
- (l) *further clarify when a development constitutes to be a “multiple dwelling” and when it is seen to be defined as a “grouped dwelling;*

- (m) *applications for development approval should not be required for development which comprises only of replacing original roofs or retaining walls with similar development provided that the replacement development is not considered to have additional impact than the original development (excludes heritage listed properties), as determined by the Council;*
 - (n) *the definition for 'single bedroom dwellings' be further refined;*
 - (o) *deletion of reference to Plot Ratio in Table 1 is not supported;*
 - (p) *further clarification needs to be provided with respect to open space requirements for multiple dwellings, specifically in relation to location of open space for each multiple dwelling in relation to the communal open space requirement;*
 - (q) *Design Element 6.9 'Design for climate requirements' be further developed than what is currently proposed to incorporate and bring to the forefront the importance of sustainable design and energy efficient design principles;*
 - (r) *reference to the Town Planning and Development Act 1928 in the document should be replaced with reference to the Planning and Development Act 2005;*
 - (s) *all current planning policies adopted by local Council's as per the respective Town Planning Schemes, be retained;*
 - (t) *the current R Codes do not adequately address the impact of overshadowing on strata lots;*
 - (iii) **REQUESTS** *the WAPC to conduct further forums with local authorities to discuss matters raised during the comment period; and*
 - (iv) **FORWARDS** *a copy of this report and its comments to the Western Australian Planning Commission.*
-

PURPOSE OF REPORT:

The purpose of this report is for the Council to consider and formalise its comments regarding the *Statement of Planning Policy 3.1: Residential Design Codes (Draft Variation 1) and the Residential Design Codes – Explanatory Guidelines*, released for public comment in March 2006. The closing date for all submissions is 23 June 2006, however, the Western Australian Planning Commission has advised the Town of an informal extension of the public comment period, due to a number of requests for this to occur by other local government authorities.

BACKGROUND:

The Residential Design Codes were introduced in October 2002 to replace the Residential Planning Codes, which had been in operation since 1991. The Residential Design Codes introduced a more performance based assessment process, whereby various elements that form part of the design considerations for residential development are defined by acceptable development standards. When a proposed development does not comply with the prescribed acceptable development standards, the development is then subject to complying performance criteria.

The Residential Design Codes (R Codes) provide a comprehensive basis for the control, through local government, of residential development throughout Western Australia. The R-Codes are intended to cover all requirements for planning control purposes and minimise the need for local governments to introduce separate planning policies or variations to address these matters.

The WAPC in preparing and releasing the R Codes did so with the intent to review the R Codes at a later stage, to further refine the document, and its practical application. It was always envisaged that a minor review of their operation would be needed within the first 12 to 18 months of operation. However, a fundamental review of the R Codes was not anticipated.

The review formally commenced in early 2004, under the guidance of the R-Codes Review Committee, chaired by the Chairman of the WAPC, and comprising representatives from various stakeholder organisations.

Comprising two phases, the initial phase was completed in May 2005. This involved analyses of the following:

- the effectiveness of the R Codes in achieving their stated objectives;
- the effectiveness of the R Codes in responding to new and emerging issues;
- any specific problems, shortcomings or anomalies; and
- the preparation of recommended solutions in the form of a revised R Codes document and explanatory text.

Phase Two has now commenced, and is marked by the release of the following documents for comment:

- Planning Bulletin No.77 – Review of the operation of the R-Codes;
- Statement of Planning Policy 3.1 Residential Design Codes (Draft variation No.1); and
- Residential Design Codes Explanatory Guidelines.

The conclusion of the review of the R Codes will culminate in the gazettal of an amended version of the R Codes and explanatory guidelines. Pending the outcome of the review process, the current R Codes will remain operative until such time.

The WAPC is particularly seeking comments from local governments in relation to a number of the proposed amendments to the R Codes. Of particular interest are the following areas:

- The separation of the R Codes and the explanatory text;
- Proposed changes to provision relating to the scope of local planning policies (Clause 5.3.1 and 5.3.2);
- Proposed changes to the method for calculating the minimum site area of a battleaxe lot (acceptable development provision 6.1.2 A2 ii);
- Proposed changes to provisions relating to grouped dwellings in areas coded R20 (acceptable development provision 6.1.3 A3 iv);
- Proposed changes to provisions relating to boundary setbacks to enable buildings to be constructed on both a side and rear boundary in areas coded R20 and R25 (acceptable development provision 6.3.2 A2 ii);
- Proposed changes to provision relating to excavation and fill within one metre of a common boundary with the increase in fill height from 0.5metre to 1.0metre (acceptable development provision 6.6.1 A1.4);
- Proposed changes to Design Element 6.8 Privacy requirements; and
- Proposed changes to provisions relating to Aged or Dependant Persons' dwellings (clause 7.1.2).

These areas will be further elaborated upon in the context relating to the Town of Vincent in the following section of this report.

DETAILS:

The R Codes introduced in 2002 were regarded as a vast improvement on the previous Residential Planning Codes, though as reflected in the R Codes Forum (an on-line discussion board), the 2002 R Codes consisted of a number of anomalies, contradictions and lack of clarity in some provisions that made the administration of the Codes challenging and the understanding of them, confusing. In particular, such problems that have been encountered since their introduction include:

- The legal weighting of the R Codes over existing local planning policies in State Administrative Tribunal hearings;
- The ability for local government authorities to augment the Codes to suit local contexts;
- Lack of detail and justification in relation to some of the Performance Criteria and Acceptable Development standards;
- The generalised nature of the provision of the R Codes, that do not necessarily apply to inner city areas, such as the Town of Vincent;
- The lack of weight given by applicants to the requirements stipulated in the Codes in relation to the submission of 'complete' applications for development and justification for variations; and
- Poor illustrative examples of provisions, often too simplistic and generally only applicable to Greenfield development sites.

As stated in *Planning Bulletin No.77*, while a minor review and amendments were anticipated following the introduction of the R Codes in 2002, it was never anticipated that there would be a need for a complete fundamental review of the R Codes. However, as was evident from the points raised above, and the numerous others that were recorded on the R Codes forum and subsequent R Codes Advisory Notes and workshops, the R Codes have been in need of a significant and comprehensive review to address the on-going and emerging issues, since their introduction.

CONSULTATION/ADVERTISING:

Nil.

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 Town has been provided with a relatively limited opportunity for input to date into the review of the R Codes and it is suggested that a greater involvement (ie workshops, on-going updates etc) by those who administer the Codes on a daily basis, rather than those with regular but most likely occasional use, would have been beneficial and advantageous to the R Codes Review Committee. Furthermore, with the extensive changes proposed to the R Codes, the limited comment period of four months is considered inadequate time to allow local governments to consult in-house with the daily administrators of the Codes, and the Elected Members, who play a fundamental role in the decision making process to be consulted and a comprehensive response in relation to the Town of Vincent's planning context.

In response to the particular areas of change that the Commission is seeking comment specifically from local government authorities, the following comments are made:

a) The separation of the R Codes and the explanatory text;

The Explanatory Guidelines proposed are very comprehensive, comprising eighty-eight pages, in comparison to the fifty eight pages of the revised R Codes. The Guidelines provide background information to standards and provisions contained within the R Codes and it is evident that an attempt has been made to address the 'gaps' and 'anomalies' encountered in the current R Codes. There is however, some merit in having the explanatory text form a separate document to the R Codes, as it provides the day to day administrators of the Codes, a quick reference document to use rather than a lengthy and cumbersome document, where the relevant provisions to an assessment need are not readily available. However, it is recommended that the explanatory document be made to more closely relate to the R Codes, possibly by citing the relevant provisions or design elements within the Explanatory Document to provide some connectivity and relevance between the two documents.

b) Proposed changes to provision relating to the scope of local planning policies (Clause 5.3.1 and 5.3.2);

The revised R Codes intend to further diminish the need for local planning policies, in lieu of the areas where local planning policies apply, being represented and facilitated via the R Codes. Furthermore, the Codes propose to reduce the need and relevance of local planning policies by restricting the areas which local government authorities can further augment to suit the local context to which the planning provisions relate. It is asserted that the revised R Codes now contain provisions that vary or replace acceptable development provisions in relation to streetscape, building design, boundary walls, site works, building height and inner city housing. The concern raised with this approach is that historically local planning policies have been prepared to clarify or provide guidance on areas of development and design where the R Codes fail. The Town's draft Residential Design Elements Policy, has been prepared solely on this principle, and the Town's current Residential Development and Development and Design policies contained within the Town's Planning and Building Policy Manual, provide assessors, developers and decision-makers alike, with a clear understanding and indication of what the Town's expectations are in relation to residential development.

Clause 5.3.1 of the revised Codes stipulates that in the instance where a local planning policy came into effect prior to the gazettal of the Codes, and is inconsistent with the Codes, the Codes will prevail over the policy to the extent of the inconsistency. While this approach will provide a much needed definition and simplification of the relationship between local planning policies and the Codes, it will also prompt the need for local government authorities to undertake significant reviews of all policies related to residential development. This may appear to be the most practical approach, however, as mentioned previously, the local planning policies have been prepared with purpose and intended to provide guidance on planning matters that are of a more local relevance and context to the generalised provisions of the R Codes. If this was not retained, local authorities may then have to pursue scheme amendments to this effect.

The Town's draft Residential Design Elements Policy reflects that the Town has sought to limit its policies on residential development and design to those areas that have been identified within the Codes where local planning policies are considered to be appropriate, and in some cases, inappropriate. Practice to date has been the allowance and support by the WAPC for local planning policies where there is a clear demonstration for the need for the policy, to guide development and protect amenity in specific localities.

It is recommended that the WAPC be advised in respect to this matter, that the proposal to diminish the need for local planning policies is considered to be somewhat overzealous and lacks understanding and consideration of the implications of removing the flexibility for local planning policies to be created to provide for local planning issues. It is recommended that this clause be amended to allow more flexibility in allowing local planning policies to be created where there is a seen need for it.

c) Proposed changes to the method for calculating the minimum site area of a battleaxe lot (acceptable development provision 6.1.2 A2 ii);

The 2002 R Codes introduced the pre-requisite for battleaxe lots to have a minimum area of 400m² or greater, irrespective of their coding. This was done so to cater for the reduced effective lot area, once the battleaxe leg is removed from the lot area calculations. The revised R Codes now allow this minimum area for battleaxe lots to be equivalent to the average site area of the respective coding, but excluding the battleaxe leg. This approach is more consistent with the strata developments. However, it is suggested that in order to bring this arrangement (ie excluding the battleaxe leg) from the effective lot area for battleaxe lots, that this be depicted clearly in an illustration.

d) Proposed changes to provisions relating to grouped dwellings in areas coded R20 (acceptable development provision 6.1.3 A3 iv);

The revised Codes propose to extend the sunset period for duplex development lots in R20 codes areas from 31 October 2002 to 31 October 2008, on lots comprising 900m². Following 31 October 2008, duplex developments in R20 coded areas will require a minimum site area of 1000m², where the average lot size requirement will be 500m² rather than 450m². The original intent of this arrangement made for duplex lots, was to allow for a transitional arrangement for R20 coded properties, following the introduction of the R Codes in 2002, to allow people to maximise the development potential of their lots. The extension of this time period to October 2008, is considered reasonable. However, given that the same provisions are again being incorporated into the revised R Codes, resonates that there is an inconsistency in the minimum lot area requirements for R20 sites, and for this reason, it is suggested that the R20 minimum lot area requirement of 450m² be retained on a continuous basis, consistent with the original mathematical calculations for R20 coded sites, being 20 dwellings per 10,000m².

e) Proposed changes to provisions relating to boundary setbacks to enable buildings to be constructed on both a side and rear boundary in areas coded R20 and R25 (acceptable development provision 6.3.2 A2 ii);

The rationale for allowing development on boundaries on R20 and R25 sites is considered to be inappropriate, particularly in municipalities such as the Town of Vincent, where these represent the lower densities within the Town. Provisions for nil setbacks to rear and side boundaries are more applicable to medium to higher density sites, where the lot sizes are significantly smaller, and development subsequently constrained. Developments on R20 sites are usually of a significantly larger size in bulk and scale, merely because of the lot sizes and options to utilise the sites in a less constrained fashion than on smaller lots. It is recommended that this provision only be made applicable to land coded R30 and above, with only extenuating circumstances and demonstrated justification for nil setbacks on land coded less than R30, being permitted on a discretionary basis.

- f) *Proposed changes to provision relating to excavation and fill within one metre of a common boundary with the increase in fill height from 0.5m to 1.0m (acceptable development provision 6.6.1 A1.4);*

The revised Codes permit filling behind the street setback line to be increased from 0.5 metres to 1.0 metres, subject to compliance with the overall building height. The rationale for this increase in fill height from 0.5 metres to 1.0 metres is not provided by the R Codes or within the Explanatory Guidelines, and in a practical sense, is not suitable for all municipalities. A 1.0 metre in the Town of Vincent would have a significantly different impact on the amenity of adjoining properties, than in other outer metropolitan local authorities. Furthermore, the performance criteria contradicts the acceptable development requirements, in requiring development to generally appear to follow the contour of the land, preserving the natural topography, and character of the area. Allowing for up to 1.0 metre fill behind the street setback line and within one metre of the common boundary, will present difficulty in achieving these stated performance criteria and can have a significant impact on the amenity of adjoining neighbours in areas such as the Town of Vincent. It is recommended that the current provisions of allowing up to 0.5 metres in fill or excavation be retained and not revised and increased to 1.0 metre.

- g) *Proposed changes to Design Element 6.8 Privacy requirements;*

The privacy provisions have been amended to utilise a horizontal plane of vision (rather than a cone of vision) to determine the appropriate setback for the purposes of protecting neighbours privacy. This effectively means that a simpler, one dimensional setback would apply, rather than the three dimensional 'cone' applicable under the current Codes. A further requirement also requires major openings and unenclosed outdoor active habitable spaces within the horizontal plane of vision of an upper level dwelling to not overlook more than 50% of the outdoor living area of a lower level dwelling directly below and within the same development. Unfortunately it is not entirely clear what distances relating to overlooking apply, though it appears this is intended to this relate to the horizontal plane of vision. The requirement for the second development to be below the former for this to apply will mean that many dwellings would not be subject to this: presumably, this provision was drafted to cover multiple dwellings, though that it does not state this. The City has previously not assessed this aspect between buildings within the same complex when they are being built at the same time, on the basis that this is extremely difficult to achieve, and that the protection of existing resident's privacy is more important than those of new purchasers who will buy into an existing situation. On the whole, the simplification of the setback formula is supported, but the changes to performance criteria are not.

Similarly, changes to internal overlooking requires further development before it could be supported. Modifications to the illustrations providing explanation of the provisions require modifications as they do not reflect the provisions, and further definition of outdoor living areas is required if assessment is to be based on the protection of this. Finally, inclusion of provision for dealing with vacant sites is required.

- h) *Proposed changes to provisions relating to Aged or Dependant Persons' dwellings (clause 7.1.2).*

The revised Codes propose to change the provisions relating to aged or dependent persons dwellings. It clarifies the fact that the objective relates to both aged persons and people with special needs. It also deletes the minimum number of aged persons dwellings (5) to one. A density bonus reducing the minimum site area by one third is applicable to this type of development, which would consequently allow more intense development on many sites. Enforcement of inhabitation of these dwellings by the appropriate persons is already beyond the capacity of local governments and this change is therefore of concern. The original requirement was in place, it is understood, to ensure special types of dwellings were generally only as part of composite developments and, in the case of aged persons, allow for greater social interaction with people of a similar age. Variation to this through the performance criteria could then occur, if justified. This change is not supported.

Other matters relating specifically to the Town of Vincent

Resulting from the review of the Town's existing residential development policies, and the on-going preparation of the draft Residential Design Elements policy, a number of further matters have been identified and in needing further clarification and/or direction from the current and revised R Codes.

Streetscape

As part of the Town's review of the Residential Development policies and the Town Planning Scheme Review, it has been identified that there is a need to further define what 'an existing streetscape worthy of retention' is. As termed in Clause 6.1.3 of the revised R Codes, and referenced to in the Town's draft Residential Design Elements, reference to what constitutes as a streetscape worthy of retention is unsubstantiated. This needs to be further defined in the R Codes, as part of the review of the revised R Codes.

Measuring roof heights

Many local governments nowadays actively encourage innovative design for residential development, and in the age of sustainable development with the incorporation of energy efficient design principles, the resultant built form can differ quite markedly from the traditional hipped and gabled roof forms. The Town in encountering an increased number of applications for residential development whereby the roof shapes are either curved, half-curved, skillion or gabled (to multiple sides). There is an absence of direction from a statutory sense with respect to measuring the height of such roofs, and often designers/architects the manner in which the Town has measured roof height versus how they perceive the roof height (and subsequent overall building height) to be measured. With the lack of an agreed methodology in measuring building height for such roof shapes and building forms, the Town is limited in its ability to justify the measurements for roof heights and overall building heights. Figures 2a, 2b and 2c of the revised R Codes do go somewhat towards defining the measurement of building and roof heights it is recommended that the R Codes provide further illustrative examples on how roof and building heights are measured for developments with curved, half-curved, skillion and gabled roofs, specifically.

Common Property

The Town, in assessing subdivision applications is continually faced with the prospect of determining what actually constitutes as 'Common Property', particularly in an assessment for grouped dwellings in a battle axe configuration. The definition of what is represented and constitutes as 'Common Property' needs to be provided.

Multiple dwellings (30 Bulwer Street)

A recent State Administrative Tribunal ruling highlighted to the Town that the definition of what constitutes as a 'multiple dwelling' needs to be further refined from what is presently stated. The State Administrative Tribunal (SAT) asserted that a development proposal at No.30 Bulwer Street (*DR576 of 2005*), to comprise of "grouped dwellings" rather than "multiple dwellings", which was contrary to how the Town regarded and duly assessed the development in accordance with the definition of 'multiple dwellings' provided in the R Codes. The SAT ruled that although minor and contrived projections of areas of units over garage areas of other units was proposed, it did not transform "grouped dwelling" into "multiple dwellings". It is therefore seen necessary for the R Codes to further clarify when a development constitutes to be a "multiple dwelling" and when it is seen to be defined as a "grouped dwelling".

Stores

The minimum requirement for stores is stipulated to be 4 square metres. This is understood to be applicable across all dwelling types, from single dwellings, grouped dwellings, multiple dwellings and special purpose dwellings. The 4 square metres minimum area is considered to be appropriate for larger scale developments such as grouped dwellings and single dwellings, however, it would appear more appropriate to assign a lesser store area requirement for multiple dwelling developments, given the more limited space available, and the unlikelihood of the need for multiple dwelling occupants requiring 4 square metres of storage space, when it can be more efficiently used elsewhere. It is recommended that in the review of the revised R Codes, that consideration be given to reducing the store size requirements for multiple dwelling, mixed use developments and special purpose dwellings.

Home Offices and single bedroom dwellings

It has recently become apparent that there has been a marked increase in the number of applications being received for single bedroom dwellings that are proposing an office use in addition to the primary residential use, in the same structure. The concerns that the Town has with this trend is the inadvertent increase in not only floor area, but also plot ratio. By allowing an office use to be contained within a single bedroom dwelling, it potentially creates a de-facto second bedroom, which is contrary to the intent of single bedroom dwellings. It is recommended that in revising the revised R Codes, that further thought be given to defining what constitutes as a single bedroom dwelling.

Retaining Walls and Roofs

At present, when a property owner wishes to replace an existing roof or retaining wall to the exact same height and dimensions as the previous, an application for development is required. However, given that the net impact of the replacement development is going to be negligible, it is considered more appropriate that there not be a requirement for a development approval to be granted to undertake such works, provided that the materials, bulk and scale are the same as that being replaced unless the property is heritage listed. In instances where the material, for example, of the roof is considered to have more reflective qualities than the original roof, then the Town should be given the discretion to require an application for development approval to be submitted.

Open Space for Multiple Dwellings

The R Codes prescribe an open space requirement for multiple dwellings development. However, confusion exists with respect to whether or not the open space requirement specified in Table 1 of the R Codes is to be provided for each dwelling or can be provided in aggregate, in addition to the communal open space requirement. This needs further clarification by the Codes.

Privacy requirements for lots abutting non-residential zoned land

The R Codes deal specifically with residential development, and little provision is made for the relationship at the interface between residential and commercial/non-residential zoned land. Commercial developments, understandably, do not have the same preservation of privacy and amenity onto adjoining properties standards as those imposed on residential developments. However, as is the case in several locations within the Town of Vincent, there is a need for the impact on the amenity and privacy on adjoining residential properties from a commercial development to be taken in consideration. At present, the preservation of amenity at this interface is facilitated through the Town's policy relating to 'Non-Residential Residential Development Interface'. It is however considered an important issue that should be addressed in the revised R Codes.

Plot Ratio

There is significant concern with respect to the revised R Codes proposing to remove reference to plot ratio requirements in Table 1 of the Codes. The Town utilises plot ratio as the mathematical justification for controlling bulk and scale of buildings, particularly for multiple dwelling developments. The omission of the plot ratio requirements will result in an increased reliance on other design elements and factors to control bulk and scale. Given that the revised R Codes wish to diminish the need for local planning policies, the removal of plot ratio will counteract this objective, as local authorities will need to create their own policies to protect and control bulk and scale in lieu of there being no statutory requirement. This then could potentially lead to differing manners in which to calculate plot ratio, and inconsistencies as a result, causing frustration to both the administrators and developers.

Design for Climate

Design Element 6.9 'Design for climate requirements' can be further developed than what is currently proposed to incorporate and bring to the forefront the importance of sustainable design and energy efficient design principles.

Reference to Town Planning and Development Act 1928

Reference is made to the Town Planning and Development Act 1928 in the definitions section, specifically in relation to the definition provided for 'Lot'. Since the release of the revised Residential Design Codes for comment, the Planning and Development Act 2005 has been gazetted, replacing the Town Planning and Development Act 1928. This term of reference should be corrected to reflect this legislative change.

Summary

The reviewed R Codes will continue to provide the Town with a useful planning tool from which to control and better manage residential development. As the Town is currently undertaking a review of its Town Planning Scheme No.1 and finalising its preparation of the draft Residential Design Elements, there will be opportunity to incorporate the design principles and elements contained within the R Codes relevant to the Town when preparing and amending the Scheme and associated policies.

As indicated in the preceding report, and through various forums that have been held with stakeholders since the comment period commenced, the R Codes still require further development and refinement. In light of the above, it is recommended that the Council receives and supports in principle the Western Australian Planning Commission, in line with the Officer Recommendation.

10.1.18 Heritage Advisory Group Meeting - General Progress Report

Ward:	Both	Date:	16 June 2006
Precinct:	All	File Ref:	PRO0689
Attachments:	-		
Reporting Officer(s):	A. du Boulay; H Eames		
Checked/Endorsed by:	R. Rasiah, R. Boardman		
Amended by:	-		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES this report relating to the Heritage Advisory Group meeting held on 31 May 2006; and*
- (ii) *NOTES the request from the Heritage Advisory Group that the Group "welcomes the opportunity to be involved in the development of the Municipal Heritage Inventory and to meet again to discuss the progress of the Municipal Heritage Inventory".*

COUNCIL DECISION ITEM 10.1.18

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

To convey the outcomes and wishes of the Heritage Advisory Group as resolved at the meeting held on 31 May 2006.

BACKGROUND:

At the Ordinary Meeting of Council held on 13 September 2005, members of the Heritage Advisory Group were appointed. There have been no matters raised by the Council (other than as described in this report) which has required the meeting of the Heritage Advisory Group.

DETAILS:

On the 31 May 2006, the Heritage Advisory Group met, primarily to fulfil requirements of the Municipal Heritage Inventory (MHI) Communication Strategy which was adopted by the Council. The Communication Strategy recommended that a meeting be held with the Heritage Advisory Group members prior to the commencement of consultation of the draft MHI to brief the members on the progress of this project. The meeting also offered an opportunity for members to meet for the first time and get to know one another.

At the conclusion of discussions, the members of the Heritage Advisory Group unanimously resolved to request that the following sentiment be presented to the Council for its consideration: *"The Heritage Advisory Group welcomes the opportunity to be involved in the development of the MHI and to meet again to discuss the progress of the MHI"*.

These sentiments have been documented in the Minutes of the meeting, as required by the Terms of Reference.

CONSULTATION/ADVERTISING:

This matter is not required to be advertised.

LEGAL/POLICY:

The Heritage Advisory Group is bound by the Terms of Reference and matters cannot be actioned by the Group unless it is resolved to do so by the Council.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 – Key Result Area 1.2 – *"Recognise the value of heritage in providing a sense of place and identity"*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The resolution of the Heritage Advisory Group in relation to future opportunities to contribute to the Municipal Heritage Inventory and its ongoing improvement is consistent with the group's Terms of Reference and is generally supported by the Officers.

**10.1.19 No. 355 (Lot 270 D/P:1237) Fitzgerald Street, North Perth -
Unauthorised Alterations and Two-Storey Additions to Existing Single
House**

Ward:	South	Date:	21 June 2006
Precinct:	Smith's Lake; P06	File Ref:	PRO1605; 00/33/0468; 00/33/2883
Attachments:	001		
Reporting Officer(s):	N Wellington		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

That the Council;

- (i) *RECEIVES the determination of the State Administrative Tribunal dated 7 April 2006 to dismiss the review submitted in relation to the unauthorised building structure at No. 355 (Lot 270 D/P:1237) Fitzgerald Street, North Perth;*
- (ii) *in respect to the proposed alterations and two-storey additions to existing single house at No. 355 (Lot 270) Fitzgerald Street, North Perth, the owner/applicant is required to undertake the following:*
 - (a) *submit a new detailed and complete Planning Application to the Town with relevant fees within 28 days of notification by the Town;*
 - (b) *submit a Building Licence Application to the Town within 28 days of being issued an Approval to Commence Development; and*
 - (c) *commence construction works in accordance with the abovementioned approvals within 60 days of issue of the Building Licence; and*
- (iii) *AUTHORISES the Chief Executive Officer to commence with legal proceedings against the owners of No. 355 (Lot 270) Fitzgerald Street, North Perth, in relation to the requirements of the Notices issued under Section 401 (1) (c) of the Local Government (Miscellaneous Provisions) Act 1960 and [former] Section 10 (3) of the Town Planning and Development Act 1928 to demolish and remove the unauthorised building structures to the satisfaction of the Town of Vincent should clause (ii) above not be satisfied.*

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

That a new clause (ii)(d) be added as follows:

- “(ii) (d) *submit to the Town a site survey plan certified by a licensed land surveyor confirming whether the subject building works is contained entirely within the boundaries of No. 355 (Lot 270) Fitzgerald Street, North Perth within 28 days of notification by the Town; and*”

Debate ensued.

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.19

That the Council;

- (i) ***RECEIVES the determination of the State Administrative Tribunal dated 7 April 2006 to dismiss the review submitted in relation to the unauthorised building structure at No. 355 (Lot 270 D/P:1237) Fitzgerald Street, North Perth;***
- (ii) ***in respect to the proposed alterations and two-storey additions to existing single house at No. 355 (Lot 270) Fitzgerald Street, North Perth, the owner/applicant is required to undertake the following:***
 - (a) ***submit a new detailed and complete Planning Application to the Town with relevant fees within 28 days of notification by the Town;***
 - (b) ***submit a Building Licence Application to the Town within 28 days of being issued an Approval to Commence Development;***
 - (c) ***commence construction works in accordance with the abovementioned approvals within 60 days of issue of the Building Licence; and***
 - (d) ***submit to the Town a site survey plan certified by a licensed land surveyor confirming whether the subject building works is contained entirely within the boundaries of No. 355 (Lot 270) Fitzgerald Street, North Perth within 28 days of notification by the Town; and***
- (iii) ***AUTHORISES the Chief Executive Officer to commence with legal proceedings against the owners of No. 355 (Lot 270) Fitzgerald Street, North Perth, in relation to the requirements of the Notices issued under Section 401 (1) (c) of the Local Government (Miscellaneous Provisions) Act 1960 and [former] Section 10 (3) of the Town Planning and Development Act 1928 to demolish and remove the unauthorised building structures to the satisfaction of the Town of Vincent should clause (ii) above not be satisfied.***

FURTHER REPORT:

The subject application was considered at the Ordinary Meeting of Council held on 13 June 2006, where the Council resolved as follows:

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

The Officer Recommendation has been amended to give the owner/applicant an opportunity to submit Planning and Building Applications to the Town within the given time prior to legal proceedings being undertaken as discussed by Elected Members at the Ordinary Meeting of Council.

The following is a verbatim copy of the Minutes of the previous report to the Council at its Ordinary Meeting held on 13 June 2006.

"OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES the determination of the State Administrative Tribunal dated 7 April 2006 to dismiss the review submitted in relation to the unauthorised building structure at No. 355 (Lot 270 D/P:1237) Fitzgerald Street, North Perth;*
- (ii) WRITES to the owners of No. 355 (Lot 270) Fitzgerald Street, North Perth to comply with the requirements of the Notices issued under Section 401 (1) (c) of the Local Government (Miscellaneous Provisions) Act 1960 and [former] Section 10 (3) of the Town Planning and Development Act 1928 to demolish and remove the unauthorised building structures to the satisfaction of the Town of Vincent within twenty eight (28) days of notification; and*
- (iii) AUTHORIZES the Chief Executive Officer to proceed with legal proceedings against the owners of No. 355 (Lot 270) Fitzgerald Street, North Perth, should the above unauthorised building works not be completed and the unauthorised building remains after this twenty-eight (28) days period.*

COUNCIL DECISION ITEM 10.1.18

Moved Cr Lake, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Ker

That clauses (ii) and (iii) be amended to read as follows;

- (i) RECEIVES the determination of the State Administrative Tribunal dated 7 April 2006 to dismiss the review submitted in relation to the unauthorised building structure at No. 355 (Lot 270 D/P:1237) Fitzgerald Street, North Perth;*
- (ii) WRITES to the owners of No. 355 (Lot 270) Fitzgerald Street, North Perth to comply with the requirements of the Notices issued under Section 401 (1) (c) of the Local Government (Miscellaneous Provisions) Act 1960 and [former] Section 10 (3) of the Town Planning and Development Act 1928 to demolish and remove the unauthorised building structures to the satisfaction of the Town of Vincent within twenty eight (28) days of notification; OR the owners submit a new Development Approval and Building Licence application to the Town, including accurate and detailed plans of the existing building and proposed works within the time period stipulated in the applicants letter dated 13 June 2006, in the interest of proper and orderly planning and good faith; and*
- (iii) AUTHORIZES the Chief Executive Officer to proceed with legal proceedings against the owners of No. 355 (Lot 270) Fitzgerald Street, North Perth, should a new Development Approval and Building Licence application not be submitted to the Town within the time period stipulated in the applicants letter dated 13 June 2006 and the building works are not completed within the time stipulated. ~~the above unauthorised building works not be completed and the unauthorised building remains after this twenty-eight (28) days period.~~*

Debate ensued.

The Presiding Member advised that after discussion on the proposed amendment and the need for more clarity in the wording that the applicant's request for deferral would be considered.

Moved Cr Torre, Seconded Cr Messina

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

CARRIED (5-3)

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

(Mayor Catania was absent from the meeting until 7.48pm.)

ADDITIONAL INFORMATION:

The Town received a letter from Brent Shulman Architects on behalf of the owner on 13 June 2006 (copy attached) requesting that the owner be given an opportunity to submit "a concept proposal for assessment by Planning Department no later than the 35 workings days from the date of the meeting).

The Town, in conjunction with the State Administrative Tribunal has been attempting to resolve the matter to the satisfaction to all parties. It is hoped that with the new Architects acting on behalf of the owner, and advice from the owner of his intent to obtain the necessary approvals from the Town, this matter can be resolved without pursuing legal action.

BACKGROUND:

- 13 February 2001* *The Council at its Ordinary Meeting approved an application alterations and two storey alterations and additions to existing dwelling subject to the following conditions:*
- (i) compliance with all relevant Environmental Health, Building and Engineering requirements;*
 - (ii) any filling placed on the site shall not exceed a height of 300 millimetres above the established natural ground level of any adjoining lot. A height in excess of 300 millimetres to a maximum of 600 millimetres above the established natural ground level of any adjoining lot may be permitted, subject to the written consent of the owners of all adjoining properties to the proposed depth of filling;*
 - (iii) all front fences and gates shall comply with the Town's Policy relating to Front Fences and Screen Walls, and full details shall be submitted to and approved prior to the erection of such fences and gates;*

- (iv) *subject to first obtaining the consent of the owners of No.359 (Lot 2) Fitzgerald Street North Perth for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No.359 (Lot 2) Fitzgerald Street North Perth , in a good and clean condition; and*
- (v) *prior to the issue of a Building Licence either, signed certification from a practising structural engineer stating that the proposed development will not have an adverse effect on the existing southern side retaining wall, OR signed plans from a practising structural engineer that details the necessary works to be taken out to ensure the structural adequacy of the southern side retaining wall, shall be submitted to and approved by the Town. All necessary works shall be undertaken prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s);*

26 February 2001 Approval to Commence Development 00/33/0468 for proposed alterations and two storey additions to existing dwelling was issued.

26 February 2001 Change of Use from Residential to Residential and Office was approved under delegated authority.

7 March 2001 Town sent a letter sent to the owners requesting the following information in order for the Building Licence to be issued:

- 1. Two (2) copies of suitable specifications of the proposed building work.*
- 2. The plans to be endorsed by a qualified practising Structural Engineer, stating the adequacy of all the proposed structural elements of the construction work, including confirmation that the existing structure is structurally adequate to support the proposed second storey additions.*

The applicant was also advised "If you wish to proceed with the proposal, please ensure that you submit the abovementioned information within thirty five (35) days of the date of this letter, ie, by no later than 12 April 2001. If the required information has not been received by this date, it will be assumed that you wish to withdraw your application. In that event the relevant file will be closed, and your application returned."

13 January 2005 The Town received a letter of enquiry from a member of the public with regard to the works at the subject property.

7 February 2005 Investigations revealed that a Building Licence had not been issued for the works and Notices under Section 401 (1) (c) of the Local Government (Miscellaneous Provisions) Act 1960 and Section 10 (3) of the former Town Planning and Development Act 1928 were issued requiring the removal of the subject unauthorised building works.

- 25 February 2005 *The applicant submitted an application for review against the requirements of the Notices issued by the Town to the State Administrative Tribunal (SAT), references CC2056 of 2005 and DR361 of 2005.*
- 25 May 2005 *The applicant submitted an Application for retrospective approval for alterations and two-storey additions to existing single house, reference 00/33/2883.*
- 5 August 2005 *The Town requested the applicant to provide additional information and accurate plans in order to proceed with the application. The information was required within 14 days (that is, by 19 August 2005) or the application would be deemed refused.*
- 20 October 2005 *The applicant requested, in writing that application reference 00/33/2883 be withdrawn.*
- 7 April 2006 *The State Administrative Tribunal Order 'Dismissed' the application for review CC2056 of 2005, of the Notice issued by the Town under Section 401 (1) (c) of the Local Government (Miscellaneous Provisions) Act 1960. The stay of the S10(3) directions and the stay of S401 notices, issued under S25 (2) of the SAT Act 2004 (LA) be lifted.*
- 26 April 2006 *SAT Order and Reasons included in the Information Bulletin to Council.*

DETAILS:

As a Building Licence was never issued, the building works have been constructed illegally without relevant approvals of the Town. In addition, the works constructed are not in accordance with the previous Approval to Commence Development dated 26 February 2001 reference 00/33/0468. Furthermore, the view (appeal) lodged by the owners (applicant) was also dismissed by the SAT.

In light of the above, it is recommended that the owners be given a further twenty eight (28) days to satisfy the requirements of the Notices issued under Section 401 (1) (c) of the Local Government (Miscellaneous Provisions) Act 1960 and Section 10 (3) of the former Town Planning and Development Act 1928. Should the requirements not be fulfilled within the given timeframe, it is recommended that the Chief Executive Officer be authorised to proceed with legal proceedings."

10.1.20 Authorisation for "My Best Friend" Veterinary Centre to register Town of Vincent Dogs and Review of Dog Registration Officers

Ward:	Both	Date:	20 June 2006
Precinct:	All	File Ref:	LEG0015
Attachments:	-		
Reporting Officer(s):	S Giles, S Beanland,		
Checked/Endorsed by:	J MacLean, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *AUTHORISES "My Best Friend" Veterinary Centre to issue dog licences and to accept Registration Fees for one (1) and three (3) year Dog Registrations;*
- (ii) *CANCELS all previous appointments of Registration Officers pursuant to the provisions of the Dog Act 1976; and*
- (iii) *APPOINTS the following persons as Registration Officers, under the provisions of the Dog Act 1976:*

<i>Sharnelle Nyree Beanland</i>	<i>Angela Rosemary Boyes</i>	<i>Glenda Dalby</i>
<i>Tracey Jane Lumbis</i>	<i>Marisa Carla Lombardi</i>	<i>Maureen Stieller</i>
<i>Elizabeth Ann Rutherford</i>	<i>Maria Anuso</i>	<i>Megan Kathleen Turner</i>
<i>Petar Mrdja</i>	<i>Fleur Gowland</i>	<i>James Gregor MacLean</i>
<i>John Phillip McGee</i>	<i>Peter Michele Cicanese</i>	<i>Simon Roger Giles</i>
<i>David Warren Boardman</i>	<i>Timothy Gene Bryant</i>	<i>Samantha Kim Alborn</i>
<i>Amanda Jane Taylor</i>	<i>Russell Thomas Edwards</i>	<i>Dene Francis Lawrence</i>
<i>Richard Harris</i>	<i>Sue Mitchell</i>	<i>Jennifer Mayes</i>
<i>Donna James</i>	<i>Andrew Masters</i>	<i>Christian Préau.</i>

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

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

- "(ii) AUTHORISES the Chief Executive Officer to write to all Veterinary Clinics and Centres within the Town, seeking the co-operation of the Principal Veterinary Officers in each, in arranging for Dog Licences to be issued, on behalf of the Town of Vincent, at their surgeries;"*

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.1.20

That the Council;

- (i) *AUTHORISES “My Best Friend” Veterinary Centre to issue dog licences and to accept Registration Fees for one (1) and three (3) year Dog Registrations;*
- (ii) *AUTHORISES the Chief Executive Officer to write to all Veterinary Clinics and Centres within the Town, seeking the co-operation of the Principal Veterinary Officers in each, in arranging for Dog Licences to be issued, on behalf of the Town of Vincent, at their surgeries;*
- (iii) *CANCELS all previous appointments of Registration Officers pursuant to the provisions of the Dog Act 1976; and*
- (iv) *APPOINTS the following persons as Registration Officers, under the provisions of the Dog Act 1976:*

<i>Sharnelle Nyree Beanland</i>	<i>Angela Rosemary Boyes</i>	<i>Glenda Dalby</i>
<i>Tracey Jane Lumbis</i>	<i>Marisa Carla Lombardi</i>	<i>Maureen Stieller</i>
<i>Elizabeth Ann Rutherford</i>	<i>Maria Anuso</i>	<i>Megan Kathleen Turner</i>
<i>Petar Mrdja</i>	<i>Fleur Gowland</i>	<i>James Gregor MacLean</i>
<i>John Phillip McGee</i>	<i>Peter Michele Cicanese</i>	<i>Simon Roger Giles</i>
<i>David Warren Boardman</i>	<i>Timothy Gene Bryant</i>	<i>Samantha Kim Alborn</i>
<i>Amanda Jane Taylor</i>	<i>Russell Thomas Edwards</i>	<i>Dene Francis Lawrence</i>
<i>Richard Harris</i>	<i>Sue Mitchell</i>	<i>Jennifer Mayes</i>
<i>Donna James</i>	<i>Andrew Masters</i>	<i>Christian Préau.</i>

PURPOSE OF REPORT:

To approve of “Authorised Persons” under the Dog Act 1976, to enable dogs to be registered.

DETAILS:

The Town of Vincent has the responsibility for the enforcement of various Acts, Regulations and Local Laws. This includes the Dog Act and in particular, the Town is responsible for the registration of dogs. It is a requirement for Officers issuing Dog Registrations to be appointed as Registration Officers under the Dog Act 1976.

All Officers named in clause (iii) of the above recommendation, deal with animal registrations on a regular basis. These Authorised Persons will be responsible for ensuring that Dog Registrations are completed in an appropriate manner and there is, therefore, a requirement for them to be appointed as Registration Officers.

The Ranger Services Section has been investigating initiatives to improve efficiencies and to enhance the awareness of the registration requirements, to new dog owners. In doing so, it has identified that, by combining dog registration, canine vaccinations and puppy training programs, at veterinary centres, it could encourage owners to register their new dogs. Registration from an early age provides the Town with a method to track unregistered animals and provides accessibility to Registration Forms and Tags.

“My Best Friend” Veterinary Centre, situated at 3/106 Oxford Street, Leederville, is the Town’s approved Veterinary service, for sterilisation, veterinary checks on impounded animals that are deemed suitable for rehabilitation and euthanasia for unclaimed impounded animals. The current opening hours of “My Best Friend” Veterinary Centre, extends past the Town of Vincent Customer Service Centre opening hours.

“My Best Friend” Veterinary Centre holds monthly “puppy classes” and a Town of Vincent Ranger attends to provide information to new dog owners on the laws and responsibilities associated with dog ownership.

Rangers have approached the owners of “My Best Friend” Veterinary Centre, with a view to their staff being authorised to issue registration tags from their premises and there was an immediate agreement. Rangers have arranged for the staff to promote dog registration to new dog owners, and to explain the benefits of having a dog registered. “My Best Friend” Veterinary Centre have indicated that they already have the ability to register dogs and that this would be done, without any cost to the Town.

Guidelines and applicable training for the issuing of tags and recording of Registration information, required under the Dog Act 1976 will be provided to the staff at “My Best Friend” Veterinary Centre, appointed as Dog Registration Officers.

It is anticipated that, the initiative with “My Best Friend” Veterinary Centre, if successful, could be broadened to other veterinary centres within the Town.

LEGAL/POLICY:

There is no legal impediment to a veterinary clinic being authorised to issue dog licences, but Section 3.24 of the Local Government Act 1995 requires any person, who will act on behalf of a Local Government, to be expressly authorised by it to do so.

STRATEGIC IMPLICATIONS:

These appointments are in keeping with the Strategic Plan 2005-2010 at Strategy and Action Plan 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.*”

CONSULTATION/ADVERTISING:

There will be a need to advertise the appointments in the *Government Gazette*.

FINANCIAL/BUDGET IMPLICATIONS:

Other than the advertising costs, there will be no cost associated with these appointments. The total cost is expected to be approximately \$100.00.

COMMENTS:

The approval for “My Best Friend Veterinary Centre” to issue dog licences and the appointment of the abovementioned Officers as Dog Registration Officers will ensure that the administration of the Ranger Services and Community Safety Section can continue to meet the expectations of the community. The above report is recommended for approval.

10.2.1 Proposal to replace Section 6 of the Perth Main Sewer – Newcastle Street, West Perth to Smith Street, Highgate.

Ward:	South	Date:	20 June 2006
Precinct:	Hyde Park Precinct P12; Beaufort Precinct P13 & Forrest Precinct P14	File Ref:	TES0553
Attachments:	001 , 002		
Reporting Officer(s):	R. Lotznicker		
Checked/Endorsed by:		Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the Proposal submitted by the Water Corporation to replace Section 6 of the Perth Main Sewer between Newcastle Street, West Perth and Smith Street, Highgate;*
- (ii) *NOTES the proposed route for the new main Sewer as shown in appendix 10.2.1A and 10.2.1B;*
- (iii) *DEFERS the implementation of any Capital Improvements in streets affected by the proposed Main Sewer upgrading works until all works associated with the Sewer upgrading have been completed ;*
- (iv) *REQUESTS that the Water Corporation;*
 - (a) *submits accredited ‘traffic management for road works’ proposals to the Town for the various components of the project;*
 - (b) *ensures that all ‘traffic management for road works’ proposals associated with the works are designed to minimise any adverse impact on the amenity of residents in the area and to ensure that the affected higher order roads are not blocked off to through traffic;*
 - (c) *prepares a detailed design, in liaison with the Town’s Executive Manager Technical Services, for the proposed works within Robertson Park and affected areas within the road reserve, to ensure all mature trees and any significant areas of landscaping are retained and protected during the course of the works;*
 - (d) *refers the proposal through Robertson Park to the Heritage Council of Western Australia (HCWA) as part of the proposed consultation process;*
 - (e) *complies with the statutory heritage conditions as required by the Department of Indigenous Affairs and the Heritage Council of Western Australia regarding the proposed works through Robertson Park including all associated cost;*

- (f) *gives consideration to the recommendations of Aboriginal stakeholders contained in the Ethnographic Survey of Robertson Park dated October 2000 a copy of which is available from the Town's Heritage Services officers;*
- (e) *provides the Town's Executive Manager Technical Services with a detailed program which details the full scope of works and timing for each aspect of the project prior to the commencement of the project;*
- (f) *ensures that all affected residents are provided with due notice of the works in their respective streets via information bulletins including after hours contact details and that copies of the information bulletins be forwarded to the Town;*
- (g) *ensures that all reinstatements are carried out in accordance with the Town's standards to the satisfaction of the Town's Chief Executive Officer;*
- (h) *complies with the Department of Environmental protection Noise regulation requirements and advises the Town of any approvals obtained to work outside of normal working hours; and*
- (i) *advertise the proposed works in the affected suburbs; and*
- (v) *RECIEVES a further report on the proposal should any major variation to the scope of works be required or any major unforeseen matters arise which require a Council decision during the progression of this major project.*

Moved Cr Ker, Seconded Cr Messina

That the recommendation be adopted subject to:

1. *clause (iv)(a) being amended to read as follows:*

“(iv) (a) submits accredited ‘traffic management for road works’ proposals to the Town for the various components of the project, especially in the vicinity of Highgate Primary School;”

2. *a new clause (iv)(j) being added as follows:*

“(iv) (j) works with the Town to investigate the potential for ‘sewer mining’ technology to provide reticulation water for parks and reserves in the vicinity, including Hyde Park, Robertson Park and Birdwood Square and to ameliorating water level and water quality problems in the Hyde Park lakes; and”

Debate ensued.

CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.2.1

That the Council;

- (i) *RECEIVES the report on the Proposal submitted by the Water Corporation to replace Section 6 of the Perth Main Sewer between Newcastle Street, West Perth and Smith Street, Highgate;*
- (ii) *NOTES the proposed route for the new main Sewer as shown in appendix 10.2.1A and 10.2.1B;*
- (iii) *DEFERS the implementation of any Capital Improvements in streets affected by the proposed Main Sewer upgrading works until all works associated with the Sewer upgrading have been completed ;*
- (iv) *REQUESTS that the Water Corporation;*
 - (a) *submits accredited 'traffic management for road works' proposals to the Town for the various components of the project, especially in the vicinity of Highgate Primary School;*
 - (b) *ensures that all 'traffic management for road works' proposals associated with the works are designed to minimise any adverse impact on the amenity of residents in the area and to ensure that the affected higher order roads are not blocked off to through traffic;*
 - (c) *prepares a detailed design, in liaison with the Town's Executive Manager Technical Services, for the proposed works within Robertson Park and affected areas within the road reserve, to ensure all mature trees and any significant areas of landscaping are retained and protected during the course of the works;*
 - (d) *refers the proposal through Robertson Park to the Heritage Council of Western Australia (HCWA) as part of the proposed consultation process;*
 - (e) *complies with the statutory heritage conditions as required by the Department of Indigenous Affairs and the Heritage Council of Western Australia regarding the proposed works through Robertson Park including all associated cost;*
 - (f) *gives consideration to the recommendations of Aboriginal stakeholders contained in the Ethnographic Survey of Robertson Park dated October 2000 a copy of which is available from the Town's Heritage Services officers;*
 - (e) *provides the Town's Executive Manager Technical Services with a detailed program which details the full scope of works and timing for each aspect of the project prior to the commencement of the project;*
 - (f) *ensures that all affected residents are provided with due notice of the works in their respective streets via information bulletins including after hours contact details and that copies of the information bulletins be forwarded to the Town;*

- (g) *ensures that all reinstatements are carried out in accordance with the Town's standards to the satisfaction of the Town's Chief Executive Officer;*
 - (h) *complies with the Department of Environmental protection Noise regulation requirements and advises the Town of any approvals obtained to work outside of normal working hours;*
 - (i) *advertise the proposed works in the affected suburbs; and*
 - (j) *works with the Town to investigate the potential for 'sewer mining' technology to provide reticulation water for parks and reserves in the vicinity, including Hyde Park, Robertson Park and Birdwood Square and to ameliorating water level and water quality problems in the Hyde Park lakes; and*
- (v) *RECIEVES a further report on the proposal should any major variation to the scope of works be required or any major unforeseen matters arise which require a Council decision during the progression of this major project.*
-

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the Water Corporation's proposal to replace section 6 of the Perth Main Sewer between Newcastle Street West Perth to Smith Street, Highgate.

BACKGROUND:

Previously on 9 February 1998 the Council received a report of the Water Corporation's proposal to replace Section 5 of the Perth Main Sewer between Lake Monger Drive and Charles Street. This section of sewer provides for the disposal of sewage from the Towns of Vincent, Cambridge and the City of Perth.

As the Council is aware these works finally commenced in early 2006 and are 'currently' in progress with the main impact (on the Town) being along Leederville Parade, The Avenue Carpark and the Leederville Parade / Vincent Street intersection.

The Town's officers met informally with the Water Corporation in early 2006 where they were advised there was now an urgent requirement to upgrade 'Section 6' of the Perth Main Sewer which traverses the Town between (just south of) Newcastle Street West Perth and Smith Street in Highgate.

DETAILS:

On 15 June 2006, the Town received a 'formal notice' of the proposal from the Water Corporation as follows:

To provide for the disposal of sewage in the Town of Vincent and the City of Perth, the Water Corporation proposes to construct by micro tunnelling:

- *DN1500 (1.50m) diameter sewer pipe approximately 2150m(2.15km) in length*
- *Associated access chambers*
- *Reconnection of existing sewers to the new sewer*
- *Decommission the existing sewer system*

The location of the proposed works is as shown on the attached plan.

The proposed works are scheduled to commence in mid July/August 2006 and will continue for the duration of approximately 12 months.

Objections to the proposed work should be lodged in writing with the Project Manager, Mr Manicka Vasagar C/O Water Corporation, 273 Bannister Road, Canning Vale WA 6155, before close of business on Friday 14 July 2006, fully stating your reasons for the objections.

Proposed Sewer Route

The attached plan (appendix 10.2.1A) outlines the proposed sewer route. A description of the route is as follows:

- Connection to the existing 'main sewer' south of Newcastle Street in the City of Perth.
- North along Fitzgerald Street (across Newcastle Street) to opposite Cowle Street (approx location). Connection to an existing sewer required at this location.
- East across Robertson Park from Fitzgerald Street and along Robertson Park accessway to Palmerston Street
- North along Palmerston Street from Robertson Park (access way) to Brisbane Street.
- East along Brisbane Street from Palmerston Street, across Lake Street and William Street to Lane Street. Connection to an existing sewer required at this location.
- North along Lane Street from Brisbane Street to Bulwer Street
- East along Bulwer Street (for a short distance) between Lane Street and Bulwer Avenue
- North along Bulwer Ave between Bulwer Street and Lincoln Street
- East along Lincoln Street from Bulwer Ave across Beaufort St and Stirling Street to Smith Street.
- Connection to existing 'main sewer' at Smith/Lincoln Street

Proposed Construction Method/s

Construction for the majority of the new sewer will be via micro tunnelling however excavations will occur at the following locations (refer appendix 10.2.1A):

- At proposed 'bore pit' locations 1, 3, 5, 6, 10, 12, 13 and 15 for setting up of the micro tunnelling equipment
- The section of proposed sewer between pit 4 and 5 -open trenching will most probably be required due to the proximity of the existing sewer
- The section of proposed sewer between pit 11 and 12 - open trenching will be required due to the short distance involved
- Connections to existing sewer- at pit 1, 3, 10 and 15 (extra excavation may be required)
- The ground will also be excavated to install all access chambers along the proposed sewer.

Once the proposed sewer has been completed, the various connections (to the existing sewers) will be carried out, all associated excavations reinstated and the new sewer will be commissioned and the existing sewer will be decommissioned and filled with a sand /cement slurry.

Implications for Towns Works 2006/2007 works program / Infrastructure

Connection to the existing 'main sewer' south of Newcastle Street in the City of Perth.

No impact of the Town.

Affect on Town's proposed works program
N/A

Fitzgerald Street (across Newcastle Street) to opposite Cowle Street (approx location).

The majority of this work will involve micro tunnelling. An access chamber (No 2) will be installed in the Fitzgerald Street carriageway between Newcastle Street and Carr Street. A bore pit (No 3) will be constructed opposite Robertson Park in Fitzgerald Street. Connection to an existing sewer is required at this location.

Affect on Town's proposed works program
The 2006/2007 includes funding for the rehabilitation of the section of Fitzgerald Street between Carr Street and Newcastle Street (portion state funded). It is recommended that these works be placed on hold pending the completion of the sewer works.

Across Robertson Pk from Fitzgerald St and along Robertson Pk accessway to Palmerston St

While the majority of this work will involve micro tunnelling an access chamber will need to be installed in Robertson Park (No 4) and a section of proposed sewer may need to be open trenched between the proposed access chamber and the proposed bore pit chamber in Palmerston Street.

It is likely that some of the existing mature trees within the park may be affected by the proposed works. In particular, a large stand of mature Eucalypts located at the southern end of the tennis had courts may have to be removed to enable machinery to access the proposed pit chamber.

Some of the existing infrastructure including the lighting and reticulation network, access roads and pathways may also be affected however these components are relatively simple to reinstate.

The exact extent of the impact will be determined in the forthcoming months following a site meeting with Water Corporation representatives.

Affect on Town's proposed works program
N/A

Palmerston Street from Robertson Park (access way) to Brisbane Street.

The majority of this work will involve micro tunnelling. A bore pit will be constructed in Palmerston Street opposite Robertson Park (No 5) and one at the Palmerston / Brisbane Street intersection. A portion of the existing 'round a bout' at this location may need to be removed and reinstated to accommodate bore pit No 6. Road reinstatements will be required around proposed pits.

Affect on Town's proposed works program
N/A

Brisbane Street from Palmerston Street, across Lake Street and William Street to Lane Street.
Connection to an existing sewer required at this location.

The majority of this work will involve micro tunnelling. Several access chambers (Nos 7, 8 and 9) will be installed in the Brisbane Street carriageway between Palmerston Street and Lane Street. A bore pit (No 10) will be constructed opposite Lane Street in Brisbane Street. Connection to an existing sewer will be required at this location.

Affect on Town's proposed works program

N/A

Lane Street from Brisbane Street to Bulwer Street

The majority of this work will involve micro tunnelling

Affect on Town's proposed works program

N/A

Bulwer Street (for a short distance) between Lane Street and Bulwer Avenue

The majority of this work will involve 'open cut' construction given the short distance involved. An access chamber (Nos 11) will be installed opposite Lane Street in Bulwer Street and a bore pit (No 12) will be constructed in the Bulwer Street carriageway opposite Bulwer Ave.

Affect on Town's proposed works program

The 2006/2007 includes funding for the rehabilitation of the section of Bulwer Street between William Street and Beaufort Street (portion state funded). It is recommended that these works be placed on hold pending the completion of the sewer works.

Bulwer Ave between Bulwer Street and Lincoln Street

The majority of this work will involve micro tunnelling

Affect on Town's proposed works program

N/A

Lincoln St from Bulwer Ave (across Beaufort St and Stirling St) to Smith St.

The majority of this work will involve micro tunnelling. A bore pit (No 13) will be constructed at the Lincoln Street / Bulwer Street intersection and an access chamber (No 14) will be installed in the Lincoln Street carriageway just east of Beaufort Street.

Affect on Town's proposed works program

The 2005/2006 budget (*proposed to be carried forward*) includes \$35,000 for works in Lincoln Street outside the Highgate Primary School. It is recommended that these works be placed on hold until the sewer works have been completed.

Connection to existing 'main sewer' at Smith/Lincoln Street

A portion of the existing 'round a bout' at this location may need to be removed and reinstated to accommodate inspection chamber No 15. Road reinstatements will be required around proposed pit.

Affect on Town's proposed works program

N/A

CONSULTATION/ADVERTISING:

Water Corporation will be required to inform residents / businesses of the proposal.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

N/A

COMMENTS:

The urgent sewer works are required as the existing gravity sewer main is in a deteriorated state. As it is a gravity sewer the alignment cannot be altered significantly. The majority of the works will involve micro tunnelling however excavations will be required at bore pit, inspection chamber locations and for carrying out connections to the existing sewer. Several short sections of the new sewer may also require to be constructed via the open cut method. Water Corporation has allowed 12 months for the project however they envisage that the works will be completed in possibly 6 to 8 months.

10.2.3 Further Report on a Proposed Transformer Installation - Highgate

Ward:	Both	Date:	21 June 2006
Precinct:	Hyde Park Precinct P12	File Ref:	TES0552
Attachments:	001		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on a Western Power's proposal to locate a transformer in Hyde Park;
- (ii) **APPROVES** the request by Western Power to locate a ground mounted transformer on the eastern edge of Hyde Park given that no alternative 'suitable' locations to locate a transformer in the immediate vicinity have been identified;
- (iii) **REQUESTS** Western Power to provide or fund appropriate screening/landscaping on three sides of the proposed ground mounted transformer to the satisfaction of the Town's Executive Manager Technical Services should clause (ii) above be adopted;
- (iv) **NOTES** that;
 - (a) if approval is granted, as per clause (ii), Western Power will incorporate the existing meter box, currently located on the eastern edge of Hyde park adjacent to the existing footpath, into the proposed ground mounted transformer to comprise one structure as shown on the attached photos (appendix 10.2.3A);
 - (b) by not allowing Western Power to locate a ground mounted transformer in the perimeter of Hyde Park this will, more than likely, result in Western Power, albeit reluctantly, proceeding with the installation of a pole top transformer (as indicatively shown in attached appendix 10.2.3B) for which the Town's approval would not be required; and
 - (c) a ground mounted transformer would still be required in this vicinity (probably in the Hyde Park location) in the future when the overhead power networks is undergrounded (as part of a future State Underground Power Project) and the future cost of a ground mounted transformer would be partly borne by the Town's ratepayers; and
- (v) **ADVISES** Western Power of its decision.

Moved Cr Ker, **Seconded** Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Messina

That a new clause (vi) be added to read as follows:

- “(vi) *ADVISES Western Power that the proposed transformer in Hyde Park requires the approval of the Heritage Council of Western Australia pursuant to the Heritage of Western Australia Act 1995, as Hyde Park is listed on the State Register of Heritage Places.*”

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (6-2)

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

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 10.2.3

That the Council;

- (i) *RECEIVES the report on a Western Power’s proposal to locate a transformer in Hyde Park;*
- (ii) *APPROVES the request by Western Power to locate a ground mounted transformer on the eastern edge of Hyde Park given that no alternative 'suitable' locations to locate a transformer in the immediate vicinity have been identified;*
- (iii) *REQUESTS Western Power to provide or fund appropriate screening/landscaping on three sides of the proposed ground mounted transformer to the satisfaction of the Town's Executive Manager Technical Services should clause (ii) above be adopted;*
- (iv) *NOTES that;*
 - (a) *if approval is granted, as per clause (ii), Western Power will incorporate the existing meter box, currently located on the eastern edge of Hyde park adjacent to the existing footpath, into the proposed ground mounted transformer to comprise one structure as shown on the attached photos (appendix 10.2.3A);*
 - (b) *by not allowing Western Power to locate a ground mounted transformer in the perimeter of Hyde Park this will, more than likely, result in Western Power, albeit reluctantly, proceeding with the installation of a pole top transformer (as indicatively shown in attached appendix 10.2.3B) for which the Town's approval would not be required; and*

- (c) *a ground mounted transformer would still be required in this vicinity (probably in the Hyde Park location) in the future when the overhead power networks is undergrounded (as part of a future State Underground Power Project) and the future cost of a ground mounted transformer would be partly borne by the Town's ratepayers;*
- (v) *ADVISES Western Power of its decision; and*
- (vi) *ADVISES Western Power that the proposed transformer in Hyde Park requires the approval of the Heritage Council of Western Australia pursuant to the Heritage of Western Australia Act 1995, as Hyde Park is listed on the State Register of Heritage Places.*
-

PURPOSE OF REPORT:

The purpose of this report is to advise Council of Western Power request for reconsideration of its decision of 21 February 2006 to refuse approval of the installation of a transformer in Hyde Park, or alternatively, approve the installation of a pole top transformer.

BACKGROUND:

In January 2006 the Town received correspondence from Western Power advising that due to the aging power infrastructure in the Highgate area there is an urgent requirement to upgrade the existing network in order to prevent power outages and to protect the existing power infrastructure.

Western Power requested that the Town approve the installation of a ground mounted transformer in Hyde Park, near the intersection of William and Lincoln Streets.

At its Special Meeting of 21 February the Council adopted, in part, made the following decision:

- (iii) *REFUSES the request by Western Power to locate a Transformer in Hyde Park as this is not in keeping with the requirements of the 'Hyde Park Conservation Plan';*
- (iv) *REQUESTS that Western Power investigate alternative locations including co-locating the Transformer within a suitable proposed development site in the area or by utilising an existing installation in the vicinity of Hyde Park;*
- (v) *ADVISES Western Power of its decision; and*
- (vi) *RECEIVES a further report when the matter has been determined.*

DETAILS:

When 'retrofitting' transformers in established areas, Western Power can either install a pole mounted transformer, of limited capacity, or a ground mounted transformer.

Western Power's recent experience indicates that there is greater community opposition to pole mounted transformers, particularly for aesthetic reasons and the perceived public health risk, than there is to ground mounted transformers. Further, a ground mounted transformer has greater capacity and would form part of any future underground power project within the area, potentially saving the project, and by extension the Town and the community, up to \$20,000.

With regard to the specific proposal, residents within the immediate areas will benefit from an improved power infrastructure which will provide them with a more reliable power supply.

Council Policy

On 3 June 2005, the Town adopted a policy on "Electricity Supply - Development Guidelines for Installation of Substations" which concluded with the closing statement:

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

Further the Policy requires that:

'Western Power Corporation and/or its sub contractors are to liaise with the Town as to the preferred location of the underground power infrastructure prior to finalising the design'

Requirement for a Transformer

Western Power has identified the area bounded by William Street, Bulwer Street, Bulwer Avenue and Lincoln Street as requiring an immediate power supply upgrade, resulting in their original request to install a ground mounted transformer in Hyde Park.

Further Western Power has advised that the residents of this area continue to complain about the inadequately of their supply and that they (Western Power) are required to take some immediate action to address their concerns.

Proposed Transformer Locations

Hyde Park Perimeter (William Street)

When first approached by Western Power regarding the possibility of locating the transformer in Hyde Park, Technical Services officers advised Western Power to consider alternate locations.

Highgate Primary School

The only other open space, other than road reserve, in the immediate area is the Highgate Primary School, which was considered inappropriate (due to distance from required location) and would probably meet with considerable opposition from the school community.

Road Reserves

Western Power considered other 'unobtrusive' sites within the road reserve. However, in view of the narrow width of the Bulwer and Knebworth Avenues road reserves, therefore lacking adequate room in which to accommodate a transformer, both were immediately eliminated. Similarly, the verges in William Street, opposite the park, and Bulwer Street, are also too narrow, leaving only Lincoln Street.

As a majority of the properties in Lincoln Street front the street, it could be expected that residents would object to a transformer being placed upon the verge. The last option was the side boundaries of the properties adjacent to the intersections of Cavendish and Harley Streets. Unfortunately for Western Power, existing services precluded them locating a transformer at either location.

Future Development Site/s

Western Power advised that for the transformer to be effective it needs to be within the immediate area experiencing the supply problems. Should it be incorporated into a future development all the muted developments within the area, such as Civic Theatre Development in Beaufort Street, are in fact too far away. Further the problem exists now and Western Power cannot wait another year to resolve the matter.

New Submission

As result of Council having rejected Western Power's previous request to locate the transformer within Hyde Park, behind the existing Adshel bus shelter, located on William Street between Glendower and Lincoln Streets, Western Power is now proposing two (2) new scenarios'.

- A pole top transformer in Lincoln Street, as depicted on the attached photographs A & B.
- A ground mounted transformer adjacent the Hyde Park existing meter box, abutting the William Street footpath, near the intersection of Lincoln Street, but again within the park.

A pole top transformer in Lincoln Street

It could be expected that residents at either location depicted in the photos, deliberately not identified at this time as Western Power is yet to approach them, would object to a pole top transformer being located immediately outside their home on several grounds. Be it health concerns, aesthetic reasons, lose of amenity or devaluing their property and hence Western Power are very reluctant to pursue this option but if no other option is open to them they may be forced to implement this.

A ground mounted transformer adjacent the Hyde Park existing meter box

Western Power's preferred position is to locate the transformer within Hyde Park however in light of the Council's earlier refusal Western Power are now suggesting an alternate location.

There is an existing Western Power meter box and mini pillar, which is the point of power connection to Hyde Park located, as indicated above, adjacent the William Street footpath near the Lincoln Street intersection.

Western Power are proposing to install the transformer at this location and incorporating the meter box into a single structure. The existing meter box is galvanised steel structure standing approximately 1.2m high by 0.7m wide and 0.45m deep. Western Power's proposal is to fabricate a slightly larger standard 'green' transformer kiosk orientated perpendicular to the road, with the meter board incorporated into the end facing the road.

The resultant structure would be 2.1m x 1.6m x 1.4m in height, painted green. Further Western Power would require an easement area of 3.0m x 3.7m.

CONSULTATION/ADVERTISING:

Western Power would be required to seek approval from the Heritage Council of Western Australia prior to this matter being finally approved.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“(j) Develop a strategy for the staged implementation of underground power throughout the Town.”*

FINANCIAL/BUDGET IMPLICATIONS:

There will be no financial implications to the Town as the proposal will be fully funded by Western Power.

COMMENTS:

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

However, in this instance, there are no significant development applications pending in the immediate vicinity and therefore Western Power is limited, as outlined in the body of the report, to locating the transformer either in Hyde Park or on a pole top in Lincoln Street.

Western Power has made this latest request in the knowledge that the Council does not want the transformer in Hyde Park. However, it is Western Power's position that the transformer will be more palatable and have a lesser impact upon local residents if located in the park than on a pole top in Lincoln Street.

The Chief Executive Officer advised that Mayor Catania and Cr Messina had declared a financial interest in this Item. Mayor Catania and Cr Messina departed the Chamber at 7.50pm. Cr Farrell assumed the Chair.

10.3.2 Investment Report as at 31 May 2006

Ward:	Both	Date:	6 June 2006
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	M Howard-Bath		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 May 2006 as detailed in Appendix 10.3.2.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (6-0)

(Cr Torre was an apology. Mayor Catania and Cr Messina were absent from the Chamber and did not vote.)

As Mayor Catania and Cr Messina had also declared a financial interest in Item 10.4.2 it was agreed that this item be brought forward.

PURPOSE OF REPORT:

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

BACKGROUND:

This Item was to be considered at the Ordinary Meeting of Council held on 13 June 2006, however, due to the lateness of the hour the Item was not considered or determined and was deferred to the Special Meeting of Council to be held on 20 June 2006.

At the Special Meeting of Council held on 20 June 2006 Mayor Catania and Cr Messina declared a financial interest in this Item. The Council resolved as follows:

“That the matter “LIE ON THE TABLE” as there would not be a quorum if Mayor Catania and Cr Messina could not vote on the Item.”

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

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

DETAILS:

Total Investments for the period ended 31 May 2006 were \$13,753,389 compared with \$14,753,389 at 30 April 2006. At 31 May 2005, \$9,301,267 was invested.

Total accrued interest earned on Investments as at 31 May 2006:

	Budget	Actual	%
	\$	\$	
Municipal	310,000	359,638	126.57
Reserve	324,200	397,046	133.61

COMMENT:

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

Mayor Catania and Cr Messina had declared a financial interest in this Item. They were already absent from the Chamber.

10.4.2 Investment Policy No 1.2.4 – Adoption

Ward:		Date:	20 June 2006
Precinct:		File Ref:	ORG0023
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES the public submission received on the Investment Policy No 1.2.4; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to adopt Policy No 1.2.4 – Investment Policy as shown in Appendix 10.4.2.*

COUNCIL DECISION ITEM 10.4.2

Moved Cr Ker, Seconded Cr Maier

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (6-0)

(Cr Torre was an apology. Mayor Catania and Cr Messina were absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to report a public submission received and to seek Council's approval to adopt Policy No 1.2.4 – Investment Policy.

BACKGROUND:

At the Ordinary Meeting of Council held on 28 February 2006, the Council considered this matter and resolved as follows:

“That the Council;

- (i) *APPROVES BY AN ABSOLUTE MAJORITY to amend and re-adopt the Investment Policy No 1.2.4 subject to be the following amendments:*
 - (a) *Clause 3 of the Policy Statement - Amend heading to read as follows:*
"Authorised Investment shall include but not necessarily be limited to:"; and
 - (b) *Clause 1 of the Guidelines and Policy Procedure - Credit Ratings Table being amended to read as follows:*

<u>"Long Term Rating</u> <u>(Standard & Poors)</u> <u>or Equivalent</u>	<u>Short Term</u> <u>Rating</u> <u>(Standard &</u> <u>Poors) or</u> <u>Equivalent</u>	<u>Direct</u> <u>Investments</u> <u>Maximum %</u> <u>With any one</u> <u>institution</u>	<u>Managed</u> <u>Funds</u> <u>Maximum %</u> <u>With any one</u> <u>institution</u>	<u>Maximum</u> <u>% of</u> <u>Total</u> <u>Portfolio</u>
<u>AAA Category and</u> <u>below</u>	<u>A1+</u>	<u>30%</u>	<u>45%</u>	<u>100%</u>
<u>AA Category and</u> <u>below</u>	<u>A1+</u>	<u>30%</u>	<u>45%</u>	<u>90%</u>
<u>A Category and</u> <u>below</u>	<u>A1</u>	<u>20%</u>	<u>30%</u>	<u>80%</u>
<u>BBB Category</u>	<u>A2</u>	<u>10%</u>	<u>n/a</u>	<u>20%</u>
<u>Unrated ADI</u>	<u>Unrated</u>	<u>5%</u>	<u>n/a</u>	<u>10%"</u>

- (ii) *AUTHORISES the Chief Executive Officer to:*
- (a) *advertise the proposed amended policy for a period of twenty-one (21) days, seeking public comment;*
 - (b) *report back to Council with any public submissions received; and*
 - (c) *include the amended/draft policies in the Council's Policy Manual if no public submissions are received."*

Public Submission

A number of policies were advertised and a submission was received as follows:

The proposed amendments were advertised and at the conclusion of the advertising period, one submission was received from the Smith's Lake Precinct Group as follows:

"Re your letter of 10 April inviting submission of proposals to re-adopt five policies with amendments as well as two new policies. SLPG discussed these at its April meeting ...

... 1.2.4 – Investment Policy was discussed. The meeting considered the revision to be too vague and capable of too much ill-defined discretion. We are in an exceptional boom period with media business comment suggesting this may end soon foreshadowing a high-risk period for investments. The meeting considered the draft needed tightening up and suggests that the standards of the Public Trustee could be used as a reference. ..."

Officer's Comment:

The Town's administration is of the opinion that the Precinct Group's comments cannot be agreed with. The amended Investment Policy is specific and does not require any further amendment.

The Objectives of the Policy clearly states what the Policy is intended to achieve, and the approach to be taken in investment matters.

All investments are made in accordance with the Local Government Act 1995 – Section 6.14 and the Trustees Amendment Act 1997 – point 6 re: Part 111 investments.

The Policy Statement – clause (3) – Authorised Investments clearly defines the type of investments in which the Town is permitted to utilise. This includes “*specific securities approved by Council*”. Where there is some discretion as to what can be used, Council approval is required.

- Investment Policy – Guidelines and Policy Procedure – Section 1 Diversification/Credit Risk

This section specifies the amount invested with any one financial institution or managed funds and should not exceed the following percentages of average annual funds in accordance with the Credit rating (as set by Standard and Poors Rating Bureau) of the specific investment.

- Section 3 – Review/Reporting

An annual report is to be provided to the Council on the performance of the investment portfolio. Monthly reports are to provide to the Council on the progressive performance of the portfolio against budget expectations.

This investment policy is in line with many other policies adopted in other major Western Australian local governments. In addition, professional advice from a reputable Investment company has been obtained on the content of the policy to ensure that the objectives can be achieved.

DETAILS:

At the Ordinary Meeting of Council held on 21 February 2006, the Council resolved to amend Policy No 1.2.4 – Investment Policy.

The current policy has been amended to include the following:

1. An expansion of the investment objectives.
2. Inclusion of a risk profile for the Town's investments.
3. An expansion in the authorised investments that can be utilised by the Town:
 - The guidelines have been amended to include an expanded investment guideline matrix for Investment Credit Ratings to include increased credit rating categories and definitions for each rating level.
 - The Benchmark has been changed to UBSW Bank Bill Index which reflects the name of the company that now sponsors the Bank Bill Index.
 - The reporting requirements have been amended to ensure documentary evidence is maintained for investments, together with an annual report on the performance of the investment portfolio.

The Investment Policy has been amended to provide a more expansive policy to extend the authorised investments available for use, while at the same time responding to the investment objectives and including a risk profile.

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

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

CONSULTATION/ADVERTISING:

The proposed policy was advertised for a period of 21 days seeking comments from the public.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

4.3(a) Develop guidelines and policies to facilitate the interaction of all parties, which clearly identifies the roles and relationships between the Elected Members and the Town's administration and promotes professional and workable relationships between Elected Members.

FINANCIAL/BUDGET IMPLICATIONS:

Not applicable

COMMENTS:

It is recommended that the Council approve the proposed amendments to this policy, as detailed in this report.

10.3.3 Donation to North Area Health Service – Australian Early Development Index (AEDI) 2006

Ward:	Both	Date:	12 May 2006
Precinct:	All	File Ref:	FIN0008
Attachments:	-		
Reporting Officer(s):	J Symons		
Checked/Endorsed by:	J Anthony M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That Council APPROVES a donation of \$2000 towards the implementation of the AEDI at all primary schools within the Town.

COUNCIL DECISION ITEM 10.3.3

Mayor Catania and Cr Messina returned to the Chamber at 7.51pm. Mayor Catania assumed the Chair.

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Farrell

That the Item be DEFERRED to obtain further information from the Health Department and also for the Town to establish how the residents and ratepayers will benefit from the information.

CARRIED (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

To request approval for a donation to the North Metropolitan Health Service to implement the Australian Early Development Index (AEDI) in primary schools.

BACKGROUND:

The AEDI is a population measure of how well communities are raising their children. It is a measure of young children's development, based on the scores from a checklist that pre-primary school teachers complete.

The EDI provides empirical evidence to determine how well populations of children are developing in their first five years of life. The EDI provides a scorecard for communities interested in learning what is going right and wrong for their children. It also provides evidence that communities can use to advocate for improvement of programs and facilities relevant to the early years.

DETAILS:

An EDI was conducted across the North Metropolitan Health Service in 2003. The only difference is that it has now been implemented across Australia and is entered using a web based questionnaire.

The AEDI consists of over 100 questions measuring 5 developmental domains:

- Physical health and well being
- Social competence
- Emotional maturity
- Language and cognitive skills
- Communication and general knowledge

The survey is completed on the web by the child's pre-primary teacher after the first 6 months of having them in class so they have grasped a good understanding of their behaviour. The IEDI is performed on children of this age as it is the first opportunity for a universal point to collect data about the development of children as they finish their pre-school years. The AEDI provides an outcome measure of the development that has taken place up to the start of school.

It is understood that children who are classed as vulnerable in at least two or more developmental domains do not have the capacity to take advantage of school. These children will struggle with all aspects of school but if intervention can occur at an early stage of schooling, the foundations for competence and coping skills that will affect learning and health will be established.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010 Key Result Area Two - Community Development

2.2 Provide and develop a range of community programs and community safety initiatives.

"(a) Undertake regular community visioning programmes.

(b) Undertake social research and a community needs survey and review existing projects in light of survey results".

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$2000 would be drawn from the Donation account.

COMMENTS:

The EDI provides communities with a basis for reviewing in their area the services, supports and environments that influence children in their first five years of life. The results can be used as evidence to demonstrate a need for services.

Participating in this project in liaison with the North Metropolitan Health Service will assist with future planning of grant allocation and community development programmes with evidence based targets.

**10.4.4 Policy No 4.2.9 – Council Meetings – Dealing with Disruptive Behaviour
- Adoption**

Ward:		Date:	20 June 2006
Precinct:		File Ref:	ORG0023
Attachments:	001		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES the public submission received on Policy 4.2.9 – Council Meetings - Dealing with Disruptive Behaviour; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to adopt Policy No 4.2.9 – Council Meetings – Dealing with Disruptive Behaviour as shown in Appendix 10.4.4.*

COUNCIL DECISION ITEM 10.4.4

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED BY AN ABSOLUTE MAJORITY (8-0)

(Cr Torre was an apology.)

PURPOSE OF REPORT:

The purpose of this report is to report a public submission received and to seek Council’s approval to adopt Policy 4.2.9 – Council Meetings – Dealing with Disruptive Behaviour.

BACKGROUND:

At the Special Meeting of Council held on 21 February 2006 the Council resolved inter alia as follows:

“... (ii) *APPROVES BY AN ABSOLUTE MAJORITY to adopt the following new Policies as shown in Appendix 10.4.3:*

- (a) *4.2.9 – Council Meetings – Dealing with Disruptive Behaviour by the Public;*
...”

Public Submission

A number of policies were advertised and a submission was received as follows:

The proposed amendments were advertised and at the conclusion of the advertising period, one submission was received from the Smith’s Lake Precinct Group as follows:

“Re your letter of 10 April inviting submission of proposals to re-adopt five policies with amendments as well as two new policies. SLPG discussed these at its April meeting ...

The meeting considered that new Policy 4.2.9 – Council Meetings – Dealing with Disruptive Behaviour by the Public represented overkill in relation to the magnitude of the problem. Some robustness and expressions of emotion must occasionally be expected at meetings. While some of the additional defining of disruption, as added at the beginning of the draft, has merit the further extensive references to police powers and the Criminal code later on go too far and are an affront to residents. The meeting considered where robust behaviour at meetings had occurred in the past these had arisen partly because Council had failed to adequately inform and consult properly with the community who then responded angrily. SPLG would like to see the draft amended accordingly.”

Officer’s Comment:

The Precinct Group’s comments are noted, however cannot be supported for the following reasons:

1. The Town’s Policy is largely based on the Guidelines prepared and issued by the Department of Local Government (DLG). The DLG prepared their Guidelines after forming a Working Group of Elected Members, Officers and Employees.
2. The proposed Policy does not inhibit the expression of public opinion or comment. It merely puts in place procedures to control disruptive behaviour – which does occur from time to time.
3. The Town has a duty of care under the Occupational Safety and Health Act to protect its Employees from serious disruptive or inappropriate behaviour by Members of the public, as this may cause unnecessary stress and possibly physical harm. It also has duty to protect the Elected Members.
4. It should be noted that the Police powers and offences under the Criminal Code already exist. This policy refers to these existing powers, which can be currently used, even if no policy is in place.
5. The comment about the Town failing to properly consult with the community is without basis. The Town’s Consultation Policy is comprehensive and well documented. The Town has been commended for its consultation.

DETAILS:

This is a new policy recommended for adoption by the Council.

Recently the Department of Local Government wrote to the Town with Guidelines to deal with this matter and recommended that a policy be adopted.

The Department's Guidelines have been used as a basis in formulating the proposed Policy.

For information, there have been several occasions in the past where members of the public have seriously disrupted Council meetings and these have been appropriated dealt with at the time, without incident.

The adoption of a policy is considered appropriate and in accordance with the Department's recommendation.

CONSULTATION/ADVERTISING:

The proposed policy was advertised for a period of 21 days seeking comments from the public.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

4.3(a) Develop guidelines and policies to facilitate the interaction of all parties, which clearly identifies the roles and relationships between the Elected Members and the Town's administration and promotes professional and workable relationships between Elected Members.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that the Council approve the proposed policy, as detailed in this report.

10.4.5 Information Bulletin

Ward:	-	Date:	21 June 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 27 June 2006 as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 10.4.5

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

CARRIED (8-0)

(Cr Torre was an apology.)

DETAILS:

The items included in the Information Bulletin dated 27 June 2006 are as follows:

ITEM	DESCRIPTION
IB01	State Administrative Tribunal letter attaching orders made on 2 June 2006 – Murphy vs Town of Vincent. 6 Wavertree Place, Leederville.
IB02	Discussion paper: Proposal to amend the bonded asbestos removal licensing threshold. Letter from the Department of Consumer and Employment Protection – Chair, Tony Cooke.
IB03	New Public Health Act for Western Australia - Progress Report (All Precincts) ENS0017
IB04	Note of Appreciation to the Town from D Beetson regarding Proposed Doctor's Surgery at No. 28 Monger Street, Perth
IB05	Acknowledgement Letter from the Premier of Western Australia's Chief of Staff regarding implementation of the "Companion Card" Scheme in Western Australia
IB06	Letter from Western Australian Local Government Association (WALGA) confirming Cr Sally Lake's Successful Nomination to the WAPC/WALGA Network City Peak Liaison Committee
IB07	Letter from Consulate of the Republic of Indonesia in Appreciation of Town's Donation to the recent Charity Classical Music Concert held for Indonesia's Earthquake Victims

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11.1 Notice of Motion - Councillor Simon Chester – Economic Development Strategy

That the Council AUTHORISES the Chief Executive Officer to prepare a report brief for Council's approval to commission a further report on Part 4 - Governance of the Town's 2005 Economic Development Strategy, the report brief should consider;

- (i) provision of further details of the definition, scope and role of the Town, business and stakeholders in the Place Management Process including examples of similar;*
- (ii) how the proposed Place Management Committee would fit into the Town's existing governance structure including defining its authority, accountabilities, responsibilities and resource requirements;*
- (iii) identification and assessment of the alternative funding models available to fund the activities of the Place Management Committee;*
- (iv) the accountabilities; responsibilities and resource requirements of the proposed Manager Place Activation and whether they be engaged as an internal or external agent to the Town's administration;*
- (v) an implementation plan for Economic the Development Strategy particularly the aspects of governance and administration; and*
- (vi) development of an alternative simplified governance model as interim measure to implement the strategies identified in the Town's 2005 Economic Development Strategy;*

and be prepared for Council's consideration no later than September 2006.

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

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

“That the Council;

- (i) AUTHORISES the Chief Executive Officer to prepare ~~a report~~ project brief and the terms of reference for Council's approval for a consultant to be engaged to provide to commission a further report on Part 4 - Governance of the Town's 2005 Economic Development Strategy. The “Economic Development Strategy Governance and Implementation Report” terms of reference ~~the report brief~~ should consider;*
 - (i a) provision of further details of the definition, scope and role of the Town, business and stakeholders in the Place Management Process including examples of similar;*
 - (ii b) how the proposed Place Management Committee would fit into the Town's existing governance structure including defining its authority, accountabilities, responsibilities and resource requirements;*

- ~~(iii c)~~ *identification and assessment of the alternative funding models available to fund the activities of the Place Management Committee;*
- ~~(iv d)~~ *the accountabilities; responsibilities and resource requirements of the proposed Manager Place Activation and whether they be engaged as an internal or external agent to the Town's administration;*
- ~~(v e)~~ *an implementation plan for the Economic Development Strategy particularly the aspects of governance and administration; and*
- ~~(vi f)~~ *development of an alternative simplified governance model as interim measure to implement the strategies identified in the Town's 2005 Economic Development Strategy;*

(ii) APPROVES BY AN ABSOLUTE MAJORITY an amount of \$10,000 to be re-allocated from the 2006-2007 Budget Item "Mt Hawthorn Strategy" to the "Economic Development Strategy Governance and Implementation Report"; and

(iii) REQUESTS the "Economic Development Strategy Governance and Implementation Report" brief be prepared for Council's consideration no later than August 2006.

~~and be prepared for Council's consideration no later than September 2006."~~

Debate ensued.

Moved Cr Ker, Seconded Cr Maier

That clause (ii) be DEFERRED.

Debate ensued.

AMENDMENT LOST (3-5)

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

(Cr Torre was an apology.)

Moved Cr Chester, Seconded Cr Messina

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

"(iii) REQUESTS the "Economic Development Strategy Governance and Implementation Report" project brief and terms of reference be prepared for Council's consideration no later than August 2006."

AMENDMENT CARRIED (8-0)

(Cr Torre was an apology.)

The Presiding Member ruled that clause (ii) would be dealt with separately.

Clauses (i) and (iii) were put.

CLAUSES (i) and (iii) CARRIED (8-0)

(Cr Torre was an apology.)

Clause (ii) was put

CLAUSE (ii) CARRIED (5-3)

(Cr Torre was an apology.)

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

MOTION AS AMENDED CARRIED (6-2)

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

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 11.1

That the Council;

- (i) *AUTHORISES the Chief Executive Officer to prepare project brief and the terms of reference for Council's approval for a consultant to be engaged to provide a further report on Part 4 - Governance of the Town's 2005 Economic Development Strategy. The "Economic Development Strategy Governance and Implementation Report" terms of reference should consider;*
 - (a) *provision of further details of the definition, scope and role of the Town, business and stakeholders in the Place Management Process including examples of similar;*
 - (b) *how the proposed Place Management Committee would fit into the Town's existing governance structure including defining its authority, accountabilities, responsibilities and resource requirements;*
 - (c) *identification and assessment of the alternative funding models available to fund the activities of the Place Management Committee;*

- (d) *the accountabilities; responsibilities and resource requirements of the proposed Manager Place Activation and whether they be engaged as an internal or external agent to the Town's administration;*
 - (e) *an implementation plan for the Economic Development Strategy particularly the aspects of governance and administration; and*
 - (f) *development of an alternative simplified governance model as interim measure to implement the strategies identified in the Town's 2005 Economic Development Strategy;*
 - (ii) **APPROVES BY AN ABSOLUTE MAJORITY** *an amount of \$10,000 to be re-allocated from the 2006-2007 Budget Item "Mt Hawthorn Strategy" to the "Economic Development Strategy Governance and Implementation Report"; and*
 - (iii) **REQUESTS** *the "Economic Development Strategy Governance and Implementation Report" project brief and terms of reference be prepared for Council's consideration no later than August 2006.*
-

11.2 Notice of Motion - Councillor Dudley Maier – Review of Practices Relating to Conditions for Demolition

That the Council REQUESTS that the Chief Executive Officer review the current practice regarding conditions for demolition and reports back within three (3) months on how the matter can be improved.

Moved Cr Maier, Seconded Cr Ker

That the motion be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Doran-Wu

That the notice of motion be amended to read as follows:

“That the Council requests;

- (i) the Chief Executive Officer review the current practice regarding conditions for demolition to:*
 - (a) more effectively encourage redevelopment and discourage lots being left vacant;*
 - (b) more effectively discourage dwellings being left in an uninhabitable, abandoned state;*
 - (c) provide some flexibility as to what constitutes “a redevelopment proposal” within developed definitive guidelines while achieving identified positive development outcomes;*
 - (d) identify means of the Town’s intervening, taking action and recouping costs if the Town is not satisfied with situations arising from a demolition approval; and*
 - (e) maintain the positive outcomes achieved (eg Wright Street) by the application of the current demolition conditions;*
- (ii) the report contain:*
 - (a) statistics and comments on the number of demolition applications per year for the past five years;*
 - (b) the number of requests for deletion of conditions relating to submission of plans; and*
 - (c) the number of appeals to the State Administrative Tribunal relating to demolition and the reasons; and*
- (iii) a report back on the above matters within three (3) months.”*

Debate ensued.

AMENDMENT CARRIED (7-1)

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

(Cr Torre was an apology.)

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

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

“(i) (f) *all of the above be considered in light, not only of policies pertaining to demolition, but also to the relevant Safer Vincent and Health policies;*”

AMENDMENT CARRIED (7-1)

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

(Cr Torre was an apology.)

MOTION AS AMENDED CARRIED (8-0)

(Cr Torre was an apology.)

COUNCIL DECISION ITEM 11.2

That the Council requests;

- (i) *the Chief Executive Officer review the current practice regarding conditions for demolition to:*
 - (a) *more effectively encourage redevelopment and discourage lots being left vacant;*
 - (b) *more effectively discourage dwellings being left in an uninhabitable, abandoned state;*

- (c) *provide some flexibility as to what constitutes “a redevelopment proposal” within developed definitive guidelines while achieving identified positive development outcomes;*
 - (d) *identify means of the Town’s intervening, taking action and recouping costs if the Town is not satisfied with situations arising from a demolition approval;*
 - (e) *maintain the positive outcomes achieved (eg Wright Street) by the application of the current demolition conditions; and*
 - (f) *all of the above be considered in light, not only of policies pertaining to demolition, but also to the relevant Safer Vincent and Health policies;*
- (ii) *the report contain:*
- (a) *statistics and comments on the number of demolition applications per year for the past five years;*
 - (b) *the number of requests for deletion of conditions relating to submission of plans; and*
 - (c) *the number of appeals to the State Administrative Tribunal relating to demolition and the reasons; and*
- (iii) *a report back on the above matters within three (3) months.*
-

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

12.1 WALGA Nominations – WA Local Government Superannuation Plan Trustee Board; Roadside Conservation Committee, DLI Community Titles Advisory Committee; Library Board of Western Australia

Ward:	-	Date:	21 June 2006
Precinct:	-	File Ref:	ORG0045
Attachments:	001		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) _____ *be nominated as WALGA Member - WA Local Government Superannuation Plan Trustee Board - (Elected Member - Metropolitan (1));*
- (ii) _____ *be nominated as WALGA Member - Roadside Conservation Committee - (Serving Officer) (Panel of 3 names required) (Ministerial Appointment);*
- (iii) _____ *be nominated as WALGA Member - DLI Community Titles Advisory Committee (Member (1)); and*
- (iv) _____ *be nominated as WALGA Metropolitan Member - Library Board of Western Australia (Panel of 3 names) (Approval by Minister);*

COUNCIL DECISION ITEM 12.1

Moved Cr Farrell, Seconded Cr Messina

That nil nominations be made.

CARRIED (8-0)

(Cr Torre was an apology.)

DETAILS:

Please see Appendix 12.1 for details.

N.B.:

NOMINATIONS CLOSE COB FRIDAY 21 JULY 2006

13. URGENT BUSINESS

Nil.

At 8.19 pm Moved Cr Ker, Seconded Cr Farrell

That the meeting proceed "behind closed doors" to consider the confidential report, in accordance with:

- *Section 5.23(d) of the Local Government Act 1995 – "legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting".*

CARRIED (8-0)

(Cr Torre was an apology.)

Journalists Giovanni Torre and Crystal Fairbairn departed the meeting at 8.20pm. Crs Farrell and Messina departed the Chamber at 8.20pm. No members of the public were present.

Mayor Catania advised that Cr Messina had declared a proximity interest in this Item. Cr Messina was already absent from the Chamber and did not speak or vote on the matter.

14. CONFIDENTIAL REPORTS (*Behind Closed Doors*)

14.1 CONFIDENTIAL REPORT - Nos. 412-414 (Lot 2) Fitzgerald Street, corner Forrest Street, North Perth (Chemist Warehouse) - Non-Compliance with Town of Vincent Town Planning Scheme No.1 - State Administrative Tribunal Directions Hearing - Review Matter Nos. DR 123 of 2006 and DR 124 of 2006

Ward:	South	Date:	21 June 2006
Precinct:	North Perth Centre; P9	File Ref:	PR03405
Attachments:	-		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	R Rasiah, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council RECEIVES the report relating to Nos. 412-414 (Lot 2) Fitzgerald Street, corner Forrest Street, North Perth (Chemist Warehouse) for Non-Compliance with Town of Vincent Town Planning Scheme No. 1 - State Administrative Tribunal (SAT) Directions Hearing Review Matter Nos. DR 123 of 2006 and DR 124 of 2006.

Moved Cr Ker, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Cr Farrell returned to the Chamber at 8.22pm.

CARRIED (7-0)

(Cr Torre was an apology. Cr Messina was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 14.1

That the Council RECEIVES the report relating to Nos. 412-414 (Lot 2) Fitzgerald Street, corner Forrest Street, North Perth (Chemist Warehouse) for Non-Compliance with Town of Vincent Town Planning Scheme No. 1 - State Administrative Tribunal (SAT) Directions Hearing Review Matter Nos. DR 123 of 2006 and DR 124 of 2006.

At 8.23 pm **Moved Cr Ker, Seconded Cr Farrell**

That an "open" meeting be resumed.

CARRIED (7-0)

(Cr Torre was an apology. Cr Messina was absent from the Chamber and did not vote.)

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

PURPOSE OF REPORT:

To advise the Council of the above review application.

BACKGROUND:

- | | |
|-----------------|--|
| 18 January 2006 | The applicant submitted a development application for proposed signage at the subject property (5.2006.15.1). |
| 18 January 2006 | The applicant submitted a development application for proposed alterations and additions to existing shop at the subject property (5.2006.14.1). |
| 13 March 2006 | A petition was received by the Town objecting to the subject "Chemmart" Pharmacy due to area already being adequately served by three pharmacies and that the pharmacy will cause congestion to the area. |
| 30 March 2006 | The Town issued the lessee and owner with Written Directions under Sections 10(2) and 10(3) of the then Town Planning and Development Act, 1928 in relation to the additional unauthorised shop floor area and the unauthorised signage. |
| 20 April 2006 | The applicant lodged two review applications with SAT. |
| 17 May 2006 | Direction hearing at SAT. |
| 7 June 2006 | Direction hearing at SAT. |

DETAILS:

The applicant has lodged two review applications with SAT. The first review relates to the non-determinations of the two planning applications (5.2006.14.1 and 5.2006.15.1) and the other relates to the issuing of the Section 10 Notice (as detailed above).

Due to the tight time frames involved with the review process, Mr. Simon Bain has been engaged to represent the Town in the above review application. The applicants are being represented by Deacon's Solicitors.

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

State Administrative Tribunal Act 2004 (WA) and Procedure For State Administrative Tribunal-Policy No 4.1.23.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Cost associated with the services of a qualified professional (agent), Mr. Simon Bain, is based on \$75 per hour plus GST and \$1000 for the witness statement.

COMMENTS:

At the Directions Hearing held on 7 June 2006, the Town's Officers advised the applicant and the Tribunal that, while the current use of the site has been approved for shop (retail), the additional shop (retail) floor space (previously indicated as storeroom on the last approval) and the signage on site do not appear to have planning approval. As such, the Town is of the view that the Section 10 Notice (S 10) should stay and not be withdrawn unless these matters are resolved via a retrospective planning application.

It was also advised that during a site inspection undertaken by the Town's Officers , it was noticed that the proposed building alterations and signage had been undertaken without any approval.

In light of the above, it was suggested that the two planning applications with the Town relating to signage and alterations be combined as one retrospective planning application and the proposal be amended to also seek retrospective approval for additional retail floor area. This view, however, was not supported by the Tribunal and the applicants and the Member consequently ordered that matter be determined entirely on the papers.

In the submission prepared by the Town's consultant, Simon Bain, it is the Town's stance that the S.10 should remain in relation to the 'minor works' and signage and that the Application for Review be dismissed in order for the Town to determine the current development applications that have been submitted.

At 8.23 pm **Moved Cr Ker, Seconded Cr Farrell**

That an open meeting be resumed.

CARRIED (7-0)

(Cr Torre was an apology. Cr Messina was absent from the Chamber and did not vote.)

15. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 8.23pm 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
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 27 June 2006.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2006