



TOWN OF VINCENT

ORDINARY COUNCIL MEETING 7 October 2008

NOTICE OF MEETING AND AGENDA

Notice is hereby given that an Ordinary Meeting of the Council of the Town of Vincent will be held at the Administration and Civic Centre, 244 Vincent Street (corner Loftus Street), Leederville, on **Tuesday, 7 October 2008** at 6.00pm.

**JOHN GIORGI, JP
CHIEF EXECUTIVE OFFICER
2 October 2008**

"Enhancing and celebrating our diverse community"

This document is available in alternative formats upon request.

“Enhancing and celebrating our diverse community”

PURPOSE - The purpose defines the *business we are in*. It describes our reason for being, and the services and products we provide. Our purpose is:

“To provide and facilitate services for a safe, healthy and sustainable community.”

VISION – The vision statement is *what we are striving to become*, what we will look like in the future. Based on accomplishing key strategic challenges and the outcomes of Vincent Vision 2024, the Town’s vision is:

“A sustainable and caring community built with vibrancy and diversity.”

GUIDING VALUES (*Describes what values are important to us*)

- **Excellence and Service**

We aim to pursue and deliver the highest possible standard of service and professionalism to the Vincent community.

- **Honesty and Integrity**

We are honest, fair, consistent, accountable, open and transparent in our dealings with each other and are committed to building trust and mutual respect.

- **Innovation and Diversity**

We encourage creativity, innovation and initiative to realise the vibrancy and diversity of our vision.

- **Caring and Empathy**

We are committed to the wellbeing and needs of our employees and community and value each others views and contributions.

- **Teamwork and Commitment**

Effective teamwork is vital to our organisation and we encourage co-operation, teamwork and commitment within and between our employees and our business partners and community.

DISCLAIMER

No responsibility whatsoever is implied or accepted by the Town of Vincent (Town) for any act, omission, statement or intimation occurring during Council meetings. The Town disclaims any liability for any loss however caused arising out of reliance by any person or legal entity on any such act, omission, statement or intimation occurring during Council meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council meeting does so at their own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning or development application or application for a licence, any statement or intimation of approval made by an Elected Member or Employee of the Town during the course of any meeting is not intended to be and is not to be taken as notice of approval from the Town. The Town advises that anyone who has any application lodged with the Town must obtain and should only rely on WRITTEN CONFIRMATION of the outcome of the application, and any conditions attaching to the decision made by the Council in respect of the application.

Copyright

The Town wishes to advise that any plans or documents contained within this Agenda may be subject to copyright law provisions (Copyright Act 1968, as amended) and that the express permission of the copyright owner(s) should be sought prior to their reproduction. It should be noted that Copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

PROCEDURE FOR PUBLIC SPEAKING TIME

The Town of Vincent Local Law Relating to Standing Orders prescribes the procedure for persons to ask questions or make public statements relating to a matter affecting the Town, either verbally or in writing, at a Council meeting.

Questions or statements made at an Ordinary Council meeting can relate to matters that affect the Town. Questions or statements made at a Special Meeting of the Council must only relate to the purpose for which the meeting has been called.

1. Shortly after the commencement of the meeting, the Presiding Member will ask members of the public to come forward to address the Council and to give their name, address and Agenda Item number (if known).
2. Public speaking time will be strictly limited to three (3) minutes per member of the public.
3. Members of the public are encouraged to keep their questions/statements brief to enable everyone who desires to ask a question or make a statement to have the opportunity to do so.
4. Public speaking time is declared closed when there are no further members of the public who wish to speak.
5. Questions/statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a Council Member or Town Employee.
6. Where the Presiding Member is of the opinion that a member of the public is making a statement at a Council meeting, that does not affect the Town, he may ask the person speaking to promptly cease.
7. Questions/statements and any responses will be summarised and included in the Minutes of the Council meeting.
8. Where practicable, responses to questions will be provided at the meeting. Where the information is not available or the question cannot be answered, it will be *"taken on notice"* and a written response will be sent by the Chief Executive Officer to the person asking the question. A copy of the reply will be included in the Agenda of the next Ordinary meeting of the Council.
9. It is not intended that public speaking time should be used as a means to obtain information that would not be made available if it was sought from the Town's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

RECORDING OF COUNCIL MEETINGS

- ◆ All Ordinary and Special Council Meetings are electronically recorded (both visual and audio), except when the Council resolves to go behind closed doors;
- ◆ All recordings are retained as part of the Town's records in accordance with the General Disposal Authority for Local Government Records produced by the Public Records Office;
- ◆ A copy of the recorded proceedings and/or a transcript of a particular section or all of a Council meeting is available in accordance with Policy 4.2.4 - Council Meetings – Recording and Access to Recorded Information.

ORDER OF BUSINESS

1. **Declaration of Opening**
 2. **Apologies/Members on Approved Leave of Absence/Attendance**

Mayor Catania – apology for personal/family reasons.
Cr Ker – approved leave of absence due to attendance at a conference on behalf of the Town.
Cr Youngman – approved leave of absence due to work commitments.
Director Development Services – Rob Boardman – apology due to attendance at a conference on behalf of the Town.
 3. **(a) Public Question Time and Receiving of Public Statements**
(b) Response to Previous Public Questions Taken on Notice

Nil.
 4. **Applications for Leave of Absence**

Nil.
 5. **The Receiving of Petitions, Deputations and Memorials**

Nil.
 6. **Confirmation of Minutes of Previous Meeting**

Ordinary Meeting of Council held on 23 September 2008.
 7. **Announcements by the Presiding Member (Without Discussion)**
 8. **Declaration of Interests**
 9. **Questions by Members of which Due Notice has been Given (Without Discussion)**

Nil.
 10. **Reports**
 11. **Motions of which Previous Notice has been Given**

Nil.
 12. **Representation on Statutory Authorities and Public Bodies**

Nil.
 13. **Urgent Business**

Nil.
 14. **Confidential Reports (*Behind Closed Doors*)**
 - 14.1 Confidential Report: Local Government House Trust (Western Australian Local Government Association (WALGA)) Office Building, 244A Vincent Street, Leederville (PRO4100)
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10.1 DEVELOPMENT SERVICES

10.1.1 No. 75 (Lot: 102 D/P: 37335) Brewer Street, Perth - Proposed Change of Use from Mechanical Workshop to Office and Associated Alterations and Additions

Ward:	South	Date:	26 September 2008
Precinct:	Beaufort; P13	File Ref:	PRO4001; 5.2008.373.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Sharp & Van Rhyn Architects on behalf of the owner Manta Holdings Pty Ltd and G & S Bloom for proposed Change of Use from Mechanical Workshop to Office and Associated Alterations and Additions, at No. 75 (Lot: 102 D/P: 37335) Brewer Street, Perth, and as shown on plans stamp-dated 8 September 2008, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, 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) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iii) prior to the first occupation of the development, two (2) class one or two bicycle parking facility shall be provided at a location convenient to the entrance of the proposed development. Details of the design and layout of the bicycle parking facility shall be submitted to and approved by the Town prior to the installation of such facility;*
- (iv) the gross floor area of the proposed office building shall be limited to 386 square metres;*
- (v) the windows, doors and adjacent floor area facing Brewer Street shall maintain an active and interactive frontage to Brewer Street;*
- (vi) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Brewer Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (vii) *the hours of operation of the office building shall be limited to 9:00am to 5:00pm, Monday to Friday, inclusive;*
- (viii) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating compliance with the Building Code of Australia, including the requirements relating to external openings and access for people with disabilities. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (ix) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town; and*
- (x) *first obtaining the consent of the owners of No. 216 Stirling 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. 216 Stirling Street in a good and clean condition.*

Landowner:	Manta Holdings Pty Ltd & G & S Bloom
Applicant:	Sharp & Van Rhyn Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Mechanical Workshop
Use Class:	Office Building
Use Classification:	"AA"
Lot Area:	634 square metres
Access to Right of Way	South side, 3 metres wide, sealed, privately owned

BACKGROUND:

22 April 2008

The Council at its Ordinary Meeting conditionally approved the demolition of the existing mechanical workshop and the construction of a four-storey mixed use development comprising two (2) offices on the ground floor and six multiple dwellings on the first, second and third floor.

DETAILS:

The proposal involve the change of use from mechanical workshop to offices and associated alterations and additions.

The applicant's submission is "*Laid on the Table*" and summarised as follows:

- Currently, the Brewer Street elevation of the building present two large roller doors, a ramped crossover and an unkempt brick façade.
- The proposal will remove the warehouse appearance of the building and replace it with a contemporary façade, whilst still maintaining the pleasing proportions of the building.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio:	N/A	N/A	Noted
Beaufort Precinct Policy:	Commercial uses are not permitted to develop independently of residential uses. Developments are to contain a residential component of no less than 66 per cent of the existing or approved floor space.	No residential proposed.	Supported – see “Comments” below.
Consultation Submissions			
Support (4)	No comments provided.		Nil.
Objection (1)	<ul style="list-style-type: none"> A vibrant mix of office and residential is required. 	Not supported in part in this instance – see “Comments”.	
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Sustainability Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car parking requirement (nearest whole number) - Office – GFA = 386 square metres Requires 7.72 car bays			= 8 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> 0.85 (within 800 metres of a rail station) 0.85 (within 400 metres of a bus stop) 0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces) 			(0.614125) = 4.913 car bays
Minus the car parking provided on-site			5 car bays
Minus the most recently approved on-site car parking shortfall.			Nil
Resultant surplus			0.087 car bay
Bicycle Parking			
Requirements	Required	Provided	
Office 1 space per 200 (proposed 386) square metres gross floor area for employees (class 1 or 2).	1.93 space	No bicycle spaces shown on plans. Condition applied for two class 1 or 2 bicycle parking to be provided.	
1 space per 750 square metres over 1000 square metres for visitors (class 3).	N/A	N/A	

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

COMMENTS:

Beaufort Precinct Policy

The subject property is located in a Residential/Commercial R80 zoned area within the Beaufort Precinct (P13). The Town's Policy relating to the Beaufort Precinct states that commercial uses are not permitted to develop independently of residential uses. Developments are to also contain a residential component of no less than 66 per cent of the existing or approved floor space.

The number of car parking bays is compliant with the requirements for an office; therefore, there is no undue impact on the on-street parking. Considering that the property is utilised as an existing mechanical workshop and the proposal is to convert the existing building to an Office use, the Town's Officers consider the application supportable on the basis that the proposed Office use is more appropriate than the current use of the subject property.

It is noted that the Council has on numerous occasions, where considered appropriate, supported proposals which effectively do not meet the requirements for 66 per cent of the floor area to be residential in this zone, on the grounds that the mixed-use requirement may be more effective in the short term in streets and neighbourhoods where the predominant use is residential, rather than the higher yielding commercial uses. There are commercial uses fully occupying buildings along the same side of Brewer Street as the subject property, such as offices used by surveyors and real estate agents, a warehouse and a beehive industry. Further, it is unlikely that the remainder of the development along the street will convert to a predominantly residential use in the short term, as most of the existing commercial uses are established.

Notwithstanding the above, there appears to be opportunity to convert the building for residential purposes in the future.

Summary

In light of the above, it is recommended that Council approve the application, subject to standard and appropriate conditions to address the above matters.

10.1.2 No. 403 (Lots 101, 29 and Y30, Strata Lot 3 STR: 44491) William Street, Perth - Proposed Change of Use from Eating House to Unlisted Use - Small Bar and Associated Alterations

Ward:	South	Date:	25 September 2008
Precinct:	Beaufort; P13	File Ref:	PRO4507; 5.2008.356.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by G Beadle on behalf of the owner Kammy Australia Pty Ltd for proposed Change of Use from Eating House to Unlisted Use - Small Bar and Associated Alterations, at No. 403 (Lots 101, 39 and Y30, Strata Lot 3, STR: 44491) William Street, Perth, and as shown on plans stamp-dated , subject to the following conditions:

- (i) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ii) the maximum number of patrons to occupy the small bar at any one time shall be 84 persons;*
- (iii) packaged liquor shall not be sold at the premises;*
- (iv) the bin compound shall be constructed in accordance with the Town's Health Services specifications and sized to contain 1 mobile garbage bin per unit, and 1 recycle bin per unit or per 200 square metres of floor space;*
- (v) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted, all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vi) the windows, doors and adjacent floor area facing William Street shall maintain an active and interactive frontage to William Street;*
- (vii) a detailed management plan that addresses the control of noise, anti-social behaviour, traffic, car parking, disposal of rubbish and its collection and litter associated with the development and any other appropriate matters shall be submitted to and approved by the Town prior to the first occupation of the development, and thereafter implemented and maintained.*

Landowner:	Kammy Australia Pty Ltd
Applicant:	G Beadle
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Eating House
Use Class:	Unlisted Use (Small Bar)
Use Classification:	"SA"
Lot Area:	164 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

11 October 1999 The Council at its Ordinary Meeting conditionally approved an application for change of use to eating house at the subject property.

24 May 2005 The Council at its Ordinary Meeting conditionally approved an application for change of use from shop to eating house and incidental shop and associated alterations and additions at strata Lot 1 of Nos. 399-403 William Street.

DETAILS:

The proposal involves the change of use from eating house to unlisted use - small bar and associated alterations.

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
Car Parking			
Car parking requirement (nearest whole number)			= 49 car bays
- Unit 1 – Eating House and Incidental Shop (requires 12.15 bays)			
- Unit 2 – Eating House (requires 18.6 bays)			
- Unit 3 – Small Bar - 84 patrons at any one time (requires 18.67 car bays)			
Total required = 49.42 car bays			
Apply the adjustment factors.			(0.7225)
▪ 0.85 (within 800 metres of a rail station)			
▪ 0.85 (within 400 metres of a bus stop)			= 35.40 car bays
Minus the car parking provided on-site			4 car bays
Minus the most recently approved on-site car parking shortfall			37.95 car bays
Resultant surplus			6.55 car bays
Consultation Submissions			
Support	Nil		Noted.
Objection (1)	No comments provided.		Noted.

Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Financial/Budget Implications	Nil
Sustainability 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:

Small Bar Licence

In May 2007, an amendment was made to section 41 of the Liquor Control Act 1988, to include a small bar licence as a form of hotel licence. A small bar licence differs from hotel and tavern licences by the conditions imposed to restrict the scope of the licence. A small bar licence is a form of a hotel licence with:

- A condition prohibiting the sale of packaged liquor; and
- A condition limiting the number of persons who may be on the licenced premises to a maximum of 120.

Proposed Small Bar

The public floor area of the proposed small bar is 72 square metres. In light of the requirements of the Health (Public Building) Regulations 1992, the maximum number of patrons that can occupy the small bar at any one time is 84, at a rate of 0.85 square metres per person.

Conclusion

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

10.1.3 Nos. 212-214 (Lot 6 D/P: 384) Lake Street corner Amy Street, Perth - Change of Use from Shop to Eating House and Ancillary and Incidental Shop and Associated Alterations (Application for Retrospective Approval)

Ward:	South	Date:	30 September 2008
Precinct:	Hyde Park; P12	File Ref:	PRO0137; 5.2008.328.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Planning Solutions (Aust) on behalf of the owner M Poncini for Change of Use from Shop to Eating House and Ancillary and Incidental Shop and Associated Alterations (Application for Retrospective Approval) at Nos. 212-214 (Lot 6 D/P: 384) Lake Street, corner Amy Street, Perth, and as shown on plans stamp-dated 26 September 2008, subject to the following conditions:

- (i) *within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development,’ the owner(s), or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) *pay a cash-in-lieu contribution of \$15,820 for the equivalent value of 5.65 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town’s 2008/2009 Budget; OR*
 - (b) *lodge an appropriate assurance bond/bank guarantee of a value of \$15,820 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) *to the owner(s)/applicant following receipt by the Town with a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject ‘Approval to Commence Development,’; or*
 - (3) *to the owner(s)/applicant where the subject ‘Approval to Commence Development,’ did not commence and subsequently expired.*

The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements;

- (ii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (iii) *the public floor area of the eating house shall be limited to 64 square metres;*
- (iv) *the windows, doors and adjacent floor area facing Lake Street shall maintain an active and interactive frontage to Lake Street ;*
- (v) *prior to the first occupation of the development, one (1) class 1 or 2 bicycle parking facility plus three (3) class 3 bicycle parking facility shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities; and*
- (vi) *within twenty-eight (28) days of notification of this Planning Approval, a Building Licence shall be submitted demonstrating the building complying with the provisions of the Building Code of Australia for a Class 6 Building.*

Landowner:	M Poncini
Applicant:	Planning Solutions (Aust) Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Single House and Shop
Use Class:	Eating House and Shop
Use Classification:	"SA"
Lot Area:	612 square metres
Access to Right of Way	Eastern side, 4.4 metres wide, sealed, Town owned

BACKGROUND:

On 9 November 2007, the Town received Liquor Control Act 1988 Section 39 and 40 applications from the applicant in support of an application for a 'Restaurant Licence' and an 'Extended Trading Permit' (serving of liquor without a meal) for the subject property. Essentially, the Restaurant Licence under section 59 of the *Liquor Control Act 1988*, authorises the sale and supply of liquor to persons on the licensed premises for consumption with a meal supplied by the licensee.

In undertaking the relevant research, including City of Perth archival searches, for the completion of the section 40 it became evident that the subject place had not been granted Planning Approval to operate as an 'eating house'. From the evidence gathered, it is understood that the subject place was originally approved in October 1955 as a 'Shop and Residence'. After this revelation, the Town's Officers and the owner's planning consultants undertook further extensive research to ascertain how the subject property had developed to what it is today in the absence of Planning Approval from either the Town or the City of Perth. The issues raised by the planning consultants and the subsequent position of the Town's Officers on the matter are documented below:

1. *'Eating House Licences' have been issued by the Town's Health Services for the premises and the Tarts Café component of the operation has been operational on site for approximately a decade.*

Officer Response:

Approval to operate as a 'Tea Room' under an 'Eating House Licence' does not by default constitute a Planning Approval. A 'Tea Room' is defined in the Town's 'Food Premises Guidelines for Owner's Architects and Builders' as '*an eating house where only meals served or prepared for service are - tea, coffee and similar beverages; and food which does not require cooking on the premises.*' A delicatessen/shop can be issued with a 'Tea Room' classification, which clarifies how the subject property has been issued with an 'Eating House Licence' in the past.

2. *The 'Eating House' activities are but one line of trade conducted from within the premises, and ancillary to the overall activities of the business'.*

Officer Response:

Whilst the Town's Officers acknowledge that the premises comprises numerous retail activities, it is not considered that the retail uses are predominant on-site. Based on the extent of the floor area dedicated to the eating house use and the scale and nature of the activity that the eating house use generates, the property's operations are not consistent with the approved 'Shop' use from the 1955 Planning Approval and that the eating house component is not ancillary and incidental to the site's other business activities.

In light of the above, as the subject use of the premises was found not to be in accordance with the approved use, the owners of the subject premises were advised to apply for and obtain Planning Approval for the eating house.

DETAILS:

The application aims to facilitate the change of use on the site to an eating house and ancillary and incidental use of shop under the provisions of the Town's Town Planning Scheme No. 1 (TPS No. 1). The premises known as 'Tarts', which is located at Nos. 212-214 Lake Street, corner Amy Street, Perth has been operating as an eating house for a number of years.

The primary function of Tarts is to provide gourmet food for consumption on the premises; however, it offers various food and beverage products, clothing and giftware for retail sale. The subject application wishes to retain the current operating times, which are from 7am to 6pm seven days a week with a layout and design to accommodate up to eighty-six (86) customers at any given time.

In support of the proposal, the applicant has prepared a submission, which is partially summarised below and is "*Laid on the Table*":

- Tarts is consistent with the objectives of the Town's TPS No. 1 as it contributes to the land use mix of the locality, generates activity throughout the day and promotes surveillance of the public domain.
 - The business relies heavily upon the local community within the walkable catchment and in turn the business provides a focal point for the community to meet and interact.
 - The abundance of on-street car parking within the immediate area is more than adequate to offset any car parking shortfall that may arise as a result from the change of use.
 - Any potential impacts as a result of the proposal are reduced given that the owners of the subject site own the adjoining residence and live opposite the subject site.
 - Whilst it is requested the application be approved without the requirement for any additional parking, if Council are inclined to support the proposal with a cash in lieu provision, it is request that a 50 per cent dispensation be given as the premises has been operating for approximately 53 years without car parking.
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ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Town of Vincent - Economic Development Strategy	No requirement to add new commercial precincts or nodes as all Vincent's residents live within 1 kilometre of a commercial centre.	Further non-residential use encroaching into a residential area.	Supported – the premises was originally approved as a 'Shop and Residence', therefore, a commercial use has been approved and established on the property.
Policy No. 3.4.3 - Non-Residential/Residential Development Interface	The new development or redevelopment will not create undue conflict through the generation of traffic and parking or the emission of noise or any other form of pollution;	The proposal results in a 6.74 car bay net shortfall.	Supported – refer to 'Officer Comment' below.
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
Sustainability Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car parking requirement (nearest whole number) - Restaurant (Eating House) – 1 space per 4.5 square metres of public floor area. - Public floor area = 63.9 square metres - Required - 14.2 car bays Shop car parking has been based on Eating House requirements and included in the Eating House calculations.			14 car bays
Apply the adjustment factors. - 0.85 (within 400 metres of a bus stop)			(0.85) 11.9 car bays
Minus the car parking provided on-site.			1 car bay
Minus the most recently approved on-site car parking shortfall. 1 car bay for the former residential component of the shop; and 4.25 car bays (after adjustment factors) for the former shop use.			5.25 car bays
Resultant shortfall			5.65 car bays

Bicycle Parking Facilities	
<p>Eating House</p> <ul style="list-style-type: none"> • 1 space per 100 (63.9 square metres) square metres public area (class 1 or 2) - 0.64 bicycle bay • 2 spaces plus 1 space per 100 (63.9 square metres) square metres of public area (class 3) - 2.64 bicycle bays 	<p>Nil provided and therefore conditioned to comply.</p> <p>Nil provided and therefore conditioned to comply.</p>

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

COMMENTS:

Car Parking

The Council may, in the pursuit of orderly and proper planning and the preservation of the amenities of the locality, refuse a proposed development where inadequate on-site parking has been provided. In accordance with the Town's Parking and Access Policy, in determining whether the proposed development should be refused on car parking grounds if the total requirement (after adjustment factors have been taken into account) is between 11 - 40 bays, a minimum of 15 per cent of the required bays is to be provided. In this particular application, as a total of 11.9 car bays are required after adjustment factors, a total of 1.78 car bays are required to be provided on-site. This requirement has not been met in this application as only 1 car bay, which is contained in the existing garage, has been provided.

The above provision is to ensure consistency when determining whether to approve an application with a parking shortfall. However, the Parking and Access Policy allows the Council the discretion to approve a lesser parking provision in the circumstances of a particular case.

Further to discussions with the Town's Rangers Services, it is understood that there are no specific problems attributed to Tarts Café in relation to car parking. The Town's Rangers frequently patrol the area and have only issued three infringement notices for the subject portion of Lake Street, between Brisbane and Bulwer Streets for the month of September 2008. Furthermore, the kerbside car parking directly in front of the café, along Lake Street, is time restricted to ensure car parking spaces are available at a maximum 2 hour rotation.

In addition to the above, no objections were received from nearby residents, during the 21 day advertising period, regarding the car parking shortfall. This indicates that there is no evidence that could substantiate an argument that there is a significant reaction from nearby residents against the existing or proposed authorisation of the use on amenity grounds, or that the proposal will or does have a negative impact on the surrounding residential area. Given the above and the availability of kerbside parking, it is considered that the car parking short fall can be approved subject to a cash-in lieu condition.

Conclusion

The above deliberations are not seen to be replacing the owner's responsibility to provide on-site parking, but rather as a mechanism to enable this otherwise desirable development to be maintained. It is considered that Tarts is an important component of the Town's vitality and that the application for retrospective approval should be granted as per the Officer Recommendation.

10.1.4 No. 538 (Lot: 2 D/P: 2486 and Lot: 401 D/P: 35437) William Street, Mount Lawley - Proposed Demolition of Existing Single House and Construction of Four (4) Two-Storey Grouped Dwellings

Ward:	South	Date:	26 September 2008
Precinct:	Norfolk; P10	File Ref:	PRO3453; 5.2008.99.1
Attachments:	001_002		
Reporting Officer(s):	D Pirone, T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Weststyle Design & Development on behalf of the owner T Ricciardello & B & M Ricciardello Nominees Pty Ltd for proposed Demolition of Existing Single House and Construction of Four (4) Two-Storey Grouped Dwellings, at No. 538 (Lot: 2 D/P: 2486 and Lot: 401 D/P 35437) William Street, Mount Lawley, and as shown on plans stamp-dated 6 March 2008 (existing site plan and existing floor plan), 31 July 2007 (elevations) and 18 September 2008 (site plan and floor plans), 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(s) 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) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, 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) any new street/front wall, fence and gate within the William Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*

- (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed;*
 - (f) *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*
 - (g) *the solid portion adjacent to the William Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres above adjacent footpath level provided that the wall or fence has at least two (2) significant appropriate design features (as determined by the Town of Vincent) to reduce the visual impact – for example, significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
 - (v) *first obtaining the consent of the owners of Nos. 540-542 William Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 540-542 William Street in a good and clean condition;*
 - (vi) *a detailed landscaping plan, including a list of plants and the landscaping of the William Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
 - (vii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
 - (viii) *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);*
 - (ix) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the external building wall height to the top of the eaves being reduced to a maximum of 6 metres above the natural ground level. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
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- (x) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the balcony to the upper living room on the southern and western elevations of unit 1;*
 - (b) *the window to bedroom 3 on the northern elevation of unit 1;*
 - (c) *the balcony to the upper living room on the southern and western elevations of unit 2;*
 - (d) *the window to bedroom 3 on the western elevation of unit 2;*
 - (e) *the balcony to the upper living room on the northern elevation of unit 3;*
 - (f) *the window to bedroom 2 on the northern elevation of unit 3;*
 - (g) *the window to bedroom 3 on the western elevation of unit 3; and*
 - (h) *the balcony to the upper living room on the southern elevation of unit 4;*

being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 536 and 540-542 William Street and No. 52 Vincent Street stating no objection to the respective proposed privacy encroachments.

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

- (xi) *details of an interpretation proposal, which incorporates explicit recognition of the historic value of the place at No. 538 William Street, Mount Lawley shall be submitted to and approved by the Town before the issue of a Building Licence for the grouped dwelling development. The approved interpretation proposal shall be installed prior to the first occupation of the development.*

Landowner:	T Ricciardello & B & M Ricciardello Nominees Pty Ltd
Applicant:	Weststyle Design & Development
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	736 square metres
Access to Right of Way	East and south side, 5 metres wide, sealed to the east, unsealed to the south, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single house and the construction of four two-storey ground dwellings.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	4.08 grouped dwellings at R60	4 dwellings.	Noted – no variation.
Plot Ratio:	N/A	N/A	Noted.
Building Setbacks: Ground Floor -North Unit 1	1 metre	Nil – 2.2 metres	Supported – not considered to have an undue impact on the neighbouring property. No objections received from affected owner.
Unit 2	1.5 metres	1.202 metres – 4.009 metres	Supported – not considered to have an undue impact on the neighbouring property. No objections received from affected owner.
Unit 3	1.5 metres	1.21 metres – 4.01 metres	Supported – not considered to have an undue impact on the neighbouring property. No objections received from affected owner.
Upper Floor -West (William Street) Unit 1	2 metres behind the ground floor.	In line to 2 metres in front of the ground floor.	Supported – see “Comments”.

Unit 3 – balcony to upper living on the northern elevation.	7.5 metres	1.51 metres to the northern property boundary.	Not supported – as above.
Unit 4 – balcony to upper living on the southern elevation.	7.5 metres	6.5 metres to the southern property boundary.	Not supported – as above.
Consultation Submissions			
Support	Nil.	Noted.	
Objection (1)	<ul style="list-style-type: none"> • Setback to William Street. • Building height. • Privacy. 	<ul style="list-style-type: none"> • Not supported – the applicant has since amended the plans to allow for the 1.5 metre road widening reserve, as well as placing the courtyard within the front setback, which enables the building to be setback further. • Supported – condition applied to reduce the height of the building to a maximum of 6 metres above the natural ground level. • Supported – condition applied to screen all the non-compliant major openings. 	
Other Implications			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Sustainability 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:

Demolition

The subject brick and iron dwelling at No. 538 William Street, North Perth is constructed in the Federation Queen Anne style of architecture. Originally numbered 4 Clifton Street, the Wise Post Office Directories and the Municipality of North Perth Rate Book indicate that the dwelling was built circa 1911 for Lewis Steffanoni. In 1916 it is listed as No. 4 William Street, North Perth, and is renumbered to No. 538 William Street in 1918.

The Heritage Assessment undertaken on the place is included as an attachment to this report, and reveals that the subject property was one of the first larger residences built in the subdivision area on the north side of Vincent Street. Further to this, it was found that the dwelling was the childhood home of Lady Rita Court (nee Steffanoni, born 1911), the wife of former Premier Sir Charles Court. Whilst this is interesting historical information, it is not considered that this historical connection has assisted in shaping the history of the locality and thus does not meet criterion (1) (ii) of the Town's Policy relating to Heritage Management - Assessment.

During the 2006 review of the Town's Municipal Heritage Inventory, the place was not identified for entry onto the Town's Municipal Heritage. Whilst the property is a good example of the Federation Queen Anne style of architecture, it is considered that the property is not a rare example of its type. Several comparable examples of the Queen Anne Bungalows style are listed on the Town's Municipal Heritage Inventory and protected under the Town's Town Planning Scheme No. 1.

In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

Department for Planning and Infrastructure

The plans for the subject development was sent to the Department for Planning and Infrastructure (DPI) for their comments, as William Street is classified as an Other Regional Road in the Metropolitan Region Scheme. The DPI initially advised that a 1.5 metre road widening reserve is required along William Street and that all vehicular access should be provided from the rear right of way. The applicant amended the plans to comply with the 1.5 metre road widening requirement; however, continued to propose the vehicular access for units 1 and 2 from William Street. The DPI then advised that this was acceptable due to the fact that there is an existing crossover, the vehicles can enter and exit in a forward gear motion and only two of the four units have vehicular access from William Street.

Streetscape of William Street

The portion of William Street between Walcott Street and Vincent Street has a very diverse streetscape. The existing buildings range from single storey single houses, to art deco multiple dwellings and the 10 storey apartments located opposite the proposed development on the corner of William Street and Vincent Street at Nos. 537-541 William Street. Due to this diverse streetscape, the proposed development will not have an undue impact on the amenity of the area.

The street setback variations proposed is not considered to have an undue impact on the amenity of the streetscape as William Street does not have a consistent established streetscape, as mentioned above. The subject application proposes varying setbacks and articulation in the front elevation, which is consistent of what is required in the Residential Design Elements Policy. In this instance, the proposed front setback to the ground floor and upper floor is supportable, as it complements the existing streetscape by creating interaction between the development and the street.

The required setbacks as set out in the Town's Residential Design Elements Policy is designed to create articulation to the street and to provide an interesting elevation that is free of flush type walls. Whilst the proposal illustrates variations to these minimum setback requirements, the proposal demonstrates a reasonable amount of articulation that provides interest in the elevation. In this instance, the reduced street setbacks are considered to be supportable.

Summary

In light of the above, it is recommended that the Council approve the application, subject to standard and appropriate conditions to address the above matters.

10.1.5 Nos. 226-234 (Lots: 1 and 2) Beaufort Street, Perth - Proposed Demolition of Existing Buildings and Construction of Five-Storey Mixed Use Development Comprising Three (3) Multiple Dwellings, Three (3) Offices, One (1) Ground Floor Office and Ancillary Showroom and Associated Car Parking

Ward:	South	Date:	26 September 2008
Precinct:	Beaufort; P13	File Ref:	PRO4362; 5.2008.420.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by TPG on behalf of the owner Supernew Pty Ltd for proposed Demolition of Existing Buildings and Construction of Five-Storey Mixed Use Development comprising Three (3) Multiple Dwellings, Three (3) Offices, One (1) Ground Floor Office and Ancillary Showroom and Associated Car Parking, at Nos. 226-234 (Lots 1 and 2) Beaufort Street, Perth, and as shown on existing building site plan dated 26 March 2008, and plans stamped 5 September 2008, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, 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, the adjacent eastern right-of-way shall be closed; and the subject Lots 1 and 2 and the closed right-of-way 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);*
- (iii) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s), shall comply with the following requirements:*
 - (a) *pay a cash in lieu public art contribution of \$75,000 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$7,500,000); OR*
 - (b) *lodge an appropriate public art assurance bond/bank guarantee of a value of \$75,000 with the Town. The assurance bond/bank guarantee will only be released to the owner(s)/applicant in the following circumstances:*

- (1) *designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$7,500,000) have been submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or*
- (2) *a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development,' have been submitted to and approved by the Town; or*
- (3) *the subject 'Approval to Commence Development' did not commence and subsequently expired.*

In the circumstance where the owner(s)/applicant has elected clause (b)(1) and there has been no submission or approval of the design for art work within six (6) months from the date of issue of the Building Licence, the Town may claim the monies assured to them in the above bond or bank guarantee without further notice to the owner(s)/applicant for the provisions of art works in the Town.

The Town to have the discretion to extend the six (6) month deadline that applies to clause (b) (1) under this condition of approval if:

- (aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*
 - (bb) *the Town is satisfied that significant negotiations have been entered into by the owner(s)/applicant to provide the art work;*
- (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) *first obtaining the consent of the owners of Nos. 214-222 and No. 238 Beaufort Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 214-222 and No. 238 Beaufort Street in a good and clean condition;*
 - (vi) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
 - (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Beaufort Street, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
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- (viii) *prior to the first occupation of the development, seventeen (17) class one or two plus three (3) class three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (ix) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (x) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
 - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
 - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units or office. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

- (xi) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
 - (xii) *doors, windows and adjacent floor areas of the office component fronting Beaufort Street shall maintain an active and interactive relationship with this street;*
 - (xiii) *prior to the first occupation of the development, 6 car parking spaces for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*
 - (xiv) *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;*
 - (xv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
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- (xvi) *the maximum gross floor area for the non-residential component shall be limited to 3,355 square metres of offices, and further increase or decrease in the number of offices tenancies is allowed. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
 - (xvii) *the car parking area for the office component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
 - (xviii) *any new street/front wall, fence and gate within the Beaufort Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) *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;*
 - (xix) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
 - (xx) *any proposed vehicular gate for car park visible from Beaufort Street, being a minimum 50 percent visually permeable when viewed from the Beaufort Street;*
 - (xxi) *archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (xxii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (xxiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the second and third floor office windows nos. 1, 2, 3, 4, 5 and 6 on the north-east, north-west and south elevations, and the fourth floor office windows and balconies no. 7 on the north-east, north-west and south elevations within the cone of vision of 6.0 metres (windows) and 7.5 metres (balconies) respectively to the lot boundaries, being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively, the*
-

provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties along northern, southern and western sides, respectively, stating no objections to the respective proposed privacy encroachment;

- (b) the provision of end of trip bicycle facilities in accordance with the Town's Parking and Access Policy; and*
- (c) a minimum of two (2) appropriate significant design features using colour and/or relief being incorporated into the north-eastern boundary wall of the car park entry wall to reduce the visual impact of that wall.*

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

- (xxiv) the car park shall be used only by employees, tenants, and visitors directly associated with the development; and*
- (xxv) the provision of underground power for the subject development site at the applicant's/owner's cost.*

Landowner:	Supernew Pty Ltd
Applicant:	TPG Town Planning and Urban Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Shops
Use Class:	Multiple Dwelling, Office Building and Ancillary Showroom
Use Classification:	Multiple Dwelling "AA" Office Building "P" Showroom-"IP"
Lot Area:	1512 square metres
Access to Right of Way	N/A- to be closed and amalgamated.

BACKGROUND:

26 August 2008 The Council at its Ordinary Meeting conditionally approved the proposed demolition of existing buildings and construction of five-storey mixed use development comprising three (3) multiple dwellings, offices, and associated basement car parking, at Nos. 226-234 (Lots 1 and 2 D/P: 10541) Beaufort Street, Perth.

DETAILS:

The proposal involves the demolition of the existing buildings at Nos. 226-234 (Lots 1 and 2 D/P: 10541) Beaufort Street, Perth and the construction of a five storey mixed use development comprising offices, three multiple dwellings, three offices, one ground floor office and ancillary showroom and associated car parking.

The major changes in the current application, in comparison to the application approved by Council at its Ordinary Meeting held on 26 August 2008, is the deletion of the basement car park and the different mix of uses.

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	R 80 - 12.096 multiple dwellings	R 19.84 - 3 multiple dwellings	Noted - no variation.
Plot Ratio	1.0 or 1,601 square metres	2.65 or 4,238 square metres	Supported - as the increased plot ratio is as a result of the increase in number of floors. The building incorporates appropriate articulation and design features to reduce the visual impact on this area. It is considered that the overall height and scale of the development is in keeping with the built form of this inner city locality in general and it is not considered to have an undue adverse impact on amenity and can be supported.
No. of storeys	2 storeys (plus loft)	5 storeys	Supported - as is considered that the overall height and scale of the development is in keeping with the built form of this inner city locality in general and can be supported.
Building Setbacks: East or rear setback-first floor	6 metres	0.49 metre	Supported - as the proposed setbacks are considered acceptable given the scale and nature of existing development in the immediate area. Supported - as above.
East or rear setback-second floor	6 metres	0.49 metre	
East or rear setback-third floor	6 metres	0.49 metre and 5.09 metres	

East or rear setback-fourth floor	6 metres	0.49 metre and 5.09 metres	Supported - as above.
East or rear setback-fifth floor	6 metres	0.49 metre and 5.09 metres	Supported - as above.
Previous consultation submissions			
No advertising was carried out as there are no further variations proposed as compared to the previous approved application. As such, the submissions received and Officer comments as stated in the Minutes of the Ordinary Meeting of Council on 26 August 2008 are considered relevant and is in verbatim below.			
<i>“Support (2)</i>	<ul style="list-style-type: none"> <i>No reason provided.</i> 		<i>Noted.</i>
<i>Objection (4)</i>	<ul style="list-style-type: none"> <i>Five storeys is too high and out of character with the streetscape for the area resulting in over density.</i> <i>Concerns regarding visual impact, bulk and scale.</i> <i>Concerns over privacy to adjoining properties, including property directly opposite on the other side of Beaufort Street, and reduce its amenity.</i> <i>No indication of what the finishes of the walls will be.</i> <i>Noise from motor vehicles.</i> <i>Exhaust fumes from vehicles using the car park.</i> 		<p><i>Not supported - as the increased density is within acceptable limits, and as the overall height and scale reflects the height and scale of surrounding buildings.</i></p> <p><i>Not supported - as above.</i></p> <p><i>Not supported - as the proposal complies with the R Codes requirements for privacy affecting the lots to the south-west side (opposite Beaufort Street). The adjoining lots to the north-east and north-west are both zoned "Commercial" and hence have the potential to redevelop at some stage.</i></p> <p><i>Noted - the applicant has advised that the finishes will comprise glass and aluminium cladding with render of the building.</i></p> <p><i>Not supported - as Beaufort Street is already a busy activity corridor and the additional traffic from the proposed development will not result in undue additional vehicle noise within the locality.</i></p> <p><i>Not supported - as adequate ventilation is to be provided in accordance with industry standards.</i></p>

	<ul style="list-style-type: none"> • <i>Overshadowing.</i> • <i>Eliminates views to the city.</i> • <i>Resulting in lack of sunlight and natural light to neighbouring properties due to excessive height of development."</i> • <i>"Development should be rejected, or the upper 2 floors be setback further from the street.</i> 	<p><i>Not supported – as the proposal complies with the overshadowing requirements of the R Codes.</i></p> <p><i>Not supported - views are not a significant planning consideration. There would be some form of loss of view towards the City; however, the City's skyscrapers due to their height would still be visible.</i></p> <p><i>Not supported – as there is no evidence submitted to substantiate the above claim. Furthermore, the lot to the north-west of the subject site has the potential to redevelop at some later stage. There is however limitations in the development potential of the lot to the north-east due to its heritage status (Chester House).</i></p> <p><i>Not supported – as the development does not result in an undue impact on the streetscape."</i></p>
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Sustainability Implications	Nil	
Financial/Budget Implications	Nil	
Sustainability Implications	<p>The proposal will be required to satisfy the energy efficiency requirements of the Building Code of Australia requirements at the Building Licence stage. The proposal would maximise the potential use of the land, taking into consideration its close proximity to the City and major transport routes.</p>	

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

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

Car and Bicycle Parking

In accordance with the Residential Design Codes requirements for mixed-use development, on-site car parking requirements for multiple dwellings may be reduced to one car bay per dwelling where on-site parking required for other users is available outside normal business hours. A total of 6 car bays have been provided for the residential uses. The balance of car bays available for the commercial component in this instance is 53 car bays.

Car Parking- Commercial Component	
Car parking requirement (nearest whole number) Office: 1 car bay per 50 square metres gross office floor area (proposed 3,355 square metres) = 67.1 car bays. Showroom car parking has been based on office requirements and included in the office calculations.	67 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces) 	(0.7225) 48.41 car bays
Minus the car parking provided on-site	53 car bays
Minus the most recently approved on-site car parking shortfall	Not applicable as proposal is to redevelop site.
Resultant surplus	4.59 car bays
Bicycle Parking Facilities	
Offices <ul style="list-style-type: none"> • 1 space per 200 (proposed 3,355) square metres gross floor area (class 1 or 2) - 16.78 spaces. • 1 space per 750 (proposed 3,355) square metres over 1,000 square metres for visitors (class 3) - 3.14 spaces. 	Partly provided, but not fully compliant.

COMMENTS:

Western Australian Planning Commission Referral

The previous proposal has been referred to the Western Australian Planning Commission (WAPC) as the proposal abuts Beaufort Street, which is classified as an "*Other Regional Road*". Comments have not been received from the DPI in relation to the current proposal (5.2008.420.1), which would result in lesser car movements.

The previous comments received from the Department for Planning and Infrastructure (DPI) in its letter dated 30 June 2008 for the proposal considered at the Ordinary Meeting of Council held on 26 August 2008 (Serial No. 5.2008.134.1) stated that there are no land requirements affecting the property under the Metropolitan Region Scheme and associated Other Regional Road Reservation. The DPI had no objection to the proposal (Serial No. 5.2008.134.1) under regional transport grounds. As such, it is unlikely that the DPI's comments would be different to the current proposal (5.2008.420.1).

Other Considerations

Below is the verbatim comments relating to previous proposal as stated in the Minutes of the Ordinary Meeting of Council held on 26 August 2008, which is also considered relevant to the current proposal:

“Demolition

The subject place comprising Nos. 226 - 234 (Lots 1 and 2) Beaufort Street, Perth originally formed part of Perth Town Lot W103. In 1950, Perth Town Lot W103 comprised a pair of semi-detached dwellings at Nos. 232 - 234, believed to have been constructed in 1898, and a galvanised iron shed at No. 226 Beaufort Street, Perth. The Wise Post Office Directories indicate that the semi-detached dwellings were occupied as a mixed business for many years and No. 226 was occupied by fuel merchants. The historical Certificate of Title reveals that the land was transferred to J.P Collins Pty Ltd in 1944. Under the ownership of J.P Collins Pty Ltd, the City of Perth Building Licence Cards indicates that the original buildings on the site were demolished and replaced with the existing buildings on the site. The City of Perth Building Licence Cards suggest that brick and iron building with a gabled roof now located on Lot 1 was constructed in 1949 and the brick and iron building with a tiered skillion roof now on Lot 2, was constructed in 1953 in the Post-War International style. Additional buildings were constructed to the rear of the building on Lot 2 in 1959 and 1965 respectively.

The place is not considered to have any specific cultural heritage value that would make it eligible for consideration for inclusion on the Town's Municipal Heritage Inventory. The dwelling is considered to require no further investigation and that a full Heritage Assessment is not warranted. Therefore, it is recommended that the application to demolish the place be approved, subject to a quality archival record and other standard conditions.

Redevelopment

The proposed new development abuts the property at No. 238 Beaufort Street, Perth which is listed on the Town of Vincent Municipal Heritage Inventory/Heritage List as a Management Category A - Conservation Essential. The heritage listed property is one of the oldest surviving buildings in the Town of Vincent dating 1884 and has continued to operate as a boarding house since 1929.

Whilst the proposed development is largely out of keeping with the scale, massing and bulk of the adjacent heritage listed property at No. 238 Beaufort Street, it is noted that the subject section of Beaufort Street is characterised by a mixture of buildings varying in height, bulk and architectural style, including original two-storey brick and iron Federation Queen Anne semi-detached terraces constructed in the 1890's, post-war commercial buildings and more recent large scale mixed use development.

Furthermore, the plans dated 1 August 2008 indicate that the proposed development has sought to minimise the impact of the scale and bulk of the proposed development on the adjacent heritage listed property. This is shown through the greater front set-back of the north-west corner of the proposed development and a staggering of the floor levels, which limits the impact of the height of the proposed development on the adjacent heritage building.

In light of the above, it is considered that the proposed development demonstrates consideration to the adjacent heritage listed property at No. 238 Beaufort Street and is supported on heritage grounds.”

Conclusion

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

10.1.6 No. 26 (Lot 45 D/P: 555) Gill Street, North Perth - Proposed Demolition of Existing Single House and Construction of Two-Storey Single House

Ward:	South	Date:	30 September 2008
Precinct:	Norfolk; P10	File Ref:	PRO4431; 5.2008.252.1
Attachments:	001 , 002		
Reporting Officer(s):	S Kendall, H Au		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Artique Building Pty Ltd for proposed Demolition of Existing Single House and Construction of Two-Storey Single House, at No. 26 (Lot 45 D/P: 555) Gill Street, North Perth, and as shown on existing site plan stamp-dated 23 May 2008 and proposed site plan, ground floor plan, first floor plan and elevations stamp-dated 30 July 2008, subject to the following conditions:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, 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 within the Gill Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (iii) *prior to the issue of the Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the total width of the driveway being a maximum of 40 per cent (4.95 metres) of the property frontage;*
 - (b) *the whole dwelling, with the exception of the porch, being setback a minimum of 7.763 metres to the front/street boundary to comply with the average street setback for the subject portion of Gill Street, within which No. 26 Gill Street is located; and*
 - (c) *the windows along the eastern elevation of the games theatre room and the southern window of the dining room, on the ground floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 24 Gill Street, stating no objection to the respective proposed privacy encroachment.*

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

- (iv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
 - (v) *first obtaining the consent of the owners of No. 24 Gill 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. 24 Gill Street in a good and clean condition;*
 - (vi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
 - (vii) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
 - (viii) *the proposed swimming pool does not form part of this approval and is subject to a separate Swimming Pool Licence being applied to and obtained from the Town.*
-

Landowner:	This information has been removed at the request of the owner.
Applicant:	Artique Building 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:	539 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single-storey house and the construction of one two-storey single house on the subject property.

As per the Town's Policy No. 4.1.5 relating to Community Consultation, as more than 5 submissions/responses were received in relation to the subject development during the community consultation period, the application is being reported to the Council for its determination. In response to the objections raised, the owner has provided the following response:

- The size of the building is acceptable as it does not cover more than the minimum requirement of open land space and as there are other large new homes along Gill Street (such as corner of Gill and Eton Streets), as there are in other areas of North Perth.
- The Gill Street streetscape presents a range of setbacks and although the proposed house sits slightly in front of the houses on either side, these two houses (numbers 28 and 24) do not represent the range of setbacks on this street as the house next to number 24 (that is, number 22) sits even closer to the front boundary than the proposed residence.
- No. 28 Gill Street next door has a brick-walled carport that extends right up to the footpath, thereby completely altering the impression of a consistent streetscape setback.
- In relation to the single storey streetscape, the design does take into account the new Town of Vincent guidelines as the first floor is setback back 2 metres behind the ground floor building line.
- The presentation of the proposed dwelling will not impede on the image of the streetscape; rather the choice of elevation, colours and design, will complement and enhance the streetscape while still fitting in with traditional appearances.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Residential Design Elements:			

<p>SADC 3. - New Dwellings</p>	<p>To be compatible with the bulk and scale of the street.</p>	<p>Two-storey presentation to Gill Street with a reduced street setback.</p>	<p>Supported in part - after taking into consideration the additional 1 metre setback, which has been conditioned, the proposed development will be of a form that respects the existing character of the locality and streetscape. The upper floor addition has been designed to provide relief and articulation contributing to the variety and interest in the streetscape. Furthermore, there are existing larger two-storey buildings in the vicinity of the subject dwelling along Gill Street, and the development will be partially shielded from view when travelling east along Gill Street, by the garage of the adjacent western property, which has a nil setback to Gill Street.</p>
<p>SADC. 5 - Street Setbacks</p>	<p>Street setback to reflect predominate setback in street.</p>	<p>The average setback along the street is 7.50 metres. The subject dwelling is setback 6.763 metres from Gill Street and is 1.921 metres in front of western dwelling and 1.548 metres in front of eastern dwelling.</p>	<p>Supported in part - as the proposal has been conditioned to be setback an additional 1 metre from Gill Street to comply with the average setback of the street. This setback will have a net gain in terms of reducing the overall impact of the development on the existing streetscape, whilst ensuring the efficient use of the site and facilitating solar access with the northern sunlight on the rear outdoor living area.</p>
<p>SADC. 7 - Side Setbacks</p>	<p>Where there is a side setback variation, any portion of wall greater than 9 metres to incorporate horizontal or vertical articulation.</p>	<p>Maximum length of wall with out articulation: Eastern wall of first floor – 9.24 metres</p>	<p>Supported - as the variations are minor, no undue impact on adjacent neighbouring property, no objection was raised in relation to this specific variation and as vertical articulation has been incorporated along the eastern elevation.</p>

<p>BADC 3. - Roof Forms</p>	<p>Roof pitch - 30 - 45 degrees</p>	<p>Roof pitch - 25 degrees</p>	<p>Supported - as the roof form has been designed to so as not to unduly increase the bulk of the building and as it complements the existing streetscape.</p>
<p>BDADC 4 (a) - Building Bulk</p>	<p>In predominantly single storey streetscapes, new development is required to be single storey at the primary street frontage.</p>	<p>Two-storey presentation to Gill Street.</p>	<p>Supported - the first floor of the dwelling has been setback behind the main ground floor building line by 2.04 metres to lessen the impact on the single storey streetscape and to preserve the dwelling single storey presentation to the street. The second storey component is architecturally harmonious with the detail of the inter-war bungalows, which dominate this section of the street. Furthermore, there are existing larger two-storey buildings in the vicinity of the subject dwelling along Gill Street, and the subject portion of Gill Street has a number of structures in the front setback area, which reduce its cohesiveness as an intact streetscape.</p>
<p>Building Setbacks: Ground floor to eastern boundary</p>	<p>1.5 metres</p>	<p>Nil - 2.2 metres</p>	<p>Supported - as the non-compliant portion of wall is only minor in comparison to the entire length of the ground floor eastern wall and horizontal articulation has been incorporated to reduce the bulk and visual impact on the adjacent affected neighbouring property.</p>
			<p>Supported - as the</p>

First floor to eastern boundary	2.2 metres	1.58 – 1.82 metres	variations are considered minor and both vertical and horizontal articulation has been incorporated into the design to reduce the bulk and visual impact on the adjacent affected neighbouring property.
Building on Boundary: Garage wall to eastern boundary	Walls not higher than 3.5 metres with an average of 3 metres for two-thirds the length of the balance of the boundary behind the front setback (26.84 metres).	Length – 9 metres Average height 3.341 metres	Supported - as the variations are minor, does not exceed the maximum height requirements, no undue impact on adjacent neighbour and as no objection was raised in relation to this specific variation.
Driveway Width	Not to exceed 40 per cent (4.876 metres) of the lot frontage.	4.95 metres	Not supported – undue impact on streetscape, and conditioned to comply.
Privacy Setbacks: Games Theatre Room to eastern boundary	6 metres – or screening	1.22 metres	Not supported – as considered to have an undue impact on neighbouring property, and conditioned to comply.
Dining Room (southern window) to eastern boundary	6 metres – or screening.	1.82 metres	Not supported – as above.
Consultation Submissions			
Support	Nil		Noted.
Objection (6)	<ul style="list-style-type: none"> • Proposal will result in overshadowing and will block light from adjoining properties. • Sheer size of building, including garage will result in loss of greenery. 		<p>Not supported – as the proposal complies with the R Codes' overshadowing requirements.</p> <p>Not supported – as the proposal complies with the R Codes' open space requirement, the garage is integrated with the main building coupled with the large street setback will allow for the provision of landscaping and the building has been designed with reasonable horizontal and vertical articulation to reduce the perceived bulk and scale of the building.</p>

	<ul style="list-style-type: none"> • Opposed two-storey as the street is made up of single storey dwellings. • Building setbacks should comply with the minimum requirements. • Privacy variations are unacceptable. • Buildings boundaries as marked on the plans may not be accurate. 	<p>Supported in part – refer to Officer Comment in the above ‘Non-Compliant Requirements’ assessment table.</p> <p>Not supported – as the variations are considered minor and as the non-compliant walls have incorporated vertical and horizontal articulation to reduce the bulk and visual impact on the adjacent affected neighbouring properties.</p> <p>Supported – the non-compliant major openings to habitable rooms have been conditioned to comply.</p> <p>Not supported – as this is a civil matter; however, it appears that the submitted site plan was based on a Licenced Surveyor's site survey plan.</p>
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Sustainability Implications	Nil	
Financial/Budget Implications	Nil	

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

COMMENTS:

Demolition

The subject place at No. 26 Gill Street is a brick and tile single storey dwelling, which was constructed circa 1936 in the Inter-war California Bungalow style of architecture. A full Heritage Assessment was undertaken for No. 26 Gill Street, North Perth. The assessment, which is contained as an attachment to this report, indicates that the place has little aesthetic, historic, scientific and social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

Conclusion

In light of the above, it is recommended that the Council approves the application, subject to standard and appropriate conditions to address the above matters.

10.1.7 No. 64 (Lot: 124 D/P: 12796) Clieveden Street, North Perth - Proposed Demolition of Existing Single House and Construction of Two-Storey Single House

Ward:	North	Date:	26 September 2008
Precinct:	North Perth; P08	File Ref:	PRO2498; 5.2008.321.1
Attachments:	001_002		
Reporting Officer(s):	D Pirone, H Au		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Lou Di Virgilio Designs on behalf of the owner M A and P Weston for proposed Demolition of Existing Single House and Construction of Two-Storey Single House, at No. 64 (Lot: 124 D/P: 12796) Clieveden Street, North Perth, and as shown on plans stamp-dated 8 July 2008, 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(s) 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) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, 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) any new street/front wall, fence and gate within the Clieveden Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*

- (f) *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) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vi) *the proposed swimming pool does not form part of this approval and is subject to a separate Swimming Pool Licence being applied to and obtained from the Town; and*
- (vii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the total aggregate width of the driveways being a maximum of 6.0 metres or 3.0 metres each; and*
 - (b) *the external building wall height to the top of the eaves being reduced to a maximum of 6 metres above the natural ground level.*

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

Landowner:	M A & P Weston
Applicant:	Lou Di Virgilio Designs
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:	605 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

14 November 2003

The Town under delegated authority from the Council conditionally approved an application for partial demolition of and alterations and additions to existing single house.

DETAILS:

The proposal involves the demolition of the existing single house and 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.

<p>Building Setbacks: Ground Floor -East</p> <p>-West</p>	<p>1.5 metres</p> <p>1.5 metres</p>	<p>1 metre – 2 metres</p> <p>1.06 metres – 2.36 metres</p>	<p>Supported – not considered to have an undue impact on the neighbouring property as significant articulation has been incorporated into the eastern wall.</p> <p>Supported – not considered to have an undue impact on the neighbouring property as significant articulation has been incorporated into the western wall.</p>
<p>Vehicular Access</p>	<p>Subject to each crossover being a minimum width of 3metres the total width of the driveways shall not exceed 6 metres or 40 percent (5.98 metres) of the width of the driveway, whichever is the lesser.</p>	<p>The total width of the driveways is 7 metres or 46.8 per cent.</p>	<p>Not supported – considered to have an undue impact on the amenity of the streetscape. Condition applied for the total width of the crossovers to be a maximum of 6.0 metres.</p>
<p>Building Height</p>	<p>Wall Height – Maximum of 6 metres to the top of the eaves.</p>	<p>Maximum of 6.5 metres.</p>	<p>Not supported – considered to have an undue impact on the amenity of the neighbouring properties. Condition applied for the building wall height to be reduced to a maximum of 6 metres above the natural ground level.</p>
<p>Consultation Submissions</p>			
<p>Support (2)</p>	<p>No comments provided.</p>	<p>Noted.</p>	
<p>Objection (6)</p>	<ul style="list-style-type: none"> • Nil setback of swimming pool. 	<ul style="list-style-type: none"> • Not supported – the subject proposed swimming pool does not form part of this planning application and will be subject to a Swimming Pool Licence being obtained from the Town. 	

	<ul style="list-style-type: none"> • Height of the building. • Building setbacks. • Crossovers. • Demolition of the existing house. • Building bulk. • Style of the building. 	<ul style="list-style-type: none"> • Supported – considered to have an undue impact on the amenity of the neighbouring properties. Condition applied for the building wall height to be reduced to a maximum of 6 metres above the natural ground level. • Not supported – the variations to building setbacks are proposed on the ground floor only, incorporating significant articulation, and are not considered to have an undue impact on the neighbouring property. • Supported – considered to have an undue impact on the amenity of the streetscape. Condition applied for the total width of the crossovers to be a maximum of 6.0 metres. • Not supported – the Town’s Heritage Officers have assessed the dwelling at No. 64 Clieveden Street and found that the place has little aesthetic, historic, scientific and social heritage significance. • Not supported – the Town’s Officers are of the view that the building bulk requirements of the Residential Design Elements Policy have been complied with, as the upper floor is setback at a significant distance of 11.61 metres from Clieveden Street and setback 3.7 to 4.7 metres behind the ground floor main building line. Further to this, a condition has been applied to reduce the building height to a maximum of 6 metres above the natural ground level, which will further reduce the bulk and scale of the development. • Not supported – the plans indicate that a reasonable pitch roof has been incorporated into the development.
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Other Implications

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

Demolition

The place at No. 64 Clieveden Street, North Perth is a brick and tile dwelling constructed circa 1948 in the Inter-war Bungalow style of architecture. The subject dwelling has a two room street frontage and has a main hipped tile roof form with a gable roof over the western front room. The exterior of the western front room has a red brick wall to dado height and rendered on the upper walls. The porch to the east is supported by shafts and columns that are connected by a waist high cream white rendered wall with red brick capping.

The subject lot first accommodated a small weatherboard cottage constructed circa 1931, which was occupied by Joseph Flanagan until 1944. In 1948, the subject dwelling was constructed on the lot and was first occupied by McKenzie. Since then, the subject dwelling has been transferred several times to new owners and occupiers.

A full Heritage Assessment of the place at No. 64 Clieveden Street, North Perth, is attached to the report and indicates that the place has little aesthetic, historic, scientific and social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

Summary

In light of the above, it is recommended that the Council approve the application, subject to standard and appropriate conditions to address the above matters.

10.1.8 Nos. 31-33 (Lot 1 and Lot Y190) Carr Street, West Perth- Proposed Demolition of Existing Commercial Building and Construction of Four-Storey Mixed Use Development Comprising Sixteen (16) Multiple Dwellings, Eleven(11) Offices and Associated Basement Car Parking

Ward:	South	Date:	30 September 2008
Precinct:	Beaufort, P13	File Ref:	PRO0837; 5.2008.139.1
Attachments:	001		
Reporting Officer(s):	R Narroo		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Carbone Designs on behalf of the owner CGM Properties Pty Ltd for proposed Demolition of Commercial Building at Nos. 31-33 (Lot: 1 and Lot Y 190) Carr Street, West Perth, and as shown on plans stamp-dated 22 September 2008, 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 development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
 - (d) *demolition of the existing building 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 buildings valued by the community;*
 - (e) *support of the demolition application shall not be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property; and*
 - (f) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Planning Scheme No. 1 and associated Policies; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by M Carbone Designs on behalf of the owner CGM Properties Pty Ltd for proposed Construction of Four-Storey Mixed Use Development Comprising Sixteen (16) Multiple Dwellings, Eleven (11) Offices and Associated Basement Car Parking, at Nos. 31-33 (Lot 1 and Lot Y190) Carr Street , West Perth, and as shown on plans stamp-dated 22 September 2008 , 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 and signage requirements of the Residential Design Codes, and the Town's Policies relating to Beaufort Precinct and Signs and Advertising, respectively; and*
- (c) *consideration of the objections received.*

Landowner:	CGM Properties Pty Ltd
Applicant:	M Carbone Designs
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R 80
Existing Land Use:	Eating House, Light Industry and Vehicles Repairs Workshop
Use Class:	Office Building and Multiple Dwellings
Use Classification:	“AA” and “P”
Lot Area:	Lot Y190= 645 square metres Lot 1= 850 square metres Total=1495 square metres
Access to Right of Way	Eastern side, 3 metres wide, sealed, private owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of existing commercial building and construction of four storey mixed use development comprising sixteen (16) multiple dwellings, including four (4) penthouse apartments, eleven (11) offices and associated car parking at the subject property.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R80 or 11.94 multiple dwellings dwellings	R 107 or 16 multiple dwellings – 33.96 per cent density bonus	Supported- refer to “Comments” below.
Plot Ratio	1 or 1495 square metres	1.34 – 2003 square metres	Not supported- refer to “Comments” below.
Building Setbacks: <u>Ground Floor</u> South	Non-residential/residential development interface= 6 metres	4.882 metres	Supported- as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.

<u>First Floor</u>			
Front-North-Carr Street (Primary street)	Buildings to be setback from the street alignment such distance as is generally consistent with building setback on adjacent land and in the immediate locality. The predominant streetscape setback= 2.87 metres	4.149 metres to the main building 2.5 metres to the balcony	Supported- the first floor of the building at Nos. 15-19 Carr Street was approved with a street setback of 1.725 metres for the balcony. Therefore, it is considered that the variation will not unduly impact on the streetscape.
West	6.6 metres	2.2 metres to 3.057 metres	Supported- as the building will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight.
East	5.8 metres	Nil to 1.356 metres	Supported- as the building will be facing the right of way which has a width of 3 metres.
South	7 metres	2.5 metres to 3.122 metres	Supported- as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight. The building on the adjoining property at the rear has a nil setback to the boundary.
<u>Second Floor</u>			
Front-North Carr Street (primary street)	Buildings to be setback from the street alignment such distance as is generally consistent with building setback on adjacent land and in the immediate locality. The predominant streetscape setback= 2.87 metres	3.2 metres to main building and 2.359 metres to balcony	Supported- the second floor of the building at Nos. 15-19 Carr Street was approved with a street setback of 1.725 metres for the balcony. Therefore, it is considered that the variation will not unduly impact on the streetscape.

West	8.7 metres	2.2 metres to 2.957 metres	Supported- as the building will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight
East	7.5 metres	Nil to 1.366 metres	Supported- as the building will be facing the right of way which has a width of 3 metres.
South	8.2 metres	2.5 metres to 3.253 metres	Supported- as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight. The two storey building on the adjoining property at the rear has a nil setback to the boundary.
<u>Third Floor</u>			
Front- North-Carr Street (Primary Street)	Buildings to be setback from the street alignment such distance as is generally consistent with building setback on adjacent land and in the immediate locality The predominant streetscape= 2.87 metres	4.109 metres	Supported- the variation will not unduly impact on the streetscape.
South	6 metres	4.62 metres	Supported- as the variation will not unduly impact on the adjoining property in terms of visual impact, ventilation and sunlight. The two storey building on the adjoining property at the rear has a nil setback to the boundary.
Number of Storeys and Height	A general height limit of two storeys Maximum Building Height= 7 metres	Four Storeys 13.2 metres	Supported- refer to "Comments" below.

<p>Privacy Setbacks:</p>	<p>Balcony= 7.5 metres Bedroom= 4.5 metres Living Room= 6 metres</p>	<p><u>First Floor</u> Office 11- balcony= 0.7 metre to eastern boundary and 3.7 metres to the eastern side of right of way. Unit 1- balcony= 0.7 metre to eastern boundary and 3.7 metres to the eastern side of right of way. Unit 3- bedroom 1=1.3 metres to eastern boundary and 4.35 metres to the eastern side of right of way. Unit 3- balcony= 0.8 metres to eastern boundary and 3.8 metres to the eastern side of right of way Unit 3- balcony= 2.5 metres to southern boundary. Unit 4- bedroom 1= 3.1 metres to southern boundary. Unit 4- balcony= 2.5 metres to southern boundary. Unit 5- balcony= 2.5 metres to southern boundary. Unit 5- bedroom 1= 3.1 metres to southern boundary</p>	<p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported. Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported. Not supported- undue impact on neighbouring property, and bedroom 1 should be screened if proposal is supported. Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported. Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported. Not supported- undue impact on neighbouring property, and bedroom 1 should be screened if proposal is supported. Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported. Not supported- undue impact on neighbouring property, and bedroom 1 should be screened if proposal is supported.</p>
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		<p>Unit 6- balcony= 2.6 metres to southern boundary.</p> <p>Unit 6- balcony= 2.3 metres to western boundary.</p> <p>Unit 6- bedroom 1= 2.9 metres to western boundary.</p> <p>Unit 2- balcony= 2.3 metres to western boundary.</p> <p>Office 8= 2.7 and 3.057 metres to western boundary.</p> <p><u>Second Floor</u></p> <p>Unit 12- balcony= 0.785 metre to eastern boundary and 3.785 metres to the eastern side of right of way.</p> <p>Unit 12-bedroom 1= 0.785 metre to eastern boundary and 3.785 metres to the eastern side of right of way.</p> <p>Unit 12-bedroom 2= 0.785 metre to eastern boundary and 3.785 metres to the eastern side of right of way.</p> <p>Unit 7-bedroom 1= 1.2 metres to eastern boundary and 4.2 metres to the eastern side of right of way.</p>	<p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and bedroom 1 should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and windows should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and bedroom 1 should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and bedroom 2 should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and bedroom 1 should be screened if proposal is supported.</p>
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		<p>Unit 7-balcony= 0.6 metre to eastern boundary and 3.6 metres to the eastern side of right of way.</p> <p>Unit 9 - bedroom 2=1.366 metres to eastern boundary and 4.336 metres to the eastern side of right of way.</p> <p>Unit 9-balcony= Nil metres to eastern boundary and 3 metres to the eastern side of right of way</p> <p>Unit 9- balcony= 2.5 metres to southern boundary.</p> <p>Unit 9- living room= 3.1 metres to southern boundary.</p> <p>Unit P/H 3- balcony= 2.5 metres to southern boundary.</p> <p>Unit P/H 4- balcony= 2.5 metres to southern boundary.</p> <p>Unit 10- living room= 3.253 metres to southern boundary.</p> <p>Unit 10- balcony= 2.6 metres to southern boundary.</p>	<p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and bedroom 2 should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and living room should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and living room should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported.</p>
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		<p>Unit 10- balcony= 2.3 metres to western boundary.</p> <p>Unit 10- bedroom 2= 2.881 metres to western boundary.</p> <p>Unit 8- balcony= 2.3 metres to western boundary.</p> <p>Unit 8- bedroom 1= 2.925 metres to western boundary.</p> <p>Unit 11- bedroom 2= 2.807 metres to western boundary.</p> <p>Unit 11- bedroom 1= 2.75 metres to western boundary.</p> <p>Unit 11- balcony= 2.767 metres to western boundary.</p> <p>P/H 3 and 4 – balconies = 4.642 metres to southern boundary</p>	<p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and bedroom 2 should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and bedroom 1 should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and bedroom 2 should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and bedroom 1 should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and balcony should be screened if proposal is supported.</p> <p>Not supported- undue impact on neighbouring property, and balconies should be screened if proposal is supported.</p>
Signage	Not exceed 0.2 square metre in area and only for the purpose of identifying the name of the dwelling.	5.124 square metres	Not supported- undue visual impact on the amenity of the area.

	Not exceed 500 millimetres in height for dwelling name signs on multiple dwellings where they are of single line letters fixed to the façade of a building.	1.25 metre – double line	Not supported- undue visual impact on the amenity of the area.
Consultation Submissions			
Support	Nil		Noted.
Objections(3)	<p>Parking-</p> <p>Concerned about parking facilities and impact on street parking.</p> <p>Height and Privacy-</p> <p>The fourth storey will impact on the views and privacy of the adjoining properties.</p>		<p>Not supported- the proposed development complies with the parking requirements of the Town’s Parking and Access Policy.</p> <p>Not supported- refer to “Comments” below.</p>
Other Implications			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		
Sustainability 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.

Residential Car Parking

Car parking requirements for the residential component of the development have been calculated using the requirement for mixed use development in the Residential Design Codes (R Codes). The residential component requires 16 car bays, based on the standard of one (1) car bay for each of the 16 proposed multiple dwellings. Therefore, the number of car bays provided for the residential component will be 16 bays. A total of 41 car bays have been provided for the entire development; therefore, resulting in 25 car bays available for the office component.

Commercial Car Parking

Requirements as per Parking and Access Policy	Required
Total car parking required before adjustment factor (nearest whole number)	
Office-1 car bay per 50 square metres gross floor area (proposed 1018 square metres) = 20.36 car bays.	20 car bays
Apply the parking adjustment factors.	(0.578)

Requirements as per Parking and Access Policy	Required
<ul style="list-style-type: none"> ▪ 0.80 (mix of uses with greater than 45 percent of the gross floor area is residential) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of an existing public car parking place(s) with in excess of a total of 75 car parking spaces) 	11.56 car bays
Car parking provided on-site for office component	25 car bays
Minus the most recently approved on-site parking shortfall	Nil
Resultant surplus	13.44 car bays

Bicycle Parking

Requirements	Required	Provided
Office 1 per 200 square metres (proposed 1018 square metres) gross floor area for employees (class 1 or 2).	5.09 spaces= 5 spaces	Bicycle parking shown on plans at the basement level
1 space per 750 square metres (proposed 1018 square metres) over 1000 square metres for visitors (class 3).	0.024 spaces	Bicycle parking shown on plans at the basement level

COMMENTS:

Demolition

The subject place at Nos. 31-33 Carr Street, West Perth, is a brick and iron warehouse and retail building built in the Late Twentieth Century Retail Style. It was built circa 1965, and replaced an earlier residence that was built there around 1897. The current building is rectangular with a simple façade and minimalist parapets. Shop windows are featured along the front, interspersed with entry doors and sliding garage doors. The building accommodates three businesses: Carr St Continental, Salotti Fine Foods, and Trio's Auto Repair Centre. All three appeared to be vacant at the time of the site visit. A brick wall is hard up against the neighbouring property to the west.

The historic Certificate of Title indicates that in 1947 the subject place was part of Perth Town Lots Y190 and Y191, and owned by William Henry Darlington Beadle, newsagent. Mr Beadle was also a City of Perth Councillor. The Metropolitan Sewerage Plan Survey dated 1950 indicates that the former building was a large brick residence with verandahs extending along the north and west elevations. Mr Beadle passed away in 1954 and the property passed to his widow, who then sold it to Frederico Bros Pty Ltd in 1970.

The City of Perth Building Licence cards indicate that a Building Licence was issued in 1971 to Frederico Bros for warehouses at Lots 1 and 2, Nos. 31-33 Carr Street. In 1976, a Licence was issued to Pope & Co for partitions for No. 31 Carr Street.

A preliminary heritage check indicates that the subject place at Nos. 31-33 Carr Street, West Perth, has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

In light of the above, it is considered that approval should be granted for demolition subject to standard conditions.

Density and Plot Ratio

The Council at its Ordinary Meeting held on 12 July 2005 conditionally approved a development application for sixty (60) three-storey multiple dwellings, including two (2) lofts and associated car parking, at Nos. 15-19 Carr Street, which is located east of the subject property. A density bonus of 63 per cent was approved for this development; however, it complied with the plot ratio.

This proposal does not comply with the density as well as the plot ratio. However, it complies with the requirement of 66 per cent of the floor area is to be residential. As it is now, there are some old vacant commercial buildings standing on-site which aesthetically do not contribute to the intended character of the area. Given that a density bonus of 63 per cent was approved for the development at Nos. 15-19 Carr Street, a density bonus of 33.96 per cent for the subject development can be supported as the proposal would contribute to the regeneration of the area.

Plot ratio is commonly used as a measure of bulk and scale, together with height which is addressed below. The proposed plot ratio of 1.34 (2003 square metres) is considered to create an unacceptable bulk issue. It is to be noted that the existing residential development at Nos.15-19 Carr Street was approved with a plot ratio of 0.877. It is therefore considered that the plot ratio variation, in this instance, is excessive and will unduly impact on the amenity of the adjacent neighbours and streetscape.

Number of Storeys and Height

The proposal will have a fourth floor component where the second storeys of penthouses 1-4 will be located. The applicant has demonstrated that the fourth storey will not be directly visible from the two sides of the subject property and from the Carr Street footpath facing the subject property. However, the fourth floor is likely to be visible from the rear.

The fourth storey is setback at 4 metres from Carr Street, 4.642 metres from the rear boundary and 8.456 metres to 10.387 metres to the sides. The widths of the fourth floor will be only 14 metres and not occupying the whole site. Moreover, the proposed development complies with the overshadowing requirement and the height will generally vary from 13.2 metres to 12.8 metres above the natural ground level.

The height and the width of the fourth storey are considered not to create an unacceptable scale issue. The building will comply with the overshadowing requirements and due to its design is not considered to have an undue visual impact on the adjoining properties or the streetscape.

Given the above and the building form incorporates an appropriate contemporary design, the variation to the number of storeys and height is supported in this instance.

Conclusion

Given that the variation to the plot ratio will create an unacceptable bulk issue, it is therefore recommended that the development proposal be refused.

10.1.9 No. 61 (Lots 21 and 22 D/P: 527) Glendower Street, Dual Frontage to Primrose Street, Perth - Proposed Demolition of Existing Place of Public Worship and Construction of Four (4) Two-Storey Grouped Dwellings with Roof Top Deck - State Administrative Tribunal (SAT) Review Matter No. DR 312 of 2008

Ward:	South	Date:	26 September 2008
Precinct:	Hyde Park; P12	File Ref:	PRO3515; 5.2007.353.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That, given the decision by the Council at its Ordinary Meeting held on 12 August 2008 to refuse the application, the Council;

- (i) *RECEIVES the report relating to No. 61 (Lots 21 and 22 D/P: 527) Glendower Street, Dual Frontage to Primrose Street, Perth - Proposed Demolition of Existing Place of Public Worship and Construction of Four (4) Two-Storey Grouped Dwellings with Roof Top Deck - State Administrative Tribunal (SAT) Review Matter No. DR 312 of 2008;*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES, as part of the State Administrative Tribunal Review Matter No. DR 312 of 2008, the application submitted by Perrine Architecture Pty Ltd on behalf of the owner Interwest Pty Ltd for proposed Demolition of Existing Place of Public Worship and Construction of Four (4) Two-Storey Grouped Dwellings with Roof Top Deck, at No. 61 (Lots 21 and 22 D/P: 527) Glendower Street, Dual Frontage to Primrose Street, Perth, and as shown on plans stamp-dated 23 September 2008, for the following reasons:*
 - (a) *impact of the boundary walls;*
 - (b) *impact on Primrose Streetscape; and*
 - (c) *four garages on Primrose Street is considered inappropriate;*
- (iii) *INVITES COUNCILLOR..... to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing";*
- (iv) *INVITES the residents who objected to the proposal to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing"; and*
- (v) *FILES and SERVES the following draft "without prejudice" conditions if SAT is inclined to uphold SAT Review Matter DR 312 of 2008 and approve the proposed development:*
 - (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*

- (b) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (c) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, 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;*
- (d) *first obtaining the consent of the owners of Nos. 59 and 75 Glendower Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 59 and 75 Glendower Street in a good and clean condition;*
- (e) *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 Glendower Street boundary and the Primrose Street boundary, and the main building, including along the side boundaries within this front setback area, complying 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.*

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

- (f) *a detailed landscaping plan, including a list of plants and the landscaping of the Glendower Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*

- (g) *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:	Interwest
Applicant:	Perrine Architecture
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Place of Public Worship (Church)
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	827 square metres
Access to Right of Way	N/A

BACKGROUND:

- 23 May 2006 The Council at its Ordinary Meeting approved the demolition of the existing Place of Public Worship subject to standard and appropriate conditions. The Planning Approval for the demolition expired on 23 May 2008.
- 12 August 2008 The Council at its Ordinary Meeting refused an application for the proposed demolition of existing place of public worship and construction of four (4) two-storey grouped dwellings with roof top deck, at No. 61 (Lots 21 and 22 D/P: 527) Glendower Street, Dual Frontage to Primrose Street, Perth for the following reasons:
1. Impact of the boundary walls;
 2. Impact on Primrose streetscape; and
 3. Four garages on Primrose Street is considered inappropriate.
- 26 August 2008 The applicant lodged an application to the State Administrative Tribunal (SAT) to review the Council decision of 12 August 2008.
- 12 September 2008 SAT Direction Hearing held.
- 17 September 2008 SAT Mediation held between the Town's Officers and the applicant.
- 19 September 2008 Further SAT Mediation held between the Town's Officers and the applicant.
- 1 November 2008 Final SAT Hearing to be held.

DETAILS:

The proposal involves the demolition of the existing place of public worship and construction of four grouped dwellings. As a result of the SAT Mediation and Section 31 of the State Administrative Tribunal Act 2004, this Agenda Report has not been prepared as a "Confidential Report".

As can be seen in the above background, the Town's Officers have attended two mediations at the SAT. At the initial mediation, the applicant proposed an alternative proposal to address the Council's reasons for refusal. The alternative proposal, which is contained in the attachment to this report, involved the flipping of the outer two units, which resulted in these units fronting Primrose Street. Due to the significant changes to the proposal, the initial mediation was adjourned to enable the Town's Officers to undertake a preliminary assessment and to form a position on the revised proposal. After undertaking an assessment of the proposal, the Town's Officers advised the applicant and SAT that the preference would be to continue the review process with the first set of plans, that were refused by the Council, as opposed to continuing with the alternative proposal. Whilst addressing the Council's concerns relating to the impact along Primrose Street, the Officers noted that the alternative proposal resulted in the following further variations, that were not considered supportable:

- The proposal would remove the ability to provide three kerbside car parking bays on Glendower Street. It is important where crossovers to the street occur they are to, where possible, be located so as to maximise the number of kerbside parking spaces, by aiming for the spaces between crossovers to be multiples of car parking bays; and
- The proposal would result in two garages fronting Glendower Street and would reduce the overall contribution the development would have in terms of scale and rhythm to Glendower Street.

As a result of the second SAT Mediation, the applicant agreed to proceed with the review process on the basis of the original proposal, that was presented to the Council at its Ordinary Meeting held on 12 August 2008. As part of the Section 31 process, the applicant has provided a submission in support of the proposal, which is partially summarised below and "*Laid on the Table*":

- All items recommended in the Agenda Report of the Ordinary Meeting of Council held on 12 August 2008, as being conditional items, prior to the issue of a Building Licence have now been fully addressed and made compliant.
 - The elevation to Primrose Street has been articulated and altered to address the objections in relation to the initial design, which underwent a period of community consultation.
 - The elevation to Primrose Street is highly articulated incorporating high quality materials, with active balconies, which contribute to surveillance and the activity of the streetscape.
 - The built form to Primrose Street is exactly consistent with the predominate built form of Primrose Street, where double garages for single dwellings are consistent.
 - The extent of the second storey building on boundary wall component has been reduced and is only 22 per cent of the side boundary.
 - The boundary walls occur significantly behind the street setback line to both Glendower and Primrose Streets.
 - The appearance of the building to Glendower Street is of individual articulated forms.
 - The R Codes make a provision under section 6.3.2 for building on boundary for an inner city zoning where walls not higher than 6.5 metres are acceptable for no more than two thirds the length of the boundary or 12 metres, whichever is less. Whilst the property is not zoned I-IC, it is very much inner city and this acceptable development standard could be used for comparison purposes.
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- The current building boundary walls are consistent with the forms that have been found to be acceptable by the SAT, as they are behind the street setback line.

ASSESSMENT:

The below assessment relates to the plans stamp dated 23 September 2008, which have been amended as part of the Section 31 referral process.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	4.6 dwellings	4 dwellings	Noted.
Plot Ratio	N/A	N/A	Noted.
Building Setbacks: Main Building Ground Floor -			
To western boundary	1.5 metres	Nil	Supported - as the ground floor nil setback complies with the R Codes' Building on Boundary requirements.
To eastern boundary	1.5 metres	Nil	Supported - as above.
Main Building First Floor -			
To western boundary	3.7 metres	Nil -2.1 metres	Supported - refer to 'Comments' section below.
To eastern boundary	3.7 metres	Nil-2.1 metres	Supported - refer to 'Comments' section below.
Garage/Outbuilding-			
To western boundary	2.5 metres	Ground Floor - 1.965 metres Upper Terrace 1.4 - 4 metres	Supported - as the variation is not considered to have an undue impact on adjacent affected neighbouring properties or the Primrose Street streetscape.

<p>Outbuildings</p>	<p>Collectively do not exceed 60 metres square in area or 10 percent of site area, whichever is the lesser.</p> <p>Do not exceed a wall height of 2.4 metres</p>	<p>Total area per unit - 46.8 metres square.</p> <p>Units 1 and 4 - 22 per cent Units 2 and 3 - 23 per cent</p> <p>Maximum wall height - 4 metres</p>	<p>Supported - as the variation is minor and as per the performance criteria of the R Codes, the tandem garage structures do not detract from the streetscape or amenity of nearby residents.</p> <p>Supported - as the building has a stepped setback to reduce any undue impact on adjacent affected neighbouring properties and provides articulation and opportunities for causal surveillance to Primrose Street.</p>
<p>Privacy Setbacks:</p> <p>Front balconies of Units 1 and 4 to eastern and western boundaries (northern elevation)</p> <p>Main building roof deck of Units 1 and 4 to eastern and western boundaries</p>	<p>7.5 metres or screening in accordance with the R Codes</p> <p>7.5 metres or screening in accordance with the R Codes</p>	<p>1.4 metres</p> <p>1.8 metres</p>	<p>Supported - as the eastern and western sides of the balconies have been screened to prevent direct views from the balconies to the adjacent affected neighbours and as there is a lesser need to prevent overlooking of front gardens or areas visible from the street.</p> <p>Supported - as the eastern and western sides of the decks have been appropriately screened to prevent undue direct views from the deck to the adjacent affected neighbouring properties and as there is a lesser need to prevent overlooking of front gardens or areas visible from the street.</p>
<p>Previous Consultation Submissions</p>			
<p>It is important to note that these submissions do not relate to the new amended proposal.</p>			
<p>Support</p>	<p>Nil</p>		<p>Noted.</p>

<p>Objection (7)</p>	<ul style="list-style-type: none"> • The roof top decks of the proposal will impact on the privacy of adjacent properties. • The building height is excessive. • The development will exceed the plot ratio requirements. • The development will obscure all views to Hyde Park from Primrose Street. • Loss of two existing car parking bays in the street will cause problems for residential and visitors to the area. • The Town should insist on a proposed development whereby two dwellings front Glendower Street and two dwellings front Primrose Street, to ensure greater interaction and articulation to Primrose Street. 	<p>Not supported - the proposal complies with the R Code privacy requirements with the exception of two encroachments, which are considered acceptable as addressed above.</p> <p>Not supported - the stairwell structures and canopies are considered acceptable as they are minor components, provide articulation and have been centrally located to reduce their visual impact on the Glendower Street streetscape and adjacent neighbouring properties.</p> <p>Not supported - there is no plot ratio requirement for grouped dwellings.</p> <p>Not supported - as views are not a significant planning consideration.</p> <p>Not supported - existing two lots have the right to a double crossover each, which they have not acted upon. The proposed development proposes four single crossovers at a minimum width. Therefore, any future proposed development will result in the loss of the two on-street car parking bays.</p> <p>Not supported - as the application was received prior to the adoption of the Town's Residential Design Elements Policy and the Residential</p>
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	<ul style="list-style-type: none"> • The proposed development will overshadow the adjacent properties. • The nil setbacks will give an impression of confinement to the western multiple dwelling building. 	<p>Subdivisions Policy, Furthermore, the Town could consider the proposed side by side arrangement and it complies with the R Codes minimum lot area requirements. In response to this concern, the applicant presented a further design response after the cessation of the period of community consultation for this interface, which reflects the setbacks of the existing garages and entrance points to the dwellings which front Primrose Street. During the SAT review process, a revised proposal was submitted, which provides a street frontage to Primrose Street. However, for the reasons outlined in the 'Details' section of the report, the revised proposal resulted in further variations, which were not considered acceptable.</p> <p>Not supported - the proposal complies with the R Codes' overshadowing requirements.</p> <p>Not supported - the applicant has significantly reduced the maximum height and length of the building on boundary component since the cessation of the period of community consultation.</p>
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	<ul style="list-style-type: none"> The proposal will increase traffic along Primrose Street. Noise is likely to be a problem if all the houses are in a line as opposed to being more spread out. There is no cultural value of the existing building that would enable the relaxation of the standards as proposed. 	<p>Not supported - whilst a recent traffic count has not been undertaken, the acceptable limit, which is 1000 vehicles per day, would not be undermined by the proposed development.</p> <p>Not supported - Health Services have requirements that are specific to noise, including the location and installation of air conditioners and other noisy equipment. These requirements are addressed at the Building Licence stage.</p> <p>Not supported - as the applicant has complied with many of the previous variations to ensure the amenity of the streetscape and affected neighbouring properties are not unduly impacted upon.</p>
<p>General Comments (1)</p>	<ul style="list-style-type: none"> The western boundary wall will result in a loss of light and amenity. This could be migrated by painting it in a light colour or by growing vegetation on the wall. 	<p>Supported in part - a standard condition of approval in relation to building on boundary requires the owners of the subject land to finish and maintain the surface of the boundary (parapet) walls in a good and clean condition. The choice of colour and the installation of vegetation is a civil matter.</p>
Other Implications		
<p>Legal/Policy</p>	<p>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</p>	
<p>Strategic Implications</p>	<p>Nil</p>	
<p>Financial/Budget Implications</p>	<p>Nil</p>	
<p>Sustainability Implications</p>	<p>Nil</p>	

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

COMMENTS:

Proposed Boundary Walls

The proposal for the subject property includes two, two-storey boundary walls, which is a significant variation to the Residential Design Codes. However, the applicant has significantly reduced the height and length of the proposed building boundary walls since the period of community consultation in an attempt to reduce the development's impact on the adjacent affected neighbours and streetscape. Further changes have been made as a result of the SAT mediation process to further reduce the height and length of the building on boundary.

As previously reported, the issue of two-storey building boundary walls along Glendower Street has recently been the subject of a review by the State Administrative Tribunal (SAT) in terms of a proposed development at No. 19 Glendower Street. In considering the two-storey building boundary walls component, the SAT stated that it considers that the *"conservation of the amenities of the locality requires a setback from the side boundaries at the street façade"*. The two-storey building boundary walls of the subject development has a significant 10.8 metre setback from the Glendower Street streetscape and is setback 4 metres behind the front main building line. The setbacks of the two-storey building boundary walls assist in maintaining acceptable side setbacks at the street facade. As outlined in the applicants' submissions, the SAT member indicated the proposed building boundary walls are consistent with the forms that have been found to be acceptable by the SAT, as they are behind the street setback line.

Primrose Street Streetscape

It is noted that the Council refused the subject application, in part because of its interface with Primrose Street. The existing Primrose Street streetscape comprises double garages with a nil setback and balconies above (refer to images in attachment to this report). The subject proposal comprises tandem garages with associated side entry features and roof top outdoor living areas. Whilst the main building is separate and does not have a direct frontage to Primrose Street, it is considered the existing interface is compatible with the existing Primrose Street streetscape.

Summary

As the subject application was refused by the Council at its Ordinary Meeting held on 12 August 2008, the Officer Recommendation is for refusal as the design has not sufficiently changed to address the Council's reasons for refusal. However, the Town's Officers recommended approval of the subject application at the Ordinary Meeting held on 12 August 2008 and, as such, the Officers still consider the application worthy of conditional support.

Should the above development be allowed by the SAT, it is recommended that the 'without prejudice' conditions as stated in the Officer Recommendation be imposed. In addition to this, if the Council refuses the subject application, it is recommended that a Councillor and those persons who made a submission be invited to submit a written submission (witness statement) on behalf of the Council on the Review (appeal), which is to be determined by way of a "Final Hearing".

**10.1.10 Flinders Street Car Park and Coogee Street Car Park, Mount Hawthorn
– Result of Public Consultation**

Ward:	North	Date:	30 September 2008
Precinct:	Mount Hawthorn, P1	File Ref:	PKG0164
Attachments:	-		
Reporting Officer(s):	J MacLean		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the results of the Public Consultation on the proposed introduction of a two hour (2P) parking time restriction between the hours of 8am to 8pm Monday to Sunday; and*
- (ii) *DEFERS the introduction of parking restrictions, to parking bays within Flinders Street Car Park and Coogee Street Car Park, Mount Hawthorn, until a specific Precinct Parking Management Plan is undertaken for the Mount Hawthorn Precinct, as recommended at section 5.4.2 of the Town of Vincent Draft Car Parking Strategy Review 2008.*

PURPOSE OF REPORT:

To provide the Council with further information regarding a previous request to introduce time restrictions in the Flinders Street and Coogee Street Car Parks in Mount Hawthorn.

BACKGROUND:

At the Ordinary Meeting of Council held on 8 July 2008, a report was considered by the Council and a decision was deferred until further information was obtained from the public. At this meeting, the Council resolved the following:

“That the Council;

- (i) *APPROVES IN PRINCIPLE the introduction of a two hour (2P) parking time restriction between the hours of 8am to 8pm Monday to Sunday, to all bays within the;*
 - (a) *Flinders Street Car Park, Mount Hawthorn; and*
 - (b) *Coogee Street Car Park, Mount Hawthorn; and*
- (ii) *AUTHORISES the Chief Executive Officer to:*
 - (a) *advertise the proposed restrictions for a period of twenty one (21) days, seeking public comment;*
 - (b) *consult with affected business proprietors and residents (by letterbox drop) in the vicinity; and*
 - (c) *report back to the Council with any submissions received.”*

DETAILS:

A Community Consultation Survey was undertaken, following the Council decision on 8 July 2008, with 136 letters being hand delivered to residences and businesses, in the areas surrounding both car parks. A total of 23 responses were received, with 7 being from residents, 13 being from businesses and 3 giving no indication of whether they were from businesses or residents.

A summary of the results of the consultation is as follows:

Residential	
Agree with Proposal	0
Disagree with Proposal	1
Will require more extensive restrictions	6

Business	
Agree with Proposal	3
Disagree with Proposal	7
Consider other alternatives	3

Not Specified	
Agree with Proposal	0
Disagree with Proposal	1
Consider other alternatives	2

As can be seen, no residents and only three businesses responded that they agreed with the proposal, while nine respondents indicated that they disagreed with the proposal. Six residents, three businesses and two others suggested that the Town should consider an alternative strategy. This would appear to be an overwhelming rejection of the proposal, with the following comments being made in the responses:

- *"This will only work if restrictions are also placed in surrounding streets".*
- *"I think you will find that Flinders St Car Park is used by commuters who catch the bus, as it is almost empty on Saturdays".*
- *"All-day parkers on side streets prevent residents from parking".*
- *"Car Park always full with Woolworths staff".*
- *"The Town needs to consider solutions that allow shared access allowing workers, customers and residents to all have reasonable use of free street parking, according to their individual needs".*
- *"A longer term alternative would be for the Council to not allow building, where there are insufficient parking bays being provided".*
- *"Request the Mezz to make more space available for their workers".*
- *"Redesign Coogee St Car Park to take more vehicles".*
- *"Make the under used Oxford Street car park free".*

Section 5.4.2 of the Town of Vincent *Draft Car Parking Strategy Review 2008* recommends that, after the Town confirms its strategic approach to management of parking, then a specific Precinct Parking Management Plan be undertaken for each high activity centre, including Mount Hawthorn. As a result, it is considered an appropriate strategy for the Town to defer a decision on how Flinders Street and Coogee Street Car Parks should be managed, pending the outcome of the Mount Hawthorn Precinct Management Plan.

While it is acknowledged, in many of the responses, that the current parking situation in the Mount Hawthorn area is not ideal, it is clear that residents and businesses are reluctant to agree to parking restrictions, which would have potentially adverse implications. There is concern that, unless restrictions are considered on a wider scale, the problems will simply be transferred to another area. As a result, while it is suggested that there would be little value in imposing restrictions at this time, the Town of Vincent *Draft Car Parking Strategy Review 2008*, may provide an overall strategy for the future.

CONSULTATION/ADVERTISING:

As directed by the Council, a letter drop, providing a 21-day consultation period was hand-delivered to 136 residents and businesses in the Mount Hawthorn area, to provide the community with an opportunity to comment on the proposal and to make recommendations or suggestions.

LEGAL/POLICY:

There are no legal implications associated with this report.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment: "*(p) Develop a strategy for parking management in business, residential and mixed use precincts, that includes parking facilities that are appropriate to public needs;*"

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

There are no costs associated with this report.

COMMENTS:

A Public Consultation Survey was undertaken by the Town, following the Council decision on 8 July 2008 regarding the introduction of parking restrictions in Flinders Street and Coogee Street Car Parks. The majority of responses, while agreeing that parking problems exist in the Mount Hawthorn area, were opposed to parking restrictions. As a result, it is recommended that any decision about such restrictions should be considered as part of the Mount Hawthorn Precinct Parking Management Plan, as recommended in the Town of Vincent *Draft Car Parking Strategy Review 2008*.

10.2 TECHNICAL SERVICES

10.2.1 Proposed Traffic and Parking Improvements – Lincoln Street and Bulwer Avenue Highgate, outside Highgate Primary School

Ward:	South	Date:	25 September 2008
Precinct:	Hyde Park P12	File Ref:	PKG0142/TES0043
Attachments:	001		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on Proposed Traffic and Parking Improvements in Lincoln Street and Bulwer Avenue, Highgate, outside the Highgate Primary School;*
- (ii) *NOTES that;*
 - (a) *the Town's officers and the school have discussed several improvement proposals and the preferred proposals are outlined in this report;*
 - (b) *funds of \$68,500 have been included in the 2008/2009 budget for improvements adjacent to the school; and*
 - (c) *the estimated cost of the proposal for Lincoln Street and Bulwer Avenue as outlined on attached Plans No. 2584-CP-01C and 2584-CP-01D is \$90,000; and*
- (iii) *REFERS the proposal/s to the Town's Local Area Traffic Management Advisory Group for consideration and invites school representatives to attend the meeting.*

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of a proposal to improve traffic flow and parking improvements on roads in the vicinity of the Highgate Primary School.

BACKGROUND:

Over the years the Town has carried out various improvements within the road reserves to improve traffic safety and parking adjacent to some schools in the Town. These works have provided an improved amenity for parents and adjoining residents.

Following requests by the Highgate Primary School for similar improvements to be carried out adjacent to the school in Lincoln Street and Bulwer Avenue, funds were allocated in the 2006/2007 budget for works in Lincoln Street. Due to the main sewer works, these works were placed on hold and the funds carried forward to subsequent budgets. The main sewer works have now been completed.

DETAILS:

Discussions with Highgate Primary School:

In July 2008 the Town's Technical Services officers held discussions with the Principal of the Highgate Primary School and representatives from the School Board. It was subsequently decided to establish a small Working Group to identify issues and develop options to address vehicle and pedestrian traffic immediately surrounding Highgate Primary School.

At the July meeting, the school Principal outlined some of the parking and traffic issues facing the school, particularly on Lincoln Street and Bulwer Avenue and described some of the possible options discussed over the years to address some of these issues, e.g. embayment parking, one-way street at Bulwer Avenue, etc. It was also considered that the continuous island on Beaufort Street at Lincoln Street may have exacerbated traffic problems around the school. The junction of Cavendish and Lincoln Streets, and the 'dogleg' corner into Bulwer Avenue, were also highlighted as dangerous intersections for both pedestrians and motorists.

The Town's officers indicated that a High Pressure Gas Main was located on the south side of Lincoln St and that works over this main were not permitted so parking embayments into the verge area would not be possible.

The following issues affecting the school were identified:

Pedestrian Safety:

- The 'dogleg' from Cavendish Street into Bulwer Avenue, which includes crossing the North end of Bulwer Avenue and crossing Lincoln Street from Cavendish Street to the School
- South End of Bulwer Avenue
- Beaufort Street crossing, particularly the speed of cars

Vehicle Congestion:

- Bulwer Avenue
- Lincoln Street

Quantity of Parking:

- The need for more parking

It was agreed that a holistic approach to managing traffic was required, i.e. encouraging a variety of modes of transport and not just accommodating motor vehicles including:

- education of students/parents
- enforcement of preferred traffic flow
- walking bus
- improved pedestrian access and
- engineering of roads/verges/parking spaces

Proposed Engineering Solutions:

Lincoln Street (refer Plan No. 2584-CP-01D)

The proposal to improve parking and traffic flow on Lincoln Street includes:

- 'Wider street' treatment on Lincoln Street with nibs, line marking speed humps, landscaping
 - Pedestrian refuge island at Cavendish Street
 - Better delineation of the Bulwer Avenue, Lincoln and Cavendish Street Intersection
-

- Five (5) minute drop off zone 7.30am to 9.00am and 2.30pm to 3.30pm Monday to Friday and two (2) hour at other times to 5.30pm Monday to Friday on selected bays (south side of street) only
- Streetscape improvements south side (over pipeline) with paving and landscaping around existing trees

Bulwer Avenue (refer Plan No. 2584-CP-01C)

Two conceptual options were developed and discussed, however, Option 1 - Bulwer Avenue converted to one-way flowing south to Bulwer Street - was considered the preferred option as it negated the need to cross Bulwer Avenue and encouraged vehicle traffic to flow to Bulwer Street rather than adding further congestion to the Lincoln Street 'dogleg'. This option includes:

- Midway parent drop-off slip lane (kiss and go), clearly marked
- Midway bus zone, clearly marked
- 30° angle parking
- No parking on west side of Bulwer Avenue
- North end of Bulwer Avenue – five (5) minute drop off zone 7.30am to 9.00am and 2.30pm to 3.30pm Monday to Friday and two (2) hour at other times to 5.30pm Monday to Friday on selected bays (south side of street) only
- South end of Bulwer Avenue – longer parking for junior school/stay for meetings, etc
- Speed humps
- Encourage pedestrian crossing at corners for increased safety

CONSULTATION/ADVERTISING:

At this stage it is proposed that the matter be referred to the Town's Local Area Traffic Management Advisory Group and that the school be invited to attend. The school has indicated that they would like to engage with residents in Bulwer Street prior to the Town undertaking formal consultation.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2006-2011 – 1.1.6 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“o) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.”*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

The 2008/2009 budget includes \$68,500 for improvements in Lincoln Street (in the vicinity of the Highgate Primary School).

The estimated cost of the works as proposed is as follows:

Bulwer Avenue

The cost to implement the works as shown on Plan No. 2584-CP-01C (includes the Lincoln/Cavendish Intersection) is estimated to cost \$58,000.

Lincoln Street:

The cost to implement the works as shown on Plan No 2584-CP-01D (excludes the Lincoln/Cavendish Intersection) is estimated to cost \$32,000.

Therefore, the estimated cost of the overall proposal is \$90,000.

COMMENTS:

The Town was requested to investigate parking and traffic improvements along Lincoln Street and Bulwer Avenue outside the Highgate Primary School. The Town's officers developed several possible options which were subsequently discussed with the school.

The preferred proposal is outlined on Plans No. 2584-CP-01C and 2584-CP-01D.

It is recommended that the matter be referred to the Town's Local Area Traffic Management Advisory Group and the school be invited to attend the meeting.

10.2.2 Traffic Management Matter "Proposed One Way Streets Bounded by Lake, Brisbane and William Streets and Forbes Road, Perth" - Referral to Local Area Traffic Management Advisory Group

Ward:	South	Date:	7 October 2008
Precinct:	Hyde Park P12	File Ref:	TES0318
Attachments:	001		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on Traffic Management Matter to be referred to the Town's Local Area Traffic Management Advisory Group;*
- (ii) *REFERS the proposal for "one way streets bounded by Lake, Brisbane and William Streets and Forbes Road, Perth" to the Local Area Traffic Management Advisory Group for consideration; and*
- (iii) *REQUESTS a further report on the matter following consideration by the Town's Local Area Traffic Management Advisory Group.*

PURPOSE OF REPORT:

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

BACKGROUND:

A request has been received from a resident of Robinson Avenue for the Council to again consider making the roads in the vicinity of Robinson Avenue one way.

The proposal to carry out traffic management works in this area was initiated in 1996 by residents from Forbes Road, following property damage to a fence caused by a fast moving vehicle.

Ordinary Meeting of Council 28 October 1996

The first report on this matter was presented to the above Ordinary Meeting of Council where it was concluded that:

"where as the resultant traffic data suggests no modifications are required on Forbes Road, it is considered that some minor works on Forbes Road/Forbes Lane is warranted based purely on the geometry of the existing road layout between Lake and William Streets to:

- *deter vehicles from "rat running" through Forbes Road from Fitzgerald Street to William Street, and*
- *improve safety at the Forbes Road and Forbes Lane intersection.*

At the meeting, Council decided to:

"advise the public of the proposal seeking comment from residents and ratepayers in the area bounded by Palmerston, Bulwer, William and Newcastle Streets."

Ordinary Meeting of Council 11 November 1996

The wider area was examined and other requests received to implement parking restrictions and/or turn some streets in the area bounded by Brisbane, Lake and William Streets and Forbes Road into 'one way'.

At the meeting, Council resolved to approve the proposal (as shown on attached Plan No. A4-96107) in principle and "*advise the public of the proposal and seek comments from residents in the area bounded by Bulwer, William, Palmerston and Newcastle Streets and also include the Forbes Road proposal (outlined on Plan No. A1-90089).*"

Ordinary Meeting of Council 10 February 1997

In accordance with Council's resolution, 300 letters were distributed and 39 responses were received, with residents generally in favour of a 'one way' road system. The Council subsequently decided that "*the matter be deferred so that a copy of the Item can be issued to all respondents.*"

Ordinary Meeting of Council 24 February 1997

A letter was sent to all respondents enclosing a copy of the item and indicating the matter would be dealt with at the Ordinary Meeting of Council on 24 February 1997.

At the Ordinary Meeting of 24 February 1997 it was decided that;

"The Council:

- (i) defer all traffic calming and parking restrictions in the area bounded by Bulwer Street, William Street, Newcastle Street and Fitzgerald Street for 3 months;*
- (ii) accepts the request by the Hyde Park Precinct Group that they be allowed to investigate alternative methods of traffic calming in the area;*
- (iii) advise the Hyde Park Precinct Group that they must canvass opinion for any proposals with residents and ratepayers in the area; and*
- (iv) will in no way be bound to implement any traffic calming proposals that may arise from the Hyde Park Precinct Group studies;"*

Ordinary Meeting of Council 8 December 1997

The Hyde Park Precinct Group report was presented to Council.

The Council received the report and decided to "*establish a Local Area Traffic Management Advisory Group along the lines of the Heritage, Access and Arts Advisory Groups made up of Councillors, staff and two community representatives and the Mayor ex officio, to consider and make recommendations to the Council on the issue of local area traffic management and calming for the whole Town.*"

Ordinary Meeting of Council 9 February 1998

The Council approved the terms of reference and membership of the Local Area Traffic Management Advisory Group.

Ordinary Meeting of Council 29 September 1998

Following the receipt of a further petition regarding traffic in streets in this area, the Council decided that: *"the proposed Traffic Management works in Forbes Road and surrounding streets be deferred pending the adoption of a procedure and criteria for Traffic Management in the Town"*.

Ordinary Meeting of Council 22 March 1999

Council adopted the Draft Strategy for the creation of 40 kph and 50 kph Local Area Traffic Zones in the Town.

50kph and 40kph Zones:

In 2000, the State Government subsequently made all residential streets 50kph (down from 60kph) and Main Roads WA no longer approved 40kph zones in residential streets (as recommended in the Town's LATZ Strategy).

DETAILS:

The following is an extract for the request received for the Robinson Avenue resident:

"As you are aware the traffic in Robinson Avenue and Brisbane Terrace have always been a nightmare for 'two' way traffic due to the width of both roads. We have been hoping for a lot of years for this to be 'one' way. It is getting worse.

There are NO homes on the South Side of Brisbane Terrace and Robinson Avenue. My garage is off Brisbane Terrace and when cars are parked outside their residence on the North Side and cars are travelling West/East and East/West it is absolutely impossible. This is also the case of Robinson Avenue.

With the restaurants, coffee shops and Northbridge Hotel in Brisbane Street, people are parking in Brisbane Terrace. Sometimes it is impossible to drive through as cars are parked on both sides of the street (Cnr of Lake and Brisbane Terrace).

People visiting the Mosque is an ongoing problem, as they do not care where they park. With Ramadan coming for the month of September it will be a nightmare.

The Parking Inspectors do an excellent job, however they are not always around at the right time.

As mentioned, this has been a huge problem for years. I believe that the residents would be happy if the Town of Vincent made an executive decision and made these roads 'one way'. I do not believe that letters asking for feedback is necessary and a lot of homes are 'rented' and it is not their problem.

Officer's Comments:

As can be seen from the background, implementing a one way road system in this area has a long and colourful history. Part of Robinson Avenue west (between Brisbane Place to William Street) was converted to one way west to east as part of the William Street upgrade and Robinson Avenue east is now one way east to west. This is functioning extremely well. Brookman and Moir Streets are also currently one way.

It is considered that the remaining streets in this area also lend themselves to one way traffic flow given their geometry and geographic location.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. “(o) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.”

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

No funds have been specifically allocated in the 2008/2009 budget for these matters.

COMMENTS:

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

The matters listed in this report require further investigation and consideration given the recent history of events in this area.

10.2.3 2008 Streetlight Audit

Ward:	Both	Date:	1 October 2008
Precinct:	All	File Ref:	TES0175
Attachments:	001		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the 2008 Streetlight Audit undertaken by the Town; and*
- (ii) *EXPRESSES concern to the Minister for Energy that the percentage of street lighting in the Town is still continuing to increase;*
- (iii) *AUTHORISES the Chief Executive Officer to write to the Chief Executive Officers of both Western Power Corporation and Synergy expressing concerns at the length of time that it is taking to repair faulty street lights throughout the Town and requests that they;*
 - (a) *repair the faulty lighting (as shown in Attachment 10.2.3) in accordance with their Customer Service Charter; and*
 - (b) *immediately implement a streetlight monitoring program to ensure that the street lighting infrastructure is maintained to a suitable standard at all times.*

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the results of the Town's 2008 Streetlight Audit.

BACKGROUND:

Over the past decade, the provision of street lighting has evolved into a core function of Local Government. Whilst the actual installation and maintenance of streetlights is undertaken by Western Power Corporation, the cost of installation and the annual running costs are borne by Local Government.

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

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

In 2001, in order to determine if there was an excessive number of street lights not working within the Town, the Council endorsed a proposal for Technical Services to undertake a streetlight audit on a regular basis.

DETAILS:

Over five consecutive nights, commencing 15 September 2008, a systematic streetlight audit was undertaken within the Town. The Town was divided into five zones and every streetlight (within the Town) inspected under operating conditions. The primary aim of the audit was to identify lights not working, while the secondary aim was to assess the adequacy of the lighting and to make recommendations, where necessary, to install improved or additional lighting.

The streetlight audit is undertaken in the winter months to take advantage of the early sunset and thereby ensuring that the contractor finishes at a reasonable hour.

The results of the audit and previous year's comparisons are as follows:

Year	No. of Lights	No. Not Working	% Not Working
2008	3038	190	6.3
2006	2801	170	6.1
2004	3074	106	3.4
2003	3012	143	4.7
2002	2963	86	2.9
2001	2920	110	3.8

Table 1.

A spread sheet of the audit results was forwarded to Western Power and Synergy on 1 October 2008 for action.

Under Western Power's Customer Service Charter, they have five (5) working days in which to repair streetlights.

Technical Services regularly reports faulty streetlights to Western Power. Anecdotal evidence indicates that Western Power is currently taking, on average, in excess of twenty (20) working days, to repair a fault.

By way of example, all the streetlights along the eastern side of Pier Street, Perth, between Brisbane and Brewer Streets, and adjacent Members Equity Stadium, have not been working since mid August 2008. The fault has been reported on three (3) separate occasions but at the time of writing this report had still not been rectified. The notifications emphasised that it should be a high priority job as an issue of public safety because of the large number of pedestrians exiting Members Equity Stadium after an A-League game. Further the area is extremely dark because of the large fig trees.

Accounting for the varying number of Streetlights

Synergy provides the Town with an annual schedule of the total number of streetlights by wattage and filament type. According to Synergy's records, there are currently 3,038 streetlights within the Town.

This is an increase of 237 streetlights over that of 2006. A majority can be directly attributed to the streetlights in the new areas for which the Town assumed responsibility on 1 July 2007. In the Glendalough East area, now Mt Hawthorn, there are 79 streetlights while in the former City of Perth areas there are 139 Western Power supported streetlights. The remaining 19 streetlights are as a result of the Highgate East SUPP Project, where additional lights were installed and the spacing between lights varied to comply with the Australian Standards (AS1158).

In respect of the total number of streetlights for the years 2001 to 2004, the officers undertaking the audit included streetlights on both sides of the Town's boundary roads. This was primarily to ensure equity and consistency when reporting faulty lights. However, while officers still regularly report faulty lights outside the Town's boundaries, the audit was restricted to the lights within the Town to attain a more accurate indication of the number, location and pattern of faults.

Results

As can be seen from Table 1 above, while the total number of streetlights has increased the number of recorded faults, as a percentage, has also increased significantly, from 3.4% to 6.3% of all streetlights within the Town not working at any given time.

In respect of emerging patterns, while most faults were isolated, i.e. single streetlights, several of the Distributor Roads had sections where consecutive lights were not working. By way of example, and similar to that of the aforementioned situation in Pier Street, approx 2/3 of the streetlights in Bulwer Street, Perth, between Beaufort and William Streets, are currently not working. Again this has been reported on several occasions.

StreetVision Street Lighting Agreement

The Town, like the majority of Local Authorities, is a party to Synergy's/Western Power's standard StreetVision Street Lighting Agreement. This is the contract whereby Western Power, through Synergy, undertakes to run and maintain the street lighting network for an annual service fee. For the financial years 2007/08 and 2008/09 the total cost was fixed at \$372,892 per annum, GST excluded.

By way of comparison, in 2006/07 the contract price was \$361,377, representing an annual increase of \$11,515 or 3.1%, however, this is considerably less than the rise in the Consumer Price Index over the same period.

Segregation of Western Power Corporation.

The Western Power Corporation, as of 1 April 2006, was broken into four separate operating units.

- Verve Energy, power generation.
- Western Power, networks and delivery.
- Synergy, the power retailer for the southwest region including the Perth metropolitan area.
- Horizon Power, the power retailer for the remainder of the state.

As a consequence, the Town, as are all metropolitan Local Authorities, is now a customer of Synergy, and the annual Street Vision licensing agreement is between the Town and Synergy. However, Western Power still has responsibility for maintaining the streetlights and will continue to accept fault reports via phone, facsimile or email.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Town's Policy "Street Lighting" No. 2.2.9 states the objectives of this policy are to provide effective and efficient street lighting throughout the Town and to provide a mechanism by which street lighting requests and designs can be assessed and sets out the minimum standard according to road classification.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2006-2011 – *1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.*

SUSTAINABILITY IMPLICATIONS:

Synergy and Western Power are currently investigating the use of more environmentally sustainable lighting such as compact fluorescent (CFL) and light emitting diodes (LED) lamps.

FINANCIAL/BUDGET IMPLICATIONS:

The cost to undertake the 2008 streetlight audit was approximately \$850. The streetlight installation program and annual running costs are reviewed as part of the budget preparation process.

COMMENTS:

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

The number of street lighting not working causes a community safety issue in some parts of the Town. It also causes a perception that unlit areas are unsafe. Accordingly, it is appropriate to write to Western Power and Synergy and also bring this matter to the attention of the new Minister for Energy.

10.2.4 Tender No. 385/08 – Appointment of Approved Maintenance Contractors

Ward:	Both	Date:	24 September 2008
Precinct:	All	File Ref:	TEN0396
Attachments:	001		
Reporting Officer(s):	K. Steicke; J. van den Bok; R. Lotznicker		
Checked/Endorsed by:	M. Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council APPROVES the tenders submitted to appoint contractors to undertake specified works throughout the Town in accordance with the specifications detailed in Tender No. 385/08 for a three (3) year period as follows;

	<u>TRADE</u>	<u>RECOMMENDED CONTRACTOR</u>
(a)	<u>Plumbing & Gas Fitting</u>	1. Oasis Plumbing 2. CPD Group Pty Ltd 3. Robinson Buildtech
(b)	<u>Roof Plumbing</u>	1. Robinson Buildtech 2. CPD Group Pty Ltd 3. Walshy All Round Tradesman
(c)	<u>Electrical Services</u>	1. Boyan Electrical Services 2. Live Phase Electrical 3. Carey's Electrical Services
(d)	<u>Painting Services</u>	1. North Perth Painting Service 2. Riley Shelly 3. Programmed Maintenance Services
(e)	<u>Glazing Services</u>	1. All Suburbs Glass and Glazing 2. Davey Glass
(f)	<u>Drafting Services</u>	1. Peter Jones Architect
(g)	<u>Air-Conditioning</u>	1. Australian HVAC Services 2. Burke Air 3. Oasis Air Conditioning
(h)	<u>Carpentry</u>	1. PJR Carpentry 2. Walshy All Round Tradesman 3. CPD Group Pty Ltd
(i)	<u>Pest Control</u>	1. Scientific Pest management 2. All Pest and Maxwell 3. Robinson & Phelps
(j)	<u>General Building Maintenance</u>	1. CPD Group Pty Ltd 2. Walshy All Round Tradesman 3. Robinson Buildtech 4. NTS Property Care
(k)	<u>Handyman Services</u>	1. Walshy All Round Tradesman 2. Marcel Scheidegger 3. CPD Group Pty Ltd 4. Sam's Repairs & Maintenance

PURPOSE OF REPORT:

The purpose of this report is to seek approval for the tender for the establishment of a panel of contractors to undertake various works throughout the Town in accordance with the specifications in Tender No 385/08.

BACKGROUND:

Tenders for Approved Maintenance Contractors for a three (3) year period closed at 2.00pm on Wednesday 27 August 2008 and 29 tenders were received.

Prices submitted were to be fixed for a twelve (12) month period. Beyond this, price adjustments for CPI and material increases may be negotiated.

DETAILS:

Details of all submissions received are attached (refer appendix 10.2.4).

Tender Evaluation

Selection Criteria

The following weighted criterion was used for the selection of the contractors for this tender.

Criteria	Weighting
Contract Price (Hourly Rates)	40%
History and Viability of Company	15%
Relevant Experience, Expertise and Project Team	30%
References	15%
Total	100%

Tender Evaluation Panel

The Tender Evaluation Panel consisted of the Director Technical Services, Director Corporate Services, Manager Parks Services, Property Maintenance Officer and the Acting Property Officer – Projects.

Each tender was assessed using the above selection criteria in accordance with the tender documentation.

In the majority of cases, a panel of contractors is selected for each service. This approach is valuable in that more than one (1) quote can be received for any major works required and it provides further options if and when a particular contractor is unavailable.

Plumbing and Gas Fitting

	Weighting	Oasis Plumbing	CPD Group	Robinson Buildtech	ZD Construction
Contract price	40	40	29.91	24.39	15.73
History/Viability of Company	15	15	15	15	12
Relevant Experience	30	30	30	30	24
References	15	15	12	12	12
Total	100%	100	86.91	81.39	63.73
Rating		1	2	3	4

Four (4) submissions were received for the above service. It is recommended that Oasis Plumbing, CPD Group and Robinson Buildtech, who have all been previously utilised by the Town and have provided excellent service, be selected for provision of Plumbing and Gas Fitting Services. ZD Constructions have indicated that they use sub contractors to undertake this service and their costs are significantly higher than other submissions – accordingly they are not recommended.

Roof Plumbing

	Weighting	Robinson Buildtech	CPD Group	Walshy All Round Tradesman	ZD Construction
Contract price	40	40	39.12	35.20	34.57
History/Viability of Company	15	15	15	15	12
Relevant Experience	30	30	30	30	24
References	15	12	12	15	12
Total	100%	97	96.12	95.2	82.57
Rating		1	2	3	4

Four (4) submissions were received for the above service. It is recommended that Robinson Buildtech, CPD Group and Walshy All Round Tradesman whom have all been previously utilised by the Town and have provided excellent service, be selected for the provision of Roof Plumbing Services. ZD Constructions have indicated that they use sub contractors to undertake this service and their costs are significantly higher than other submissions - accordingly they are not recommended.

Electrical

	Weighting	Boyan	Cary's	CPD	Live Phase	DU	High Speed	ZD Construction
Contract price	40	40	34.85	37.98	30.62	35.99	33.63	29.57
History/Viability of Company	15	15	15	13.5	13.5	15	12	12
Relevant Experience	30	30	30	27	30	24	24	24
References	15	15	15	15	15	12	15	12
Total	100%	100	94.85	93.48	89.12	86.99	84.63	77.57
Rating		1	2	3	4	5	6	7

Seven (7) submissions were received for the above services. It is recommended that Boyan Electrical Services, Live Phase Electrical and Carey's Electrical Services be selected for the provision of Electrical Services.

Boyan Electrical Services has been contracted to the Town for many years and has provided excellent services at competitive rates. Live Phase Electrical has recently completed some works within the Town and staff have been very impressed with their work. Carey's Electrical Services have provided competitive rates and have the necessary experience and structure to meet the Town's requirements.

ZD Constructions have indicated that they use sub contractors to undertake this service and their costs are significantly higher than other submissions – accordingly they are not recommended.

Painting

	Weighting	North Perth Painting Service	Riley Shelley	Programmed Maintenance Services	CPD Group	Classic Cont	ZD Construction
Contract price	40	40	34.29	33.05	28.27	24.36	20.69
History/Viability of Company	15	15	15	13.5	15	13.5	12
Relevant Experience	30	30	30	27	30	24	24
References	15	15	15	15	12	15	12
Total	100%	100	94.29	88.55	85.27	76.86	68.69
Rating		1	2	3	4	5	6

Six (6) submissions were received for the above services. It is recommended that North Perth Painting Services, Riley Shelley and Programmed Maintenance Services be selected for the provision of Painting Services.

Both North Perth Painting Service and Riley Shelley have been contracted to the Town previously and provided excellent service. Programmed Maintenance services have provided competitive rates and is the next best option following the assessment of all submissions.

ZD Constructions have indicated that they use sub contractors to undertake this service and their costs are significantly higher than other submissions – accordingly they are not recommended.

Glazing

	Weighting	All Suburbs Glass & Glazing	Davey Glass	ZD Construction
Contract price	40	40	33.42	30.94
History/Viability of Company	15	15	15	12
Relevant Experience	30	30	24	24
References	15	15	15	12
Total	100%	100	87.42	78.94
Rating		1	2	3

Three (3) submissions were received for the above services. It is recommended that All Suburbs Glass and Glazing and Davey Glass who have both been previously utilised by the Town and provided excellent service, be selected for provision of Glazing Services.

ZD Constructions have indicated that they use sub contractors to undertake this service and their costs are significantly higher than other submissions – accordingly they are not recommended.

Drafting Services

	Weighting	Peter Jones Architect	Australian HVAC Services	ZD Constructions
Contract price	40	29.79	40	18.16
History/Viability of Company	15	15	13.5	12
Relevant Experience	30	30	0	24
References	15	12	15	12
Total	100%	86.79	68.5	66.16
Rating		1	2	3

Three (3) submissions were received for the above service. The submission from Australian HVAC Services Pty Ltd did not indicate anything in their documentation in relation to the provision of Drafting Services; therefore in terms of experience they were not given a score. ZD Constructions have indicated that they use sub contractors to undertake this service and their costs are significantly higher than other submissions

It is therefore recommended that Peter Jones Architect be selected for the provision of Drafting Services. Peter Jones Architect has previously provided this service to the Town in providing plans for improved access into existing building and ablution blocks. They have provided a satisfactory service.

Carpentry

	Weighting	PJR Carpentry	Walshy All Round Tradesman	CPD Group	ZD Constructions
Contract price	40	40	39.44	38.1	21.73
History/Viability of Company	15	15	15	15	12
Relevant Experience	30	30	30	30	24
References	15	15	15	12	12
Total	100%	100	99.44	95.1	69.73
Rating		1	2	3	4

Four (4) submissions were received for the above services. It is recommended that PJR Carpentry, Walshy All Round Tradesman and CPD Group Pty Ltd, who have all been previously utilised by the Town and provided excellent service, be selected for provision of Carpentry Services.

ZD Constructions have indicated that they use sub contractors to undertake this service and their costs are significantly higher than other submissions – accordingly they are not recommended.

Air Conditioning

	Weighting	Aust HVAC Services	Burke Air	Oasis Air Conditioning	Dalkia Technical Services	ZD Constructions
Contract price	40	40	31.53	33.78	22.34	29.23
History/Viability of Company	15	13.5	15	15	13.5	12
Relevant Experience	30	24	30	30	27	24
References	15	15	15	12	15	12
Total	100%	92.5	91.53	90.78	77.84	77.23
Rating		1	2	3	4	5

Five (5) submissions were received for the above services. It is recommended that Australian HVAC Services, Burke Air and Oasis Air Conditioning be selected for provision of Air Conditioning Services.

Both Burke Air and Oasis Air Conditioning have provided this service to the Town previously and have both performed admirably. Australian HVAC Services have provided competitive hourly rates and provide a further option in maintaining and servicing air conditioning units within the Town.

ZD Constructions have indicated that they use sub contractors to undertake this service and their costs are significantly higher than other submissions – accordingly they are not recommended.

Pest Control

	Weighting	Scientific Pest Management	All Pest	Maxwell, Robinson & Phelps	ZD Constructions
Contract price	40	40	32.33	24.15	26.43
History/Viability of Company	15	13.5	15	13.5	12
Relevant Experience	30	24	30	24	24
References	15	15	15	15	12
Total	100%	92.5	92.33	76.65	74.43
Rating		1	2	3	4

Four (4) submissions were received for the above services. It is recommended that Scientific Pest Management, All Pest and Maxwell, Robinson Phelps be selected for provision of Pest Control Services.

The Town has previously utilised the services of All Pest and Maxwell Robinson & Phelps over the year and all have provided a satisfactory service. Scientific Pest Management have provided excellent hourly rates and their submission reflects that they are more than capable of also undertaking this specialised work to the Town's requirements.

ZD Constructions have indicated that they use sub contractors to undertake this service and their costs are significantly higher than other submissions – accordingly they are not recommended.

General Building Maintenance

	Weighting	CPD Group	Walshy All Round Tradesman	Robinson Buildtech	NTS Property Care	Programmed Maintenance Services	ZD Constructions
Contract price	40	40	35.9	35.52	38.33	36.82	32.93
History/Viability of Company	15	15	15	15	13.5	13.5	12
Relevant Experience	30	30	30	30	24	24	24
References	15	12	15	12	15	15	12
Total	100%	97	95.9	92.52	90.83	89.32	80.93
Rating		1	2	3	4	5	6

Six (6) submissions were received for the above services. It is recommended that CPD Group Pty Ltd, Walshy All Round Tradesman, Robinson Buildtech and NTS Property be selected for provision of General Building Maintenance Services.

CPD Group Pty Ltd, Walshy All Round Tradesman and Robinson Buildtech have all provided general building maintenance services previously to a high standard. It is considered that due to the high volume of building maintenance works required that a fourth contractor also be engaged. NTS Property Care has provided competitive hourly rates and therefore was considered the next best option following the evaluation process.

ZD Constructions have indicated that they use sub contractors to undertake this service and their costs are significantly higher than other submissions – accordingly they are not recommended.

Handyman Services

	Weight	Walshy	Marcel Scheidegger	CPD	Sam's Repairs & Maint.	NTS	Robinson Buildtech	Prog Maint Serv	Eugican	ZD Const
Contract price	40	39.62	40	39.62	35.74	37.95	35.57	35.79	39.3	32.55
History/Viability of Company	15	15	15	15	15	13.5	15	13.5	7.5	12
Relevant Experience	30	30	28	30	30	27	30	24	15	24
References	15	15	15	12	15	15	12	15	7.5	12
Total	100%	99.62	98	96.62	95.74	93.45	92.57	88.29	69.3	80.55
Rating		1	2	3	4	5	6	7	8	9

Nine (9) submissions were received for the above services. It is recommended that Walshy All Round Tradesman, Marcel Scheidegger, CPD Group Pty Ltd and Sam's Repairs & Maintenance be selected for provision of Handyman Services.

All four (4) of the above contractors have provided Handyman Services previously to a high standard and were immediately available when called upon to provide the service. It is again considered that due to the high volume of works required that a fourth contractor also be engaged.

ZD Constructions have indicated that they use sub contractors to undertake this service and their costs are significantly higher than other submissions.

Officer's Comments:

In selecting the panel of tenderers for each respective service the officers considered the price submitted, previous service provided, references provided, availability of the contractor at relatively short notice etc. It was considered that all tenderers on the panel would be used by the Town as this is a requirement of placing tenderers on a panel. It is also for this and the above reasons that not all tender submissions were recommended for inclusion on the panel.

CONSULTATION/ADVERTISING:

The tender was advertised in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

LEGAL/POLICY:

The tender was evaluated in accordance with the Local Government Act Tender Regulations and the Town's Tender Policy.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2006-2011 – *1.1.6 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.*

SUSTAINABILITY IMPLICATIONS:

To ensure the Town's assets are upgraded and maintained to ensure they are safe, comply with the required standards and that intervention is programmed to ensure the maximum serviceable life of the asset is achieved.

FINANCIAL/BUDGET IMPLICATIONS:

All costs associated with these works are charged to the respective building/specified maintenance accounts or specific Capital Works projects as required.

COMMENTS:

It is recommended that the Council approve the tender for the panel of contractors listed above, to undertake specified works in accordance with the specification as detailed in Tender No. 385/08 in order for general maintenance and approved programs to be actioned timely and effectively.

10.3 CORPORATE SERVICES

10.3.1 Community Sporting and Recreation Facility Fund (CSRFF)

Ward:	North	Date:	30 September 2008
Precinct:	Mt Hawthorn	File Ref:	FIN0074
Attachments:			
Reporting Officer(s):	J.Bennett		
Checked/Endorsed by:	J.Anthony/ M.Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *APPROVES the application from the Cardinals Junior Football Club in support of the Community Sport and Recreation Facility Fund (CSRFF), prior to lodgement with the Department of Sport and Recreation, on the condition that the Department of Sport and Recreation support this application through the CSRFF program; and*
- (ii) *APPROVES the application from the Cardinals Junior Football Club listed in the following order of priority:*

<i>Rating</i>	<i>Rationale</i>	<i>Applicant</i>	<i>Recommended Council contribution</i>
<i>B</i>	<i>Well planned and needed by applicant</i>	<i>Cardinals Junior Football Club</i>	<i>\$25,000</i>

- (iii) *LISTS an amount of \$25,000 for consideration on the Draft Budget 2009/10 subject to the application for CSRFF funding being approved by the Department of Sport and Recreation.*

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval to approve the CSRFF application for the installation of sport training lights at Menzies Park.

BACKGROUND:

The purpose of the Community Sport and Recreation Facility Fund is to help the Western Australian Government provide assistance to community groups and local government authorities to develop well-planned facilities for sport and recreation. The types of projects that will be considered for funding include the construction of new facilities and upgrading, modification or additions to existing facilities to better suit community needs and provide greater opportunities for participation.

In July 2008 the Community Sporting and Recreation Facilities Fund (CSRFF) grant applications were advertised in the newspaper and application forms were available from local authorities and the Department of Sport and Recreation web site. CSRFF applications had to be submitted to the Town of Vincent by 5.00pm Monday 8 September 2008. At the close of submissions one (1) was received at the Town from the Cardinals Junior Football Club. Applications must be lodged at the Department of Sport and Recreation no later than 4pm, Friday 31 October 2008.

The maximum grant funded by the Department of Sport and Recreation will be no greater than one-third of the total cost of a project. The grant must be at least matched by the applicant's own cash contribution.

The role of local government in the CSRFF Grant process has increased significantly with the level of sophistication required from the Department of Sport and Recreation in their applications. The impact of this is that for funding submissions to be successful forward recreation planning and community and stakeholder consultation needs to be conducted and underpin any application. Where there is insufficient consultation it is the preference to put in place a strategy for reviewing and upgrading facilities over a period of time to allow for the projects to be adequately planned and delivered.

DETAILS:

CARDINALS JUNIOR FOOTBALL CLUB

Proposed Project

Installation of two training lights at Menzies Park.

Total Cost

\$75,000(exclusive of GST)

Amount sought from Council

\$25,000 (exclusive of GST)

Background

Menzies Park is situated in Mt Hawthorn at the intersection of Egina, Purslowe, East and Berryman Streets. The park is configured for junior football in winter and senior cricket in summer.

The Cardinals Football Club is a junior football club with 250 members. They are casual users of the reserve and the pavilion. They currently train on Wednesday and Thursday nights between 4pm and 6pm and play games on Saturday 8am and 1pm and Sunday 8am and 3pm.

This project would involve the installation of two training lights for day and night time Australian Rules Football. The lights would be installed adjacent to the pavilion and the playground and would project light into the reserve. The introduction of lights to the reserve will allow the club to maintain its training times over winter and provide for additional usage of the reserve at night by the local community.

Project Rating

This project is identified as 'Well planned and needed by applicant' rating it a B.

Recommendation to Department of Sport and Recreation

The Town's contribution towards the project is supported in principle and it is recommended that the Town support this application with the provision of \$25,000 for the installation of two training lights.

CONSULTATION/ADVERTISING:

The installation of lighting and expansion to night training at Menzies Park is in accordance with the use as a sporting reserve. It is recommended that on approval of funding from the Department of Sport and Recreation that community consultation is undertaken with nearby residents and users of the park.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

The support of CSRFF grants is in keeping with the Town's Strategic Plan 2006-2011:
Key Result Area 1.1.6 "Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment".

SUSTAINABILITY IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

Recommended funding for the project will be listed for consideration in the 2009/2010 Draft Budget.

Under the current policy, junior sports are exempt from fees, so ongoing costs for the running of the lights will be borne by the Council.

COMMENTS:

The Town's endorsement of the above CSRFF application is dependent on the support of this application through the CSRFF program by the Department of Sport and Recreation.

Following the Council's consideration of this project, the completed application will be forwarded to the Department of Sport and Recreation for their consideration. The Town of Vincent will be notified in February 2009 of the project's success or failure to receive State funding. Grant monies will be made available from July 2009.

10.4 CHIEF EXECUTIVE OFFICER**10.4.1 Use of the Council's Common Seal**

Ward:	-	Date:	30 September 2008
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council NOTES the use of the Council's Common Seal on the documents listed in the report, for the month of September 2008.

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
9/09/08	Withdrawal of Caveat	1	Town of Vincent and Hewett & Lovitt Tax and Commercial Law of Level 1, 849 Wellington Street, West Perth re: No. 60 (Lot 801 D/P 40498) Newcastle Street, Perth in accordance with Deed of Amalgamation dated 29 October 2007.
9/09/08	Section 70A Notification and Legal Agreement	1	Town of Vincent and R A Brandsma and J C Brandsma of 97 Chelmsford Road, Mount Lawley re: No. 95 and 97 (Lot 75 and 77) Chelmsford Road, Mount Lawley in accordance with the State Administrative Tribunal on 9 September 2005 approval subject to several conditions, including the following: "18. Notification in the form of a Section 70?A notification pursuant to the Transfer of Land Act 1893 (as amended) is to be placed on the Certificates of Title of Lots 1, 2 and 3 advising the following: "This lot is affected by Appendix 14 - Design Guidelines for No. 95 (Lot 75 and Pt Lot 76) Chelmsford Road, Mount Lawley of the Town of Vincent Town Planning Scheme."
9/09/08	Contract Documents	2	Town of Vincent and Leederville Gardens Retirement Estate of 37 Britannia Road, Leederville and Mr G Scherini re: Unit 16 Leederville Gardens.
12/09/08	Withdrawal of Caveat	2	Town of Vincent and Downings Legal of Level 11, 2 Mill Street, Perth 6000 on behalf of Qube Property Group Pty Ltd of PO Box 1161 Nedlands WA 6909 re: Nos. 7-9 (Lot 101 D/P 60723) Scarborough Beach Road, Perth relating to the Amalgamation Deed for this site.

Date	Document	No of copies	Details
16/09/08	Withdrawal of Caveat	1	Town of Vincent and Downings Legal of Level 11, 2 Mill Street, Perth 6000 re: 136-138 Matlock Street, Mount Hawthorn - <i>Relating to Request to withdraw and replace Caveat securing obligation to Amalgamate and Subdivide</i>
16/09/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco WA 6008 re: Members Equity Stadium Season Launch - 30 September 2008 (Gareth Naven Room)
17/09/08	Contract Documents	2	Town of Vincent and Leederville Gardens Retirement Estate of 37 Britannia Road, Leederville and Mr L Stanisis re: Unit 7 Leederville Gardens.
19/09/08	Withdrawal of Caveat	1	Town of Vincent and Downings Legal of Level 11, 2 Mill Street, Perth 6000 re: 59-61 (Lots 10, 16, 17, 18, 19 and 20) Brewer Street, Cnr Pier Street and Thorley Street, Perth - "Pavilion Apartments" (Schnapper Developments Ltd) - <i>Pursuant to a Deed dated 12 October 2007, between the Town, Schnapper Developments Pty Ltd and the ANZ Bank, Schnapper Developments now amalgamating the three titles referred to in the deed.</i>
25/09/08	Variation to Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Western Australian Rugby League Ltd care of Members Equity Stadium, 310 Pier Street, Perth re: Variation of Deed of Licence - Members Equity Stadium dated 23 March 2008. Clause 7.(a) now becomes: <i>"7.(a) For a minimum of 3 Jim Bean Cup (or similar) fixtures which event will be deemed to be a Community Event unless: ..."</i>
25/09/08	Deed of Consent to Mortgage	3	Town of Vincent and C & F Stoinis Pty Ltd of 36 Tristania Rise, Duncraig and Westpac Banking Corporation of Level 17, 109 St George's Terrace, Perth re: Nos. 136-138 (Lot 277 & 278 D/P: 3845) Matlock Street, Mount Hawthorn
30/09/08	Local Law - Amendment	1	Town of Vincent Trading in Public Places Amendment Local Law 2008- Approved at Ordinary Meeting of Council held on 23September 2008
30/09/08	Local Law - Amendment	1	Town of Vincent Local Government Property Amendment Local Law 2008 - Approved at Ordinary Meeting of Council held on 23September 2008
30/09/08	Local Law	1	Town of Vincent and Town of Vincent Standing Orders Local Law 2008 - Approved at Ordinary Meeting of Council held on 23September 2008

10.4.2 Information Bulletin

Ward:	-	Date:	1 October 2008
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Radici		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 7 October 2008, as distributed with the Agenda, be received.

DETAILS:

The items included in the Information Bulletin dated 7 October 2008 are as follows:

ITEM	DESCRIPTION
IB01	Letter from WALGA regarding Department of Consumer and Employment Protection – Motor Vehicle Repair Business Licensing Requirements
IB02	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/190 of 2008 – Miragliotta v Town of Vincent (No. 6 Burt Street, Mount Lawley)
IB03	Letter of Appreciation from Poundwatch
IB04	Physical Activity Plan – Progress Report No. 2
IB05	Register of Petitions - Progress Report - October 2008
IB06	Register of Notices of Motion - Progress Report - October 2008
IB07	Register of Reports to be Actioned - Progress Report - October 2008
IB08	Register of Legal Action - Progress Report - October 2008
IB09	Register of State Administrative Tribunal Appeals - Progress Report - October 2008

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

14. CONFIDENTIAL REPORTS (Behind Closed Doors)

14.1 CONFIDENTIAL REPORT - Local Government House Trust (Western Australian Local Government Association (WALGA)) Office Building, 244A Vincent Street, Leederville

Ward:	South	Date:	1 October 2008
Precinct:	Oxford Centre; P4/ Leederville; P3	File Ref:	PRO4100
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

(i) *pursuant to section 5.23(2) of the Local Government Act 1995 and clause 2.15 of the Town of Vincent Local Law relating to Standing Orders, PROCEEDS "behind closed doors" at the conclusion of the items, to consider the confidential report, circulated separately to Council Members, relating to Local Government House Trust (Western Australian Local Government Association (WALGA)) Office Building, 244A Vincent Street, Leederville as it relates to matters that if disclosed, would reveal;*

(a) *information that has a commercial value to a person; or*

(b) *a Contract entered into, or which may be entered into, be the Local Government and which relates to a matter to be discussed at the meeting; and*

(ii) *AUTHORISES the Chief Executive Officer to make public the Confidential Report, or any part of it, at the appropriate time.*

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to matters that if disclosed, would reveal;

(a) information that has a commercial value to a person; or

- (b) a Contract entered into, or which may be entered into, be the Local Government and which relates to a matter to be discussed at the meeting.

In accordance with the relevant legislation, the report is to be kept confidential until determined by the Council to be released for public information.

LEGAL:

The Town of Vincent Local Law Relating to Standing Orders states the following:

“2.15 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is –*

- (i) *to be treated as strictly confidential; and*
- (ii) *not, without the authority of Council, to be disclosed to any person other than–*
- (a) *the Members; and*
- (b) *Officers of the Council but only to the extent necessary for the purpose of carrying out their duties;*

prior to the discussion of that matter at a meeting of the council held with open doors.

- (2) *Any report, document or correspondence which is to be placed before the Council or any committee and which is in the opinion of the Chief Executive Officer of a confidential nature, may at his or her discretion be marked as such and –*

- (i) *then to be treated as strictly confidential; and*
- (ii) *is not without the authority of the Council to be disclosed to any person other than the Mayor, Councillors or the Officers of the Council referred to in sub-clause (1).”*

The confidential report is provided separately to Council Members, the Chief Executive Officer and Directors.

At the conclusion of this matter, the Council may wish to make some details available to the public.

15. CLOSURE
