



**TOWN OF VINCENT**

---

*"Enhancing and celebrating our diverse community"*

---

# MINUTES

**4 NOVEMBER 2008**

---

*This document is available in the following alternative formats upon request for people with specific needs; large print, Braille, audio cassette and computer disk*

## INDEX (4 NOVEMBER 2008)

ITEM	REPORT DESCRIPTION	PAGE
<b>9.1 DEVELOPMENT SERVICES</b>		
9.1.1	Further Report – 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 (PRO3453; 5.2008.99.1)	109
9.1.2	Nos. 49A and 49B (Lots: 1 and 2 D/P: 672, and 50 D/P: 7748) Vincent Street, Mount Lawley – Subdivision, Department for Planning and Infrastructure Ref. No. 136951- Reconsideration of Conditions (136951; 7.2008.11.1)	123
9.1.3	No. 126 (Lot: 1 D/P: 12694) Buxton Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses	44
9.1.4	No. 98 (Lot: 2 D/P) Summers Street, corner West Parade, Perth - Proposed Demolition of Existing Carport, Laundry and Swimming Pool, and Additional Two-Storey Grouped Dwelling and Alterations and Additions to Existing Single House (PRO4194; 5.2008.465.1)	10
9.1.5	No. 297A (Lot: 10 D/P: 688) Vincent Street Leederville - Proposed Demolition of Existing Building and Construction of Four-Storey Office Building and Associated Basement Car Parking (PRO3538; 5.2008.317.1)	73
9.1.6	Nos. 378-390 (Lots 1, 2, 15, 155, 51 and 1) Beaufort Street, and part dual frontage to McCarthy Street, Perth - Proposed Three (3) and Six (6) Storey Mixed Use Development Comprising Fifty-Nine (59) Multiple Dwellings and Shop (Reconsideration of Condition and Minor Variations to Previous Approval) (PRO0083; 5.2008.495.1)	93
9.1.7	No. 436 (Lots: 9,1-7 and 32) Newcastle Street Corner Charles Street, West Perth - Demolition of Existing Buildings and Construction of Seven (7) Storey Commercial Development Comprising Offices, Shop and Two (2) Levels of Basement Car Parking (PRO1076; 5.2008.268.1)	55
9.1.8	No. 246 (Reserve 3839) Vincent Street, Leederville – Proposed Sign Addition to Existing Recreational Facility (Medibank Stadium) (TEN 0312; 5.2008.514.1)	16
9.1.9	Nos. 79-81 (Lots: 11 and 12 D/P: 59211) Brisbane Street, Perth - Proposed Demolition of Two (2) Existing Single Houses and Construction of Three-Storey Mixed Use Development Comprising Four (4) Multiple Dwellings, Three (3) Offices and Associated Car Parking (PRO4489; 5.2008.331.1)	128
9.1.10	No. 241 (Lots: 100 and 101 D/P: 63744) Beaufort Street, Perth - Alterations and Additions to Existing Street/ Front Fence of Existing Single House (Application for Retrospective Approval) (PRO3344; 5.2008.452.1)	41
9.1.11	Nos. 566-570 (Lot: 6 D/P: 692) Beaufort Street, corner Clarence Street, Mount Lawley- Proposed Change of Use from Take Away Food Outlet and Eating House to Take Away Food Outlet and Unlisted Use - Small Bar and Associated Alterations and Additions (PRO0816; 5.2008.237.1)	35
9.1.12	Policy Amendment No. 50 – Draft Policy relating to Appendix No. 18 – Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth (PLA0196)	86

## **9.2 TECHNICAL SERVICES**

9.2.1	Further Report - Proposed Streetscape, Pedestrian Safety & Traffic Management Enhancement Project Scarborough Beach Road, Mt Hawthorn – Killarney Street to Federation Street (TES0077 & TES0376) Mt Hawthorn Precinct	135
9.2.2	Proposed 2 Hour Parking Restriction – Richmond Street, Leederville (PKG0079) Leederville Precinct	19
9.2.3	Outdoor Exercise Equipment – Proposed Induction Sessions (RES0039) All Precincts	21
9.2.4	Proposed Fencing - Robertson Park, Perth (PRO0692; RES0066) Hyde Park Precinct	139
9.2.5	Further Report No 4 - Western Power's Proposal to Underground Power in Walcott Street between Beaufort and Charles Streets (TES0313) Forrest and Mt Lawley Centre Precincts	144
9.2.6	Closure and Amalgamation of Portion of Right of Way Adjacent to Nos 60 and 62 Bulwer Street, Perth (TES0419) Hyde Park Precinct	24

## **9.3 CORPORATE SERVICES**

9.3.1	Art Acquisitions 2008 (CVC0016)	149
9.3.2	Proposed Banners – Scarborough Beach Road – Mt Hawthorn (CVC0030)	154
9.3.3	Cultural Development Seeding Grant Application – The Missing Link Festival (FIN0155)	26
9.3.4	Cultural Development Seeding Grant Application - Mount Hawthorn Community Church (FIN0155)	28

## **9.4 CHIEF EXECUTIVE OFFICER**

9.4.1	Use of the Council's Common Seal (ADM0042)	30
9.4.2	Adoption of Annual Financial Report 2007-2008	157
9.4.3	Annual General Meeting of Electors 2008 and Adoption of Annual Report 2007/2008 (ADM0009)	160
9.4.4	Loftus Community Centre - Progress Report concerning Lease and Writing off of Rent and Contribution to Capital Reserve Fund (PRO4209)	51
9.4.5	Leederville Oval (Medibank Stadium) Ground Management Committee - Receiving of Unconfirmed Minutes - 14 October 2008 (RES0078)	32
9.4.6	Members Equity Stadium Committee Meeting - Receiving of Unconfirmed Minutes - 20 October 2008 (RES0082)	164
9.4.7	Information Bulletin	34

## **10. COUNCIL MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil	166
-----	-----

- 11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN** (Without Discussion) 166  
Nil
- 12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES** 166  
Nil
- 13. URGENT BUSINESS** 166  
Nil
- 14. CONFIDENTIAL ITEMS / MATTERS FOR WHICH THE MEETING MAY BE CLOSED ("Behind Closed Doors")** 166
- 14.1 Confidential Report - Exercise of Legal Option for the Sponsorship Agreement for the Naming Rights for Leederville Oval, 246 Vincent Street, Leederville (TEN0312)
- 15. CLOSURE** 168
-

Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 4 November 2008, commencing at 6.00pm.

**1. DECLARATION OF OPENING**

The Presiding Member, Mayor Nick Catania, declared the meeting open at 6.07pm.

**2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE**

**(a) Apologies:**

Cr Farrell – apologies due to family commitments.

Cr Messina – apologies – arriving late due to work commitments.

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward (from 6.13pm)
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Jacinta Anthony	A/Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Andrei Buters	Journalist – “ <i>The Perth Voice</i> ” (until approximately 8.10pm)

Approximately 20 Members of the Public

**(c) Members on Approved Leave of Absence:**

Nil.

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

The following submissions were made by persons in the Public Gallery:

1. Cate Hobbs of 241 Beaufort Street, Perth – Item 9.1.10. Submitted photographs of her property. Apologised as she would prefer to be making a prospective application rather than retrospective. Stated she spends  $\frac{3}{4}$  of her time overseas and hired professional gardeners, who proceeded without the necessary approval. Referred to photo 1 (what has been erected). Stated the grounds she is asking Council to consider a retrospective approval are firstly comparability. Stated photo 2(a) was taken from her front door showing the lattice and looking north, which is no longer a residential area, it is completely commercial and the adjoining building it built right to the fence line and has an overhanging awning. Referred to suitability and photo 2(b) which shows the facades of the four buildings in Beaufort Terraces.

Believed the lattice work, given the changed land occupation environments since 1890 is suitable to the architectural style of those buildings. Asked Council to consider security, as the lattice is erected for the purpose of growing very thorny white la marc roses. Stated they are in an area with quite a lot of break-ins and had many things stolen from their front yard and, on several occasions seen people trying to get in. Stated current security arrangements are thick steel bars. Stated photo 3 shows the steel grid over the front windows can be seen which are strong, not graceful. Stated photo 4 shows the steel grid over the front door which is the padlocked steel prison door. Stated photo 5 is from the sitting room looking out from the bars, which show some privacy issues. Stated it is considered desirable now days to preserve heritage buildings and she believed these are indeed significant heritage buildings, the only ones of their kind ever built in WA and two are commercial. Believed it important that some of these buildings remain as residences which require a sensitive interaction for the changed environment between Council and occupants. Stated the roses will completely make the lattice disappear within 2 years. Asked Council to approval lattice in place and construction of the small amount remaining to the gate which photo 1 shows has not been completed.

2. Jane MacFarlane of 201-205 Scarborough Beach Road, Mt Hawthorn – Item 9.1.10. Stated 126 Buxton Street backs onto 201-205 Scarborough Beach Road which is an “over 55” aged development consisting of 20 units. Stated the proposed development takes into account the factors on the north and south but no the eastern boundary which backs onto the over 55 complex. Stated they have special needs with regard to housing in that some units have been developed with rear windows only and no windows at the front or side. Stated this development will cause overshadowing, shade due to proximity to the boundary and height. Asked Council to consider taking this back to the appropriate committees and looking at the impact on the eastern boundary with particular respect to the fact that they have elderly residents living there who will be extremely stress as it may impact on their health having limited light and buildings in close proximity.
3. Paula Sutherland of 17 Auckland Street, North Perth – Item 9.4.4, representing Loftus Community Centre and is the President of the Management Committee. Stated they are currently celebrating their 30<sup>th</sup> year of serving the community and they are having their open day this Saturday and everyone is welcome. Stated the Centre has been operating with a budget of around \$180,000 of which they gratefully receive a recurrent fund of \$30,000 from the Town which represents approximately 17% of the total budget. Stated the rest of the money is raised through activities, programmes and sheer commitment and support of volunteers, members and community. Advised early this year they moved back into their wonderfully redeveloped Centre which is fabulous however, they did face substantial losses during the redevelopment to income and other operation costs of about \$15,000. Stated they also have increased operating costs given the larger Centre, cleaning, electricity etc. and substantial rental increase to \$6,000 annually. Advised in the past this was about \$14 a month which means a substantial increase for them to absorb as a Community Centre. Stated they have managed a final budget deficit of about \$5,000 which is quite good given where they have had to come from. Advised they are grateful Council will consider the item to waive the first year of increased lease cost and to extend current lease arrangements to help them get somewhat back on track financially. Stated they do require additional recurrent funding and are looking at a variety of sources as they need to recover increased operating costs, training, wages and extend hours. Advised they are confident they are financially viable and will continue to provide a good service to the Community.

4. Pierro Bevalacqua of 114 Charles Street, West Perth- Item 9.1.7. Stated he would feel suffocated with this 7/8 storey building along his property. Also there is no footpath on the corner as it will be very close to the road. Stated his consultant Ray would also speak for him.
5. Ray Hearn of 53 Ord Street, West Perth – Item 9.1.7 representing Manson Holdings an owner to the north of the proposed development. Believed most concerns raised during advertising have been dismissed. Stated suitable explanation or justification has not necessarily been provided particularly in a few key areas. Stated although the notion that applications should be based on merit it is understood and appreciated it is usual that variations, particularly of this scale, would be justifiable in the context of strategic objectives, public benefit or superior outcomes. Stated it is not clear or apparent as to how that was achieved in this application bearing in mind it bears little or no relationship to the policy currently in place over the precinct. Believed if Council were to give so little regard to the content or intentions of the planning policy, one would ask why they exist in the first place. Stated his client is not necessarily against any development on the site. Stated the basic rationale of the policy is to provide a transition between the more intensive commercial development on Newcastle Street and residential mixed use to the north. Stated what is presented is quite different to that, as a rather blunt transition and is unclear as to why this is considered to be a superior outcome. Stated it has been suggested that it is in his client's interest as it will allow for more intensive development of his site however, given the current policy arrangement would specifically preclude that, it is unclear as to how that would occur. Stated in this context, it is requested Council not approve the proposed development on the grounds that it does not provide suitable interface or transitional arrangement, the proposal exceeds the height plot ratio requirements of Council's existing policy and the site does not contain a residential component as required by the zoning of the site or at least a portion thereof. Stated should Council seek to support the intent of the proposal, it is gratefully requested that perhaps the review of the policy should take place before such fundamental shifts in position should be undertaken.
6. Elizabeth Fisher of Dale Alcock of 126 Buxton Street, Mt Hawthorn – Item 9.1.3 representing Dr J Purdie. Stated they are not overlooking the aged persons behind them at all and if plans are referred to all windows are highlight windows on the rear and they are set back well beyond the requirement and it is a void looking into the office on the lower floor, there are no windows in that area, the window is to the side and it is a highlight window therefore no overlooking issues. Stated houses are setback much further than required by R Codes and Planning Department. Stated they accept everything however, have an objection with the front balconies being screen as they are setback and are looking into someone's front garden but you can drive down any street in any suburb with 2 storey houses and you can see into the neighbours gardens whether you have a balcony or not. Stated they are not looking into anyone's garden.
7. Dorothy McGinley of 4/201 Scarborough Beach Road, Mt Hawthorn – Item 9.1.3. Stated that she is concerned with the 2 storey wall that is only 2m of their boundary and 2m off her property, not off the garden or off the building. Stated they will have 6m to the eaves within 4m of where they are. Advised it is not the balcony on the side that concerned her it is the height. Stated the height and confinement which have not been supported. Stated there are four units who will have no daylight, except maybe 5 minutes at midday. Believed that should be looked at.

8. Warren McGrath of 142 Palmerston Street, North Perth, Chairperson of the Claise Brook Catchment Group (local community based land care group). Presented the Town with a cheque for the value of \$1,375 for the purpose of the prize money for the Catchment Friendly Garden Category for the Annual Town of Vincent Garden Awards. Stated the Catchment Friendly Garden Category recognises those residents' gardens that have low fertiliser and water requirements and provide natural habitat for the local fauna. Stated the group sees the encouragement of such gardens important for improving service and ground water quality in the Town, improving local natural habitat values and increasing the community's awareness of the beauty and value of such gardens and the benefits they provide. Thanked the Water Corporation who have provided the funding to the Group for the purpose of the garden prize and have done so on an annual basis for a number of years.

**The Presiding Member, Mayor Nick Catania accepted the cheque and thanked Claise Brook Catchment Group for their donation.**

9. Peter Simpson of Town Planning Group (TPG), 182 St George's Terrace, Perth speaking on behalf of land owners at 297A Vincent Street, Leederville – Item 9.1.5. Stated they support the officer's recommendation. Stated the application proposes an office development within a district centre and as such is of appropriate land use. Advised the building is 4 storeys in height however, has been very carefully designed with a significant setback at the upper level at both Vincent Street at the rear and property to the east. Stated the application was advertised and no objections were received. Stated the development is generally consistent with Town's planning provision and seeks to build upon the principles of the Leederville Masterplan. Advised that they seek the support of Council for the proposed development.
10. David Reid of TPG, 182 St George's Terrace, Perth – Item 9.1.12. Stated TPG generally support the intent of the Guidelines and the amendments proposed by Council Officer's, they believe there are still two further amendments required. Believes the density table and proceeding paragraph on page 5 of 14 of the Guidelines should be deleted as it unduly fetters Council's ability to approve a well designed development of increased density. Stated with the average lot size on William Street being on 500m<sup>2</sup> and the total maximum density being limited to only R120 the maximum density bonus on the majority of sites is limited to only 1 dwelling thus providing no incentive at all for developers to provide affordable or sustainable development. Believes deleting the table would encourage more affordable housing and sustainable development once the remainder of the Guidelines and parking controls in the scheme will still provide Council will more than sufficient control over the built form. Stated would like to also see point (iii) on page 6/7 of 14 to clearly identify that the prominent former Auto Masters site on the corner of William and Newcastle Streets is considered a strategic development site on which greater height may be supported.
11. Greg Rowe of 369 Newcastle Street, Northbridge – Item 9.1.7. Supports the Officer Recommendation. Advised they have been working with Council Officers for a considerable amount of time in preparing and lodging a development application and also progressing it through the Council processes. Stated the original application was lodged in June and the application presented this evening is the result of a number of discussions and input from Council Staff, Main Roads WA and the advertising period Council undertook. Disagreed with the previous speaker, public submissions received in his respective view weren't dismissed they were incorporated, modifications were made to the building in consultation with Council Staff and, as a result the outcome has addressed all queries raised in the public submissions as well as the previous speaker. Asked Council to consider this site in its context as it is a very prominent site forming the gateway entrance to the Town from the south, this is the first site visible from Charles Street Freeway exit and has been acknowledged by a number of proponents previous to them but also by Staff.



Believed the report truly does meet one of the gateway icon statement sites and needs to be dealt with in a somewhat different way to the more broad based contemplation of the policies. Advised tonight is the 3<sup>rd</sup> version and does address all issues raised, particularly in regard to the previous speaker, it does address the relationship of land to the north. Stated they were asked and have incorporated significant setbacks from the north together with significant screening and privacy measures. Stated the Planning Approval Recommendation has a further condition requiring additional screening in regard to privacy to the north and they are happy to incorporate that. Stated the building is 7 levels not 8 but upper levels have been reduced in floor plan print and have been recessed and articulated back from all boundaries in response to requests from Staff. Believed this is a well considered result in terms of background and asked the site be considered in its context as it's a complimentary location to the new urban design vision to this area, consistent with the West Perth Regeneration Masterplan and it will be the first example of what they understand to be Council's intentions for this area and its extension to the west.

12. James Chia of Duomark Pty Ltd, 20 Royal Street, East Perth – Item 9.1.6. Thanked the Town, especially the Officers as with their help they have been able to get it where it is today. Asked Council to reconsider their plea in relation to extending the current DA as the unprecedented market conditions that they have been facing require them to safe guard the project so it may be continued to the next stage. Stated they agree with the Officer's and what has been discussed.

There being no further speakers, public question time was closed at approx. 6.35pm.

**(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE**

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

**5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS**

- 5.1 Petition received from J. Waddingham and C. Gilbert of 23 Anzac Road, Leederville on behalf of residents of Anzac Road, Harrow, Faraday and Wilberforce Streets, along with 38 signatures, in support of Amendment No. 43 – Draft Policy relating to Residential Streetscapes.

The Chief Executive Officer recommended that the petition be received.

- 5.2 Petition received from S. Gillespie of 38 Egina Street, Mt Hawthorn along with 17 signatures, opposing Amendment No. 43 – Draft Policy relating to Residential Streetscapes.

The Chief Executive Officer recommended that the petition be received.

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

***That the Petitions be received, as recommended.***

**CARRIED (8-0)**

**(Cr Farrell was an apology for the meeting.)**

**6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS**

Minutes of the Ordinary Meeting of Council held on 21 October 2008.

**Moved Cr Messina, Seconded Cr Ker**

*That the Minutes of the Ordinary Meeting of Council held 21 October 2008 be confirmed as a true and correct record.*

**CARRIED (8-0)**

**(Cr Farrell was an apology for the meeting.)**

**7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)**

**7.1 Co-ordinator Parks Services**

It is with much sadness that I inform the Council that the Town's Co-ordinator of Parks Services, David Hoy, passed away peacefully on Saturday 1 November 2008, after suffering a long illness.

David was employed by the Town since its inception in 1995 as the Supervisor of Parks Services and previously was employed as a leading hand in the tree maintenance section of the City of Perth, since 1976.

David was a gentleman in the true sense of the word and was extremely well respected amongst his colleagues. As you are aware the Town's Parks and Gardens are of an extremely high standard and this can be attributed in part to the dedicated Park's team led by David.

David was the recipient of the Town's Employee of the Month Award on several occasions, which is a testament to his dedication to the Town in providing a high level of customer service and assisting wherever possible up until two weeks ago.

On behalf of the Council, I would like to formally acknowledge David's services to the Town and extend our deepest sympathy to his wife Terri and children on their sad loss. As a mark of respect I would ask that we stand and observe a minute's silence.

**7.2 Employee of the Month Award for the Town of Vincent for November 2008**

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the Town. The recipients receive a \$100 voucher, kindly donated by the North Perth Community Bank, and a Certificate. Also their photograph is displayed in the Town's Administration Centre Foyer, in the Library and at Beatty Park Leisure Centre.

For NOVEMBER 2008, the award is presented to Michael Wood, Co-ordinator Safer Vincent in the Town's Ranger and Community Safety Services Section. Michael was nominated by Councillor Izzi Messina, who advised as follows:

*"Over the last couple of years (in fact since my election to the Council) I have been involved with Safer Vincent. During this time .... Michael Wood has been the Safer Vincent Co-ordinator for the Town.*

*I believe as an elected member, we have a great involvement with the community, the local police and the Town's Officers. During this time, I have found Michael to be extremely professional, efficient, diligent and always willing to go the extra distance for the Town's residents.*

*I was approached [last month] by Mr Stormy Miles, who was having issues with derelict properties in Fitzgerald street, and he appreciated the fact that Michael got back to him to explain the situation and what the Town was doing to try and sort out the problem. This example alone is testament to the service Michael provides to the community by going that extra step.*

*The point I make is that Michael really goes the extra mile, and it was indicated at the last meeting where Senior Sergeant, Mike Green, emphasised on the great relationship the police has with the Town and the great work of its officers. I think Michael is somewhat responsible for this proactive relationship.*

*Further to the above the work, Michael has undertaken with the Vincent Accord and the responsibility for licensed venues in the Town to proactively work with the Town, also lies with Michael. From my understanding this has been well accepted by the community.*

*For these reasons alone, I would like to nominate Michael for the employee of the month."*

Congratulations Michael and on behalf of the entire Council - well done!!

**Received with Acclamation!**

7.3 Standing Order 2008

For information, it is advised that the Town's new Standing Orders 2008 were gazetted on 14 October 2008 and took effect on 28 October 2008.

7.4 World Diabetes Day Proclamation

The Town of Vincent supports Diabetes WA and recognises November 14 as World Diabetes Day.

The United Nations has dedicated this day to signal the world-wide epidemic of diabetes, particularly among children and adolescents.

In Australia, 1.5 million people have diabetes, but half are not aware of it. 275 Australians develop diabetes every day and, if this trend continues, it is estimated that nearly 4 million will have diabetes by 2030.

Approximately 225,000 Australians have Type 1 Diabetes, requiring a lifetime of daily insulin injections.

Type 2 diabetes is the most common form, representing about 85% of people with diabetes and is increasingly being seen amongst children and teenagers. Type 2 diabetes is commonly linked with life-style factors, particularly overweight and obesity.

Diabetes costs the Australian health system in the region of \$3 billion a year and is the leading cause of heart disease, stroke, blindness, kidney disease and lower limb amputations.

The Town of Vincent commits to doing what it can to help Diabetes WA to raise awareness of diabetes, its risk factors, how to prevent the onset of type 2 diabetes, and strategies to help manage diabetes amongst those who have been diagnosed. We also commit to providing facilities and services to enable our constituents to lead active and healthy lives.

7.5 Request of Deferral

It is noted that a request has been received from the applicant to defer Item 9.1.11 on tonight's Agenda to allow himself further time to review and revise the submission.

**8. DECLARATIONS OF INTERESTS**

8.1 Cr Ker declared an Impartiality interest in Item 9.1.2 – Nos. 49A and 49B (Lots: 1 and 2 D/P: 672, and 50 D/P: 7748) Vincent Street, Mount Lawley – Subdivision, Department for Planning and Infrastructure Ref. No. 136951 – Reconsideration of Conditions (136951; 7.2008.11.1). The extent of his interest being that his wife is a member of the Catholic Women's League, which owns the property and he has discussed the subdivision application with the Director Development Services and the Manager Planning, Building and Heritage Services.

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

Nil.

**10. REPORTS**

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

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

Items 9.1.10, 9.1.3, 9.4.4, 9.1.7, 9.1.5, 9.1.12 and 9.1.6.

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

Items 9.1.6, 9.4.2, 9.4.3, 9.4.4 and 9.4.6.

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

Nil.

Presiding Member, Mayor Nick Catania, requested Council Members to indicate:

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

Cr Messina	Items 9.1.1, 9.2.1, 9.2.4, 9.2.5, 9.3.1 and 9.3.2.
Cr Youngman	Nil.
Cr Ker	Nil.
Cr Doran-Wu	Nil.
Cr Lake	Nil.
Cr Burns	Nil.
Cr Maier	Items 9.1.2 and 9.1.9.
Mayor Catania	Nil.

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

10.5 **Unopposed items which will be moved "En Bloc" and the following was advised:**

Items 9.1.4, 9.1.8, 9.2.2, 9.2.3, 9.2.6, 9.3.3, 9.3.4, 9.4.1, 9.4.5 and 9.4.7.

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

Items 14.1.

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

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

Items 9.1.4, 9.1.8, 9.2.2, 9.2.3, 9.2.6, 9.3.3, 9.3.4, 9.4.1, 9.4.5 and 9.4.7.

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

Items 9.1.10, 9.1.3, 9.4.4, 9.1.7, 9.1.5, 9.1.12 and 9.1.6

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

**Moved Cr Messina, Seconded Cr Ker**

*That the following unopposed items be approved, as recommended, "En Bloc";*

*Items 9.1.4, 9.1.8, 9.2.2, 9.2.3, 9.2.6, 9.3.3, 9.3.4, 9.4.1, 9.4.5 and 9.4.7.*

**CARRIED (8-0)**

**(Cr Farrell was an apology for the meeting.)**

**The Presiding Member, Mayor Nick Catania requested Item 9.1.11, (requested by the Applicant for Deferral) be dealt with first. There was no objection to this request.**

**9.1.4 No. 98 (Lot: 2 D/P) Summers Street, corner West Parade, Perth - Proposed Demolition of Existing Carport, Laundry and Swimming Pool, and Additional Two-Storey Grouped Dwelling and Alterations and Additions to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	27 October 2008
<b>Precinct:</b>	Banks, P15	<b>File Ref:</b>	PRO4194; 5.2008.465.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	D Bothwell		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner D Tonnini for proposed Demolition of Existing Carport, Laundry and Swimming Pool, and Additional Two-Storey Grouped Dwelling and Alterations and Additions to Existing Single House at No. 98 Summers Street (Lot: 2 D/P: 3001) Perth, and as shown on plans stamp-dated 1 October 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, revised plans shall be submitted and approved demonstrating the following:*
  - (a) *any new street/front wall, fence and gate between the Summers Street boundary and West Parade boundary and the main building, including along the side boundaries within these front setback areas, complying with the following:*
    - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
    - (2) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
    - (3) *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;*
    - (4) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
    - (5) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed;*

- (6) *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*
- (b) *the windows to the kitchen on the northern elevation, and windows to the dining room on the western elevation being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished 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 No. 5 West Parade and No. 100 Summers Street stating no objections 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*

- (iii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Summers Street and West Parade verges 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 encouraged landscaping methods which do not rely on reticulation. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

---

**COUNCIL DECISION ITEM 9.1.4**

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (8-0)**

**(Cr Farrell was an apology for the meeting.)**

---

<b>Landowner:</b>	D L Pead & D Tonnini
<b>Applicant:</b>	D Tonnini
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	516 square metres
<b>Access to Right of Way</b>	West side, 3 metres wide, sealed, Town owned

**BACKGROUND:**

The Council conditionally approved a similar proposal at the Ordinary Meeting of Council held on 22 April 2008.

**DETAILS:**

The proposal involves the demolition of existing carport, laundry and swimming pool, and additional two-storey grouped dwelling and alterations and additions to existing single house on the subject property.

The main differences between the current planning application plans and the previous Planning Approval plans approved at the Ordinary Meeting of Council held on 22 April 2008 are summarised as follows:

- Increase in area of proposed Lot 1 from 157 metres to 172.27 metres; and
- Increase in floor area of proposed dwelling from 110.58 square metres to 166.92 square metres.

The applicant has demonstrated that the subject proposal has been designed over a lengthy period prior to the adoption of the RDE's Policy and based on the previous Policy requirements. It is therefore considered that this new application also be assessed against the Town's previous Policies prior to the adoption of the RDE's as the proposal is almost the same, excluding the minor changes mentioned above, and the application is primarily for reconsideration of conditions (iii) (a) and (b) of the original proposal approved by the Council at its Ordinary Meeting held on 22 April 2008.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	2.86 dwellings-R60	2 dwellings	Noted.
Plot Ratio	N/A	N/A	Noted.
Buildings on the Boundary: Western Boundary	Walls not higher than 3.5 metres with an average of 3.0 metres	5.2 metres	Supported – no undue impact as it abuts a right of way, not a dwelling, and no objections received.
Building Setbacks: Western Boundary- Ground Floor	1.5 metres	0.3 – 1.5 metres	Supported – no undue impact on neighbouring property and no objections received.
Upper Floor	1.2 metres	0.3 – 1.5 metres	Supported – no undue impact on neighbouring property and no objections received.
Northern Boundary- Upper Floor	2.7 metres	1.5 metres	Supported – no undue impact on neighbouring property and no objections received.



Street Setbacks: Ground Floor	4 metres	2.57 metres	Supported – given the site is the rear of a corner lot 14.14 metres deep, and is not considered to have an undue impact on the streetscape or surrounding amenity. Moreover, the proposal is for a dwelling with frontage to a secondary street; therefore, the street set- back may be reduced to 2.5 metres as per clause 6.2.1 of the R Codes.
Upper Floor	Main Building -6 metres  Balcony – 6 metres	Main Building-4 metres  Balcony – 3 metres	Supported – given the site is the rear of a corner lot 14.14 metres deep, and is not considered to have an undue impact on the streetscape or surrounding amenity. Moreover, the upper floor building line and balcony are setback behind the main building line of the ground floor, therefore, providing sufficient articulation to the street.
Privacy Setbacks: Northern Boundary- Windows to Kitchen (Upper floor)	6 metres	1.5 metres	Not supported – undue impact on neighbouring property, and condition applied for compliant screening to be provided.
Western Property- Windows to Dining Room (Upper Floor)	6 metres	4.4 metres	Not supported – undue impact on neighbouring property, and condition applied for compliant screening to be provided.
Street Walls and Fences:	Maximum height of solid portion of street walls and fences to be 1.2 metres above adjacent footpath level.	Wall to be 100 per cent solid to a maximum height of 1.8 metres above footpath level.	Not supported – considered to have undue impact on the amenity of the streetscape. Condition applied for front fencing to comply with the Town’s previous Street Walls and Fences Policy.

Visual Sightlines:	Walls and Fences truncated or no higher than 0.65 metre of where walls and fences adjoin vehicle access points	Wall is a maximum height of 1.8 metres within 1.5 metres of where walls and fences adjoin vehicle access points.	Not supported – undue impact on safety and amenity of the streetscape. Condition applied for front fencing to comply with the Town’s previous Street Walls and Fences Policy.
--------------------	--	--	---

**Consultation Submissions**

This application was not advertised as there was no further variations to the development requirements approved by the Council at its Ordinary Meeting held on 22 April 2008.

**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:**

**Reconsideration of Condition**

A condition of the original approval dated 22 April 2008 was as follows:

*“(iii) prior to the issue of a Building Licence, a Section 70A Transfer of Land Act 1893 Notification shall be registered against the Certificate of Title for the land advising proprietors or prospective proprietors of the existence of the following conditions which affect the use or enjoyment of the existing and proposed dwelling on the land:*

- (a) the existing dwelling located on the site adjacent to Summers Street shall be conserved; and*
- (b) the plot ratio floor area of the entire site shall be restricted to 0.65 or 335.4 square metres; and*

*This notification shall be prepared and registered by the Town’s solicitors agreed upon by the Town at the cost of the applicant/owner;”*

Condition (iii) (a) requires the conservation of the existing dwelling on site. The previous application sought a variation to the minimum site area requirement of the Residential Design Codes. The retention and conservation of the subject dwelling was the catalyst for the endorsement of the variation to the minimum site area requirement. The proposed new Lot 1 has a site area of 172.27 metres, exceeding the minimum lot area requirement of 160 square metres and, therefore, the applicant has requested that this condition be deleted from the approval.

With regard to condition (iii) (b), the subject property is zoned Residential R60 and under the 2002 Residential Design Codes there was a plot ratio requirement of 0.65. With the adaption of the new Residential Design Codes in April 2008, there is now no requirement for plot ratio for land zoned Residential R60. The applicant has therefore also requested that this condition be deleted from the Planning Approval.

**Conclusion**

Given that the minimum site area requirement for proposed Lot 1 has now been met and the applicant is no longer seeking a variation to this requirement, and the adoption of the new Residential Design Codes 2008 with the deletion of the plot ratio requirement for new residential development, it is considered acceptable that conditions (iii) (a) and (b) of the previous approval granted by the Council at its Ordinary Meeting held on 22 April 2008 be deleted from the Planning Approval as they are no longer applicable.

**9.1.8 No. 246 (Reserve 3839) Vincent Street, Leederville – Proposed Sign Addition to Existing Recreational Facility (Medibank Stadium)**

<b>Ward:</b>	South	<b>Date:</b>	29 October 2008
<b>Precinct:</b>	Oxford Centre; P 4	<b>File Ref:</b>	TEN 0312; 5.2008.514.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	E Storm		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 Medibank Private Limited on behalf of the owner Town of Vincent for proposed Sign Additions to Existing Recreational Facility (Medibank Stadium) at No. 246 (Reserve 3839) Vincent Street, Leederville and as shown on plans stamp dated 24 September 2008, subject to the following conditions:*

- (i) the size, dimensions and the exact location of the proposed sign to be to the satisfaction of the Chief Executive Officer;*
- (ii) all signage shall be subject to a separate Sign Licence application being submitted to and approved by the Town of Vincent prior to the erection of the signage;*
- (iii) all signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site; and*
- (iv) the signage shall not have flashing or intermittent lighting.*

**COUNCIL DECISION ITEM 9.1.8**

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**(Cr Farrell was an apology for the meeting.)**

**ADDITIONAL INFORMATION:**

The Town's Officers have since received additional details from the sign contractor. The dimensions of the sign are as follows:

- (a) Width- 3 metres at the base and 1.2 metres at the top;
- (b) Height- 6 metres; and
- (c) Depth- 300 millimetres.

The proposed monolith sign size exceeds the requirements in the Town's Sign Policy 3.5.2, which states that the height should not exceed 6 metres and the width being 2 metres.

*“The Name Rights Sponsorship Agreement states:*

Location E

*Stadium signs of such dimensions as may be mutually agreed between the parties but not exceeding .3 metres x 0.6 metre to be positioned on Vincent Street (on either side of the Western Power substations),...”*

In view of the above, the size is considered acceptable in this instance, in the context of its relevance and exposure to the Town and considering the extensive size of the Oval Reserve.

<b>Landowner:</b>	Town of Vincent
<b>Applicant:</b>	Medibank Private Limited
<b>Zoning:</b>	Metropolitan Region Scheme: MRS Reserve – Parks and Recreation Town Planning Scheme No. 1 (TPS 1): MRS Reserve – Parks and Recreation
<b>Existing Land Use:</b>	Recreational Facility
<b>Use Class:</b>	Recreational Facility
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	53,008 square metres
<b>Access to Right of Way</b>	Not applicable

**BACKGROUND:**

22 August 2006 The Council at its Ordinary Meeting resolved to conditionally recommend approval to the Western Australian Planning Commission (WAPC) for sign additions associated with Medibank Stadium.

19 September 2006 The WAPC conditional approved the signs considered at the Ordinary Meeting of Council held on 22 August 2006.

**DETAILS:**

The proposal involves an additional monolith sign associated with Medibank for the above site, which has naming rights to the Oval.

The Town was still awaiting the dimensions for the signs at the time this Agenda Report was finalised. This report is being referred to the Council to coincide with an associated Confidential Report pertaining to Medibank Stadium.

<b>SIGN TYPE</b>	<b>NO. OF SIGNS</b>	<b>SIGN DIMENSION</b>	<b>LOCATION</b>	<b>SIGN AS AGREEMENT</b>
Monolith Sign (Location E)	One (1)	Not received.	Adjacent to Vincent Street (either side of the Western Power sub-stations)	Stadium Name signs of such dimension as may be mutually agreed between the parties, but not exceeding 3 metres x 0.6 metre to be positioned on Vincent Street (on either side of the Western Power sub-stations).

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed*</b>	<b>Officer Comments Pursuant to Clause 38 (5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted
<b>Consultation Submissions</b>			
The proposal was not advertised as it is considered not to involve intensification of the current use of the site, is incidental, associated and ancillary to the usage and development of the site, and is being referred to the Council for its consideration and determination.			
Support	Not applicable		Noted
Objection	Not applicable		Noted
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies.
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:**

**Heritage**

Leederville Oval has been included on the Town's Municipal Heritage Inventory, with a Category A - Conservation Essential Listing. The place has considerable social significance to the district, being located at the heart of the district and being the drilling ground for the Leederville Drill Hall during World War One, the long time home of the West Perth Football Club, and a venue for cricket and special events.

The proposed signage is considered acceptable in terms of heritage, as it does not significantly impact on the identified cultural heritage values of the place.

**Summary**

As the sign is outside the Oval enclosure itself, it is considered that there is no need to refer the proposal to the Western Australian Planning Commission for determination in this instance. It is also recommended that the Chief Executive Officer be authorised to approve the dimension and size of the sign. Accordingly, the proposed sign is recommended for approval, subject to standard and appropriate conditions to address the above matters.

**9.2.2 Proposed 2 Hour Parking Restriction – Richmond Street, Leederville**

<b>Ward:</b>	South	<b>Date:</b>	28 October 2008
<b>Precinct:</b>	Leederville (P3)	<b>File Ref:</b>	PKG0079
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	T Blankenburg		
<b>Checked/Endorsed by:</b>	R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the introduction of a two (2) hour parking restriction in Richmond Street; between Oxford Street and the Mitchell Freeway;*
- (ii) *NOTES the comments received during the consultation and that officers will further investigate some of the other issues raised by some respondents;*
- (iii) *APPROVES the introduction of a two (2) hour parking restrictions to be in place between 8.00am and 5.30pm, Monday to Friday, as shown on attached Plan No. 2619-PP-1;*
- (iv) *PLACES a moratorium on issuing infringement notices for a period of two (2) weeks from the installation of the new parking restriction signs; and*
- (v) *ADVISES residents of its decision.*

**COUNCIL DECISION ITEM 9.2.2**

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

(Cr Farrell was an apology for the meeting.)

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the outcome of consultation with residents in Richmond Street to determine the support for the introduction of a two (2) hour parking restriction on both sides of the street between Oxford Street and the Mitchell Freeway and seek the Council's approval for the introduction of this restriction.

**BACKGROUND:**

The Town received correspondence from various residents in Richmond Street (between Oxford Street and the Mitchell Freeway) about the issues caused by parking congestion in this section of the street. The major issue related to the number of vehicles parking in the street for long periods of time, resulting in a lack of parking for residents and their visitors.

**DETAILS:**

On 11 September 2008, 57 letters were distributed to the residents of this section of Richmond Street, requesting them to provide comments within a 14 day period, on the proposed introduction of a two (2) hour parking restriction from Monday to Friday inclusive, between 8.00am and 5.30pm.

The consultation letter also included details of the Town's policy on eligibility for exemption from the time restrictions through residential and visitor parking permits.

At the close of the consultation period, fourteen (14) responses were received (25% response) with eleven (11) in favour and three (3) against the proposal. A summary of comments received is attached at appendix 9.2.2.

While the majority of residents were overwhelmingly in favour of the proposal the few respondents against the proposal raised some issues which will be further investigated by the Town's Officers.

**CONSULTATION/ADVERTISING:**

Residents were consulted via a letter drop in relation to the proposed parking restriction in Richmond Street.

**LEGAL/POLICY:**

There is no legal consequence of the recommendation.

**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 and functional environment. *“(9e) Review, implement and promote the Car Parking Strategy;*

**FINANCIAL/BUDGET IMPLICATIONS:**

Implementing parking restrictions in Richmond Street will cost approximately \$1,200.00.

**COMMENTS:**

As outlined in the report the majority of respondents were in favour of the proposed introduction of parking restrictions in Richmond Street, between Oxford Street and the Mitchell Freeway. It is therefore recommended that the Council proceed with the introduction of the two (2) hour parking restrictions as shown on attached Plan No. 2619-PP-1.



**9.2.3 Outdoor Exercise Equipment – Proposed Induction Sessions**

<b>Ward:</b>	Both	<b>Date:</b>	28 October 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	RES0039
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J van den Bok		
<b>Checked/Endorsed by:</b>	R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the report on the proposed Outdoor Exercise Equipment induction sessions;
- (ii) **APPROVES** the following Outdoor Exercise Equipment induction sessions;
  - (a) *Britannia Road Reserve (South) from 6.00pm to 7.00pm on Monday 15 December 2008;*
  - (b) *Robertson Park from 6.00pm to 7.00pm on Tuesday 16 December 2008; and*
  - (c) *Banks Reserve from 6.00pm to 7.00pm on Wednesday 17 December 2008; and*
- (iii) **ADVERTISES** the Outdoor Exercise Equipment induction sessions in the local papers inviting interested residents to attend any one of the above locations to receive qualified advice on the use of the various items.

**COUNCIL DECISION ITEM 9.2.3**

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

(Cr Farrell was an apology for the meeting.)

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the proposed Outdoor Exercise induction sessions and seek approval for undertaking the sessions at various locations.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 23 October 2008, a further report was presented on the installation of parks outdoor exercise equipment, where it was decided:

*"That the Council;*

- (i) **RECEIVES** the further report in relation to the installation of "Outdoor Exercise Equipment";

- (ii) *APPROVES the installation of four (4) items of "Outdoor Gym Equipment" in each of the following locations (shown also as laid on the table);*
- (a) *Robertson Park - South Ward (refer attached plan Appendix 10.2.2A); and*  
(b) *Britannia Rd Reserve - North Ward (refer attached plan Appendix 10.2.2B);*
- (iii) *APPROVES the installation of three (3) items of "LifeTrail Equipment" in each of the following locations;*
- (a) *Banks Reserve - South Ward (refer attached plan Appendix 10.2.2C); and*  
(b) *Britannia Rd Reserve - North Ward (refer attached plan Appendix 10.2.2B);*
- (iv) *ADVISES the Precinct Groups of its decision; and*
- (v) *INVESTIGATES holding induction sessions for interested residents at one or more of the outdoor equipment locations and receives a further report on this matter when a proposal/s has been developed."*

**DETAILS:**

In accordance with part (v) of the Council decision, the Manager Parks Services held discussions with the Assistant Manager - Health & Fitness at Beatty Park Leisure Centre and arranged that a qualified personnel trainer/gym instructor be available to undertake the induction sessions at chosen locations.

It is proposed that a one (1) hour session would be adequate at each location, however, this time can be extended should participation and interest warrant the instructor staying on.

The Town now has Outdoor Exercise Equipment located at the locations outlined below. Outdoor Gym Equipment is suitable for persons from teenage years and above and the Life Trail equipment is more suited to seniors, however persons from any age can utilise this equipment.

Britannia Road Reserve (south)

- 4 items of Outdoor Gym equipment
- 3 items of Life Trail equipment

Robertson Park

- 4 items of Outdoor Gym equipment

Banks Reserve

- 4 items of Outdoor Gym equipment
- 3 items of Life Trail equipment

**CONSULTATION/ADVERTISING:**

The Outdoor Exercise equipment induction sessions will be advertised in the local papers and on the Town's website. In addition, a sign will be erected in each location advising of the time and date of the induction sessions.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost associated with the above induction sessions and advertising is estimated at around \$500.00 and this can be sourced from the Public Works Overheads budget.

**COMMENTS:**

As previously advised, the outdoor exercise equipment is being well patronised at all three (3) locations and it is likely that the proposed induction sessions will receive significant interest from the local communities.

**9.2.6 Closure and Amalgamation of Portion of Right of Way Adjacent to Nos 60 and 62 Bulwer Street, Perth**

<b>Ward:</b>	South	<b>Date:</b>	28 October 2008
<b>Precinct:</b>	Hyde Park P12	<b>File Ref:</b>	TES0419
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Munyard,		
<b>Checked/Endorsed by:</b>	R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the proposed closure and transfer of portion of the Town owned Right of Way (ROW) adjacent to Nos 60 and 62 Bulwer Street, Perth;*
- (ii) *APPROVES IN PRINCIPLE, the closure and transfer of portion of the Town owned ROW bounded by Lincoln, Stirling, Bulwer and Smith Streets, Perth, as shown on attached appendices 9.2.6A and 9.2.6B;*
- (iii) *CONSULTS with all those who have an implied or expressed right of access and all service providers, giving them 30 days in which to provide a response;*
- (iv) *RECEIVES a further report at the conclusion of the consultation; and*
- (v) *ADVISES the applicants of its decision.*

**COUNCIL DECISION ITEM 9.2.6**

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**(Cr Farrell was an apology for the meeting.)**

**PURPOSE OF REPORT:**

The purpose of this report is to seek the Council’s approval for the closure and transfer of portion of a ROW to the adjacent owners at Nos 60 and 62 Bulwer Street, Perth.

**BACKGROUND:**

The ROW described above is only 2.74 metres wide, and provides access to the rear of numbers 60 and 62 Bulwer Street to the west, and 56 and 58 Bulwer Street to the east. The 30 unit apartment development at 290 Stirling Street also has implied rights of access which it has elected not to make use of by erecting fencing between the ROW and its car park.

The Town supports that decision as the ROW, at 2.74 metres wide, is not suitable for the volumes of traffic generated by the development.

The irregular shaped ROW has 'wings' that border the rear of the adjacent lots, which narrow to 0.9m in width. Presumably, the purpose of this ROW was pedestrian access only, however there is no logical destination where users would have a right of access.

**DETAILS:**

Currently, these narrow sections of ROW at the rear of the lots are a haven for dumping and anti social behaviour. The owners of the strata property, 60 and 62 Bulwer Street, are concerned about the security of their properties, and have applied to fence the adjacent portion of ROW into their Lot.

The Department for Planning and Infrastructure is generally not supportive of ROW closures where they may present an amenity of value for the future development of the adjacent land, however, they have provided written advice that they have *no objection* to the partial closure as proposed.

The applicants have appointed a consultant who will assist with the closure process and documentation should the Council approve the closure and transfer. Prior to any further action, a resolution from the Council to approve the closure and facilitate the process is required.

**CONSULTATION/ADVERTISING:**

Consultation with all those who have an implied or expressed right of access and all service providers must be undertaken as part of the closure process. A second report will be made to the Council once the results of the consultation are at hand.

**LEGAL/POLICY:**

The process is carried out in accordance with the requirements of the Land Titles Registration Practice Manual.

**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:**

N/A

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable as the applicant will be responsible for all costs involved in the closure and transfer.

**COMMENTS:**

This section of ROW poses security concerns for the adjacent property owners. The ROW will continue to provide vehicular access to the adjacent properties, and DPI has approved the proposal as the portion proposed to be closed does not provide any amenity with respect to the development of the surrounding land. It is recommended that the Council approve the initiation of the closure process.

**9.3.3 Cultural Development Seeding Grant Application – The Missing Link Festival**

<b>Ward:</b>	South	<b>Date:</b>	27 October 2008
<b>Precinct:</b>	Beaufort	<b>File Ref:</b>	FIN0155
<b>Attachments:</b>			
<b>Reporting Officer(s):</b>	J. Bennett		
<b>Checked/Endorsed by:</b>	J. Anthony	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council APPROVES the application for a Cultural Development Seeding Grant of \$1,000 for an arts festival project as part of the “Missing Link Festival”.*

**COUNCIL DECISION ITEM 9.3.3**

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**(Cr Farrell was an apology for the meeting.)**

**PURPOSE OF REPORT:**

To seek approval for a Cultural Development Seeding Grant application for an arts festival that aims to provide an opportunity for emerging artists, the local community and professional artists to network and potentially generate new ideas, projects and contacts.

**BACKGROUND:**

The Spectrum Project Space is a continuing initiative of the School of Communications and Arts, Edith Cowan University. Since its inception in 2001 at 221 Beaufort Street, Spectrum Project Space has grown to become one of Perth's most important venues for emerging artists. Spectrum is a flexible exhibition and performance space with a vision to participate with the local diverse arts communities and to engage publicly in the process of developing creativity.

**DETAILS:**

An application for a Cultural Development Seeding grant has been received from Marc Papain the Project Manager for the Missing Link Festival.

The Missing Link Festival will be held on Sunday 14 December 2008 within the indoor and outdoor space at the Spectrum Project Space. The Missing Link Festival is an arts festival that aims to bridge the gap between art students, the local community and professionals so that students have the beginnings of a network and the seeds of skills needed to gain employment from their artistic work.

On the day, there will be live music, performances, and talks by professional artists to educate and inspire those who attend. There will also be an art market between 11am and 5pm displaying student's artworks.

It is planned to develop an audience within the local community through the festival that can then be involved when developing future projects and events. Future events will give the artists involved an avenue for increasing their exposure with time, and a means of remaining active in the local arts scene.

There will also be workshops leading up to the festival, where contributors will have an opportunity to shape how the day will appear aesthetically.

The pre-existing community at the Spectrum space that is active within the Town will be a part of the audience and contributors. It is proposed to bring more people from the community to be involved and attend on the day. Residents in the area will benefit from having an easily accessible venue at which to be entertained, inspired and moved.

**CONSULTATION/ADVERTISING:**

Promotion of the festival to the people of the Town of Vincent will be through posters, flyers, an onsite billboard and radio promotions.

**LEGAL/POLICY:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

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

*“3.1.1 Celebrate and acknowledge the Town's cultural and social diversity  
(a) Organise and promote community events and initiatives that engage the community and celebrate cultural and social diversity of the Town.”*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$6,000 is allocated for Cultural Seeding Grants of which \$5,500 is still to be allocated within the 2008/09 budget. In line with previous applications it is recommended that funding of \$1,000 be supported to go towards assistance with costs relating to advertising and promotion of the event.

**COMMENTS:**

The proposal is supported as it provides a unique cultural opportunity to promote emerging artist's talents to the wider community in an entertaining and positive way.

The applicant will be required to complete an acquittal report after the event, detailing how the Cultural Development Seeding Grant was expended.

**9.3.4 Cultural Development Seeding Grant Application - Mount Hawthorn Community Church**

<b>Ward:</b>	Both	<b>Date:</b>	27 October 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0155
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J. Bennett		
<b>Checked/Endorsed by:</b>	J Anthony	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council APPROVES the application received from the Mount Hawthorn Community Church for a Cultural Development Seeding Grant of \$700 for Candlelight Carols at Braithwaite Park.*

**COUNCIL DECISION ITEM 9.3.4**

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (8-0)**

**(Cr Farrell was an apology for the meeting.)**

**PURPOSE OF REPORT:**

To seek approval for a Cultural Development Seeding Grant application for the Mount Hawthorn Community Church Carols in Braithwaite Park.

**BACKGROUND:**

The Mount Hawthorn Community Church, on behalf of Mount Hawthorn Community Church and Mount Hawthorn Joint Anglican/Uniting Parishes are running a combined Carols by Candlelight event in Braithwaite Park, on Sunday 14 December 2008.

**DETAILS:**

In particular the funding will assist with costs related to the hiring costs of a public address system, stage and lighting for the event. The Carols by Candlelight will be a free event, open to the community and is an important fundraiser for local school chaplaincy. Donations to the Chaplaincy for Mount Lawley and Churchlands High Schools will be voluntary on the night.

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

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Policy 2.1.7 *Parks and Reserves - Conditions of Use and Hire* will apply to this event.



**STRATEGIC IMPLICATIONS:**

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

- “3.1.1 Celebrate and acknowledge the Town's cultural and social diversity  
(a) Organise and promote community events and initiatives that engage the community and celebrate cultural and social diversity of the Town.”*
- “1.1.5 Enhance and maintain parks and community facilities  
(d) Continue to provide vibrant meeting places for the community (eg Beatty Park Leisure Centre, Hyde Park and Library).”*

**SUSTAINABILITY IMPLICATION:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$6,000 is allocated for Cultural Seeding Grants of which \$5,500 is still to be allocated within the 2008/09 budget.

An allocation of \$700 is supported in line with similar applications.

**COMMENTS:**

The event proposed by the Mount Hawthorn Community Church meets the criteria for the Cultural Development Seeding Grants. They will acknowledge the Town's support during the Carols by Candlelight event and in their promotion.

The Mount Hawthorn Community Church will complete an acquittal report after the event, detailing how the Cultural Development Seeding Grant was expended.

**9.4.1 Use of the Council's Common Seal**

<b>Ward:</b>	-	<b>Date:</b>	28 October 2008
<b>Precinct:</b>	-	<b>File Ref:</b>	ADM0042
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M McKahey		
<b>Checked/Endorsed by:</b>	R Lotznicker	<b>Amended by:</b>	-

**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 October 2008.*

**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (8-0)**

**(Cr Farrell was an apology for the meeting.)**

**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:

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
1/10/2008	Deed of Release and Indemnity	2	Town of Vincent and A Rhodes of 48 Gloster Street, Subiaco relating to alleged financial loss suffered when the Claimant (Mr Rhodes) submitted an application to commence development at No. 47 (Lot: 67 D/P: 2600) Selkirk Street, North Perth - Demolition of existing single house and construction for two-storey single house
1/10/2008	Building Grant Agreement	2	Town of Vincent YMCA HQ Youth Centre of 60A Frame Court, Leederville WA 6007 and the Lotteries Commission, trading as Lotterywest, of 74 Walters Drive, Osborne Park WA 6017 relating to financial assistance for Buildings/Additions & Alterations of \$183,910 to use the property for benevolent and charitable purposes

<b>Date</b>	<b>Document</b>	<b>No of copies</b>	<b>Details</b>
17/10/08	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: Coca Cola Amatil Meeting - 7 November 2008 (Members Equity Bank Lounge)
17/10/08	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: Pharmaceutical Council of WA Meeting - 24 November 2008 (Members Equity Bank Lounge, Gareth Naven, Suites 1-13)
23/10/08	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Football West Limited of PO Box 214, Maylands WA 6931 re: Perth Glory Women's League Matches - 25 October, 15 November and 28 December 2008 (Stadium)
28/10/08	Fleetlease Schedule	1	Town of Vincent and Capital Fleetlease Limited (as agent for Capital Finance Australia Ltd) of 20 Lexington Drive, Bella Vista NSW 2153 re: Master Fleetlease Agreement for Vehicle (for 24 months from Commencement Date - 28 October 2008)

**9.4.5 Leederville Oval (Medibank Stadium) Ground Management Committee - Receiving of Unconfirmed Minutes - 14 October 2008**

<b>Ward:</b>	South	<b>Date:</b>	23 October 2008
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	RES0078
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	M McKahey, John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Unconfirmed Minutes of the Leederville Oval (Medibank Stadium) Ground Management Committee Meeting held on 14 October 2008, as shown in Appendix 9.4.5; and*
- (ii) *NOTES that Medibank Private Ltd have exercised their Legal Option for the Naming Rights for Leederville Oval, 246 Vincent Street, Leederville for a further three (3) years.*

---

**COUNCIL DECISION ITEM 9.4.5**

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED "EN BLOC" (8-0)**

**(Cr Farrell was an apology for the meeting.)**

---

**PURPOSE OF REPORT:**

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Leederville Oval (Medibank Stadium) Ground Management Committee meeting held on 14 October 2008.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 26 October 2004, the Council considered the establishment of a Committee for the management of Leederville Oval (now known as "Medibank Stadium") and resolved inter alia as follows;

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

- (i) *pursuant to Section 5.9(2)(c) of the Division 2, Part No. 5 of the Local Government Act 1995, to establish a Committee for the management of Leederville Oval ("Ground Management Committee");*
- (ii) *in accordance with the lease between the Town and East Perth Football Club (EPFC) and Subiaco Football Club (SFC), to APPOINT the Chief Executive Officer to the Committee and invites EPFC and SFC to also nominate a representative;*

- (iii) *to delegate the following functions to the Committee;*
- (a) *to determine the Clubs' rights (day-to-day) to use the facilities;*
  - (b) *to consider and make representation to the Town for alternative training grounds;*
  - (c) *to determine day-to-day operational issues, (including catering, advertising, sponsorship, turf maintenance, cleaning, security, ticketing, use of car park);*
  - (d) *to establish and review Key Performance Indicators (KPIs);*
  - (e) *to establish and review Risk Management Plans;*
  - (f) *to consider any request for temporary structures;*
  - (g) *to make recommendations for the maintenance of the common area;*
  - (h) *to make recommendations on Capital Improvements;*
  - (i) *to make recommendations on catering and formalise a catering policy; and*
  - (j) *to do other such things with respect to management of Leederville Oval; and*
- (iv) *the KPIs be referred back to Council for adoption."*

**CONSULTATION/ADVERTISING:**

N/A.

**LEGAL/POLICY:**

It is the Town's practice that Committee Meeting Minutes be reported to the Council.

**STRATEGIC IMPLICATIONS:**

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

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

A Confidential Report is included in this Agenda concerning the Naming Rights.

**9.4.7 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	28 October 2008
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Radici		
<b>Checked/Endorsed by:</b>	R Lotznicker	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Information Bulletin dated 4 November 2008, as distributed with the Agenda, be received.*

**COUNCIL DECISION ITEM 9.4.7**

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**(Cr Farrell was an apology for the meeting.)**

**DETAILS:**

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

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Letter of Appreciation from Pam Murray, Mount Lawley regarding the Town’s Biodegradable Dog Bags Initiative
IB02	New Planning Policy 1.18 – Window Tinting and Roller Shutters
IB03	Better Beginnings Program – Progress Report No. 2
IB04	Seniors Strategy – Progress Report No. 3
IB05	Register of Petitions - Progress Report - November 2008
IB06	Register of Notices of Motion - Progress Report - November 2008
IB07	Register of Reports to be Actioned - Progress Report - November 2008
IB08	Register of Legal Action - Progress Report - November 2008
IB09	Register of State Administrative Tribunal Appeals - Progress Report - November 2008
IB10	Notice of Forum - 11 November 2008

**9.1.11 Nos. 566-570 (Lot: 6 D/P: 692) Beaufort Street, corner Clarence Street, Mount Lawley- Proposed Change of Use from Take Away Food Outlet and Eating House to Take Away Food Outlet and Unlisted Use - Small Bar and Associated Alterations and Additions**

<b>Ward:</b>	South	<b>Date:</b>	28 October 2008
<b>Precinct:</b>	Mount Lawley Centre; P11	<b>File Ref:</b>	PRO0816; 5.2008.237.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Narroo		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by D Barber on behalf of the owner Austgold Holdings Pty Ltd for Proposed Change of Use from Take Away Food Outlet and Eating House to Take Away Food Outlet and Unlisted Use-Small Bar and Associated Alterations and Additions at Nos. 566-570 (Lot: 6 D/P: 692) Beaufort Street, corner Clarence Street, Mount Lawley, and as shown on plans stamped 9 October 2008, for the following reasons:*

- (i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) *the non-compliance with the requirements of the Town's Policy relating to Parking and Access (Policy No. 3.7.1); and*
- (iii) *consideration of the objections received.*

**COUNCIL DECISION ITEM 9.1.11**

**PROCEDURAL MOTION**

**Moved Cr Ker, Seconded Cr Youngman**

*That the item be DEFERRED at the request of the Applicant.*

**PROCEDURAL MOTION PUT AND CARRIED (7-1)**

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

**(Cr Farrell was an apology for the meeting.)**

<b>Landowner:</b>	Austgold Holdings Pty Ltd
<b>Applicant:</b>	D Barber
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Eating House and Take- Away Food Outlet
<b>Use Class:</b>	Unlisted Use (Small Bar)
<b>Use Classification:</b>	Unlisted Use (Small Bar)
<b>Lot Area:</b>	594 square metres
<b>Access to Right of Way</b>	East/rear, 3.02 metres wide, sealed, Town owned

**BACKGROUND:**

- 11 December 1995            The Council at its Ordinary Meeting conditionally approved an additional use of local shop to an existing pizza bar shop/take away food outlet at No. 570 Beaufort Street.
- 26 May 1997                The Council at its Ordinary Meeting conditionally approved a change of use from an eating house to shop at No. 566 Beaufort Street.
- 22 August 2000            The Council at its Ordinary Meeting conditionally approved a change of use from a shop to an eating house at No. 566 Beaufort Street.
- 9 May 2006                 The Council at its Ordinary Meeting deferred its decision for a change of use from shop and take away food outlet to shop, take away food outlet and eating house and associated alterations and additions.
- 27 June 2006               The Council at its Ordinary Meeting deferred its decision for a change of use from shop and take away food outlet to shop, take away food outlet and eating house and associated alterations and additions.
- 8 August 2006              The Council at its Ordinary Meeting conditionally approved change of use from shop and take away food outlet to shop, take away food outlet and eating house and associated alterations and additions.
- 28 March 2007              The State Administrative Tribunal upheld an application for review by the applicant to pay cash-in-lieu for 7.175 car parking spaces and not for 17.22 car parking spaces as stated in the Council report on 8 August 2006.

**DETAILS:**

The proposal involves the change of use of the existing eating house (formerly Richie's restaurant) to unlisted use (small bar) and associated alterations and additions.

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



**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio:	N/A	N/A	Noted – no variation.
<b>Car Parking</b>			
Car parking requirement (nearest whole number)			36 car bays
Existing Noodle Box (Take-Away Food Outlet)= 1 space per 4.5 square metres of seating area plus 1 space per 2.5 square metres of queuing area with a minimum of 4 spaces			
Seating area = 30 square metres = 6.67 car bays Queuing area = 6 square metres = 2.4 car bays			
Small Bar = 1 space per 4.5 persons of maximum number of persons approved for the site			
120 patrons at any one time= 26.67 car bays			
Total= 35.74 car bays			
Apply the adjustment factors:			(0.6885)
<ul style="list-style-type: none"> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.90 (within 400 metres of a public car parking place with in excess of 50 car parking spaces)</li> <li>▪ 0.90 (the proposed development provides “end-of-trip” facilities for bicycle users , in addition to the facilities specified in the Bicycle Parking Requirements Table)</li> </ul>			24.79 car bays
Minus the car parking provided on-site			6 car bays
Minus the most recently approved on-site car parking shortfall			7.175 car bays
Resultant shortfall			11.61 car bays
<b>Bicycle Parking</b>			
Not Applicable			Noted
<b>Consultation Submissions</b>			
Support	Nil		Noted.
Objections (2)	<ul style="list-style-type: none"> <li>• Too many small bars in this area</li> <li>• Shortfall of parking will impact on the amenity of the area</li> <li>• Bins are scattered everywhere</li> </ul>	<ul style="list-style-type: none"> <li>• Not supported – there is no planning control on the number of bars permitted in an area.</li> <li>• Supported – as explained in the Comments section, the shortfall will exacerbate the car parking shortfall for this site which will impact on the amenity of the nearby area.</li> <li>• Supported – applicant is required to provide the required bins on-site.</li> </ul>	

	<ul style="list-style-type: none"> <li>Small bars contributing to anti-social behaviour in the area</li> </ul>	<ul style="list-style-type: none"> <li>Supported in part- condition applied for a detailed management plan addressing anti-social behaviour to be submitted, approved and implemented.</li> </ul>
Department for Planning and Infrastructure	The Department has no objections to the proposal on regional transport planning grounds. However, the applicant is advised that any future extension which will house the service area for the proposed bar, the applicant will need to take into account the 1.5 metres Other Regional Road reservation widening requirement for Beaufort Street and the 3 x 3 metres truncation requirement.	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
<b>Other Implications</b>		
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:**

**Cash-in-Lieu Contribution**

The Council at its Ordinary Meeting held on 11 December 1995 conditionally approved an additional use of a local shop to an existing pizza bar shop/take away food outlet at No. 570 Beaufort Street. One of the conditions of the approval was that the applicant was requested to pay \$27,000 as cash-in-lieu based on 5 car parking bays shortfall, which was not paid by the applicant or owner at that time. There has been a change of ownership for the subject site.

The Council at its Ordinary Meeting held on 9 May 2006 deferred its decision for a change of use from shop and take away food outlet to shop, take away food outlet and eating house and alterations and additions at Nos.566-570 Beaufort Street. One of the recommended conditions was the applicant to pay \$18,655 based on 7.175 car parking shortfall.

The Council at its Ordinary Meeting held on 27 June 2006 deferred its decision for a change of use from shop and take away food outlet to shop, take away food outlet and eating house and alterations and additions at Nos.566-570 Beaufort Street . One of the recommended conditions was the applicant to pay \$44,772 based on 17.175 car parking shortfall.

The Council at its Ordinary Meeting held on 8 August 2006 conditionally approved a change of use from shop and take away food outlet to shop, take away food outlet and eating house and associated alterations and additions at Nos. 566-570 Beaufort Street. One of the recommended conditions was the applicant was requested to pay \$44,772 based on 17.22 car parking bays shortfall.

The applicant applied to the State Administrative Tribunal (SAT) to review the decision to pay cash-in-lieu for the 17.22 car parking spaces. The Town's response was that given that the previous cash-in-lieu was not paid by the previous owner, therefore, the applicant was not entitled to the previous shortfall when calculating the car parking bays required. However, SAT in its ruling did not consider the cash-in-lieu not paid as an issue, rather the methodology of calculating the parking requirements. The calculations in the 27 June 2006 and 8 August 2006 Council reports were based on previous shortfall approved under old requirements, whereas the calculation in the 9 May 2006 Council report was in accordance with the current Policy No. 3.7.1- Access and Parking. Therefore, SAT upheld the application for review by the applicant to pay cash-in-lieu for 7.175 car parking spaces and not for 17.22 car parking spaces as stated in 8 August 2006 Council report.

Given the above, the cash-in-lieu contribution of \$ 18,655 paid for the shortfall of 7.175 car bays for the development approved on 8 August 2006 is included in the car parking assessment.

### **Car Parking Strategy**

The Council at its Special Meeting held on 14 October 2008 considered the Draft Town of Vincent Car Parking Strategy Review Report which, inter-alia, states the following:

#### ***“State Administrative Tribunal (SAT) comments in relation to No. 560 Beaufort Street***

*The State Administrative Tribunal, in determining the matter of Govinda Govardhan and the Town of Vincent in relation to No. 560 Beaufort Street, Mount Lawley made the following comments in relation to the Town's Planning Policy 3.7.1 - Parking and Access Policy:*

*“Also, that cash-in-lieu contribution would do little to alleviate an immediate car parking demand emanating from the development with a consequential effect on the amenity of the adjacent residential locality; particularly during the late night hours.”*

*“The overall effect of the “adjustment factor” is to reduce the parking requirement, but just why further adjustment factors (“the most recently approved car parking shortfall”) should be built into the final calculations is far from clear to the Tribunal. Quite clearly, its effect is to significantly reduce the car parking obligations on a developer.”*

*“It is also the considered view of the Tribunal that a cash-in-lieu contribution of some \$26,000 to \$28,000 (at \$2,600 per bay) would do little to alleviate an immediate car parking demand emanating from the development with its consequential effect on the amenity of nearby residents in the locality; particularly during the evening and late night hours.”*

As shown above, cash-in-lieu is not the only way to alleviate the impact on the amenity of the area.

### **Car Parking**

The Town's Policy relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas.

Clause 22 (ii) of the Town's Parking and Access Policy states that in determining whether this development should be refused on car parking grounds, the following percentage should be used as a guide:

*“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.”*

The subject application for Nos. 566-570 Beaufort Street has a total car parking requirement of 24.79 car bays (after adjustment factors). If the above clause of the Parking and Access Policy is applied to the subject application, for the place at Nos. 566-570 Beaufort Street, a total of 3.72 car bays are required to be provided on-site. Six car bays are provided for this development.

Whilst the applicant satisfies the Parking and Access Policy for cash-in-lieu, the Town's Officers, given SAT comments above, still consider that its scale and nature will have an undue impact on the amenity of the area. This is due to the fact that two previous shortfalls totalling 33.485 car bays (26.31 car bays shortfall (after adjustment factors) recognised by SAT and 7.175 car bays approved by SAT ) were approved by the Town. Therefore, an additional shortfall to the already existing shortfall will exacerbate the car parking shortfall for this site.

In the pursuit of orderly and proper planning, it is important that the Town manage the future land uses in a manner that ensures the amenity of the nearby area are not unduly impacted upon by car parking spillover and also to ensure that visitors to the area are inconvenienced by acceptable levels of available parking.

### **Summary**

In light of the above, it is recommended that the application be refused as per the Officer Recommendation.

**9.1.10 No. 241 (Lots: 100 and 101 D/P: 63744) Beaufort Street, Perth - Alterations and Additions to Existing Street/Front Fence of Existing Single House (Application for Retrospective Approval)**

<b>Ward:</b>	South	<b>Date:</b>	27 October 2008
<b>Precinct:</b>	Beaufort ; P13	<b>File Ref:</b>	PRO3344; 5.2008.452.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	E Storm, H Au		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

(i) *That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owner C M Hobbs for Alterations and Additions to Existing Street/Front Fence of Existing Single House (Application for Retrospective Approval), at No. 241 (Lots: 100 and 101 D/P: 63744) Beaufort Street, Perth and as shown on plans stamp-dated 19 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 clause SADC 13 of the Town's Policy No. 3.2.1 relating to Residential Design Elements, which requires the maximum height of the street wall to be 1.8 metres above the adjacent footpath level;*
  - (c) *the street walls and front fences requirements proposed to be varied are as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements; and*
  - (d) *the non-compliance with the Town's Policy No. 3.6.1 relating to Heritage Management; and*
- (ii) *the Council ADVISES the applicant and owner that the unauthorised lattice addition to the street front fence shall be removed within twenty-eight (28) days of notification, and the Council AUTHORISES the Chief Executive Officer to proceed with legal proceedings should the lattice addition remain after this twenty eight (28) days period.*

---

**COUNCIL DECISION ITEM 9.1.10**

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted.*

Cr Youngman departed the Chamber at 6.53pm.

Debate ensued.

Cr Youngman returned to the Chamber at 6.55pm.

**Debate ensued.**

**MOTION PUT AND CARRIED (5-3)**

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

(Cr Farrell was an apology for the meeting.)

<b>Landowner:</b>	C M Hobbs
<b>Applicant:</b>	C M Hobbs
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	302 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

28 July 2008 The Town received a complaint regarding the unauthorised erection of lattice to the existing front fence at the subject property, which after further investigation was found to be non-compliant with the Town's requirements.

**DETAILS:**

The application involves the erection of lattice above the existing masonry wall (application for retrospective approval) at the subject property.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted
Policy No. 3.2.1 relating to Residential Design Elements	Maximum height of 1.8 metres above adjacent footpath level.	2.7 metres above the adjacent footpath level	Not supported – see "Comments" section.
<b>Consultation Submissions</b>			
The application was not advertised as the Officer Recommendation is for refusal.			
Support	N/A		Noted.
Objection	N/A		Noted.

<b>Other Implications</b>	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Financial 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:**

The Town's Residential Design Elements Policy requires that street walls and fences are to have a maximum height of 1.8 metres above the adjacent footpath level. The current overall height of the front fence at the subject property is 2.7 metres, 0.9 metre higher than what is permitted. This additional height is considered excessive and is not supported by the Town's Officers.

As the property is listed on the Town's Municipal Heritage Inventory, Heritage Services conducted an assessment of the site and also found the addition to be inconsistent with the Town's Policy No. 3.6.1 relating to Heritage Management. Heritage Services have provided the following comments:

- The subject lattice addition to the street/front fence is not complementary to the heritage place and is not consistent with the Federation Filigree architectural style.
- The lattice addition is considered to obscure the existing visual setting, continuity and character of the heritage place as a group.
- The lattice addition is not considered good heritage conservation practice as it does not retain its relationship to the setting within the whole group of terrace houses.

The Heritage Impact Statement is included as an attachment to this report.

In light of the above, it is recommended that the Council refuse the front/street fence additions and authorise the Chief Executive Officer to commence legal proceedings if the lattice is not removed within 28 days.

**9.1.3 No. 126 (Lot: 1 D/P: 12694) Buxton Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses**

<b>Ward:</b>	North	<b>Date:</b>	27 October 2008
<b>Precinct:</b>	Mount Hawthorn; P01	<b>File Ref:</b>	PRO4535; 5.2008.405.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	E Storm, H Au		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 Dale Alcock Homes on behalf of the owner J M Purdie for Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses at No. 126 (Lot: 1 D/P: 12694) Buxton Street, Mount Hawthorn, and as shown on plans stamp-dated 21 October 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 Buxton Street setback area, including along the side boundaries within these street setback areas, 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) *a detailed landscaping plan, including a list of plants and the landscaping of the Buxton 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);*
- (vi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vii) *first obtaining the consent of the owners of Nos. 122 and 128 Buxton Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of boundary (parapet) walls facing Nos. 122 and 128 Buxton Street in a good and clean condition;*
- (viii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the northern wall longer than 9 metres of the northern unit and the southern wall longer than 9 metres of the southern unit on the upper floor incorporating appropriate horizontal articulation; and*
- (b) *the northern and southern elevations of the balconies of both units and the windows to bedroom 2 of the southern unit on the southern elevation, on the upper floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished upper 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. 122 and 128 Buxton 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.*

**COUNCIL DECISION ITEM 9.1.3**

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

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT**

**Moved Cr Messina, Seconded Cr Youngman**

*That clause (viii)(b) be amended by deleting the words:*

*“the northern and southern elevations of the balconies of both units and”.*

Debate ensued.

**AMENDMENT PUT AND CARRIED (5-3)**

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

(Cr Farrell was an apology for the meeting.)

Debate ensued.

**PROCEDURAL MOTION**

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

*That the item be DEFERRED for further consideration, including the objections raised during Public Question Time.*

**PROCEDURAL MOTION PUT AND CARRIED (8-0)**

(Cr Farrell was an apology for the meeting.)

---

<b>Landowner:</b>	J M Purdie
<b>Applicant:</b>	Dale Alcock Homes
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R 30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	736 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

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

The proposal has been referred to the Council for its determination in accordance with the Community Consultation Policy, as the Town received more than five (5) objections to the proposal.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	2.45 dwellings at R 30	2 dwellings	Noted.
Plot Ratio	N/A	N/A	Noted.
Boundary Walls	Walls not higher than 3.5 metres with a length not greater than 2/3 the balance of the boundary.	2 boundary walls –  Southern wall height and length compliant  Northern wall height and length compliant	Supported – not considered to have any undue impact on the amenity of the adjoining properties.
Overshadowing	35 per cent of the adjoining site	36.45 per cent of the adjoining (southern) property	Supported – amended plans demonstrate compliance with the specified requirements.
Garage Doors	Garage doors are not to occupy more than 50 per cent of the frontage	Garage doors occupy 55 per cent of the frontage (10 metres of 18.29 metre frontage)	Supported – this R Codes' requirement is not applicable as garage streetscape matters are addressed by the Town's Residential Design Elements Policy. The proposal is compliant with the garage streetscape requirements of the Residential Design Elements Policy.
Driveways	Not to occupy more than 40 per cent of the frontage of the lot	Driveway occupies 47 per cent of the lot (8.6 metres of 18.29 metre frontage)	Supported – amended plans demonstrate compliance with the specified requirement.
Boundary Setbacks: Unit 1 Upper Floor North	5.5 metres	1.58 – 2.66 metres	Supported – not considered to have any undue impact on the amenity of the adjoining property. If the balcony was enclosed, the setback requirement would be reduced to 2.5 metres.

Unit 2 Upper Floor South	Any portion of wall greater than 9 metres in length is required to incorporate articulation.	15 metres without articulation	Not supported – undue impact on neighbouring property, condition applied for the subject wall to incorporate horizontal articulation.
	4.2 metres	1.57 – 2.05 metres	Supported – not considered to have any undue impact on the amenity of the adjoining property. Given the height reduction, the boundary setback requirement becomes 3.9 metres. If the balcony was enclosed, the setback requirement would be reduced to 1.9 metres.
	Any portion of wall greater than 9 metres in length is required to incorporate articulation.	11.4 metres without articulation	Not supported – undue impact on neighbouring property, condition applied for the subject wall to incorporate horizontal articulation.
Building Wall Height: -South	6.0 metres to top of eaves	6.3 metres to top of eaves	Supported – amended plans demonstrate compliance with the specified requirements.
Privacy Setbacks: -North (Balcony)	7.5 metres	2 metres to northern boundary	Not supported – considered to have an undue impact on the amenity of the adjoining property. Condition applied for the balcony to be screened or obtain neighbour’s consent.
-South (Balcony)	7.5 metres	1.5 metres to southern boundary	Not supported – considered to have an undue impact on the amenity of the adjoining property. Condition applied for the balcony to be screened or obtain neighbour’s consent.
<b>Consultation Submissions</b>			
Support (3 and 2 subject to queries below)			Noted.
Objection (7)	<ul style="list-style-type: none"> <li>Overshadowing</li> </ul>		Not supported – the applicant has submitted amended plans demonstrating the overshadowing to be compliant with the requirements of the Residential Design Codes (R Codes).

	<ul style="list-style-type: none"> <li>• Height and Confinement</li> </ul>	Not supported – the proposal is compliant with the height requirements of the R Codes. The applicant has submitted amended plans which reflect the accurate natural ground level.
	<ul style="list-style-type: none"> <li>• Privacy and Overlooking</li> </ul>	Not supported – the proposal is compliant with the privacy requirements of the R Codes.
	<ul style="list-style-type: none"> <li>• Access in the event of a fire</li> </ul>	Not supported – the Town’s planning requirements do not specifically address this matter. Fire safety is addressed at the Building Licence stage.
	<ul style="list-style-type: none"> <li>• Council only concerned with receiving two lots of rates</li> </ul>	Not supported – there is not evidence to substantiate this claim. Furthermore, the Town has no control over the development applications received and has a statutory obligation to assess and determine accordingly.
	<ul style="list-style-type: none"> <li>• Devaluing adjoining properties</li> </ul>	Not supported – there is no evidence to substantiate this claim and this is not a planning related consideration.
	<ul style="list-style-type: none"> <li>• Future subdivision</li> </ul>	Not supported – applications for subdivisions are determined by the Western Australian Planning Commission. There has not been a subdivision application for the property received by the Town.
<b>Other Implications</b>		
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 place at No. 126 Buxton Street, Mount Hawthorn is a brick and tile dwelling constructed circa 1949 in the Post-War Conventional Bungalow style of architecture. The single-storey house has a hipped roof, which extends over the front verandah and the southern front room. The exterior front façade of the dwelling has a brick wall to dado height which has been painted in cream white.

A full Heritage Assessment was undertaken for No. 126 Buxton Street, Mount Hawthorn, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. This Heritage Assessment is included as an attachment to this report. 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.

### **Redevelopment**

Buxton Street is a predominately single storey streetscape with examples of two storey developments at Nos. 52, 58, 60, 64, 66, 98, 116 and 118. Although the proposal is not for a single storey development, the Town's Officers are of the opinion that the dwellings include suitable design features, in addition to compliant front and upper floor setbacks, in order to ensure the amenity of the neighbouring properties and streetscape is maintained.

The Town's Residential Design Elements Policy states new contemporary developments are encouraged provided that the design responds to the established character. The proposed development incorporates pitched roofs and is considered by the Town's Officer to complement and enhance the existing streetscape though the use of complementary colours and highly articulated front elevations. The balconies on the upper are setback 8.2 and 8.5 metres, with the main building line on the upper floor being setback 11 and 11.4 metres from Buxton Street. These balconies allow for surveillance of the street and are sufficiently setback in order to not unduly affect the visual character or amenity of the streetscape.

The applicant has lodged amended plans demonstrating compliance with several of the variations of the original proposal in order to address the concerns of the objectors, and in an attempt to reduce the impact the upper floor may have on the adjoining properties. The walls on the northern and southern elevations have been conditioned to include horizontal articulation.

It is noted that the lot is considerably wider than the existing lots in the same street block along Buxton Street and a potential future split down the middle subdivision is not considered to have any undue impact on the predominant established lot pattern.

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.

**9.4.4 Loftus Community Centre - Progress Report concerning Lease and Writing off of Rent and Contribution to Capital Reserve Fund**

<b>Ward:</b>	South	<b>Date:</b>	23 October 2008
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	PRO4209
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) *RECEIVES the progress report as at 23 October 2008 concerning the Lease and request for writing off of rent and payments to the Capital Reserve Fund for the Loftus Community Centre;*

(ii) *APPROVES BY AN ABSOLUTE MAJORITY to;*

(a) *write off an amount of ~~\$5,361~~ \$7,531.80, being rent and payment to the Capital Reserve Fund owed by the Loftus Community Centre for the period 18 February 2008 to 31 December 2008, as follows;*

• <i>Rent</i>	<i>\$4,839.96</i>
• <i>Payment to Capital Reserve Fund</i>	<i>\$825.00</i>
• <i>Insurance and water (re-coup)</i>	<i>\$1,866.84</i>
	<i>-----</i>
<i>Total:</i>	<i>\$7,531.80</i>
	<i>=====</i>

(b) *write off \$4,766.67, being payment to the Capital Reserve Fund owed by Loftus Community Centre for the period 1 January 2009 to 31 October 2009; and*

(iii) *NOTES that;*

(a) *the Loftus Community Centre is currently investigating funding to ensure that the Centre is viable in the future; and*

(b) *the signing of the Lease between the Town and the Loftus Community Centre will be deferred until November 2009 and will be further considered after the Loftus Community Centre provides further information concerning its future viability.*

**\*Note: The above Officer Recommendation was corrected at the meeting. Changes are indicated by strike through and underline.**

Cr Messina departed the Chamber at 7.08pm.

**COUNCIL DECISION ITEM 9.4.4**

**Moved Cr Youngman, Seconded Cr Burns**

*That the recommendation be adopted.*

**The Presiding Member, Mayor Nick Catania advised of the following correction to clause (ii)(a) of the Officer Recommendation:**

*“(ii)(a) write off an amount of ~~\$5,361~~ \$7,531.80, being rent and payment to the Capital Reserve Fund owed by the Loftus Community Centre for the period 18 February 2008 to 31 December 2008, as follows;”*

**Debate ensued.**

**Cr Messina returned to the Chamber at 7.10pm.**

**Debate ensued.**

**MOTION PUT AND CARRIED**  
**BY AN ABSOLUTE MAJORITY (8-0)**

**(Cr Farrell was an apology for the meeting.)**

---

**PURPOSE OF THE REPORT:**

The purpose of the report is to provide the Council with a Progress Report concerning the Loftus Community Centre Lease and to approve the writing off of outstanding rent and contribution to the Capital Reserve Fund.

**BACKGROUND:**

On 29 January 2008, the Council approved of the following under Delegated Authority;

*"That the Council;*

- (i) APPROVES of the Lease between the Town of Vincent and Loftus Community Centre Inc for part of the Loftus Centre, 99 Loftus Street, Leederville;*
- (ii) AUTHORIZES the Chief Executive Officer to make minor variations to the documents, which may arise during the negotiations and finalisation of the documents, and*
- (iii) AUTHORIZES the Mayor and the Chief Executive Officer to sign the Lease and affix the Common Seal."*

The Town's Chief Executive Officer prepared a draft Lease document to reflect the Terms and Conditions and this was sent to the Leederville Community Centre for signing.

The Town held several meetings with the Centre Management during 2008. On 10 July 2008, the Town met with the Centre Management to finalise their requests to vary the Lease. As a result of this meeting, the Chief Executive Officer approved of the following minor changes to the Lease:

1. Rent being \$1,000 per annum, increased annually by CPI (*previously \$5,200 per annum*).
2. Contribution to the Capital Reserve Fund being \$5,200 per annum, increased annually by CPI (*previously \$1,000 per annum*).
3. Lease period - initial term ten (10) years (*previously five (5) years*).
4. Further lease term - ten (10) years (*previously three (3) x five (5) years*).



In effect, the changes ensure that the Community Centre will receive the benefits of the monies it pays towards the Capital Reserve Fund. The change to the Lease period ensures a longer period in the first instance and does not materially affect the Lease or impact on the Town. It should be noted that the overall financial impact does not change.

On 26 September 2008, the Loftus Community Centre wrote to the Town advising that it was experiencing financial difficulty and also difficulty in securing ongoing funding to ensure that it remained viable. It requested the Town to write off rent, insurance payment and contribution to the Capital Reserve Fund owed from 18 February 2008.

On 15 October 2008, the Mayor and Chief Executive Officer met with Loftus Centre President, Board Member and Co-ordinator. The meeting resolved as follows;

1. That the Mayor and Chief Executive Officer would recommend the following to the Council;
  - (a) the writing off of the rent owed by the Community Centre from 18 February 2008 to 31 December 2008 - an amount of \$4,839.96;
  - (b) the writing off of the contribution to the Capital Reserve Fund from 18 February 2008 to 31 December 2008 - an amount of \$825.00;
  - (c) the writing off of the insurance and water (re-coup) from 18 February 2008 to 31 December 2008 - an amount of \$1,866.84;
  - (d) the writing off \$4,766.67, being payment to the Capital Reserve Fund, owed by Loftus Community Centre for the period 1 January 2009 to 31 October 2009; and
  - (e) that the Loftus Community Centre continue on a monthly lease basis until 31 October 2009 and the signing of the proposed Lease be deferred until the matter is further reviewed in November 2009.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

The Lease reflects the Terms and Conditions of the Town's redevelopment of the Centre.

The Lease also requires the approval of the Minister for Lands.

**STRATEGIC IMPLICATIONS:**

This project is in keeping with the Town's Strategic Plan 2006-2011, Objective 2.1.6(a) - *"Review leases and commercial contracts to ensure the best return for the Town, whilst being cognisant of its community service obligations."*

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The writing off of the monies will result in the Town not receiving \$4,839.96 in rent; \$825.00 in contribution to the Capital Reserve Fund and re-coup of insurance \$1,866.84, for the 2008 period.

The writing off of the contribution to the Capital Reserve Fund for the period 1 January 2009 to 31 October 2009 will mean that the Town will receive \$4,766.67 less.

**COMMENT:**

The above is supported to ensure that the Loftus Community Centre remains open for the community. The writing off of the monies can be viewed as a further donation to the Community Centre for the valuable work that they do.

The Town will work with the new incoming President of the Leederville Community Centre and wherever provide assistance to ensure that their long term financial viability is achieved.

In the event that the Centre does not achieve recurrent funding, various options will need to be investigated concerning the viability of the Centre and the provision of services and/or the Town assuming responsibility for the running of the Community Centre. This will be further considered in November 2009 (or sooner if requested by the Community Centre).

**9.1.7 No. 436 (Lots: 9,1-7 and 32) Newcastle Street Corner Charles Street, West Perth - Demolition of Existing Buildings and Construction of Seven (7) Storey Commercial Development Comprising Offices, Shop and Two (2) Levels of Basement Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	29October 2008
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO1076; 5.2008.268.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah, H Au		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Miller on behalf of the owner Mila Properties Pty Ltd for proposed Demolition of Existing Buildings and Construction of Seven (7) Storey Commercial Development Comprising Offices, Shop and Two (2) Levels of Basement Car Parking, at No. 436 (Lots: 9, 1-7 and 32) Newcastle Street, corner Charles Street, West Perth and as shown on plans stamp-dated 21 October 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 proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (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 \$180,000 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$18,000,000); OR*
  - (b) lodge an appropriate public art assurance bond/bank guarantee of a value of \$180,000 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 (\$18,000,000) 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's Community Development Services 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's Arts Officer 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) *the maximum height of the northern boundary fence shall be 1.8 metres unless agreement is reached with the affected landowners for a higher fence to 2 metres;*
- (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 Newcastle Street and Charles 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;*
- (viii) *prior to the first occupation of the development, forty (40) class one or two class plus ten (10) 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) *prior to the issue of a Building Licence, the adjacent eastern right-of-way shall be closed; and the subject Lots 9 , 1-7 and 32 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, including submission of documentary evidence that all implied and access rights through the ROW have been extinguished by all relevant parties. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (x) *the doors, windows and adjacent floor areas of the office fronting Newcastle and Charles Streets shall maintain an active and interactive relationship with these streets and the side right-of-way;*
- (xi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xii) *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;*
- (xiii) *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;*
- (xiv) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xv) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xvi) *any new street/front wall, fence and gate within the Newcastle and Charles Streets setback areas, including along the side boundaries within these street setback areas, 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;*
- (xvii) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
- (xviii) *the provision of underground power for the subject development site at the applicant's/owner's cost.*
- (xix) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *continuous and complementary awnings being provided over the Newcastle Street footpath and adjacent to the steps leading to the covered plaza, and along the Charles Street frontage commencing from the northern portion of the reception area to the start of the covered plaza in accordance with the Town's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres from the kerb line of Newcastle and Charles Streets ;*
- (b) *the provision of end of trip facilities for bicycle users in accordance with the Town's Policy relating to Parking and Access;*
- (c) *the provision of an additional 4 car bays to the already 125 car bays provided on-site;*
- (d) *the spire at the top of the building being deleted; and*
- (e) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the northern facing windows on the Levels 1, 2, 3, and 4 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 the northern boundary, stating no objections to the respective proposed privacy encroachments.*

*The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*

- (xx) *the car park shall be used only by employees, tenants, and visitors directly associated with the development;*
- (xxi) *vehicular access from Newcastle Street and Charles Street shall be restricted to left in, left out only, and to the satisfaction of the Town's Technical Services, at the developer's/owner's expense;*
- (xxii) *the maximum gross floor area shall be limited as follows:*
- (a) *office component to 7936 square metres; and*
- (b) *shop to 148 square metres;*
- unless adequate car parking is provided for the increased floor areas; and*
- (xxiii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$22,000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing.*

**Main Roads WA Requirements:**

- (a) *no earthworks shall encroach onto the Charles Street road verge;*
- (b) *no stormwater drainage shall be discharged onto the Charles Street verge; and*
- (c) *the applicant/owner shall make good any damage to the existing verge vegetation within the Charles Street reservation.*

---

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation, together with the following new clause be adopted:*

*“(xix)(f) the opening to the bin store being located to another side other than that facing the western side (Charles Street) as currently indicated on the proposed plans dated 21 October 2008. The incorporation of a minimum of one significant appropriate design feature into this western elevation wall.”*

Debate ensued.

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

**For:** Presiding Member, Mayor Nick Catania (two votes – deliberative and casting vote), Cr Doran-Wu, Cr Messina, Cr Youngman

**Against:** Cr Burns, Cr Ker, Cr Lake, Cr Maier

(Cr Farrell was an apology for the meeting.)

**SUBSEQUENT MOTION:**

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

*That the Council recognises that this is a prominent site (on a major southern gateway to the Town) and has unique aspects. Accordingly has approved the development application. However, the Council's decision should not be taken as a precedent for other future developments in the area.*

**SUBSEQUENT MOTION PUT AND CARRIED (6-2)**

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

(Cr Farrell was an apology for the meeting.)

**COUNCIL DECISION ITEM 9.1.7**

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Miller on behalf of the owner Mila Properties Pty Ltd for proposed Demolition of Existing Buildings and Construction of Seven (7) Storey Commercial Development Comprising Offices, Shop and Two (2) Levels of Basement Car Parking, at No. 436 (Lots: 9, 1-7 and 32) Newcastle Street, corner Charles Street, West Perth and as shown on plans stamp-dated 21 October 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 proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (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 \$180,000 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$18,000,000); OR*



(b) *lodge an appropriate public art assurance bond/bank guarantee of a value of \$180,000 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 (\$18,000,000) 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's Community Development Services 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's Arts Officer 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) *the maximum height of the northern boundary fence shall be 1.8 metres unless agreement is reached with the affected landowners for a higher fence to 2 metres;*
  - (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 Newcastle Street and Charles 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;*

- (viii) *prior to the first occupation of the development, forty (40) class one or two class plus ten (10) 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) *prior to the issue of a Building Licence, the adjacent eastern right-of-way shall be closed; and the subject Lots 9 , 1-7 and 32 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, including submission of documentary evidence that all implied and access rights through the ROW have been extinguished by all relevant parties. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (x) *the doors, windows and adjacent floor areas of the office fronting Newcastle and Charles Streets shall maintain an active and interactive relationship with these streets and the side right-of-way;*
- (xi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xii) *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;*
- (xiii) *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;*
- (xiv) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xv) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xvi) *any new street/front wall, fence and gate within the Newcastle and Charles Streets setback areas, including along the side boundaries within these street setback areas, 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;*
- (xvii) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
- (xviii) *the provision of underground power for the subject development site at the applicant's/owner's cost.*
- (xix) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) *continuous and complementary awnings being provided over the Newcastle Street footpath and adjacent to the steps leading to the covered plaza, and along the Charles Street frontage commencing from the northern portion of the reception area to the start of the covered plaza in accordance with the Town's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres from the kerb line of Newcastle and Charles Streets ;*
  - (b) *the provision of end of trip facilities for bicycle users in accordance with the Town's Policy relating to Parking and Access;*
  - (c) *the provision of an additional 4 car bays to the already 125 car bays provided on-site;*
  - (d) *the spire at the top of the building being deleted;*
  - (e) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the northern facing windows on the Levels 1, 2, 3, and 4 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 the northern boundary, stating no objections to the respective proposed privacy encroachments; and*

- (f) *the opening to the bin store being located to another side other than that facing the western side (Charles Street) as currently indicated on the proposed plans dated 21 October 2008. The incorporation of a minimum of one significant appropriate design feature into this western elevation wall.*

*The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*

- (xx) *the car park shall be used only by employees, tenants, and visitors directly associated with the development;*
- (xxi) *vehicular access from Newcastle Street and Charles Street shall be restricted to left in, left out only, and to the satisfaction of the Town's Technical Services, at the developer's/owner's expense;*
- (xxii) *the maximum gross floor area shall be limited as follows:*
- (a) *office component to 7936 square metres; and*
- (b) *shop to 148 square metres;*

*unless adequate car parking is provided for the increased floor areas; and*

- (xxiii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$22,000 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing.*

**Main Roads WA Requirements:**

- (a) *no earthworks shall encroach onto the Charles Street road verge;*
- (b) *no stormwater drainage shall be discharged onto the Charles Street verge; and*
- (c) *the applicant/owner shall make good any damage to the existing verge vegetation within the Charles Street reservation.*

**ADDITIONAL INFORMATION:**

The "Assessment Table" has been amended to incorporate the changes to the northern side setbacks, which were inadvertently miscalculated. The changes to the setbacks are still considered not to have an undue impact in terms of bulk and scale and on the amenity of the adjoining lots, as stated in the Agenda Report. Furthermore, matters relating to privacy have been addressed through a condition to this effect.

The Town's Technical Officers have advised that the bin store would have to be modified to satisfy waste collection services, and the relocation of the bin doors could be addressed at the Building Licence stage in this instance. The above modifications have been acknowledged by the applicants in their discussions with the Town's Technical Officers.

<b>Landowner:</b>	Mila Properties Pty Ltd
<b>Applicant:</b>	J Miller
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial, Residential/Commercial (R 80)
<b>Existing Land Use:</b>	Outdoor Display Centre
<b>Use Class:</b>	Office Building and Shop
<b>Use Classification:</b>	"P" and "AA"
<b>Lot Area:</b>	2460 square metres
<b>Access to Right of Way</b>	East and north sides, 3.34 metres wide, unsealed, privately owned –to be closed, access rights extinguished and amalgamated.

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves the demolition of the existing building and the construction of a seven (7) storey office and shop building. Vehicular access to the site is via Newcastle and Charles Streets, with a left in and left out movements only, and closure and amalgamation of the northern and eastern right-of-way (ROW).

The applicants response in relation to the issues raised in the advertising submission is attached.

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

**ASSESSMENT:**

***\*Note: The below Assessment Table was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.***

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
No. of Storeys	4 storeys (plus loft)	7 storeys and 2 levels of basement car parking.	Supported- as the height and overall design of the proposal is considered not to create an unacceptable bulk and scale issue. Moreover, the bulk and scale has been designed to face Newcastle Street and Charles Street. The site is considered a landmark site and one of the key entry points into the Town. The building has been designed to include vertical and horizontal elements, which is considered to provide robustness to the site.

Plot Ratio	1.0 or 2460 square metres. It is noted that there is no plot ratio requirements for commercial development, and that the plot ratio requirements in the Precinct Policy refer to residential development.	3.29 or 8084 square metres	Supported- as the increased plot ratio is as a result of the increase in number of floors. The increase in plot ratio would not result in an undue impact on the amenity of the street or area.
Non-Residential Adjacent to Residential Area	2 storeys	7 storeys	Supported- as the height and overall design of the proposal is considered not to create an unacceptable bulk and scale issue. Moreover, the 6th and 7th floors have been setback further from the northern boundary.
Non-Residential Adjacent to Residential Area- Rear Setback	6 metres	5.043 metres	Supported- As above.
Residential/ Commercial	Commercial uses are not to be permitted to develop independently of residential uses, with 66 per cent residential or (2.64 multiple dwellings) and 34 per cent commercial	100 per cent commercial	Supported – in this instance, as the land area zoned Residential/ Commercial is 502 square metres and is 20.4 per cent of the total site area.
Privacy Setbacks- windows	6 metres privacy setback to properties to the northern side for Levels 1, 2,3 and 4.	5.043 metres	Supported – no undue impact on neighbouring properties and a condition requiring screening has been proposed in accordance with the privacy requirements of the R Codes.
Awning	Along Newcastle and Charles Streets frontages	Partly provided along the Newcastle Street frontage.	Partly supported- undue impact on amenity and a condition requiring extension of the awning along the Newcastle Street frontage to the steps of the covered plaza. A small length of awning should be provided along the Charles Street frontage commencing from the northern portion of the reception area to the start of the covered plaza.

Car Parking	129 car bays	125 car bays	Not supported- as the site will be a vacant site when redeveloped, and there is opportunity to provide for the shortfall in car parking on-site.
Building Setbacks: South Side Along Newcastle Street - Ground to 4th floors	Nil	4.32 metres	Supported - as the front setback is not considered to create an undue, adverse effect on the existing streetscape.
South Side Along Newcastle Street - 6th and 7th floors	Nil	8.1 metres	Supported - as above.
East Side - 1st to 4th floors	Nil	4.4 to 5.707 metres	Supported - as above.
East Side - 6th and 7th floors	Nil	9.6 metres	Supported, as the setbacks provide a transition for the additional levels of building proposed.
West Side Along Charles Street - Ground floor	Nil	1.8 to 1.9 metres	Supported - as the front setback is not considered to create an undue, adverse effect on the existing streetscape.
West Side Along Charles Street - 1st to 4th floors	Nil	0.2 metre to 7.4 metres	Supported - as above.
North Side - 1st floor	7.3 metres	5.043 metres	Supported - as the setback variation is not considered to create an undue, adverse effect on the adjoining property. Moreover, the overshadowing would be on the south side onto Newcastle Street.
North Side - 2nd floor	<del>9</del> <u>9.8</u> metres	5.043 metres	Supported - as above.
North Side - 3rd floor	<del>9</del> <u>12.4</u> metres	5.043 metres	Supported - as above.
North Side - 4th floor	<del>9</del> <u>15.8</u> metres	5.043 metres	Supported - as above.
North Side - 5th floor	<del>9</del> <u>17.5</u> metres	<del>5.043</del> <u>8.8</u> metres	Supported - as above.
North Side - 6th floor	<del>9</del> <u>20</u> metres	8.8 metres	Supported - as above.
<del>North Side - 7th floor</del>	<del>9</del> metres	<del>8.8</del> metres	<del>Supported - as above.</del>
Fencing Along Northern Boundary	1.8 metres in height	2 metres in height	Supported in part - on the basis the adjoining landowners agree to the increased proposed height.
Fencing Along Eastern Boundary	1.8 metres in height	3.2 metres in height	Supported- as the adjoining property is also zoned Commercial and a building could be built to the lot boundary.
<b>Consultation Submissions</b>			
Support (1)	No details submitted		Noted

Objections (3)	<p>The policy emphasises on reducing the potential future conflict between commercial and residential uses, to achieve an acceptable level of amenity for residential development.</p>	<p>Not supported - as adequate screening is to be provided to the northern properties, that are zoned Residential/Commercial. The adjoining properties to the eastern side are zoned Commercial. The 6th and 7th floors have been further setback from the northern boundary. There is no overshadowing concerns due to the orientation of the lots, with the overshadowing falling onto Newcastle Street.</p>
	<p>In terms of building height, scale and bulk, the 4 storey height has been adopted to ensure that amenity of adjacent area where residential development is permitted and encouraged is protected in terms of privacy, scale and bulk.</p>	<p>Not supported - as the Town is constantly growing and the proposed scale of development would complement the future built form and streetscape and not unduly affect the existing streetscape. Compliance with the current height limit would see an opportunity being missed to develop as proposed. The lot moreover is the first lot opposite the boundary of the West Perth Regeneration Master Plan area.</p>
	<p>Should properties to north be developed for residential development, it is considered that they may be affected adversely by the height of this proposal.</p>	<p>Not supported - as the privacy, overshadowing and bulk and scale issues are considered to have been addressed.</p>
	<p>Large amount of unobscured glazing on the northern facade, resulting in overlooking and privacy issues, on adjoining Residential-Commercial zoned land. Blank facades should be considered on the northern side, however would do little to improve built form.</p>	<p>Supported in part - as privacy matters have been addressed in the above Assessment Table. Blank facades are not considered appropriate from a design perspective.</p>
	<p>In addition to the height variation, the increased plot ratio of 3.3 (1.0 permitted), when combined with height, results in bulk and scale not consistent with the Precinct Policy 3.1.13 for this area.</p>	<p>Not supported - plot ratio matters have been addressed in the above "Assessment" Table.</p>



	<p>The proposed setback variations to the northern boundary combined with the height result in a development being not consistent with the development intention of the precinct policy 3.1.13 affecting this site. The applicant does not demonstrate that the proposal will not be detrimental to amenity of surrounding properties identified for residential development.</p>	<p>Not supported - as the proposed setback is not considered to create an undue adverse effect on the adjoining properties.</p>
	<p>Lack of residential development on 2 of the subject lots that are zoned a Residential-Commercial, where a 66 per cent residential component is required as per Policy 3.1.13. This proposal does not provide a residential component. As the properties in the north are developed in the future for residential uses in accordance with Policy 3.1.13, there would be major interface problems of a 7 storey office building adjacent to residential development, which are likely to be much lower due to the residential density coding of the land. As such, it is more appropriate to provide for a component of residential in the northern portion of this development. This development outcome is also detailed in the Town's Policy 3.4.3-Non-residential/Residential Development Interface.</p>	<p>Not supported - as a 5.043 metres setback has been proposed for the first 4 floors and the 6th and 7th floors have been setback a further 8.8 metres.</p> <p>The response in relation to non-provision of a residential component is addressed in the above Assessment Table.</p>
	<p>The large variations south to plot ratio will see significant increase in traffic accessing the site and surrounding streets, over and above what could be expected if the development was in accordance with the planning requirements for the site. The significant increase in traffic may have detrimental impact on surrounding properties for residential development in terms of visual amenity, noise, congestion and pollution. With the sites proximity to the Charles Street on-ramp to freeway, vehicle stacking in peak periods may be of concern in terms of future residents accessing and departing surrounding residential properties.</p>	<p>Not supported - as Charles Street is under the jurisdiction of Main Roads, who, after assessing the Traffic Impact Study for the proposal, have approved the access from Charles Street, provided it is limited to left in/left out only. Both the Charles Street and Newcastle Street access ramps and parking amenity are designed to AS2890.1, minimising vehicle conflicts and possible traffic congestion.</p>
	<p>Concerns raised of the proposal being approved on a stand alone basis, without considering impact on surrounding properties, especially apparent if these properties were to be developed in accordance with current planning control. If the Town is considering approving this proposal, then a review of the Precinct Policy should be undertaken. The proposal</p>	<p>Not supported- as the site is considered a landmark site and one of the main entry points into the Town. The building at this key location will assist in further enhancing this entrance statement into the Town.</p>

	<p>does not accord with the planning vision for this Beaufort Precinct. An appropriate transition from residential zoned land to commercial zoned land has not been demonstrated. A building of this height may result in an abrupt transition, which would compromise amenity of the area and intention of Precinct Policy. The applicant's statement in this proposal "... will have no impact on existing buildings or future residential buildings to the north which the zoning may allow..." is strongly contested in this public submission to the Town. The applicant does not provide adequate information to "holistically" assess or consider the impacts of the proposed development on the surrounding area, nor does it address those impacts. It is considered that there is insufficient information for the Town to make an informed decision. Future developments in the area will also seek similar variations to offset this current proposal.</p>	
	<p>Proposal will set a "<i>dangerous precedent</i>".</p>	<p>Not supported - as each application is assessed and determined on individual merit. Precedent is not a major planning consideration.</p>
<b>Other Implications</b>		
<p>Legal/Policy</p>	<p>TPS 1 and associated Policies.</p>	
<p>Strategic Implications</p>	<p>Nil</p>	
<p>Sustainability Implications</p>	<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>	
<p>Financial/Budget Implications</p>	<p>Nil</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.

<b>Car Parking- Commercial Component</b>	
Car parking requirement (nearest whole number) Office: 1 car bay per 50 square metres gross office floor area (proposed 7936 square metres) = 158.72 car bays. Shop: 1 car bay per 15 square metres gross office floor area (proposed 148 square metres) = 9.87 car bays. Total=168.59	169 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.90 (end of trip facilities)</li> </ul>	(0.765)  129.28 car bays
Minus the car parking provided on-site	125 car bays
Minus the most recently approved on-site car parking shortfall	Not applicable as proposal is to redevelop site.
Resultant shortfall	4.28 car bays
<b>Bicycle Parking Facilities</b>	
<b>Offices</b> <ul style="list-style-type: none"> <li>• 1 space per 200 (proposed 7936) square metres gross floor area (class 1 or 2) – 39.68 spaces.</li> <li>• 1 space per 750 (proposed 7936) square metres over 1000 square metres for visitors (class 3) – 9.25 spaces.</li> </ul> <b>Retail</b> <ul style="list-style-type: none"> <li>• 1 space per 300 (proposed 148) square metres gross floor area (class 1 or 2) – 0.49 spaces.</li> <li>• 1 space per 200 (proposed 148) square metres for visitors (class 3) – 0.74 spaces.</li> </ul>	Only Class 1 or 2 and end of trip bicycle facilities provided.  Class 3 facilities need to be provided.

**COMMENTS:**

**Demolition**

The subject lot at No. 436 Newcastle Street and No. 110 Charles Street, West Perth currently comprises an open air display premises, which sells outdoor garden decorations and was constructed circa 1970. Prior to this, the subject site was divided into eight lots, with six attached dwellings at Nos. 436 - 446 Newcastle Street, a corner shop at the intersection of Charles and Newcastle Streets and another larger building fronting Charles Street.

The Wise's Post Office Directories indicate that the first dwellings at Nos. 436-446 Newcastle Street were built in 1908, with occupiers changing frequently over the years and ranging from dressmaker to a sergeant. A Metropolitan Water Supply Sewerage & Drainage Department (MWSSD) Plan dated 1950-1952 shows that Nos. 436-446 at Newcastle Street were brick residential dwellings with weatherboard verandah at the rear of the houses. A Building Licence Plan dated 1970 indicates that a new car showroom and office were erected on Nos. 436 to 446 as North Brede Motors and used for the sale of new and used vehicles parts and accessories.

A preliminary check indicates that the subject place at No. 436 Newcastle Street and No. 110 Charles 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.

### **Building Services**

Building Services have recommended that the applicant should obtain a Building Code of Australia report prepared by a private consultant to address all non-compliant matters, prior to lodging of Building Licence application.

### **Main Roads WA Referral**

Main Roads WA advised in their letter dated 25 August 2008 that the proposal is supported subject to conditions (attached).

### **Technical Services**

The Town's Technical Services have advised that the details in the Traffic Statement are acceptable to the Town. The non-compliant matters relating to car bay widths, drainage, ramp details, manoeuvring, placement of bin collections areas, bicycle parking details, footpath levels and grades can be addressed as part of the Building Licence application. The applicants have agreed with the above comments of the Town's Technical Services.

### **Conclusion**

The proposed spire is not supported; if approved it may provide an opportunity for mobile telecommunication carriers to attach their equipment to this structure in the future. The shortfall in car parking is not supported, as the site is vacant site, and the shortfall can be provided on-site.

The application is considered generally 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.

**9.1.5 No. 297A (Lot: 10 D/P: 688) Vincent Street Leederville - Proposed Demolition of Existing Building and Construction of Four-Storey Office Building and Associated Basement Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	27 October 2008
<b>Precinct:</b>	Oxford Centre, P 4	<b>File Ref:</b>	PRO3538; 5.2008.317.1
<b>Attachments:</b>	<a href="#">001 002</a>		
<b>Reporting Officer(s):</b>	R Narroo, S Kendall		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**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 S M Cox, P J Peard, G I & F G Lawrence for proposed Demolition of Existing Building and Construction of Four-Storey Office Building and Associated Basement Car Parking, at No. 297A (Lot: 10 D/P: 688) Vincent Street, Leederville, and as shown on floor plans (basement, ground, first/second, third) stamp dated 20 October 2008, overshadowing plan stamp dated 11 August 200, and survey plan and elevations stamp dated 4 July 2008, subject to the following conditions:*

- (i) *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;*
- (ii) *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;*
- (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 \$ 21,000 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$ 2,100,000); OR*
  - (b) *lodge an appropriate public art assurance bond/bank guarantee of a value of \$ 21,000 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 (\$ 2,100,000 ) 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's Community Development Services 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's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s)/applicant to provide the art work;*

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

*(a) the windows to offices on first and second floors on the eastern elevation, the windows to the boardroom on the third floor on the eastern elevation, the terrace on the third floor on the eastern, northern (excluding the northern elevation facing Vincent Street) and southern elevations, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor levels. 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 No. 297 Vincent Street., stating no objection to the respective proposed privacy encroachments;*

(b) *the awning to the ground floor having a minimum distance of 500 millimetres from the Vincent Street kerb;*

(c) *the projecting structures from the first and second floors into the road reserve being deleted; and*

(d) *the bin compound being redesigned to accommodate the following bins:*

*General Waste: One (1) mobile garbage bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected weekly); and*

*Recycle Waste: One (1) mobile recycle bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected fortnightly).*

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

(v) *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 \$1,484 for the equivalent value of 0.53 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 \$1,484 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 on 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;*

(vi) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Vincent 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. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (vii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (viii) *first obtaining the consent of the owners of No. ~~497~~ 297 and No. ~~499~~ 299 Vincent 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. ~~497~~ 297 and No. ~~499~~ 299 Vincent Street in a good and clean condition;*
- (ix) *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;*
- (x) *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;*
- (xi) *the doors, windows and adjacent floor areas on the ground floor fronting Vincent Street shall maintain an active and interactive relationship with this street;*
- (xii) *the maximum total gross floor area of the offices be limited to 1292 square metres 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;*
- (xiii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xiv) *the car parking area shown shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xv) *any proposed vehicular entry gates shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xvi) *details of an interpretation proposal, which incorporates explicit recognition of the representative values of the place at No. 297A Vincent Street, Leederville ('Kelly') shall be submitted to and approved by the Town prior to the issue of a Building Licence. The approved interpretation proposal shall be installed prior to the first occupation of the development;*
- (xvii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xviii) *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;*
- (xix) *prior to the issue of a Building Licence, a management plan addressing how vehicles will enter/exit a tandem parking bay when there is a vehicle already parked at the rear or front parking bay, to be submitted to and approved by the Town; and*



- (xx) *prior to the first occupation of the development, six (6) class one or two plus one (1) class three bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities.*

**\*Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

---

**Moved Cr Messina, Seconded Cr Burns**

*That the recommendation be adopted.*

Debate ensued.

Cr Doran-Wu departed the Chamber at 7.43pm.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 7.45pm.

Debate ensued.

AMENDMENT NO 1

**Moved Cr Maier, Seconded Cr Ker**

*That clause (iv)(c) be deleted and the remaining clauses be renumbered.*

Debate ensued.

Cr Burns departed the Chamber at 7.47pm.

Debate ensued.

**AMENDMENT NO 1 PUT AND CARRIED (7-0)**

(Cr Farrell was an apology for the meeting. Cr Burns was absent from the Chamber and did not vote.)

AMENDMENT 2

**Moved Cr Ker, Seconded Cr Maier**

*That a new clause (xxi) be inserted as follows:*

**“(xxi) Any projecting structures from the first and second floors into the road reserves and Crown airspace is subject to the approval of the relevant government departments, namely, State Land Services prior to the issue of the Building Licence.”**

**AMENDMENT NO 2 PUT AND CARRIED (7-0)**

(Cr Farrell was an apology for the meeting. Cr Burns was absent from the Chamber and did not vote.)

Cr Burns returned to the Chamber at 7.50pm.

**MOTION PUT AND CARRIED (8-0)**

(Cr Farrell was an apology for the meeting.)

**COUNCIL DECISION ITEM 9.1.5**

*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 S M Cox, P J Peard, G I & F G Lawrence for proposed Demolition of Existing Building and Construction of Four-Storey Office Building and Associated Basement Car Parking, at No. 297A (Lot: 10 D/P: 688) Vincent Street, Leederville, and as shown on floor plans (basement, ground, first/second, third) stamp dated 20 October 2008, overshadowing plan stamp dated 11 August 200, and survey plan and elevations stamp dated 4 July 2008, subject to the following conditions:*

- (i) 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;*
- (ii) 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;*
- (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 \$ 21,000 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$ 2,100,000); OR*
  - (b) lodge an appropriate public art assurance bond/bank guarantee of a value of \$ 21,000 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 (\$ 2,100,000 ) 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's Community Development Services 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's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s)/applicant to provide the art work;*
- (iv) *prior to the issue of the Building Licence, revised plans and details shall be submitted and approved demonstrating the following:*
- (a) *the windows to offices on first and second floors on the eastern elevation, the windows to the boardroom on the third floor on the eastern elevation, the terrace on the third floor on the eastern, northern (excluding the northern elevation facing Vincent Street) and southern elevations, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor levels. 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 No. 297 Vincent Street., stating no objection to the respective proposed privacy encroachments;*
- (b) *the awning to the ground floor having a minimum distance of 500 millimetres from the Vincent Street kerb; and*
- (c) *the bin compound being redesigned to accommodate the following bins:*
- General Waste: One (1) mobile garbage bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected weekly); and*
- Recycle Waste: One (1) mobile recycle bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof (collected fortnightly).*

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

- (v) *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 \$1,484 for the equivalent value of 0.53 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 \$1,484 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 on 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;*

- (vi) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Vincent 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. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vii) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (viii) *first obtaining the consent of the owners of No. 297 and No. 299 Vincent 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. 297 and No. 299 Vincent Street in a good and clean condition;*
- (ix) *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;*
- (x) *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;*

- (xi) *the doors, windows and adjacent floor areas on the ground floor fronting Vincent Street shall maintain an active and interactive relationship with this street;*
- (xii) *the maximum total gross floor area of the offices be limited to 1292 square metres 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;*
- (xiii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xiv) *the car parking area shown shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xv) *any proposed vehicular entry gates shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xvi) *details of an interpretation proposal, which incorporates explicit recognition of the representative values of the place at No. 297A Vincent Street, Leederville ('Kelly') shall be submitted to and approved by the Town prior to the issue of a Building Licence. The approved interpretation proposal shall be installed prior to the first occupation of the development;*
- (xvii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xviii) *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;*
- (xix) *prior to the issue of a Building Licence, a management plan addressing how vehicles will enter/exit a tandem parking bay when there is a vehicle already parked at the rear or front parking bay, to be submitted to and approved by the Town;*
- (xx) *prior to the first occupation of the development, six (6) class one or two plus one (1) class three bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities; and*
- (xxi) *any projecting structures from the first and second floors into the road reserves and Crown airspace is subject to the approval of the relevant government departments, namely, State Land Services prior to the issue of the Building Licence.*

<b>Landowner:</b>	S M Cox & P J Peard & G I & F G Lawrence
<b>Applicant:</b>	TPG
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre
<b>Existing Land Use:</b>	Shop-vacated building
<b>Use Class:</b>	Office Building
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	536 square metres
<b>Access to Right of Way</b>	Southern side, 3 metres wide, sealed, private owned

**BACKGROUND:**

11 April 2006 The Council at its Ordinary Meeting considered a confidential report relating to the forthcoming land sale for Nos. 297 and 297A Vincent Street, Leederville.

9 May 2006 The Council at its Ordinary Meeting received a report concerning the land sale of Nos. 297 (Lot 5) and 297A (Lot 10) Vincent Street, Leederville.

**DETAILS:**

The proposal involves the demolition of existing building and construction of four storey office building and associated basement car parking.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted.
Number of Storeys and Height	<p>(a) Minimum Height</p> <p>Two storey development or its equivalent (minimum wall height of 6.0 metres at the street alignment) is to be promoted to help achieve a strong urban character.</p> <p>(b) Maximum Height</p> <p>Three storeys, preferably at street corners.</p> <p>A fourth storey (including loft) can be considered, provided that the amenity of the adjacent residential area is protected in terms of privacy, scale and bulk.</p>	<p>Four Storeys</p> <p>Height= 12 metres including the parapet wall of the roof terrace on the fourth floor at the street alignment.</p> <p>Overall maximum height of building= 14.8 metres.</p>	Supported- Refer to "Comments" below.
Boundary Setbacks:  Rear (South)	9 metres	7 metres	Supported- no undue impact on the adjoining property in terms of visual impact, ventilation and overshadowing.

<p>Privacy Setbacks</p>	<p>The proposed windows and terrace to the offices are considered as major openings as per the Residential Design Codes and Town's Policy- Non-Residential-Residential Development Interface.</p> <p>Windows to Office= 6 metres</p> <p>Terrace= 7.5 metres</p>	<p>Windows to offices (first and second floors) to eastern boundary= 3.2 metres</p> <p>Windows to board room (third floor) to eastern boundary= 3.2 metres</p> <p>Terrace (third floor) to eastern boundary= Nil</p>	<p>Not supported- undue visual impact on the adjoining residential property. Windows should be screened as per condition of Planning Approval.</p> <p>Not supported- undue visual impact on the adjoining residential property. Windows should be screened as per condition of Planning Approval.</p> <p>Not supported- undue visual impact on the adjoining residential property. Terrace should be screened as per condition of Planning Approval.</p>
-------------------------	---	--	--

**Consultation Submissions**

<p>Support (1)</p>	<p>Nil</p>	<p>Noted</p>
<p>Objection</p>	<p>Nil</p>	<p>Noted.</p>
<p>Department for Planning and Infrastructure</p>	<p>The Department for Planning and Infrastructure (Urban Transport Systems) has no objections to the proposal.</p>	<p>Noted.</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>Sustainability Implications</p>	<p>Nil</p>
<p>Financial/Budget Implications</p>	<p>Nil</p>

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

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

### 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 1292 square metres) = 25.84 car bays = 26 car bays	26 car bays
Apply the parking adjustment factors: <ul style="list-style-type: none"> <li>▪ 0.80(the proposed development is within 400 metres of a rail station)</li> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.85 (within 400 metres of an existing public car parking place(s) with in excess of a total of 75 car parking spaces)</li> <li>▪ 0.90 (the proposed development is within a District Centre Zone)</li> </ul>	(0.5202)  13.53 car bays
Car parking provided on-site	13 car bays
Minus the most recently approved on-site parking shortfall	Nil
Resultant shortfall	0.53 bays

### Bicycle Parking

Requirements	Required	Provided
Office		
1 per 200 (proposed 1292 square metres) square metres gross floor area for employees (class 1 or 2).	6.46 = 6 spaces	Bicycle Parking shown in the basement.
1 per (proposed 1292 square metres) 750 (square metres over 1000 square metres gross floor are for visitors( class 3)	0.39= 1 space	Bicycle Parking shown in the basement.

### COMMENTS:

#### Demolition

The subject brick and iron-roof place at No. 297A Vincent Street, Leederville was built in the Interwar Retail style of architecture circa 1921. The Heritage Assessment found that the place, commonly known as 'Kelly's' has some representative and limited historic value. Whilst the place has a pleasant presentation to the street it has been modified over the years and has a low degree of integrity. In addition to this, the place is not considered rare or endangered as there are many other intact Interwar retail shops, with attached residences within the locality.

The subject place is not considered to meet the criterion for cultural heritage significance as stated in the Town's Policy relating to Heritage Management Policy 3.6.2 - Assessment. Therefore, it is recommended that the demolition be approved, subject to the applicant providing the Town with a quality archival record and an acceptable interpretive proposal being installed as part of redevelopment of the site.

#### Number of Storeys and Height

The fourth storey is setback at 8.7 metres from Vincent Street and 10 metres from the rear boundary and the proposed design makes this floor quite concealed. The fourth storey is setback three metres from the adjoining eastern residential property and nil setback from the adjoining commercial property on the western side. The width of the fourth storey will be only 9 metres and not occupying the whole site, which will not create an unacceptable scale issue. The building will not unduly overshadow the adjacent eastern residential building and due to its design is not considered to have an undue visual impact on the adjoining properties.



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

### **Draft Leederville Masterplan- Built Form Guidelines**

The site is located within the Draft Leederville Masterplan area.

The Draft Built Form Guidelines for this area have been prepared along the lines or principles of the Leederville Masterplan. They have not yet been adopted or advertised by the Council. The Draft Built Form Guidelines for the Entertainment Precinct 2 states the following in terms of building height:

*“Development in this precinct are to be a maximum of 3 storeys unless otherwise stated.*

*Developments to incorporate serviced apartments and the like. These developments are to be a maximum height of 5 storeys. Any floors above the third storey are to be setback a minimum of 5 metres.”*

Though the development is for offices, the fourth floor is setback 8.7 metres from Vincent Street and is concealed from the street level; therefore, will not unduly impact on the streetscape.

### **Conclusion**

The application is considered generally 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.

**9.1.12 Policy Amendment No. 50 – Draft Policy relating to Appendix No. 18 – Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth**

<b>Ward:</b>	South	<b>Date:</b>	27 October 2008
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	PLA0196
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer(s):</b>	S O'Loughlin		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the final amended version of the Policy relating to Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth, as shown in Appendix 9.1.12 (a); resulting from the advertised version having been reviewed and with regard to 2 written submissions received during the formal advertising, as shown in Appendix 9.1.12 (b) in accordance with Clauses 47(4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final amended version of the Policy relating to William Street, between Bulwer and Newcastle Streets, Perth, as shown in Appendix 9.1.12 (a) in accordance with Clause 47 (5) (b) of Town Planning Scheme No. 1; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the Policy relating to Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth, as shown in Appendix 9.1.12 (a), in accordance with Clause 47 (6) of Town Planning Scheme No. 1.*

---

**COUNCIL DECISION ITEM 9.1.12**

**Moved Cr Messina, Seconded Cr Youngman**

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Messina**

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

- “(ii) *ADOPTS the final amended version of the Policy relating to William Street, between Bulwer and Newcastle Streets, Perth, as shown in Appendix 9.1.12 (a) in accordance with Clause 47 (5) (b) of Town Planning Scheme No.1; subject to the Policy being amended as follows:*
- (a) *Clause 7) Built Form Guidelines Site Planning i) Density and Mix Newcastle Street to Brisbane Street be amended to read as follows:*

‘....

*As a general guide the increase in density for the entire area subject to these Guidelines is as follows:*

<i>Design Response</i>	<i>Density Bonus</i>	<i>Resultant Density</i>
<i>Affordable Housing</i>	<i>10 per cent</i>	<i>R110</i>
<i>Sustainable Design</i>	<i>10 per cent <u>(to those developments only that have a 5 star or greater rating)</u></i>	<i>R110</i>
<i>Total Maximum Density Increase</i>	<i>20 per cent</i>	<i>R120’</i>

Debate ensued.

**AMENDMENT PUT AND CARRIED (7-1)**

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

(Cr Farrell was an apology for the meeting.)

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Ker, Seconded Cr Youngman**

*That the item be DEFERRED to allow for strategic development sites to be more clearly identified or defined, as appropriate, in the Policy.*

**PROCEDURAL MOTION PUT AND CARRIED (7-1)**

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

(Cr Farrell was an apology for the meeting.)

---

**PURPOSE OF REPORT:**

The purpose of this report is to present the Council with the outcomes of the advertising period relating to the Policy for the Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth and to adopt the final amended version of this Policy.

**BACKGROUND:**

- 20 December 1999                      The Council at its Ordinary Meeting approved in principle the upgrading of William Street with an ‘Asian’ theme.
- 22 February 2005                      The Council at its Ordinary Meeting approved various streetscape improvements to William Street with financial assistance from the State Government including underground power, brick paving footpaths, resurfacing the road and the planting of street trees.
- 11 March 2008                         The Council at its Ordinary Meeting resolved the following in relation to a Notice of Motion for Proposed Design Guidelines for William Street, Perth:
- “That the COUNCIL develop design guidelines for William Street, Perth between Brisbane and Newcastle Streets and receives a report on how this would be most effectively done (including timelines) at the first Ordinary Council Meeting, in April 2008.”*
- The Council cited the following background information in this regard:
- “The development approval for 440-444 William Street at the OMC of 26 February 2008 highlighted the lack of specific development guidance for William Street south of Brisbane Street*
- There are four substantial vacant sites without development approvals in this section of William Street (plus two that are under the development control of EPRA) and many other properties that are underdeveloped for the value of the land.*
- The Town has invested a large amount of money in the streetscape and public realm, including trees, paving and lighting, in this section of William Street.*
- It is considered that the Town needs to provide clear guidelines to potential developers and, at the same time, establish clear expectations in the community of what will be expected of future development in this prestigious street.”*
- 8 April 2008                             The Council at its Ordinary Meeting received and approved the report relating to the scope, objectives and indicative timeline for the proposed Design Guidelines for William Street, between Brisbane and Newcastle Streets, Perth with an objective being added:
- “To ensure the provision of awnings, along William Street in any new or redeveloped property”; and*

Subject to the following clause being added:

“(iii) extends the area to include up to Bulwer Street, including the north-east and west-corners of Bulwer Street.”

27 May 2008

The Council considered the matter at its Ordinary Meeting and resolved as follows:

“That the item be DEFERRED to a Forum for further consideration and discussions”.

15 July 2008

The Town’s Officers delivered a PowerPoint presentation to the Council Members Forum held on 15 July 2008. The presentation outlined how the Guidelines were prepared in view of the initial Notice of Motion, the Scoping Report presented to the Ordinary Meeting of Council on 8 April 2008 and how the objectives of the Guidelines have been addressed throughout the Policy.

12 August 2008

The Council at its Ordinary Meeting resolved to adopt the Officer Recommendation with Amendments and to advertise the Draft Policy relating to the Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth.

**DETAILS:**

The Draft Policy relating to Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth has been advertised as required by Clause 47 of the Town of Vincent Town Planning Scheme No. 1.

**CONSULTATION/ADVERTISING:**

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

Advertising of the Draft Policy concluded on 7 October 2008. However, as there was an oversight in the issuing of a number of letters advising land owners and occupiers about the community consultation period, an extension for submissions was given until 21 October 2008. In total, one (1) submission was received during the formal comment period and one (1) submission was received during the extended comment period. In total, one (1) submission was received which objected to some aspects of the Policy and one (1) submission was received which supported the intent of the Policy.

Provided below is a summary of the main concerns raised, and the Officer Comments in response to each of the matters.

<b>Consultation Submissions</b>		
<b>Objection/Support</b>	<b>Community Comments</b>	<b>Officer Comments</b>
Support (1)	<ul style="list-style-type: none"> <li>Guidelines are generally consistent with the built form outcome envisaged within EPRA’s planning framework.</li> </ul>	Noted and supported.

<p>Objection (1)</p>	<ul style="list-style-type: none"> <li>• The built form outcome complements EPRA’s design intent for William Street between Roe and Newcastle Streets by reinforcing its role as a gateway to the City and encouraging significant and consolidated streetscape improvement.</li> <li>• The density, height and massing controls do not go far enough to achieve the stated objectives or vision.</li> <li>• Unclear why Council’s discretion is limited to only approve a development to a maximum density of R120 for the block between Newcastle and Brisbane, but is unlimited for the block between Brisbane and Bulwer Streets.</li> <li>• The density bonuses should read the same for both areas or at least be amended to provide a density bonus along the lines of two ‘non-affordable’ dwellings for each ‘affordable’ dwelling.</li> <li>• The 2 -4 storey height limit advocated by the Guidelines is too restrictive particularly in relation to the key site on the intersection of Newcastle and William</li> </ul>	<p>Not supported – It is considered that the density, height and massing are appropriate for the area and its surrounds and meet the objectives of the Policy.</p> <p>Supported in part - It is not the intent of the Policy to allow an unlimited density for the area between Brisbane Street and Bulwer Street. The density for the entire area affected by the Policy is R100, with the opportunity to obtain a density of R120 if affordable housing and sustainable design are incorporated in the design response. The Policy has been amended to make this clearer.</p> <p>Supported in part – as above.</p> <p>Supported in part - The height limit of 3 storeys to the Primary Street and 4 storeys within the site is considered appropriate, given that many of the lots sizes have an average area of 400 square metres and can not cater for heights exceeding 4 storeys. However, the Policy has been modified to include consideration for greater heights on those lots which are identified as ‘Strategic Development Sites’ provided that acceptable levels of amenity can be maintained at adjacent lots.</p>
--------------------------	--	---

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2006-2011 states:

*“ Natural and Built Environment*

*1.1 Improve and maintain environment and infrastructure...*

*1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.*

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

*1.1.4 Minimise negative impacts on the community and environment.”*

**SUSTAINABILITY IMPLICATIONS:**

It is considered that the proposed amended Design Guidelines will direct future development to occur in a manner that meets the community changing needs through the provision of affordable housing and is more receptive to transit-oriented design and green building design.

**FINANCIAL/BUDGET IMPLICATIONS:**

The current 2008/2009 Budget allocates \$62,000 for Town Planning Scheme Amendments and Policies.

**COMMENTS:**

The Town’s Officers have reviewed the Draft Policy in light of the submissions received during consultation, as few minor amendments are proposed to the Design Guidelines and are detailed below:

**Density and Mix**

Clause i) Density and Mix, Newcastle to Brisbane Streets is proposed to be amended to read as follows:

*“As a general guide the increase in density for the entire area subject to these Guidelines is as follows:*

<i>Design Response</i>	<i>Density Bonus</i>	<i>Resultant Density</i>
<i>Affordable Housing</i>	<i>10 per cent</i>	<i>R110</i>
<i>Sustainable Design</i>	<i>10 per cent</i>	<i>R110</i>
<i>Total Maximum Density Increase</i>	<i>20 per cent</i>	<i>R120</i>

”

**Height and Massing**

An amendment has been made to the Guidelines to consider additional heights within the area bounded by the Guidelines on those lots which has been identified as Strategic Development Sites in the Local Planning Strategy.

Clause iii) Height and Massing is proposed to be amended to read as follows:

*“In addition, greater heights may be considered by the Council on those lots identified as Strategic Development Sites, provided that acceptable levels of amenity can be maintained at adjacent lots.”*

### **Environmental Sustainability**

To ensure future development proposals consider environmental sustainability, development applications are required to be accompanied with an independent environment sustainability assessment report by a Green Star Accredited Professional. However, such reports may not be required for all development applications; therefore, an amendment has been made to the Guidelines to request the Green Star Reports are submitted to the Town prior to the issue of a Building Licence. This will reduce unnecessary costs by developers prior to being granted planning approval and will reduce delays in the processing such development applications.

Clause ix) Environmental Sustainability is proposed to be amended to read as follows:

*“Prior to the issue of a Building Licence, applicants are to submit ~~Development proposals should be accompanied by~~ a Green Star report demonstrating to the Town of Vincent how sustainable measures have been incorporated into the proposed design. New office buildings will have a minimum Green Star rating of 4 Stars. The Town of Vincent may vary this requirement if it is considered appropriate given the limited scale and nature of a development.”*

In light of the above, it is recommended that the Council adopts the final amended version of the Policy relating to Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth.



**9.1.6 Nos. 378-390 (Lots 1, 2, 15, 155, 51 and 1) Beaufort Street, and part dual frontage to McCarthy Street, Perth - Proposed Three (3) and Six (6) Storey Mixed Use Development Comprising Fifty-Nine (59) Multiple Dwellings and Shop (Reconsideration of Condition and Minor Variations to Previous Approval)**

<b>Ward:</b>	South	<b>Date:</b>	28 October 2008
<b>Precinct:</b>	Forrest; P14	<b>File Ref:</b>	PRO0083; 5.2008.495.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by RAD Architecture on behalf of the owner Duomark Pty Ltd for proposed Three (3) and Six (6) Storey Mixed Use Development Comprising Fifty-Nine (59) Multiple Dwellings and Shop (Reconsideration of Condition and Minor Variations to Previous Approval) at Nos. 378-390 (Lots 1, 2, 15, 155, 51 and 1) Beaufort Street and part dual frontage to McCarthy Street, Perth and as shown on plans stamp-dated 14 October 2008, subject to the following conditions:*

- (i) the planning approval for this proposal serial 5.2008.495.1 is valid until 24 July 2009, to be consistent with planning expiry date of planning approval serial 5.2006.544.1 approved at the Ordinary Meeting of Council held on 24 July 2007;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) a continuous and complementary awning being provided over the adjacent footpath along Block C and the Beaufort Street frontage of the development;*
  - (b) speed humps being provided on the right of way along the rear (south-east) side of the property;*
  - (c) appropriate design features being incorporated into the south-west side blank walls of the building;*
  - (d) design of the exits to the rear right of way to preclude left hand turns from the subject site; and*
  - (e) fencing on the eastern side of Block B being a minimum height of 1.8 metres (solid), in accordance with the Town's Local Laws, or alternatively higher, if agreed between the affected landowners.*

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

- (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 \$130,000 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$13,000,000); OR*
  - (b) *lodge an appropriate public art assurance bond/bank guarantee of a value of \$ 130,000 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 (\$13,000,000) 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's Community Development Services 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's Arts Officer 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 No. 346 (Lot 5 ) Beaufort 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. 346 (Lot 5) 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, McCarthy Street and the rear right-of-way (ROW), 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;*
  - (viii) *prior to the first occupation of the development, one (1) class one or two plus one (1) 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 shop/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;*
    - (b) *a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time;*
    - (c) *the floor plan layout for the single bedroom dwellings are to be maintained in accordance with the Planning Approval plans; and*
    - (d) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/or shop. 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 shop fronting Beaufort Street shall maintain an active and interactive relationship with this street;*
- (xiii) *prior to the first occupation of the development, the car parking spaces provided for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development and shall not be in tandem arrangement unless they service the same residential unit/dwelling;*
- (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) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xvi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating balconies of units A2, A3, A4, A5, A6, A8, A9, A10, A11, A12, B3, B7, C7, C16 and C25, living room windows of units A6, and A12 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 the side right-of-way (ROW) off Beaufort Street, rear ROW and No. 346 Beaufort Street, respectively, stating no objections to the proposed privacy encroachments;*
- (xvii) *the maximum gross floor area of the shop (retail) shall be limited to 138 square metres;*
- (xviii) *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;*
- (xix) *the car parking area shown for the shop/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xx) *prior to the issue of a Building Licence, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*

- (xxi) *any new street/front wall, fence and gate between the Beaufort Street boundary and McCarthy Street boundary and the main building, including along the side boundaries within these street setback areas, 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;*
- (xxii) *a raised central median island shall be provided in Beaufort Street to exclude the right hand turn from vehicle exit from this development at the owner's/applicant's full cost and subject to approval from the Department for Planning and Infrastructure;*
- (xxiii) *prior to the first occupation of the development, the right of way shall be resurfaced from the access point to the development for a distance of approximately 60 metres in the direction of Bulwer Street, at the applicant's/owner(s)' full expense;*
- (xxiv) *a bond and/or bank guarantee for \$10,500 for the resealing and resurfacing of the right of way shall be lodged prior to the issue of a Building Licence;*
- (xxv) *a bond or bank guarantee for the sum of \$5,000 for the construction of median island in Beaufort Street, so as to prevent the right turn movement into and out of the development, to be paid prior to the issue of a Building Licence;*
- (xxvi) *prior to occupation of the development, the submission of and approval of a suitable location for the bin collection nominated by the Town's Technical Services to manage bin collection from the street verge;*
- (xxvii) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land shall be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee of \$11,500 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*

*(xxviii) prior to the issue of a Building Licence, a sustainability report on the environmental/sustainable measures and design features proposed by the applicant/owner(s), prepared by a suitably qualified consultant shall be submitted to and approved by the Town. The recommended measures of the sustainability report shall be incorporated into the development design. These measures shall be implemented and certification from the sustainability consultant that the measures have been undertaken shall be submitted to the Town prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town; and*

*(xxix) 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).*

**COUNCIL DECISION ITEM 9.1.6**

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED  
BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Farrell was an apology for the meeting.)

<b>Landowner:</b>	Duomark Pty Ltd
<b>Applicant:</b>	RAD Architecture
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial and Residential R80
<b>Existing Land Use:</b>	Vacant Lot
<b>Use Class:</b>	Shop and Multiple Dwelling
<b>Use Classification:</b>	Commercial- "P" and "AA" ; Residential R80- "SA" and "P"
<b>Lot Area:</b>	3269 square metres
<b>Access to Right of Way</b>	South side, 5.0 metres wide, sealed, Town owned. South-east side, 2.74 metres wide, unsealed and privately owned.

**BACKGROUND:**

9 March 2004 At its Ordinary Meeting, the Council conditionally approved the demolition of the Civic Theatre Restaurant and one (1) single house at Nos. 378-390 (Lots 1, 15, 1 and 2) Beaufort Street, Perth, and refused the proposed demolition of the existing single house at No. 1 (Lot 14) McCarthy Street, Perth.

- 13 April 2004 At its Ordinary Meeting, the Council conditionally approved the construction of a five-storey development comprising twenty-eight (28) service apartments and associated office, eating house, gymnasium and basement car parking, three-storey development comprising twenty-six (26) multiple dwellings , and retention of a single house facing McCarthy Street, at Nos. 378-390 (Lots 1, 15, 2 and N118) Beaufort Street and No. 1 (Lots 1, 14, N115 and N117) McCarthy Street, Perth.
- 3 May 2004 The proposal approved at the Ordinary Meeting of Council on 13 April 2004 was also conditionally approved by the Western Australian Planning Commission (WAPC).
- 28 June 2005 At its Ordinary Meeting, the Council conditionally approved the construction of a five-storey development and basement car parking comprising twenty-eight (28) service apartments and associated office, eating house, and gymnasium and three-storey development comprising twenty-six (26) multiple dwellings, and retention of single house facing McCarthy Street at Nos. 378-390 (Lots 1, 15, 2, and N118) Beaufort Street and No. 1 (Lots 1, 14, N115 and N117) McCarthy Street, Perth.
- 24 April 2006 The Western Australian conditionally approved the amalgamation of the above properties (Ref:130181).
- 19 September 2006 The matter was presented to an Elected Members Forum, where there was opportunity for Elected Members to provide comments on the current proposal.
- 27 March 2007 The Council at its Ordinary Meeting considered the subject proposal and resolved the following:
- "That the Item be DEFERRED to allow previous concerns to be addressed including the lack of interaction with Beaufort Street at the street level and access from right of way."*
- 24 July 2007 The Council at its Ordinary Meeting, conditionally approved a three (3) and six (6) storey mixed use development comprising fifty-nine (59) multiple dwellings and shop, at Nos. 378-390 (Lots 1, 2, 15, 155, 51 and 1) Beaufort Street and part dual frontage to McCarthy Street, Perth.

#### **DETAILS:**

The proposal involves a minor revision of the three (3) and six (6) storey mixed use development comprising fifty nine (59) multiple dwellings and shop approved by the Council at its Ordinary Meeting held on 24 July 2007, and the request for the removal of condition (xxvi) below. The applicant has also requested that a new 2 year period for approval is granted for this development from the date of Council approval, being 4 November 2008 until 4 November 2010.

*"(xxvi) prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with 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 indemnify the Town against any claim, be it for damage, wear or tear resulting from the Town's refuse collection service from within the property. All costs associated with this condition shall be borne by the applicant/owner(s);"*

The main differences between the current planning application plans and the previous Planning Approval plans approved at the Ordinary Meeting of Council held on 24 July 2007 are summarised as follows:

- Removal of stores on the southern boundary and part stores on the northern boundary.
- Additional balconies on first and second floors on the eastern elevation of Block B.
- Additional balconies to first floor on the eastern side of Block A.

The applicant's submission in relation to the removal of the condition is attached, and summarised below:

- The owners (Duomark Pty Ltd) were previously advised that there would need to be on site collection of waste, as the lining up of the green bins from the 59 multiple dwellings on the Beaufort Street verge would detract from the amenity of the area.
- On 24 July 2007, the Council approved the application for the proposed development subject to conditions, including condition (xxvi) which provides:

*“Prior to the issue of a Building Licence, the owner(s) shall enter into a legal agreement with 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 indemnify the Town against any claim, be it for damage, wear or tear resulting from the Town’s refuse collection service from within the property. All costs associated with this condition shall be borne by the applicant/owner(s).”*

- The ramifications of such a condition only became apparent to owners recently. The Town’s solicitors have advised that the caveat would need to be an absolute caveat which would be on each of the certificates of title to the approximately 60 strata lots, once the strata plan was registered. This would result in every dealing (including transfers and mortgages) on each one of those lots would require the withdrawal and re-lodgement of the caveat. Every withdrawal of caveat must also be executed under the common seal of the Town. The encumbrances created by the absolute caveat will appear on all titles issued for the strata development. This is unacceptable to the owners as it will detrimentally affect the marketing and saleability of each strata unit.
- The Town's Officers have advised that the indemnity required would be a comprehensive indemnity, as from previous experience where the Town reluctantly inherited on site collections from the former City of Perth, any time there is damage to property, the Town’s Waste Services is usually blamed for the damage irrespective of whether or not they were actually on the property on that day.
- While the owners would have endeavoured to secure insurance for such an indemnity, it has serious doubts that such insurance would be provided by an insurer, which has been confirmed by the owner's insurance broker. The damage covered by the indemnity would be deliberate, accidental or caused by recklessness and an insurer would not cover all types of damage. Furthermore, the owner's consultants have raised the issue of categorising any actual damage as deliberate or accidental etc in cases where the insurer will only cover some categories of damage – some cases may be clear, but others will be difficult to categorise.
- In the current planning application dated 15 October 2008, the owners have applied for the deletion of condition (xxvi), with refuse collection to occur from the Beaufort Street verge and for no waste collection to occur on-site.



- At the meeting with the Town's Officers on 21 October 2008, it is now clear that there will be 64 bins from the development in total, that is 32 domestic bins and 32 recycling bins. The total bin numbers have been reduced to comply with the Town's Policy where only one (1) 240 litre mobile garbage bin and one (1) 240 litre mobile recycling bin are provided between two (2) single bedroom units – this applies to both green bins and recycling bins. The Town has indicated that the three (3) bin storage areas on the land are sufficient to accommodate all bins for the development.
- From an amenity impact, the reduction in the number of bins is significantly more limited.
- The Beaufort Street verge is considered very wide (as the MRS road widening would be paved as part of the development), and can readily accommodate the bins offset a minimum of 1.5 metres from the herbline. Therefore, the bins will not obstruct pedestrians. As such, Technical Services have indicated they can carry out collection from the verge with a rear loader rubbish compactor and have agreed to increase the collection frequency (as is the case with similar large developments).
- The owners will arrange for the Strata Company to engage a contractor to put all of the bins out by 6am on the day of collection and to bring all of the bins back in by 12 noon on the same day, unless there is a delay in collection on that day in which case the bins are to be brought back in as soon as practicable after collection.
- The owners will arrange for the Strata Company to make a strata by-law at that time stating that the bins are to be put out on the Beaufort Street verge for collection in a suitable position to be nominated by the Town's Technical Services by 6am on the day of waste and/or recycling collection by the Town and that all bins are to be returned to the bin storage bays by 12 noon on the same day, unless there is a delay in collection on that day in which case the bins are to be brought back in as soon as practicable after collection. All strata by-laws are registered at Landgate. The by-law will be made under section 42(2d) of the Strata Titles Act 1985 meaning that Landgate will not register an amendment or revocation of the by-law without the written consent of the Town.
- The owners also agree that a condition to give effect to the terms of the preceding paragraph should replace condition (xxvi) of the approval of 24 July 2007.

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

The previous Assessment Table referred to the Ordinary Meeting of Council held on 24 July 2007 and responses to the submissions raised are in italics and in verbatim, with changes underlined as follows:

*"ASSESSMENT:*

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>	<i>R 80 (26 multiple dwellings)</i>	<i>R161 (59 multiple dwellings) - 101 per cent density bonus.</i>	<i>Supported – proposal is considered to enhance the amenity of the area given the current state of the site; supported given the context of the site being</i>

			<i>along Beaufort Street; considered to promote housing affordability and diversity and caters for the changing demographics and housing needs/wants of the community; and can be considered under Clause 40 of the Town's Town Planning Scheme No. 1 with the absolute majority of the Council.</i>
<i>Plot Ratio</i>	<i>1.0 or 3269 square metres</i>	<i>1.47 or 4806 square metres</i>	<i>Supported-as the variation will not unduly affect the amenity of the area.</i>
<i>No. of Storeys- Commercial zoned land</i>	<i>3 storeys plus loft</i>	<i>6 storeys</i>	<i>Supported - as there are other similar high rise building in the area. The visual impact of the development when viewed from the street is also reduced due to the staggering of the heights of the four and six storey development and its context with other similar high rise development in the immediate area.</i>
<i>No of storeys- Residential zoned land</i>	<i>2 storeys plus loft</i>	<i>3 storeys</i>	<i>Supported - as above.</i>
<i>Stores</i>	<i>4 square metres and 1.5metres dimension</i>	<i>A few of the stores are less than 4 square metres in area and are not accessible from outside.</i>	<i>Supported - as the variation to the depth and size of some the stores is considered acceptable as the proposed development forms part of a mixed use development where the needs of the residents would not be as great as compared to residents/occupiers within a solely residential development. The R Codes explanatory notes further state that provisions or standards for mixed developments should not seek to impose too "high" standard so as</i>

			<i>to discourage the concept of mixed use development. The reduction in the size of the stores is considered not to be detrimental to the amenity of the locality or the occupiers of the development.</i>
<i>Privacy Setbacks</i>	<i>Balconies and bedrooms - 7.5 metres setback to lot boundary</i>	<i>Less than 7.5 and 4.5 metres respectively from the lot boundary.</i>	<i>Not supported - undue impact on neighbouring properties and a condition has been recommended for those affected balconies and windows to be adequately screened.</i>
<i>Building Setbacks: Ground floor-Block A-South elevation</i>	<i>1.5 metres</i>	<i>Nil</i>	<i>Supported - as the setback variations requested are partly due to the height of the proposal. Most of the other high rise developments if they were to be built under current standards would also involve setback variations. The variation is not considered to have an undue impact on the affected neighbours.</i>
<i>Ground floor-Block B-North elevation</i>	<i>1.5 metres</i>	<i>1.37 metre</i>	<i>As above.</i>
<i>Ground floor-Block B-East elevation</i>	<i>1.0 metre</i>	<i><del>0.3 metre.</del> Nil</i>	<i>As above.</i>
<i>Ground floor-Block C-West elevation-Beaufort Street</i>	<i>Nil</i>	<i><del>0.8 to 1.0 metre</del> Nil <u>to 1.6 metres</u></i>	<i>As above.</i>
<i>First floor-Block A-South elevation</i>	<i>1.9 metres</i>	<i><del>1.508 metres</del> <u>1.513 metres</u></i>	<i>As above.</i>
<i>First floor-Block B-West elevation-Beaufort Street</i>	<i>4 metres</i>	<i>3.4 metres</i>	<i>As above.</i>

<u>First floor-Block B-North elevation</u>	<u>2.0 metres</u>	<u>1.37 metres (half width of ROW)</u>	<u>As above. This minor change to the Assessment Table for the first floor setback for Block B was inadvertently omitted in the Officer report to the Ordinary Meeting of Council on 24 July 2007.</u>
<i>First floor-Block C-South elevation</i>	<i>2.8 metres</i>	<i>Nil</i>	<i>As above.</i>
<i>Second floor-Block A-South elevation</i>	<i>2.6 metres</i>	<del><i>1.508 metres</i></del> <u><i>1.513 metres</i></u>	<i>As above.</i>
<i>Second floor-Block B-West elevation-Beaufort Street</i>	<i>4 metres</i>	<i>3.4 metres</i>	<i>As above.</i>
<u>Second floor-Block B-North elevation-Beaufort Street</u>	<u>2.6 metres</u>	<u>1.37 metres (half width of ROW)</u>	<u>As above. This minor change to the Assessment Table for the first floor setback for Block B was inadvertently omitted in the Officer report to the Ordinary Meeting of Council on 24 July 2007.</u>
<i>Second floor-Block C-South elevation</i>	<i>3.5 metres</i>	<i>Nil</i>	<i>As above.</i>
<i>Third floor-Block C-South elevation</i>	<i>2.7 metres</i>	<i>Nil to 9.6 metres</i>	<i>As above.</i>
<b>Consultation Submissions</b>			
<i>Support (Nil)</i>	<i>Noted</i>		<i>Noted.</i>
<i>Objection (4)</i>	<i>Density – the proposal density is double what is allowed, which will have a detrimental affect on the general amenity of the area.</i>		<i>Not supported - as the development as designed would benefit the area without undue adverse impact to the surrounding amenity, in terms of bulk and scale.</i>
	<i>Number of dwellings – An increase of 138 per cent over and above that permitted would have a detrimental affect on the general amenity of the area.</i>		<i>Not supported - as above.</i>
	<i>Plot Ratio – An increase from 1.0 to 1.69 is excessive and would have a detrimental affect on the general amenity of the area.</i>		<i>Not supported - as the Town has considered higher plot ratios provided that the "total development package" fits in with the surrounding development.</i>

	<p><i>Car Parking - concern that that the development will increase demand for on-street car parking, to the detriment of the existing residents.</i></p>	<p><i>Not supported - as the car parking for the above site is compliant with the Town's and the R Codes requirements.</i></p>
	<p><i>Traffic movements - suggest that additional road alignment works need to be undertaken to make traffic movements safe. Concern that the development increases traffic in the right of way and McCarthy Street which is currently very quiet.</i></p>	<p><i>Not supported – as the Town’s Technical Services is satisfied with the traffic and safety aspects as addressed in the Transport Statement dated 29 January 2007, prepared by “SHAWMAC”. The development traffic can be accommodated within the road network with no undue impact expected.</i></p>
	<p><i>Bin storage - concern that the proposed location of the bin stores along side the McCarthy Street boundary will have unreasonable smell and visual impact on the surrounding residences.</i></p>	<p><i>Supported – as revised plans have been submitted indicating the bin area along McCarthy Street being removed and relocated to other parts of the development site.</i></p>
	<p><i>Number of storeys – the proposed size and height will have a visual impact on the surrounding and adjacent residents and detrimental impact on the amenity of the area.</i></p>	<p><i>Not supported-as there are other similar high rise building in the area and also gives prominence to this strategically located site.</i></p>
	<p><i>Privacy – concern that the development will provide privacy problems between adjoining owners.</i></p>	<p><i>Supported - see Non-Compliance Table above for comments.</i></p>
	<p><i>Building Setbacks – concern that none of the setbacks comply to the detriment of the amenity of the surrounding residents and streetscape</i></p>	<p><i>Not supported- as the building setbacks are not considered to create an undue, adverse effect on the area. Moreover multi-storey development such as this would not be able to be built if the setbacks in the R Codes were applied strictly. The overall proposal is considered to comply with the performance standards of the R Codes.</i></p>

	<i>Excessive concessions sought – the architect's state in their covering letter that 62 units were required to make the project economically viable. If that this the case the developer has paid too much for the site and it is not the Council's responsibility to grant excessive concessions to help the numbers add up. The proposed development exceeds most requirements and the sheer size, bulk and boundary setback variations will have detrimental implications to all adjoining property owners. Recognise that some concessions have been granted in the past, however this application increases those previously approved and is excessive.</i>	<i>Not supported - as the Town has the ability through its Town Planning Scheme and Policies to vary requirements based on individual merit of the development proposal, as in this case."</i>
<i>Other Implications</i>		
<i>Legal/Policy</i>		<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>		<i>Nil</i>
<i>Sustainability Implications</i>		<i>The proposal will be required to satisfy the energy efficiency requirements of the Building Code of Australia 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.</i>
<i>Financial/Budget Implications</i>		<i>Nil</i>

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

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

<i>Commercial Car Parking</i>	
<i>Shop: 1 car bay per 15 square metres of gross floor area (proposed 138 square metres) = 9.2 car bays. Total 9 car bays To nearest whole number</i>	<i>9 car bays</i>
<i>Apply the parking adjustment factors.</i>	<i>(0.5491)</i>
<ul style="list-style-type: none"> <li>▪ <i>0.85 (within 400 metres of a bus stop)</i></li> <li>▪ <i>0.85 (within 400 metres of one or more public car parks in excess of 50 spaces)</i></li> <li>▪ <i>0.80 (contains a mix of uses, with at least 45 per cent of gross floor area residential)</i></li> <li>▪ <i>0.95 (provision of bicycle parking facilities)</i></li> </ul>	<i>4.94 car bays</i>
<i>Car parking provided on-site for commercial component</i>	<i>6 car bays</i>
<i>Resultant surplus</i>	<i>1.06 car bays</i>

<i>Bicycle Parking</i>		
<i>Requirements</i>	<i>Required</i>	<i>Provided</i>
<i>Shop</i>		
<ul style="list-style-type: none"> <li>• <i>1 space per 300 (proposed 138) square metres gross floor area (Class 1 or 2).</i></li> <li>• <i>1 space per 200 (proposed 138) square metres (Class 3)</i></li> </ul>	<p><i>0.46 space</i></p> <p><i>0.69 space</i></p>	<p><i>Indicated on site plan.</i></p> <p><i>As above.</i></p>

#### *Residential Car Parking*

*Car parking requirements for the residential component of the development have been calculated using the requirement for multiple dwellings from the Residential Design Codes (R Codes). In mixed use developments, the residential component requires the provision of 59 car bays, based on the standard of one (1) car bay for each of the 59 proposed multiple dwellings, with 10 per cent of the required car bays being allocated as visitor car bays. The number of car bays provided for the residential component is 59 car bays plus another 6 visitor car bays.*

*A total of 71 car bays have been provided for the entire development, therefore, resulting in 6 car bays available for the commercial component."*

#### **Technical Services**

Technical Services advise that at the time of the initial assessment of the previous Development Application serial 5.2006.544.1, the Town undertook both general waste and recycling collections, whereby the general waste collection service took place once per week, with recycling collected on the same day on a fortnightly basis.

As such, even if a twice weekly general waste collection was provided, halving the number of general waste bins required, on every alternate week, 64 bins would be placed on the street verge. This is an undesirable outcome for a number of reasons including footpath obstruction, vandalism and the likelihood of bins being overturned and refuse spread within the road reserve.

For the reasons outlined above, the Town agreed in relation to previous Planning Approval serial 5.2006.544. 1 to provide an on-site collection, with its refuse truck entering off Beaufort Street and exiting via the ROW to McCarthy Street. In order to ensure the Town was protected against any claims that may have arisen as a result of its rubbish trucks entering the development, an indemnity was a pre-requisite to the provision of the service, hence condition (xxvi) was recommended and imposed.

Refuse and recycling circumstances have now changed significantly, with the Town's recycling being handled by a private contractor. The recycling collection will now take place fortnightly, on a different day from the general waste collection. Therefore, the maximum number of bins that will be placed on the verge is reduced to 32.

Both the developer and the Town consider this application as an opportunity to restore normal waste management practice, where the bins will be placed out on the public street (Beaufort Street) for collection. This resolves onerous legal issues for the current owner(s) and future residents/commercial owner(s) and alleviates potential liability implications for the Town.

Technical Services therefore support the deletion of condition (xxvi) imposed at the Ordinary Meeting of Council held on 24 July 2007 for the above reasons, and an appropriate new condition has been proposed to manage bin collection from the street verge.

### **Western Australian Planning Commission**

This proposal has not been referred to the WAPC, as matters mainly relates to reconsideration of a condition. The revised plans were referred to the Western Australian Planning Commission (WAPC) as the proposal abuts Beaufort Street, which is classified as an "Other Regional Road" and also due to regional transport planning implications for comments. In summary, the WAPC had no objections to the previous proposal as per the plans considered at the Ordinary Meeting of Council held on 24 July 2007, under regional transport planning grounds, and recommends widening of the rear ROW and modifying of the rear ROW layout so that traffic can also perform left turn movements to access McCarthy Street. As the widening requirements have been provided, it is recommended that the previous condition (xxvii) regarding compliance with the WAPC is also deleted.

### **Planning Services**

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

The previous comments raised in the submissions considered at the Ordinary Meeting of Council held on 24 July 2007 are still considered to be relevant for the purposes associated with the revised plans being considered as part of this report.

The current proposal results in a more functional and improved outcome than the previous approved proposal for the following reasons:

- Removes the requirements of the Town trucks to enter the site, hence better traffic management within the site;
- Improves the safety and amenity of residents and pedestrian within the subject site; and
- Removes any potential liability implications involving the Town.

### **Summary**

The proposed changes are not considered major from the development previously approved by the Council at its Ordinary Meeting held on 24 July 2007. The current plans do not propose any other further variation to the Town's Policies, and do not have an undue impact on the amenity of the area, and as such there is no need to further re-advertise the proposal.

The expiry date requested by the owners is not supported in this instance, as the purpose of this application is for the reconsideration of a condition and minor changes. The owners currently have a Building Licence application submitted to the Town, and are in an advanced stage of the development plans for the Building Licence to be issued.

Accordingly, the proposal is supported subject to deletion of previous condition (xxvi) imposed at the Ordinary Meeting of Council on 24 July 2007, and a new condition (xxvi) regarding location of bin pickup area has been recommended in its place. Some of the conditions have been updated to reflect current requirements. The conditions relating to the amalgamation of lots and compliance with the WAPC requirements have been deleted, as the previous lots have now been amalgamated. All other previous conditions of approval, including the valid period of the approval to coincide with the 2 year period previously imposed being 24 July 2009, are recommended.



**9.1.1 Further Report – 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**

<b>Ward:</b>	South	<b>Date:</b>	27 October 2008
<b>Precinct:</b>	Norfolk; P10	<b>File Ref:</b>	PRO3453; 5.2008.99.1
<b>Attachments:</b>	<a href="#">001_002</a>		
<b>Reporting Officer(s):</b>	D Pirone, T Woodhouse		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

***FURTHER OFFICER RECOMMENDATION:***

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by 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), 14 October 2008 (proposed site plan, floor plan and elevations), 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) *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; and*

- (x) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the window to bedroom 3 on the northern elevation of unit 1;*
  - (b) *the balcony to living room on the southern and western elevations of unit 1;*
  - (c) *the window to bedroom 3 on the western elevation of unit 2;*
  - (d) *the balcony to living room on the southern and western elevations of unit 2;*
  - (e) *the window to bedroom 3 on the western elevation of unit 3;*
  - (f) *the balcony to living room on the northern and eastern elevations of unit 3;*
  - (g) *the windows to the upper living room on the southern elevation of unit 4;and*
  - (h) *the balcony to living room on the southern elevations 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. 540-542 and No. 536 William Street, No. 52 and No. 54 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.*

---

**COUNCIL DECISION ITEM 9.1.1**

**Moved Cr Burns, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

Cr Doran-Wu departed the Chamber at 8.06pm.

Debate ensued.

**PROPOSED AMENDMENT**

**Moved Cr Messina, Seconded Cr .....**

*That subclauses (x)(f) and (h) be deleted.*

**PROPOSED AMENDMENT LAPSED FOR WANT OF A SECONDER**

**Debate ensued.**

**MOTION PUT AND CARRIED (4-3)**

<b><u>For</u></b>	<b><u>Against</u></b>
Mayor Catania	Cr Ker
Cr Burns	Cr Lake
Cr Maier	Cr Youngman
Cr Messina	

**(Cr Farrell was an apology for the meeting.)**

**FURTHER REPORT:**

The Council initially considered the application at its Ordinary Meeting held on 7 October 2008 and resolved as follows:

*“That the item be DEFERRED for further consideration”.*

Subsequent to the item being deferred at the above Ordinary Meeting of Council, the applicant has submitted revised plans that reflect compliant requirements, reducing the amount of variations and conditions from the previous proposal.

The main amendments to the proposal are as follows:

- The balconies to units 1, 2, 3 and 4 have been reduced to 3 square metres in area;
- The window to bedroom 2 of unit 3 is now proposed to be obscured glass and is therefore compliant with the privacy requirements of the R Codes; and
- The building wall height has been reduced to a maximum of 6 metres above the natural ground level and therefore complies with the building height requirements of the R Codes.

These amendments have resulted in a reduction in the number of variations proposed and conditions placed on the previous recommended approval.

The question was raised by the Council at its Ordinary Meeting held on 7 October 2008, if it was possible for the applicant to retain the existing house and develop at the rear or to the side of the existing house. The applicant was advised of this query, and advised the Town’s Officers that they did originally consider such an option; however the applicant found that it was not possible as the existing house is situated in the very centre of the two lots and there is little land at the rear of the property to develop.

**Further Assessment**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
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 ground floor.	In line to 2 metres in front of the ground floor.	Supported – see “Comments”.
-North Unit 1 and 2	1.8 metres	1.209 metres – 3.409 metres	Supported – not considered to have an undue impact on the neighbouring property. No objections received from affected owner.
Unit 3	3.5 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.
Building Height	<del>The maximum building wall height shall be no higher than 6 metres above the natural ground level.</del>	<del>The highest point proposed is 6.2 metres above the natural ground level.</del>	<del>Not supported – considered to have an undue impact on the neighbouring properties. Condition applied to reduce the building wall height to a maximum of 6 metres above the natural ground level.</del>  <u>The applicant has provided amended plans that comply with the building height requirements of the R Codes.</u>

<p>Outdoor Living Area: Unit 1</p>	<p>An outdoor living area is to be provided behind the street setback.</p>	<p>Provided within the street setback area.</p>	<p>Supported – this is not considered to have an undue impact on the amenity of the area. Further to this, it is beneficial to the streetscape that the courtyard is provided within the front setback as the bulk of the building is setback further from the William Street boundary.</p>
<p>Privacy Setbacks: Unit 1 – balcony to upper living on the southern and western elevations</p>	<p>7.5 metres</p>	<p><del>4.5</del> <u>5.05</u> metres to the southern property boundary.</p>	<p>Not supported – considered to have an undue impact on the neighbouring properties. Condition applied to screen the non-compliant major openings.</p>
<p>Unit 2 – balcony to upper living on the southern and western elevations  Unit 3 – balcony to upper living on the northern elevation.  Unit 4 – balcony to upper living on the southern elevation.</p>	<p>7.5 metres  7.5 metres  7.5 metres</p>	<p><del>4.7</del> <u>4.85</u> metres to the southern property boundary.  <del>4.51</del> <u>1.21</u> metres to the northern property boundary.  <del>6.5</del> <u>6.35</u> metres to the southern property boundary.</p>	<p>Not supported – as above.  Not supported – as above.  Not supported – as above.  <u>The applicant has provided amended plans showing the balconies not greater than 1 metre in dimension and 3 square metres in area, which are not considered as active habitable spaces as per the Residential Design Codes. However, Clause 7.4.8 (including Clauses BDPC 9 and BDADC 9 ) of the Residential Design Elements Policy specify that the protection of residential privacy is an important issue for the residents of the Town of Vincent and, in this instance, it is recommended that the subject balconies, regardless of its size, be screened.</u></p>

## Conclusion

In light of the above, the previous Officer Recommendation and assessment has been altered to reflect the amended plans. The revised plans do not propose any other further variation to the Residential Design Codes and the Town's Policies, and is considered not to have a further undue impact on the adjoining properties and the amenity of the area, and as such there is no need to further re-advertise the proposal. Given the above, it is recommended that the Council approve the application, subject to standard and appropriate conditions to address the above matters as outlined in the Further Officer Recommendation.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 7 October 2008.

### *“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;*



- (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.*

---

*Moved Cr Messina, Seconded Cr Burns*

*That the recommendation be adopted.*

*Debate ensued.*

*AMENDMENT NO 1*

*Moved Cr Messina, Seconded Cr Lake*

*That clauses (x)(a), (c), (e) and (h) be deleted and all remaining clauses be renumbered.*

*Debate ensued.*

AMENDMENT NO 1 PUT AND LOST (2-4)

For

*Presiding Member, D/Mayor Cr Farrell  
Cr Messina*

Against

*Cr Burns  
Cr Doran-Wu  
Cr Lake  
Cr Maier*

*(Mayor Catania was an apology for the meeting. Cr Ker and Cr Youngman on approved leave of absence.)*

*Debate ensued.*

AMENDMENT NO 2

Moved Cr Messina, Seconded Cr Lake

*That clauses (x)(e) and (h) be deleted and all remaining clauses be renumbered.*

AMENDMENT NO 2 PUT AND CARRIED (6-0)

PROCEDURAL MOTION

Moved Cr Burns, Seconded Cr Doran-Wu

*That the item be DEFERRED for further consideration.*

PROCEDURAL MOTION PUT AND CARRIED (5-1)

For

*Presiding Member, D/Mayor Cr Farrell  
Cr Burns  
Cr Doran-Wu  
Cr Lake  
Cr Maier*

Against

*Cr Messina*

*(Mayor Catania was an apology for the meeting. Cr Ker and Cr Youngman on approved leave of absence.)*

---

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

**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:*

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density:</i>	<i>4.08 grouped dwellings at R60</i>	<i>4 dwellings.</i>	<i>Noted – no variation.</i>
<i>Plot Ratio:</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted.</i>
<i>Building Setbacks: Ground Floor -North Unit 1</i>	<i>1 metre</i>	<i>Nil – 2.2 metres</i>	<i>Supported – not considered to have an undue impact on the neighbouring property. No objections received from affected owner.</i>
<i>Unit 2</i>	<i>1.5 metres</i>	<i>1.202 metres – 4.009 metres</i>	<i>Supported – not considered to have an undue impact on the neighbouring property. No objections received from affected owner.</i>
<i>Unit 3</i>	<i>1.5 metres</i>	<i>1.21 metres – 4.01 metres</i>	<i>Supported – not considered to have an undue impact on the neighbouring property. No objections received from affected owner.</i>
<i>Upper Floor -West (William Street) Unit 1</i>	<i>2 metres behind the ground floor.</i>	<i>In line to 2 metres in front of the ground floor.</i>	<i>Supported – see “Comments”.</i>
<i>-North Unit 1 and 2</i>	<i>1.8 metres</i>	<i>1.209 metres – 3.409 metres</i>	<i>Supported – not considered to have an undue impact on the neighbouring property. No objections received from affected owner.</i>

<i>Unit 3</i>	<i>3.5 metres</i>	<i>1.21 metres – 4.01 metres</i>	<i>Supported – not considered to have an undue impact on the neighbouring property. No objections received from affected owner.</i>
<i>Building Height</i>	<i>The maximum building wall height shall be no higher than 6 metres above the natural ground level.</i>	<i>The highest point proposed is 6.2 metres above the natural ground level.</i>	<i>Not supported – considered to have an undue impact on the neighbouring properties. Condition applied to reduce the building wall height to a maximum of 6 metres above the natural ground level.</i>
<i>Outdoor Living Area: Unit 1</i>	<i>An outdoor living area is to be provided behind the street setback.</i>	<i>Provided within the street setback area.</i>	<i>Supported – this is not considered to have an undue impact on the amenity of the area. Further to this, it is beneficial to the streetscape that the courtyard is provided within the front setback as the bulk of the building is setback further from the William Street boundary.</i>
<i>Privacy Setbacks: Unit 1 – balcony to upper living on the southern and western elevations</i>	<i>7.5 metres</i>	<i>4.5 metres to the southern property boundary.</i>	<i>Not supported – considered to have an undue impact on the neighbouring properties. Condition applied to screen the non-compliant major openings.</i>
<i>Unit 2 – balcony to upper living on the southern and western elevations</i>	<i>7.5 metres</i>	<i>4.7 metres to the southern property boundary.</i>	<i>Not supported – as above.</i>
<i>Unit 3 – balcony to upper living on the northern elevation.</i>	<i>7.5 metres</i>	<i>1.51 metres to the northern property boundary.</i>	<i>Not supported – as above.</i>
<i>Unit 4 – balcony to upper living on the southern elevation.</i>	<i>7.5 metres</i>	<i>6.5 metres to the southern property boundary.</i>	<i>Not supported – as above.</i>
<i>Consultation Submissions</i>			
<i>Support</i>	<i>Nil.</i>		<i>Noted.</i>
<i>Objection (1)</i>	<ul style="list-style-type: none"> <li>• <i>Setback to William Street.</i></li> </ul>		<ul style="list-style-type: none"> <li>• <i>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.</i></li> </ul>

	<ul style="list-style-type: none"> <li>• <i>Building height.</i></li> <li>• <i>Privacy.</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Supported – condition applied to reduce the height of the building to a maximum of 6 metres above the natural ground level.</i></li> <li>• <i>Supported – condition applied to screen all the non-compliant major openings.</i></li> </ul>
<i>Other Implications</i>		
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>	
<i>Strategic Implications</i>	<i>Nil</i>	
<i>Sustainability Implications</i>	<i>Nil</i>	
<i>Financial/Budget Implications</i>	<i>Nil</i>	

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

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

**COMMENTS:**

*Demolition*

*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."*

**9.1.2 Nos. 49A and 49B (Lots: 1 and 2 D/P: 672, and 50 D/P: 7748) Vincent Street, Mount Lawley – Subdivision, Department for Planning and Infrastructure Ref. No. 136951- Reconsideration of Conditions**

<b>Ward:</b>	South	<b>Date:</b>	29 October 2008
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	136951; 7.2008.11.1
<b>Attachments:</b>	<a href="#">001 002</a>		
<b>Reporting Officer(s):</b>	D Bothwell		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*the Council ADVISES the Western Australian Planning Commission(WAPC) in relation to the request for reconsideration of the conditions of the WAPC subdivision approval granted on 7 August 2008 for Nos. 49A and 49B (Lots :1 and 2 D/P: 672, and 50 D/P: 7748) Vincent Street, Mount Lawley (WAPC No. 136951), of the following:*

(i) *Condition 6 - Advice 5(i) to be amended to read as follows:*

*“the provision and construction of two on-site car parking bays and associated driveway and crossover. One of the car parking bays could be the existing car bay accessed off Vincent Street”;*

(ii) *Condition 6 – Advice 5(ii) to be retained;*

(iii) *Condition 6 – Advice 5(iii) to be deleted;*

(iv) *Condition 7 to be retained;*

(v) *Condition 8 to be deleted; and*

(vi) *Condition 12 to be retained.*

**\*Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

**Moved Cr Maier, Seconded Cr Ker**

*That the recommendation be adopted.*

Debate ensued.

Cr Messina departed the Chamber at 8.10pm.

Debate ensued.

Cr Doran-Wu departed the Chamber at 8.12pm.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Ker**

*That clause (i) be amended to read:*

*“(i) Condition 6 – Advice 5(i) to be deleted”.*

**AMENDMENT PUT AND CARRIED (6-0)**

(Cr Farrell was an apology for the meeting. Crs Doran-Wu and Messina were absent from the Chamber and did not vote.)

**MOTION AS AMENDED PUT AND CARRIED (6-0)**

(Cr Farrell was an apology for the meeting. Crs Doran-Wu and Messina were absent from the Chamber and did not vote.)

**COUNCIL DECISION ITEM 9.1.2**

*That;*

*the Council ADVISES the Western Australian Planning Commission(WAPC) in relation to the request for reconsideration of the conditions of the WAPC subdivision approval granted on 7 August 2008 for Nos. 49A and 49B (Lots :1 and 2 D/P: 672, and 50 D/P: 7748) Vincent Street, Mount Lawley (WAPC No. 136951), of the following:*

- (i) Condition 6 - Advice 5(i) to be deleted;*
- (ii) Condition 6 – Advice 5(ii) to be retained;*
- (iii) Condition 6 – Advice 5(iii) to be deleted;*
- (iv) Condition 7 to be retained;*
- (v) Condition 8 to be deleted; and*
- (vi) Condition 12 to be retained.*

---

<b>Landowner:</b>	Catholic Women’s League of WA
<b>Applicant:</b>	Tuscom Subdivision Consultants Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Residential
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	612 square metres
<b>Access to Right of Way</b>	South side, 2.5 metres wide, sealed, Town owned

**PURPOSE OF REPORT:**

The purpose of this report is for the Council to reconsider specific conditions placed on the Western Australian Planning Commission’s subdivision approval of the subject property into two (2) lots.



**BACKGROUND:**

On 15 April 2008, the Town recommended approval of a subdivision of the subject property into two (2) lots, subject to appropriate conditions. On 7 August 2008, the Western Australian Planning Commission approved the subdivision subject to conditions. In a letter dated 7 October 2008, the Western Australian Planning Commission sought the Town's comments regarding the applicants request for reconsideration of several conditions.

**DETAILS:**

The proposed subdivision involves the subdivision of the subject property into two (2) lots.

The applicant's submission is attached to this report, and the applicant has requested that the following conditions be reconsidered:

- Condition 6. - *“The existing dwelling is to comply with the requirements of the Residential Design Codes.”*
- Condition 7. - *“A 2 metre by 2 metre truncation is to be provided at the intersection of the right of way and the Vincent Street road reserve.”*
- Condition 8. - *“The length of the right of way adjacent to the subject land being widened by 1 metre and vested in the crown as a right of way under Section 152 of the Planning and Development Act 2005 to the Satisfaction of the Western Australian Planning Commission.”*
- Condition 12. - *“All dwelling(s) being constructed to plate height prior to the submission of the deposited plan.”*

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Condition 6**

*The existing dwelling is to comply with the requirements of the Residential Design Codes.*

*Advice 5 (i) - The provision and construction of two (2) onsite car parking bays and associated driveway and crossover. The car parking bays shall allow motor vehicles to enter and exit the street in forward gear.*

Technical Services have advised that there is an existing car bay to proposed Lot 88 off Vincent Street. Vehicles currently reverse onto Vincent Street from this parking bay. There would be scope to provide an additional parking bay from the rear of the property (off the right of way); however, manoeuvring may be difficult due to the narrow width of the right of way.

In light of the above, it is considered that this condition advice be amended to read as follows:  
*"The provision and construction of two on-site car parking bays and associated driveway and crossover. One of the car parking bays could be the existing car bay accessed off Vincent Street."*

*Advice 5(ii) - The provision of a courtyard with a minimum area of 16 metres square and minimum dimensions of 4 metres.*

In terms of the provision of a courtyard for the front dwelling, there appears to be sufficient room for the applicant to provide a courtyard of 16 square metres with a minimum dimension of 4 metres, on the southern side of the property abutting the right of way, even with the imposition of condition 8 and a 1 metre widening of the right of way taken into account. Alternatively, if the required two carbays were to be located in this area on the southern side abutting the right of way, the courtyard could be accommodated where the existing driveway and carport are situated.

It is therefore considered that this condition is still required and achievable and should be retained.

*Advice 5(iii) - The provision of open space with a minimum area of 45 percent of the site area.*

The Town's Planning Officers have calculated that the open space provided for proposed Lot 88 as approximately 40 per cent. The Town accepts that the open space requirement of 45 per cent cannot be achieved without partial demolition of the existing dwelling and, given that the existing dwelling is on the Town's Municipal Heritage Inventory, this condition may not be able to be achieved. Due to the subject property's close proximity to the large open space in Hyde Park and the existing dwelling's listing on the Town's Municipal Heritage Inventory, it is considered acceptable that this condition advice be deleted in this instance.

#### **Condition 7**

*A 2 metre by 2 metre truncation is to be provided at the intersection of the right of way and the Vincent Street road reserve.*

Technical Services have advised that the 2.0 metre by 2.0 metre truncation is required. The truncation is required to enable a future crossover to be constructed to the right of way (ROW) perpendicular to the Vincent Street carriageway, in accordance with the Town's Crossover Policy. A 2.0 metre by 2.0 metre truncation is supported in this instance.

It is therefore considered that this condition is still required and should be retained.

#### **Condition 8**

*The length of the right of way adjacent to the subject land being widened by 1 metre and vested in the crown as a right of way under Section 152 of the Planning and Development Act 2005 to the satisfaction of the Western Australian Planning Commission.*

Technical Services have advised that the existing ROW is 3.0 metres wide and is in private ownership. It runs in a diagonal direction approximately east – west and intersects with Vincent Street at an acute angle approximately 7.0 metres east of the Vincent Street tangent point on the existing kerbline. Due to the ROW's close proximity to the William Street/Vincent Street intersection and given that access to the ROW is, and always will be, restricted to 'left in left out' (due to the existing median Island on Vincent Street), it is considered that access from Vincent Street will always be limited. In addition, given the limited potential for the redevelopment of the properties on the south side of the ROW, it is considered there would be limited scope to achieve of future widening of the ROW on the south side. Therefore, given the above, a 1.0 metre ROW widening may possibly not be required.

In light of the above, it is considered acceptable that this condition advice be deleted in this instance.

**Condition 12**

*All dwelling(s) being constructed to plate height prior to the submission of the deposited plan.* The proposed Lot 89 has an area of less than 300 square metres (180 square metres proposed), a depth of less than 15 metres (nil to 13.8 metres proposed) proposed and an awkward shape. Therefore, in accordance with the Town's Residential Subdivisions Policy, a dwelling is required to be granted Planning Approval and be constructed to plate height prior to the clearance of the diagram of survey. The applicant suggests "*Alternative ways of achieving the objective might be to enter into a legal agreement with the Town of Vincent and/or the WAPC to ensure that the development proceeds or to enter into a legally binding contract with the builder once development approval has been given*". The suggested building contract is considered inappropriate as the Town is not a party to this contract and there is limited security to ensure the building contract, hence the approved development, will proceed. The suggested legal agreement is considered inappropriate as the Town will incur additional costs and resources to manage and enforce the performance of the legal agreement. It is considered that the deletion or variation of this condition would create an undue precedent for future subdivisions creating lots with an area less than 300 square metres to be approved without dwellings required to be constructed to plate height.

It is therefore considered that this condition is still required and should be retained.

**9.1.9 Nos. 79-81 (Lots: 11 and 12 D/P: 59211) Brisbane Street, Perth - Proposed Demolition of Two (2) Existing Single Houses and Construction of Three-Storey Mixed Use Development Comprising Four (4) Multiple Dwellings, Three (3) Offices and Associated Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	27 October 2008
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO4489; 5.2008.331.1
<b>Attachments:</b>	<a href="#">001 002</a>		
<b>Reporting Officer(s):</b>	D Pirone, H Au		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by M Zhai on behalf of the owner Siho Developments Pty Ltd for proposed Demolition of Two (2) Existing Single Houses and Construction of Three-Storey Mixed-Use Development Comprising Four (4) Multiple Dwellings, Three (3) Offices and Associated Car Parking at at Nos. 79-81 (Lots: 11 and 12 D/P: 59211) Brisbane Street, Perth, and as shown on plans stamp-dated 11 July 2008 and 20 October 2008 (ground floor plan), for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the existing place has cultural heritage significance in terms of its aesthetic, historic and rarity values and is listed on the Town's Municipal Heritage Inventory/Heritage List as a Management Category B – Conservation Recommended; and*
- (iii) consideration of the objections received.*

---

Cr Doran-Wu returned to the Chamber at 8.11pm.

**COUNCIL DECISION ITEM 9.1.9**

**Moved Cr Maier, Seconded Cr Burns**

*That the recommendation be adopted.*

Cr Messina returned to the Chamber at 8.12pm.

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr Maier, Seconded Cr Messina**

*That the item be DEFERRED to allow the applicant to put in a request to remove the item from the MHI or to come up with some alternative plans.*

**PROCEDURAL MOTION PUT AND LOST (2-6)**

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

(Cr Farrell was an apology for the meeting.)

**MOTION PUT AND CARRIED (6-2)**

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

(Cr Farrell was an apology for the meeting.)

---

<b>Landowner:</b>	Siho Developments Pty Ltd
<b>Applicant:</b>	M Zhai
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Office Building and Multiple Dwelling
<b>Use Classification:</b>	“AA” and “P”
<b>Lot Area:</b>	773 square metres
<b>Access to Right of Way</b>	Not Applicable

**BACKGROUND:**

- 1 February 2006 At the Special Meeting of Council, reference to previous resolutions is made within Item 7.1 stipulating that the Draft Municipal Heritage Inventory is to remain confidential until the commencement of the formal community consultation period.
- 6 May 2006 Siho Development Pty. Ltd. put in an offer for the subject properties at an auction conducted by Roy Weston Real Estate.
- 21 June 2006 Community Consultation of the Town of Vincent Municipal Heritage Inventory Review commenced. Letter sent to the Melsom Robson Superannuation Fund, advising of the proposed heritage listing of the subject properties onto the Municipal Heritage Inventory (MHI) and invited to comment on the proposed listing. Prior to settlement to Siho Development Pty. Ltd., Melsom Robson Superannuation Fund was listed on the Town's Records as the owners of the subject properties at the commencement of the community consultation period.

- 30 June 2006 According to the Town's Rates Database, the date of settlement of the subject properties was 30 June 2006. Settlement of the two subject properties completed and new ownership details updated on the Town's Rates Database. MHI Review ownership database not updated.
- 31 August 2006 MHI consultation period closed.
- 7 September 2006 Letter sent to the Melsom Robson Superannuation Fund, the previous owner of the subject properties, advising that as no submissions were received relating to the proposed listing of the subject properties onto the Town's MHI, the properties would be considered entry onto the MHI at the Ordinary Meeting of Council held on 12 September 2006.
- 8 December 2006 Letter sent to the Melsom Robson Superannuation Fund, the previous owner of the subject properties, advising of the resolution of the Ordinary Meeting of Council held on 12 September 2006 to enter the subject properties onto the MHI as a Management Category B - Conservation Recommended.
- All correspondence relating to the proposed heritage listing detailed above were not forwarded to the Siho Development Pty. Ltd., the new owner of the subject properties.
- 1 July 2008 Mo Zhai, on behalf of Siho Development Pty. Ltd., submitted a Development Application proposing the demolition of two (2) existing single houses and construction of three-storey mixed use development comprising four (4) multiple dwellings, three (3) offices and associated car parking. Siho Development Pty. Ltd. was notified that the subject properties are on the MHI list.
- 28 August 2008 Draft Heritage Assessment undertaken on the subject properties by the Town's Officers indicating that the properties met the threshold for entry onto the Town's Municipal Heritage Inventory. A copy of the Draft Heritage Assessment was forwarded to the applicant for consideration and forms an attachment to this report.
- 15 September 2008 Submission objecting to the heritage listing of the subject properties received by the Town from the owner and applicant of the proposed development, Siho Development Pty Ltd.
- 22 September 2008 Independent Heritage Assessment undertaken by Architect Ronald Bodycoat indicating that the subject properties have little cultural heritage value and do not warrant entry onto the Town's Municipal Heritage Inventory (MHI). A copy of the Heritage Assessment is "*Laid on the Table.*"

**DETAILS:**

The proposal involves the demolition of two (2) existing single houses and construction of three-storey mixed use development comprising four (4) multiple dwellings, three (3) offices and associated car parking.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	6.184 multiple dwellings at R80	4 multiple dwellings	Noted – no variation.
Plot Ratio	1.0 or 773 square metres	0.71 or 553.77 square metres	Noted – no variation.
Building Side Setbacks: Ground Floor -East	1.5 metres	Nil	Supported – not considered to have an undue impact and no objection received from affected neighbouring property.
-West	1.5 metres	Nil	Supported – not considered to have an undue impact and no objection received from affected neighbouring property.
Mezzanine Floor/First Floor -East	2 metres	Nil	Supported – not considered to have an undue impact and no objection received from affected neighbouring property.
-West	2 metres	Nil	Supported – not considered to have an undue impact and no objection received from affected neighbouring property.
Second Floor -West	2.8 metres	Nil	Supported – not considered to have an undue impact and no objection received from affected neighbouring property.
Buildings on Boundary	Walls not higher than 6 metres for 2/3 the length of the balance of the boundary behind the front setback on one side boundary only.	Boundary Walls on two boundaries. West Wall Wall height – 9 metres Wall length – 2/3 = 27.07 metres Proposed length = 17.4 metres East Wall Wall height – 6.3 metres Wall length – 2/3 = 27.22 metres Proposed length = 18.6 metres	Supported – not considered to have an undue impact and no objection received from affected neighbouring property.

Privacy Setbacks: Unit 1 (R1) (Bedroom 1)	4.5 metres	1.7 metres to the eastern boundary.	Not supported – considered to have an undue impact on the neighbouring property.
Unit 4 (R2) (Bedroom 1)	4.5 metres	2 metres to the western boundary.	Not supported – considered to have an undue impact on the neighbouring property.
Number of Storeys	2 storeys	3 storeys	Supported – See “Comments”
Beaufort Precinct Policy:	Developments comprising of residential and commercial uses are to contain a residential component of no less than 66 per cent.	55 per cent residential proposed.	Not supported – given the demolition and the removal of the historic character of the subject properties and the bulk and scale of the proposed development, this requirement should be complied with.
<b>Car Parking for Commercial Component</b>			
Car parking requirement (nearest whole number) - Office (336.21 square metres of gross floor area) Requires 6.72 car bays			7 car bays
Apply the adjustment factors: <ul style="list-style-type: none"> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.80 (development contains a mix of uses, where 45 percent is residential)</li> <li>▪ 0.80 (within 50 metres of a public car parking place with in excess of 50 car parking spaces)</li> </ul>			(0.544)  3.81 car bays
Minus the car parking provided on-site			6 car bays for office use
Minus the most recently approved on-site car parking shortfall			Nil
Resultant surplus			2.19 car bays
<b>Bicycle Parking</b>			
Bicycle parking requirement (nearest whole number):  Office (336.21 square metres of gross floor area) -1 space per 200 square metres of gross floor area for employee/resident (Class 1 or 2) = 1.68 spaces  -1 space per 750 square metres over 1000 square metres of gross floor area for shopper/visitor (class 3) = Nil			2 spaces (Class 1 or 2) required.
<b>Consultation Submissions</b>			
Support	Nil.		Noted.
Objection (1)	<ul style="list-style-type: none"> <li>• The subject cottages are important to the historic character of the area as there are few of them left.</li> <li>• The demolition will rob Brisbane Street of irreplaceable appeal.</li> </ul>	<ul style="list-style-type: none"> <li>• Supported – the subject cottages have cultural heritage significance in terms of their aesthetic, historic and rarity values.</li> </ul>	



<b>Other Implications</b>	
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**

On 6 May 2006, Siho Development Pty. Ltd. put in an offer for the subject properties at an auction. At this time, the subject properties were not listed on the Town's Municipal Heritage Inventory (MHI) and all information relating to the Draft Municipal Heritage Inventory was to remain confidential until the commencement of the formal community consultation period.

In accordance with Clause 45 of the Heritage of Western Australia Act 1990, all local government authorities are to compile and maintain a Municipal Heritage Inventory. Of particular note, Clause 45 (4) of the Heritage of Western Australia Act 1990 stipulates that *'the council of a municipality shall ensure that the inventory required in this section is compiled with proper public consultation'*. Adhering to this clause, the Council at its Special Meeting held on 1 February 2006 resolved to adopt a comprehensive community consultation process that comprised ensuring individual contact to be made with all owners of places contained within the Draft Municipal Heritage Inventory (MHI).

To ensure that a comprehensive consultation process was undertaken, all individual ownership details were retrieved from the Town's Rates Database. It is important to reiterate that ownership changes are not entered into the Town's Rates Database until the completion of the settlement period. As such, in this particular case, the subject properties had not yet been officially transferred to the current owners until 30 June 2006, following the commencement of the MHI community consultation period.

In instances whereby the Town's ownership details were not correct and correspondence was returned to the Town, the Town was diligent in obtaining correct details and forwarding to the correct owners. No returned mail was received for the subject properties; therefore, unfortunately the Town's Officers were not made aware of the change of ownership that took place during the consultation period.

In conclusion, whilst it is considered that the Town did follow due process at the commencement of the MHI community consultation period, it recognises that correspondence relating to the proposed heritage listing of the subject properties post 30 June 2006 should have been forwarded to the current owners of the subject place. Given this, there is an argument to contend that the subject properties were entered onto the Town's Municipal Heritage Inventory without full regard to clause 45(4) of the Heritage of Western Australian Act 1990.

The applicant's submission includes a Statement dated 19 September 2008 from Siho Development Pty. Ltd. and a Heritage Assessment dated 22 September 2008 conducted by Ronald Bodycoat – Architect. The content of both is summarised below and "*Laid on the Table*".

- Siho Development Pty. Ltd. made verbal enquiries at the Town of Vincent about the development of the subject properties prior to the property auction held on 6 May 2006. Siho Development Pty. Ltd. was not informed that the subject properties were to be considered to entry onto the MHI.
- During the MHI consultation period from 21 June to 31 August 2006, Siho Development Pty. Ltd. did not receive any notification from the Town advising that the subject properties were being considered for entry onto the MHI.
- The Heritage Assessment undertaken by Architect Ronald Bodycoat concludes that the subject place has little aesthetic, historic, scientific, social, rarity and representativeness value and supports the proposed development on the subject lots.

A detailed Heritage Assessment by the Town's Heritage Officers is contained in an attachment to this report which indicates that the place meets the threshold for entry onto the Town's Municipal Heritage Inventory (MHI) for the following reasons:

- The place has *some aesthetic value* as a good example of an intact identical pair of vernacular Federation Georgian style dwellings that are simply proportioned and complement their more exuberantly styled commercial neighbours located at the junction of Brisbane and Beaufort Streets.
- The place has *some historic value* as the only remnant pair of purpose-built residential dwellings along Brisbane Street between Stirling and Beaufort Streets, reinforcing the historical characteristic of the complementary commercial and residential land use within this inner-city area of Perth.
- The place has *some rarity value* as a pair of intact dwellings constructed in 1898 in the Federation Georgian style of architecture.

### **Redevelopment – Number of Storeys**

The proposed development is considered to be a three-storey development, due to the mezzanine level appearing to look like its own floor. In this instance, the proposal is supportable as the overall height of the development is 9 metres, which is equivalent to the overall pitch height for a two-storey development. Further to this, the three-storey concealed roof height requirement in the R Codes is 10 metres. The proposed development is 1 metre below this requirement and reflects the heights of other buildings such as the Brisbane Hotel, and a commercial building at Nos. 251-255 Stirling Street, which are within the immediate vicinity of the subject proposed development.

The eastern side of the development is shown as two-storey only at an overall height of 6.259 metres. The step down in height demonstrates articulation and interest in the front elevation as well as a compliant height limit in this portion.

### **Summary**

In summary, the dwellings are considered to be significance to the locality and worthy of retention and to remain on the Town's Municipal Heritage Inventory as Management Category B - Conservation Recommended. It is therefore recommended that the proposed demolition of the existing dwellings and redevelopment be refused and the conservation of the place be encouraged.

**9.2.1 Further Report - Proposed Streetscape, Pedestrian Safety & Traffic Management Enhancement Project Scarborough Beach Road, Mt Hawthorn – Killarney Street to Federation Street**

<b>Ward:</b>	North	<b>Date:</b>	27 October 2008
<b>Precinct:</b>	Mount Hawthorn P1	<b>File Ref:</b>	TES0077 & TES0376
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Lotznicker, C Wilson		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the further report on the proposed Scarborough Beach Road Streetscape, Pedestrian Safety and Traffic Management Enhancement Project, along Scarborough Beach Road, Mt Hawthorn, between Killarney Street and west of Eucla Street (near Green Street);*
- (ii) *NOTES;*
  - (a) *that in 2007/2008, when the community was consulted, the proposed upgrade extended to Federation Street, however, it is now proposed to extend the upgrade to just west of Eucla Street;*
  - (b) *the comments received, and in particular the comments that the project should be extended further west to Green Street; and*
  - (c) *that additional funds were allocated in the 2008/2009 budget for the project, including Metropolitan Regional Road funding;*
- (iii) *APPROVES the implementation of the proposal as shown on attached Plans No. 2518-CP-01 and 2410-CP-01 estimated to cost \$450,000; and*
- (iv) *ADVISES the respondents of its decision.*

---

**COUNCIL DECISION ITEM 9.2.1**

**Moved Cr Messina, Seconded Cr Youngman**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED (8-0)**

(Cr Farrell was an apology for the meeting.)

**ADDITIONAL INFORMATION:**

**Additional Information: Financial/Budget Implications**

Prepared by: Director Technical Services

The 2008/2009 budget includes funds allocated as follows, for this project:

**Footpath Slab Replacement program:**

As part of the Town’s adopted footpath slab replacement program \$43,500 has been allocated as follows:

- Scarb Bch Road Ellesmere to Killarney, \$12,000
- Scarb Bch Road, Buxton to Egina, \$23,500
- Scarb Bch Road, Cnr Federation, 8,000

**Road Rehabilitation and Upgrade Program**

As part of the Town’s adopted Road Rehabilitation and Upgrade program \$270,000 has been allocated as follows:

Project	Section	Town Contribution
Scarborough Bch Rd	The Boulevard to Federation St Total Project cost = \$270,000, <b>MRWA contribution = \$180,000</b>	<b>\$90,000</b>

This section of road is deteriorated and is in need of rehabilitation (removal of the old asphalt and relaying of new asphalt and rekerbing).

**Streetscape Improvements:**

The following funds totalling \$145,000 have been allocated in the 2008/2009 budget for planting of trees, construction pedestrian refuge islands centre of road at strategic locations and at selected intersections

As mentioned in the report the estimated cost to implement the project, as outlined above, and as shown on attached Plans No. 2518-CP-01 and 2410-CP-01 is in the order of \$450,000.

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the outcome of the community consultation regarding the proposed streetscape, pedestrian safety and traffic management enhancements on Scarborough Beach Road west of Killarney Street.

**BACKGROUND:**

At it’s Ordinary Meeting held on 19 December 2006, Council received a report on a proposal to extend the single lane treatment on Scarborough Beach Road to a single traffic lane in either direction by implementing various measures including pedestrian refuge islands, street trees, cycle lanes and improved traffic management through the intersections. Having considered the report the Council made the following decision (in part):

*"That the Council;*

- (ii) APPROVES IN PRINCIPLE the proposed Scarborough Beach Road Streetscape, Pedestrian Safety and Traffic Management Enhancement Project concept plan as shown on attached Plan No. 2410-CP-1 and submits the proposal to Main Roads WA, the Department for Planning and Infrastructure's Bikewest unit and Transperth for comment;*
- (v) CONSULTS with the community (commencing in the latter part of January 2007) regarding the proposal, providing them with 21 days in which to provide their comments; and*
- (vi) RECEIVES a further report/s on the proposal as outlined in clauses (ii) and (v) once stakeholder feedback has been received."*

**DETAILS:**

**The Proposal:**

Posted Speed

Main Roads WA has agreed to review the posted speed limit and have provided in principle support to extend the 50 kph to Green Street.

Streetscape

It is proposed to plant additional Eucalyptus Maculata (Spotted Gums) in the median strip to complement the existing trees adjacent to Braithwaite Park and to create an Avenue effect.

Pedestrian Safety

To be enhanced by the provision of dedicated crossing points within raised median islands, effectively reducing the pedestrian crossings to a single lane either direction.

Street lighting

Has previously been upgraded (the length of Scarborough Beach Road) to a *District Distributor A Road* standard as part of the Town's, now completed, District Distributor Street Lighting Upgrade Program.

Cycle Lanes

While Scarborough Beach Road is not a designated cycle route, the design incorporates cycle lanes on which the Department for Planning and Infrastructure's (DPI) Bikewest unit were invited to comment.

**Community Consultation (refer appendix 9.2.1):**

In mid 2007, 33 letters were distributed to the residents and business proprietors along Scarborough Beach Road west of Killarney Street.

Note: At the time the proposal included an upgrade between Killarney Street and Federation Street only.

At the close of the consultation period, of the 33 letters distributed only seven (7) replies were received, including one from DPI Bike West (representing a 21% response rate) as follows:

	<u>No of Responses</u>	<u>Percentage</u>
In favour	3	43%
Partially in favour	2	28.5%
Against	2	28.5%
<b>Total</b>	<b>7</b>	<b>100%</b>

**Officer Comments:**

A number of comments received related to extending the works further to the west, to Green Street, as there were concerns that the point at which the single lanes would diverge/merge into two lanes was inappropriate as it was proposed to be on a crest of a slight rise and that the proposed improvements do not extend to Eucla Street.

The current proposal has been extended to a point west of Eucla Street. Beyond this point the existing geometry of the intersection and the volume of traffic involved is such that it would not be possible to implement a single lane (out of/into the intersection) without significantly impacting upon the level of service of the intersection, particularly for west bound traffic.

Further, the intersection is the junction of four (4) District Distributor 'A' Roads, while Green Street and Scarborough Beach Road, west of Main Street, are boundary roads with the City of Stirling. Therefore, any proposed changes to the intersection would have to be in collaboration with the City of Stirling and Main Roads WA.

Note: The upgrading of the Main/Green/Brady Streets intersection will be progressed as a stand alone project in the future should appropriate funding become available from either State or Commonwealth sources

The attached plans Nos. 2518-CP-01 and 2410-CP-01 provide for an extension of the single lane either direction, to a point west of Eucla Street, which should address a majority of the residents' concerns, other than the suggestion above with regard to the Scarborough Beach Road/Green Street modifications.

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

Not applicable.

**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. *“(d) implement infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way and roads.”*

**SUSTAINABILITY IMPLCATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The following funds totalling \$458,500 have been allocated in the 2008/2009 budget for the project:

- Streetscape Improvements - \$145,000
- Rehabilitation - \$270,000
- Footpath upgrades - \$43,500

The estimated cost to implement the project, as outlined above, and as shown on attached Plans No. 2518-CP-01 and 2410-CP-01 is in the order of \$450,000.

**COMMENTS:**

The Town recently successfully completed the upgrade of Scarborough Beach Road through the Mount Hawthorn Commercial Precinct. The character of the Scarborough Beach Road streetscape is constantly evolving as can be seen by the recent building activity in the Mt Hawthorn Centre Precinct. The proposed Scarborough Beach Road upgrade proposal west of Killarney Street will result in an enhanced streetscape amenity for residents and will improve pedestrian and cyclist safety and ultimately result in lowering the posted speed in this section of Scarborough Beach Road

**9.2.4 Proposed Fencing - Robertson Park, Perth**

<b>Ward:</b>	South	<b>Date:</b>	14 October 2008
<b>Precinct:</b>	Hyde Park P12	<b>File Ref:</b>	PRO0692; RES0066
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	J van den Bok		
<b>Checked/Endorsed by:</b>	R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report in relation to the petition received to install fencing around the perimeter of the “dog off leash” area at Robertson Park;*
- (ii) *NOTES that;*
  - (a) *should the entire “dog off leash” area of Robertson Park, which includes the frontage of Fitzgerald Street, part of Stuart Street and the car park off Fitzgerald Street, be totally enclosed, this would severely impact on the access through the park; and*
  - (b) *since the removal of the fencing in 2004 along Stuart and Fitzgerald Streets as part of the Robertson Park Improvement Project, there have been no formal complaints or reports of any incidents involving dogs and vehicles;*
- (iii) *DOES NOT SUPPORT the installation of the fencing at the requested locations as shown in appendix 9.2.4A for the reasons outlined within the report;*
- (iv) *SUPPORTS, IN PRINCIPLE, the installation of a small section of "pool type" fencing, as shown in appendix 9.2.4B, estimated to cost \$10,000, to be located on the Fitzgerald Street frontage of Robertson Park between Lee Hops Cottage and the existing dual use path;*
- (v) *CONSIDERS listing the proposal as outlined in clause (iv) for consideration in the 2009/2010 draft budget; and*
- (vi) *ADVISES the petitioners of its decision.*

---

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

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT**

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

*That clause (v) be amended to read as follows:*

- “(v) *CONSIDERS listing the proposal as outlined in clause (iv) for consideration in the 2009/2010 draft budget, if unable to be accommodated in the budget review; and”*

Debate ensued.

**AMENDMENT PUT AND CARRIED (8-0)**

(Cr Farrell was an apology for the meeting.)

Debate ensued.

**MOTION PUT AND CARRIED (5-3)**

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

(Cr Farrell was an apology for the meeting.)

**COUNCIL DECISION ITEM 9.2.4**

*That the Council;*

- (i) *RECEIVES the report in relation to the petition received to install fencing around the perimeter of the “dog off leash” area at Robertson Park;*
- (ii) *NOTES that;*
  - (a) *should the entire “dog off leash” area of Robertson Park, which includes the frontage of Fitzgerald Street, part of Stuart Street and the car park off Fitzgerald Street, be totally enclosed, this would severely impact on the access through the park; and*
  - (b) *since the removal of the fencing in 2004 along Stuart and Fitzgerald Streets as part of the Robertson Park Improvement Project, there have been no formal complaints or reports of any incidents involving dogs and vehicles;*
- (iii) *DOES NOT SUPPORT the installation of the fencing at the requested locations as shown in appendix 9.2.4A for the reasons outlined within the report;*
- (iv) *SUPPORTS, IN PRINCIPLE, the installation of a small section of "pool type" fencing, as shown in appendix 9.2.4B, estimated to cost \$10,000, to be located on the Fitzgerald Street frontage of Robertson Park between Lee Hops Cottage and the existing dual use path;*
- (v) *CONSIDERS listing the proposal as outlined in clause (iv) for consideration in the 2009/2010 draft budget, if unable to be accommodated in the budget review; and*
- (vi) *ADVISES the petitioners of its decision.*

---

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of a request received to erect fencing around the perimeter of the “off leash” area at Robertson Park, Perth.

**BACKGROUND:**

A petition signed by twenty eight (28) signatories was received by the Town requesting that a fence/gates be installed around the perimeter of the ‘off leash’ area of Robertson Park which includes the frontage of Fitzgerald Street, part of Stuart Street and the carpark off Fitzgerald Street for safety reasons.



As part of the Robertson Park Improvement Plan, an existing 1.2metre high chainlink fence was removed from the Fitzgerald Street frontage and a 1.8 metre high chainlink fence was removed from the Stuart Street frontage of Robertson Park when the improvements to the park were undertaken during 2004.

There was never a fence located around the existing car park, which is accessed from Fitzgerald Street.

#### **DETAILS:**

#### **Robertson Park Improvement Plan**

Significant community consultation was undertaken as part of the Robertson Park Improvement Project including a weekend morning session at the park where officers and working group members met with any interested members of the community to outline the plan and allay any concerns that they may have raised.

At this time, several members of the public did raise the issue of the existing fencing being removed, however most agreed that the main area used for dog exercise was away from Fitzgerald Street.

Comments previously received in relation to the dog exercise area and the fencing during the consultation of the Robertson Park Improvement Plan and the officers' responses are outlined below:

#### Dog Exercise Area

- |  |             |
|--|-------------|
| 1. Robertson Park should always remain a free exercise area  | 7 responses |
| 2. Provision of dog trough/bowl  | 7 responses |
| 3. Provision of dog bins/bags  | 3 responses |
| 4. Concerned that existing dog exercise area is being reduced with the addition of paths/plantings | 1 response  |

#### Officers' Comments:

- |   |
|---|
| 1) The current status of the park (dog exercise area) will remain and there are no plans for change, given its significance as a "free exercise" area for dogs and the lack of alternative "free exercise" areas within the vicinity.   |
| 2) This is an excellent idea and will be incorporated into the final design and budget.   |
| 3) Again this suggestion is most appropriate and these items will be included and located in a suitable location(s) around the reserve.   |
| 4) While the inclusion of paths and flowerbeds may restrict access across certain areas, the majority of the space is still useable. Some existing areas are being opened up with the removal of trees, car parks and fences and additional open space will be provided along the Stuart Street frontage. |

#### Fencing

- |  |             |
|--|-------------|
| 1. Fitzgerald Street fencing should remain | 3 responses |
| 2. Include fencing around wetland          | 4 responses |
| 3. All perimeter fences should be retained | 5 responses |
| 4. Existing fencing requires upgrading     | 3 responses |

Officers' Comments:

- 1) *The existing 1.2 metre fence along Fitzgerald Street is in poor condition and should be removed and/or replaced. Costs for additional fencing have not been allowed for within the initial budget. It has been suggested that this fence should remain to keep dogs and children from running onto Fitzgerald Street. It should be noted that there are other parks in similar situations, where dog exercise areas exist close to busy roads. eg. Forrest Park. The playground area where children congregate is proposed to be relocated some 30 metres from where it currently exists away from the road and car park. The exercising of dogs is mostly restricted to the larger open area of grass between the proposed seasonal wetland and Halverson Hall and the slope leading up to Fitzgerald Street is a "natural barrier" for running dogs and children. It is proposed to remove the fence along Fitzgerald Street and the situation be monitored.*
- 2) *This has not been included in the current budget, however, issues with dogs and the wetland area will be monitored.*
- 3) *The Council has previously supported and encouraged the removal of fencing from reserves during their redevelopment. Reserves were previously fenced to deter motor vehicles (a common problem, particularly in the 1980s) from causing excessive amounts of vandalism. Hyde Park is a typical example of a reserve located adjacent to busy roads where the lack of fencing has not been an issue. The Robertson Park working group has recommended that all fences be removed and the situation monitored and, should there be a future need for fencing, the matter can be included in future budgets.*
- 4) *Refer above notes 1 and 3 above.*

Officers' Comments

Following the removal of the fencing and completion of the improvements to Robertson Park some four (4) years ago, there have been no formal complaints or letters received by the Town in relation to potential accidents or requests for the fencing to be replaced. Officers have spoken to patrons at the park on various occasions and the issue of fencing has been raised, however, most agree the requirement for fencing was not critical.

Rangers who patrol the park on a regular basis have advised that the majority of all persons exercising their dogs use the large grassed area to the west of the seasonal wetland and do not approach the area closer to Fitzgerald Street.

Proposed Fencing request from Petitioners

The petitioners have requested that fencing be erected along part of Stuart Street, Fitzgerald Street and the Tennis Club carpark, which will basically enclose the entire south-west portion of the park.

There was previously no fencing around the Tennis Club carpark; however, cyclone mesh fencing was erected by the former City of Perth along the Stuart Street and Fitzgerald Street frontages.

Officers' Comments

Stuart Street is now a cul-de-sac and the majority of traffic is associated with persons arriving and departing from their workplaces. In view of this, it is not deemed necessary to erect a fence along any portion of Stuart Street.

As noted above, the Tennis Club car park off Fitzgerald Street has never been fenced; however, a 1.2 metre high cyclone mesh fence was installed along the Fitzgerald Street frontage and removed during the Robertson Park Improvement Project.

Officers do not recommend any fencing be installed around Robertson Park as the main dog exercise area is the large grassed area (former Women's Hockey field) to the west of the seasonal wetland.

Fencing the entire perimeter of the park, together with the many access gates to be installed, will severely impact on the appearance of the park and restrict the current open flow of pedestrian and bicycle traffic through the park and Wetlands Heritage/Greenway trail. Officers do however consider that the installation of a small section of fencing from Lee Hops Cottage to the Fitzgerald Street Tennis Club carpark entry is a reasonable compromise should the Council concur with this notion.

**CONSULTATION/ADVERTISING:**

Extensive consultation was undertaken prior to the improvement works being endorsed at the Ordinary Meeting of Council held on 4 November 2003 and the works being undertaken during 2004.

The petitioners will be advised of the Council decision accordingly.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

There is no funding listed in the 2008/09 budget for fencing at Robertson Park Reserve.

The estimated cost for the supply and installation of 1.2 metre high “pool type” fencing with gates where required at selected locations is as follows:-

- Enclosing entire dog “off-leash” area including carpark (as shown on attached plan) \$39,000.00
- Along Fitzgerald Street frontage only (as shown on attached plan) \$10,000.00

**COMMENTS:**

It is therefore recommended that the Council does not approve the installation of fencing around the “dog off leash” area at Robertson Park and considers installing a small section of fencing from Lee Hops Cottage to the Fitzgerald Street Tennis Club car park entry.

**9.2.5 Further Report No 4 - Western Power's Proposal to Underground Power in Walcott Street between Beaufort and Charles Streets**

<b>Ward:</b>	Both	<b>Date:</b>	29 October 2008
<b>Precinct:</b>	Forrest; P14, Mt Lawley Centre; P11	<b>File Ref:</b>	TES0313
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	R Lotznicker		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the further report No 4 on Western Power's proposal to underground the powerlines in Walcott Street, between Beaufort and Charles Streets;*
- (ii) *NOTES the response received from the Minister for Energy on 26 October 2008 advising that the State Government will not fully fund the undergrounding of power in Walcott Street;*
- (iii) *DEFERS the survey of affected Town of Vincent ratepayers along the subject section of Walcott Street, for the reasons outlined in the report, and awaits the outcome of the City of Stirling rate payer survey prior to determining whether to proceed with its own ratepayer survey regarding the Walcott Street undergrounding of Power proposal;*
- (iv) *REQUESTS that the City of Stirling provide a summary of the results of its rate payer survey for Walcott Street as soon as the results are available to determine whether the Town should proceed with its own survey;*
- (v) *ADVISES Western Power of its decision; and*
- (vi) *RECEIVES further progress reports on this matter as required.*

**COUNCIL DECISION ITEM 9.2.5**

**Moved Cr Messina, Seconded Cr Youngman**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED (8-0)**

(Cr Farrell was an apology for the meeting.)

**PURPOSE OF REPORT**

The purpose of this report is to advise the Council of progress regarding the proposal to underground the overhead power lines on Walcott Street, Mt Lawley, between Beaufort and Charles Streets.

**BACKGROUND:**

On 8 July 2008, the Council received a progress report on the underground proposal for Walcott Street, where the following decision was made:

*"That the Council;*

- (i) RECEIVES the further report No 3 on Western Power's proposal to underground the powerlines in Walcott Street, between Beaufort and Charles Streets;*
- (ii) ADVISES Western Power that any future IN PRINCIPLE approval regarding the proposal to underground the power in Walcott Street between Beaufort Street and Charles Street is subject to:*
  - (a) the majority of Town of Vincent ratepayers affected by the scheme would need to agree to contribute financially to the project in a similar basis as other SUPP schemes; and*
  - (b) the Town's contribution would need to be fixed such that any ratepayer contribution would be restricted by the upper contribution amount indicated to them in any consultation material;*
- (iii) APPROVES of a survey to be carried out in conjunction with the City of Stirling, of all the affected ratepayers in Walcott Street seeking their views in relation to the Western Power proposal/s and their willingness to contribute financially to the works (should these works comprise the undergrounding of power in lieu of replacing the existing metal poles with timber poles and retaining the overhead supply) as outlined in the report;*
- (iv) WRITES to the Minister for Energy requesting that for reasons of public safety, amenity social responsibility and reasons for the requirement of this project to be undertaken, Western Power fully funds the undergrounding of the powerlines in Walcott Street between Beaufort and Charles Streets, as this is an operational matter for Western Power and the project does not strictly meet the requirements of a Major Project under the terms, conditions and guidelines of the State Underground Power Program;*
- (v) ADVISES the City of Stirling and Western Power of its position; and*
- (vi) NOTES that a further report on the matter will be submitted to the Council at the conclusion of the ratepayer survey and once a formal response has been received from the Minister, Western Power, the City of Stirling."*

**DETAILS:**

Part of the above Council decision required that the officers conduct a survey of affected Walcott Street ratepayers and write to the Minister for Energy [clauses (iii) and (iv)].

The officers considered that it would be prudent to write to the Minister first to determine whether the State Government would fully fund the undergrounding of the Power prior to conducting a survey of ratepayers.

**Minister for Energy Response:**

The Town wrote to the Minister for Energy on 29 July 2008, and again on 12 August 2008, requesting that Western Power fully funds the undergrounding of the powerlines in Walcott Street between Beaufort and Charles Streets, as the works were considered to be an operational matter for Western Power and the project did not strictly meet the requirements of a Major Project under the terms, conditions and guidelines of the State Underground Power Program.

The following response was received from the new Minister for Energy, Hon Peter Collier, on 26 October 2008.

*"Thank you for your letters of 29 July 2008 and 12 August 2008 to the former Minister for Energy regarding the proposal to underground powerlines on Walcott Street in Mount Lawley.*

*As you may be aware, once a State Election has been called, the Government adopts a 'caretaker' role and all correspondence is held until the new Government is formally sworn in. Unfortunately, your letter was not answered prior to the election but I am pleased to provide a response now.*

*I understand that Western Power has advised the Town of Vincent and the City of Stirling that 93 steel poles along Walcott Street have been identified as a potential safety hazard and that Western Power is looking to mitigate this risk by either the replacement of these steel poles with wooden ones or provide an insulated conductor solution at its own cost.*

*I have been advised that Western Power has also offered to contribute 50 per cent of the cost of undergrounding the powerlines as a second option, with the Town of Vincent and City of Stirling contributing the rest. I understand this is at a significantly higher cost to Western Power but the offer is being made in the interests of improved amenity and reliability of the network and better public safety outcomes.*

*I am satisfied that this is a reasonable offer from Western Power, which is a corporation and is obliged by law to operate in a commercial manner. I will not be asking that Western Power revise their offer.*

*Thank you again for your letter. I hope this information is helpful."*

#### **Survey of 'Town of Vincent' Ratepayers:**

As mentioned above, the officers considered that it would be prudent to write to the Minister first to determine whether the State Government would fully fund the undergrounding of the Power prior to conducting a survey of ratepayers.

Now that the Minister has advised the Town that the State Government will NOT fully fund the undergrounding of the Power in Walcott Street, the Town is back where it started from in terms of canvassing ratepayers regarding them contributing to the project.

#### **City of Stirling:**

Discussions with City of Stirling officers have been continuing and at the time of writing this report they had not yet sent a letter\* to rate payers on their side of Walcott Street.

Note\* A draft letter has been prepared and City of Stirling Officers expect that this will be mailed out either later this week or early next week.

An extract of the 'draft' letter is outlined below

*"In late 2007, Western Power approached the City of Stirling and the Town of Vincent asking them to consider being involved in the upgrading of the electricity supply network in Walcott Street between Beaufort Street and Charles Street because of concerns it has about 93 steel poles in the overhead network in Walcott Street.*

*Western Power has presented two options to eliminate this risk in Walcott Street.*

*Option 1 - To replace the 93 existing steel poles with wooden poles.*

*Western Power has advised they have funding available for this option and that if Option 2 below is not supported by the two Councils, they will proceed with Option 1.*

*Option 2 - To install an underground power system which includes underground connections to the meter box at each property, a street lighting system designed to the Australian Standard and the removal of the entire existing overhead system.*

*Western Power is prepared to increase their funding and contribute 50% of the total cost of a new underground network in Walcott Street, provided that the City of Stirling and the Town of Vincent each be responsible their proportion of the total cost. Western Power will significantly reduce long term maintenance costs and can, therefore, justify increasing its funding from that required in Option 1. Residents will benefit from the removal of the unsightly overhead power network with a significant increase in local amenity.*

*This proposal by Western Power is similar to the State Government's Underground Power Program with the City of Stirling passing on their 50% responsibility to the ratepayers on the northeast side of Walcott Street, following an identical procedure to that employed elsewhere within the City, should Option 2 proceed.*

*In principle the City of Stirling and the Town of Vincent support Option 2 proceeding but the following must occur before they can respond to the Western Power proposal.*

- *Each Council must conduct a survey of their own ratepayers affected by the proposed works. The survey will provide the indicative costs to each ratepayer and a survey card to be filled out and returned to Council.*
- *Each Council must achieve a positive response from a majority of the ratepayers that complete and return their survey form.*

*Current estimates indicate that the cost, to a typical single residential property, will be approximately \$5,000 to \$7,000, with rebates available for eligible pensioners and seniors, and charges for commercial premises individually assessed....."*

**Officer Comments:**

For the underground power proposal to proceed, the majority of City of Stirling ratepayers and the Town of Vincent ratepayers must agree to contribute financially to the project. If one or other party does not agree the proposal will not proceed.

In recent discussions with City of Stirling officers, it was suggested that as the City was ready to canvas its rate payers now, the Town should await the outcome of this survey before proceeding with its survey as if the outcome were negative there would be no need for the Town to conduct a survey as Stirling would not support the proposal.

It is therefore considered that the Town should await the outcome of the City of Stirling survey prior to proceeding with its own ratepayer survey.

**CONSULTATION/ADVERTISING:**

Not recommended at this stage

**LEGAL/POLICY:**

If the Council resolves to proceed with this project, the funding and owner contribution cost recovery model used for Highgate East SUPP, which is compliant with current legislation, would be adopted for the Walcott Street project.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2006 - 2011 - *1.1.16 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "j) Develop a strategy for the staged implementation of underground power throughout the Town."*

**FINANCIAL/BUDGET IMPLICATIONS:**

Not applicable at this stage, however, if the project were to proceed, subject to the standard conditions and approvals, a contractual agreement would need to be entered into between Western Power, the City of Stirling and the Town of Vincent.

Under the terms of the contractual agreement, the Town would be required to provide 25 percent of the total project funding, with Western Power providing 50 percent and the City of Stirling 25 percent.

Over time, the Town would recover the 25 percent project cost contribution from the affected property owners, however, it would need to establish a loan facility and allocate approximately \$900,000 in the 2009/2010 budget.

**COMMENTS:**

The Town wrote to the Minister for Energy in July 2008 and August 2008 requesting that Western Power fully funds the undergrounding of the powerlines in Walcott Street, however, the Minister subsequently advised that the State Government would not fully fund the undergrounding of the Power in Walcott Street.

Officers considered that it would be prudent to write to the Minister first to determine whether the State Government would fully fund the undergrounding of the Power prior to conducting a survey of ratepayers.

In recent discussions with City of Stirling officers, it was suggested that as the City is ready to canvas its rate payers now, the Town should await the outcome of this survey before proceeding with its survey as if the outcome were negative there would be no need for the Town to conduct a survey as Stirling would not support the proposal.

It is therefore recommended that the Town awaits the outcome of the City of Stirling survey prior to proceeding with its own ratepayer survey on the Walcott Street undergrounding of Power proposal.



**9.3.1 Art Acquisitions 2008**

<b>Ward:</b>	Both	<b>Date:</b>	17 September 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	CVC0016
<b>Attachments:</b>			
<b>Reporting Officer(s):</b>	R. Gunning		
<b>Checked/Endorsed by:</b>	J. Anthony	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the report on the 2008 Art Award;
- (ii) **APPROVES** the purchase of artworks as shown below: detailed in this report; and

ARTIST	TITLE	MEDIUM	PRICE
Felicity Sivewright	'Floating Field'	Acrylic	\$1,125.00
Daniela Dlugocz	'Hearing or Listening'	Pastel on Canvas	\$330.00
Nirmala Mc Gowran	'Red Horizon'	Acrylic	\$900.00
Graham Dowley	'Sorrento Sunrise'	Pastel	\$637.00

- (iii) **AUTHORISES** NOTES that the commissioning of a drawing of the Town of Vincent at an estimated cost of \$5,800 was carried out by world renown artist Robert Juniper and this was unveiled at the Art Awards 2008.

**\*Note:** The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.

Moved Cr Messina, Seconded Cr Burns

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED (8-0)**

(Cr Farrell was an apology for the meeting.)

**COUNCIL DECISION ITEM 9.3.1**

*That the Council;*

- (i) **RECEIVES** the report on the 2008 Art Award;
- (ii) **APPROVES** the purchase of artworks as shown below:

ARTIST	TITLE	MEDIUM	PRICE
Felicity Sivewright	'Floating Field'	Acrylic	\$1,125.00
Daniela Dlugocz	'Hearing or Listening'	Pastel on Canvas	\$330.00
Nirmala Mc Gowran	'Red Horizon'	Acrylic	\$900.00
Graham Dowley	'Sorrento Sunrise'	Pastel	\$637.00

- (iii) **NOTES** that a drawing of the Town of Vincent at an estimated cost of \$5,800 was carried out by world renown artist Robert Juniper and this was unveiled at the Art Awards 2008.

**PURPOSE OF REPORT:**

The purpose of the report is to report on the 2008 Art Award and seek approval for the purchase of artworks and the commissioning of a drawing of the Town of Vincent by a leading Western Australian artist.

**BACKGROUND:**

The Town of Vincent Art Award is an annual art exhibition held at the Town's Administration and Civic Centre that is open to all artists. Since its inception in 1995, the exhibition has provided the opportunity for emerging artists to exhibit while also attracting many established artists.

The Town also purchases artwork from the exhibition for the Town's collection, for which there is a separate budget.

**DETAILS:**

The Town of Vincent Annual Art Exhibition 2008 was held from 1 August to 10 August 2008. A total of 299 applications were registered, of which twenty five (25) artworks were not delivered or were rejected on the grounds of being over the size limit. Due to space restrictions the Curator needed to preselect the work, and as such a total of 232 works consisting of paintings, prints, photographs, mixed media and sculptures were selected for display. Although this was seventeen (17) works less than the year before, there was less space for display due to the new configuration of the Committee Room and adjacent areas on the first Floor.

A total of 983 people viewed the exhibition; this number was up from 800 people the year before.

The Art Awards were presented on Friday 1 August 2008 and the winners are listed below.

**Vincent Prize (\$6,000 acquisitive prize):**

Artist	Title	Medium
Lindsay Henry Harris	'Skin of the landscape'	Mixed Media

**Vincent Awards (with a pool of \$3,000 to be awarded at the judges' discretion):**

Artist	Title	Medium
Matt Doust	'Lara'	Oil on canvas
Felicity Sivewright	'Floating Field'	Acrylic
Daniela Dlugocz	'Hearing or Listening'	Pastel on Canvas
Claire Steele	'Untitled'	Acrylic

**Vincent Ceramic Sculpture Award ( \$ 500 non-acquisitive):**

Artist	Title	Medium
Bevan Howard Thompson	'Sea Urchent'	Ceramic

**North Perth Community Bank Art Award (\$ 500 non-acquisitive):**

Artist	Title	Medium
Garcia Flynn Sebastian no.93	'Untitled'	Oil on paper

**The Hon. Julie Bishop MP Member For Curtin Award of Recommendation  
(\$ 200 non-acquisitive):**

Artist	Title	Medium
Natasha Adamson	'Complete'	Glass bowl

**John Hyde MLA Award (\$300 non-acquisitive)**

Artist	Title	Medium
Michael Doherty	'K F City'	Oil on linen

**The Hon Stephen Smith Local Excellence Award (\$200 non-acquisitive):**

Artist	Title	Medium
Marion Balloch	'Forest Scene'	Oil

The judging panel consisted of members of the Art Advisory Group; Cr Messina, Cr Youngman, Cr Burns and Community Representatives; Anna Ciffolilli, Helen Pemberton, Florence Allain, Annie Keeping-Hood, Helen Pemberton and Peta Hood. Ben Joel, Senior Lecturer in Painting at Curtin University was invited as an external judge. The following purchases are recommended for the Town's Art Collection.

<b>PURCHASES BY THE TOWN OF VINCENT</b>			
ARTIST	TITLE	MEDIUM	PRICE
Felicity Sivewright	'Floating Field'	Acrylic	\$1,125.00
Daniela Dlugocz	'Hearing or Listening'	Pastel on Canvas	\$330.00
Nirmala Mc Gowran	'Red Horizon'	Acrylic	\$900.00
Graham Dowley	'Sorrento Sunrise'	Pastel	\$637.00

Following the Awards a feedback survey form was sent out to the exhibiting artists and 51 responses were received. To the question '*How you would rate the organisation of the event?*' ranging from 1 to 5. 5 being well organised and 1 being disorganised, the following results were recorded:

- 68% 5 (Well organised)
- 25.4% 4
- 4% 3
- 2% 2
- 0% 1

In reply to what artists like best about the Awards the response was diverse however the most frequent replies were as follows:

- Curatorial quality and presentation of the exhibition
- Quality and variety of the artwork
- Efficient staff and organisation of the awards
- Venue
- First prize winner
- Inclusion of drawing commission

In response to what the artists dislike about the Awards, the most frequent replies were as follows;

- Short time span of exhibition
- The venue too small for the amount of work
- Poor sales
- Speeches
- Crowded opening

Beyond these comments no two responses were the same.

To the question of how the event can be improved, the only responses with more than one comparable reply was the suggestions of a prize exclusively for sculpture, a larger venue and a longer period for delivering the artwork.

The feedback sheet also asked if the artists had any suggestions for increasing sales during the exhibition, the most frequent response was for more promotion of the exhibition, with a particular emphasis on targeting an art buying audience. There was also a suggestion to put brochures in cafés and to increase signage.

### **The Curator's Report**

The Curator, Jody Fitzhardinge stated in her report that the exhibition was highly successful not only in the quality of the exhibits but in regards to the smooth running of the event. The Curator attributed this to the amount of planning that had taken place prior to the exhibition.

The report recommended that the Town should utilise the Curator more effectively in promotion of the exhibition by way of such things as media interviews and considered this a missed opportunity for the Town. The Curator also made several suggestions related to the booking in procedure of the artwork and for the presentation of the event's opening night.

### **Drawing Commission**

The Art Awards saw the unveiling of a commissioned drawing of the Town, a commission that was outlined and approved in Item 10.3.4 Art Exhibition and Acquisitions 9 October 2007.

In brief, the commission was conducted as follows; the Town requested The Art Gallery of Western Australia and Artsource (the Artists Foundation of Western Australia) to draw up a list of significant Western Australian Artists who are noted for their draftsmanship. The lists were given to the Art Advisory Group to select an artist from. The selected artist was Robert Juniper, arguably Western Australia's best known artist. The funding for the commission was via the Art acquisitions budget.

The completed commission was well received and achieved its objective of maintaining the high artistic quality of the collection as well as ensuring the historic value of the collection by recording an aspect of the town at a particular time and place.

### **CONSULTATION/ADVERTISING:**

Advertising consisted of two phases. First, in order to attract entries, a brochure was published and distributed to community centres, libraries, arts centres throughout the State. Display advertisements were placed in the Perth art magazine, The Artist's Chronicle, the local newspaper, The Guardian Express. Line ads, which continue to be the most effective, were placed in the Arts Directory of The West Australian. The brochure, which included the entry form was also available from the Town's website and was distributed in electronic form through Artsource (formally the Artists Foundation of WA) mailing list as well as the Department of Culture and the Arts mailing list.

The second phase consisted of advertising the exhibition to attract viewers and buyers. Display ads were placed in The Guardian Express and line ads in the West Australian's Arts Directory. Two sets of four feather banners were displayed, one on the north side of the Vincent Street, towards the corner of Loftus Street the other on the medium strip on Loftus Street towards the corner of Vincent Street. One hundred A3 posters were printed and displayed throughout the metropolitan area. A separate postcard invitation was posted to potential buyers alerting them to the exhibition and inviting them to a special viewing with a floor talk given by the Arts Officer.

**LEGAL/POLICY:**

Not applicable.

**STRATEGIC IMPLICATIONS:**

Key Result Area 3.1.1 –‘Celebrate and acknowledge the Town’s cultural diversity and well being’ of the Town’s Strategic Plan 2006-2011 is applicable to this project.

**SUSTAINABILITY IMPLICATION:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

Twenty three works (23) were sold to private buyers, this compares to twenty eight last year. The private sales totalled \$ 12,850.00 with the Town receiving \$3,212 in commission.

The acquisition budget is currently \$7,000; this would not need to be altered to incorporate the proposed drawing commission.

**COMMENTS:**

The Town of Vincent Art Awards this year, as in previous years, continued to attract high quality exhibits and relatively large numbers of viewers. Although the Awards definitely should be considered a success in these terms, the exhibition is being reviewed by officers in the light of the amount of money the Council allocates for the event and the benefits to residents and ratepayers. An evaluation report is to be forwarded for Council consideration at the beginning of 2009.

The reception of the drawing commission was very positive and it is therefore recommended that the Art Advisory Group be asked to select another leading Western Australian artist for the continuation of the scheme.

**9.3.2 Proposed Banners - Scarborough Beach Road - Mt Hawthorn**

<b>Ward:</b>	North	<b>Date:</b>	20 October 2008
<b>Precinct:</b>	Mount Hawthorn Centre	<b>File Ref:</b>	CVC0030
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R. Gunning		
<b>Checked/Endorsed by:</b>	J. Anthony	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council APPROVES the nine (9) banner designs to be placed on the Banner Poles along Scarborough Beach Road, between The Boulevard and Fairfield Street, Mt Hawthorn as attached in Appendix 9.3.2, at an estimated cost of \$7,500.*

**\*Note: The above Officer Recommendation was corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

**COUNCIL DECISION ITEM 9.3.2**

**Moved Cr Messina, Seconded Cr Youngman**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED (8-0)**

**(Cr Farrell was an apology for the meeting.)**

**PURPOSE OF REPORT:**

To seek approval for the attached banner designs for Scarborough Beach Road.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 11 October 2005, Policy number 1.1.1 entitled 'Hiring of Banner Poles and Displaying of Promotional Banners' was reviewed. There was discussion on the purpose and use of the Banner Poles in the Town.

**DETAILS:**

The Town currently has banner poles at three locations. There are two (2) banner poles on the corner of Brisbane Street, four (4) banner poles on Fitzgerald Street and seven (7) banner poles on Scarborough Beach Road.

The current policy states that the banner poles may be hired out to external organisations as long as the banners reflect the following:

- an event run by a non-profit organisation;
- an event run by a government organisation that is of interest to the general public; or
- a major event, including sporting events that attracts large numbers of local, interstate and overseas visitors to the Town of Vincent and promotes the Town through local, interstate and international press and television coverage.

Priority will be given to events which:

- increase visitation to the Town;
- provide direct benefits to the Town and residents; and
- reflect the culture of Vincent and Western Australia.

The schedule of fees is based on the Town of Vincent recovering the charges of its approved contractors for the two (2) banner poles at the corner of Brisbane and Beaufort Streets. For commercial use, the cost to hire two (2) poles is \$500 for the first week, including installation. Each consecutive week incurs a hiring fee of \$100.

Community groups and non- profit organisations are charged \$350 for the first week including installation, with each consecutive week being charged \$50.

The minimum hire period for banner poles is one (1) week and a maximum of six (6) weeks per booking, with the hire period being from Monday to Monday, unless otherwise approved. All banner and flag pole bookings coordinated through the Customer Service Officer (Community Development) and bookings can be made up to one (1) year in advance, on a first come, first serve basis. Organisations or event organisers are limited to making two (2) bookings per year for the same event, unless otherwise approved.

The cost of production of the banners and flags, the provision of fasteners and any other costs will be met in full by the organiser/applicant.

To utilise the new banner poles on Scarborough Beach Road, the Town has commissioned seven (7) new banner designs. It is anticipated that two existing banners shall also be used. There are seven (7) banner poles on Scarborough Beach Road, each pole accommodates two (2) banners therefore five (5) of the new designs will be duplicated, two (2) will be reproduced just once, this with the two (2) existing banners will make up the fourteen (14) banner displays.

The new designs have been produced with the idea of prompting the spirit of community in the Town, mainly as encapsulated in a number of the Town's annual events, such as Garden Competition, the Film Project, and the Cappuccino Festival (see attachment). The emphasis in the designs has been to highlight local residents in relation to or in participation of these events. All residents depicted in the designs have given their consent for their images to be reproduced.

The two pre-existing banners were originally produced by the Town for display during Local Government Week in 2007 and 2008 respectively. The 2007 banner was designed by artist Paula Hart in collaboration with community groups in the Town (many of whom are depicted in the banner). The 2008 banner was designed by artist Minaxi May in collaboration with students from Mount Lawley High School. The banner is an exuberant expression of youth in the Town.

#### **CONSULTATION/ADVERTISING:**

Not applicable.

#### **LEGAL/POLICY:**

The proposed item is in keeping with policy 1.1.1 Hiring of Banner Poles and Displaying Promotional Banners.

**STRATEGIC IMPLICATIONS:**

Key Result Area 3.1.1 –‘Celebrate and acknowledge the Town’s cultural diversity and well being’ of the Town’s Strategic Plan 2006-2011 is applicable to this project.

**SUSTAINABILITY IMPLICATION:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The total cost to manufacture the banners, including the art work, is \$6,308. The installation costs are estimated to be in the order of \$1,000 to \$1,200, inclusive of traffic management costs.

The supply and installation of the banners is to be funded from the existing Mt Hawthorn Business Precinct Upgrade Project budget.

**COMMENTS:**

The banner poles have been predominantly used by the Town of Vincent. Organisations such as Pride WA have utilised the banners on Beaufort Street. The banners on Fitzgerald Street feature generalised designs promoting community activities in the Town. The new banners on Scarborough Beach Road will complement these banners by highlighting particular events and deploying images of particular residents to express the wider theme of community spirit and participation.



**9.4.2 Adoption of Annual Financial Report 2007-2008**

<b>Ward:</b>	Both	<b>Date:</b>	23 October 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council APPROVES BY AN ABSOLUTE MAJORITY to ACCEPT the Annual Financial Report of the Town of Vincent and the accompanying Audit Report for the financial year 2007/08, as shown in Appendix 9.4.2.*

**COUNCIL DECISION ITEM 9.4.2**

**Moved Cr Ker, Seconded Cr Burns**

*That the recommendation be adopted.*

**MOTION PUT AND CARRIED**  
**BY AN ABSOLUTE MAJORITY (8-0)**

(Cr Farrell was an apology for the meeting.)

**PURPOSE OF REPORT:**

To consider and accept the 2007/08 Annual Financial Statements and the Auditor's Report.

**BACKGROUND:**

In accordance with Section 6.4 of the Local Government Act 1995, the 2007/08 Annual Financial Report has been prepared and the accounts and the report have been submitted to the Town's Auditors. The preparation of an Annual Financial Report and the submission of the report and the Town's accounts to the Auditors for audit are statutory requirements of the Local Government Act 1995.

The Town's Auditors have completed their audit of the Town's accounts and the Annual Financial Report for the 2007/08 financial year in accordance with the terms of their appointment and the requirements of the Local Government Act 1995 Part 7 Division 3 and have submitted their report.

Section 6.4 of the Local Government Act 1995 sets out the requirements for a Local Government to prepare an Annual Financial Report and to submit both the report and its accounts to the Auditor by the 30<sup>th</sup> September each year. The Town of Vincent has met these requirements and the Town's Auditors have completed the audit of Council's accounts and Annual Financial Report for the financial year 2007/08.

**DETAILS:**

The Annual Financial Report is required to be accepted by the Council in order to enable the holding of an Annual General Meeting of Electors at which the Town's Annual Report containing the financial report (or at a minimum the abridged version) will be considered. A copy of the Annual Financial Report is also required to be submitted to the Executive Director of the Department of Local Government and Regional Development.

The Annual Financial Report for the financial year 2007/08 is included with the report at Appendix 9.4.2.

## **CONSULTATION/ADVERTISING:**

There is no legislative requirement to consult on the preparation of the Annual Financial Report. The Local Government Act 1995 requires an Annual General Meeting of Electors to be held and the Town's Annual Report incorporating the financial report (or at a minimum, the abridged version) to be made available publicly. The full Annual Financial Report will also be publicly available.

As per previous years, it is proposed that the Annual Financial Report will be produced on CD-Rom and made available on the Town's public website. A minimal number of printed, bound colour copies will be available for viewing at the Library, Beatty Park Leisure Centre and Customer Service Centre.

## **LEGAL/POLICY:**

Local Government (Financial Management) Regulation 51(2) states:

“A copy of the Annual Financial Report of a local government is to be submitted to the Executive Director within 30 days of the receipt by the CEO of the Auditor's report on that financial report.”

Section 5.53 of the Local Government Act 1995 states:

### **5.53 Annual Reports**

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
  - (f) *the financial report for the financial year;*

Section 5.54 of the Local Government Act states:

### **6.64 Financial Report**

- (1) *A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- (2) *The financial report is to –*
  - (a) *be prepared and presented in the manner and form prescribed; and*
  - (b) *contain the prescribed information.*
- (3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its Auditor –*
  - (a) *the accounts of the local government, balanced up to the last day of the preceding financial year; and*
  - (b) *the annual financial report of the local government for the preceding financial year.*

## **STRATEGIC IMPLICATIONS:**

This is in keeping with the Town's Strategic Plan 2007-12

“4.1.2 Manage the Organisation in a responsible, efficient and accountable manner.”

**SUSTAINABILITY IMPLICATIONS:**

Not Applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of preparing (typesetting) the Annual Report, which contains the Financial Report, is as follows:

Design for Website \$4,400.00 (GST inclusive)

Printing of 50 black and white copies \$495 (GST inclusive).

The Auditor's total costs are \$9,900 (GST inclusive).

The Financial Report is prepared by the Town's administration, as such, these costs are contained in the Town's Operating Budget.

**COMMENTS:**

It is proposed that the Annual Financial Report will be produced on CD-Rom and made available on the Town's public website. A minimal number of printed, bound colour copies will be available for viewing at the Library, Beatty Park Leisure Centre and Customer Service Centre.

In order the Town to meet its legislative requirements, it is recommended that the Council accepts the Annual Financial Report for the financial year 2007/08.

**9.4.3 Adoption of Annual Report 2007/08 and Annual General Meeting of Electors 2008**

<b>Ward:</b>	Both	<b>Date:</b>	23 October 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council:*

- (i) **APPROVES BY AN ABSOLUTE MAJORITY to ACCEPT the 2007/08 Annual Report of the Town of Vincent as shown in Appendix 9.4.3;**
- (ii) **CONVENES the 2008 Annual General Meeting of Electors on 8 December 2008 at 6.00pm in the Town of Vincent, Leederville;**
- (iii) **ADVERTISES by public notice that the Town of Vincent Annual Report will be available from approximately 3 December 2008; and**
- (iv) **PROVIDES a copy of the Annual Report and Annual Financial Statements to the Executive Director, Department of Local Government, in accordance with Local Government (Financial Management) Regulation 51(2).**

**COUNCIL DECISION ITEM 9.4.3**

**Moved Cr Messina, Seconded Cr Ker**

*That the recommendation be adopted.*

**MOTION PUT AND CARRIED  
BY AN ABSOLUTE MAJORITY (8-0)**

**(Cr Farrell was an apology for the meeting.)**

**ADDITIONAL INFORMATION:**

Replacement pages 23 and 24 indicate the final result of the count after the distribution of preferences. In addition, a brief paragraph has been inserted concerning the result of the South Ward Election, as a result of a complaint, whereby the Court of Disputed Returns reviewed the South Ward results.

**PURPOSE OF REPORT:**

The purposed of the report is to set a date for the Annual General Meeting of Electors and to accept the 2007/08 Annual Report.

**BACKGROUND:**

At the Ordinary Meeting of Council held on 7 November 2006, the Council considered the matter and resolved as follows;

*That;*

- (i) *the 2006 Annual General Meeting of Electors be held in the Administration and Civic Centre on Monday, 11 December 2006, commencing at 6.00pm;*

- (ii) *the draft 2005-06 Annual Report, as "Laid on the Table", circulated separately to Elected Members, the Chief Executive Officer and Executive Managers, be accepted by the Council; and*
- (iii) *the Chief Executive Officer streamline the process so that next year's Annual General Meeting be held earlier.*

**DETAILS:**

The Local Government Act requires that every local government prepares an Annual Report and holds an Annual General Meeting (AGM) of Electors. Both the Annual Report and the Financial Report reflect on the Town's achievements during 2007/08 and focus on the many highlights of a busy year.

In accordance with Section 5.53 of the Local Government Act 1995, the 2007/08 Annual Report has been prepared, summarising the year's highlights and achievements, as well as including specific statutory requirements.

The Town's Auditors have completed the audit of Council's financial statements for the 2007/08 financial year. The Financial Statements will form part of the 2007/08 Annual Report. The Annual Report and the Financial Report will form an integral part of Council's report to the electors at the Annual General Meeting.

Section 5.27 of the Local Government Act 1995 requires that the Annual General Meeting of Electors is to be held on a day selected by the local government, but not more than 56 days after the report is accepted by the local government.

The Local Government Act 1995 under Section 5.27(1) requires every local government to hold a General Meeting of Electors once each financial year. The Act provides that the Order of Business at such a meeting is:

- (a) Welcome, Introduction and Apologies;
- (b) Contents of the Annual Report; and
- (c) General Business.

**PROCESS:**

The Council previously resolved that the Chief Executive Officer streamline the process so that the Annual General Meeting can be held earlier. It should be noted that the process timetable is predominantly dictated by the availability of the Town's Auditor. The Town's Auditor is also the Auditor for many other local governments and their workload at this time of the year is very heavy, due to their commitments.

The Town's administration compiles the Annual Report within 2 months of the end of the financial year. It also prepares the Annual Financial Report. The Annual Financial Report is then submitted to the Auditor's for auditing. The Auditors are unable to complete their work until about mid/late October.

Therefore, the earliest opportunity for the Council to consider and adopt the Annual Report and Financial Report is late October (at the earliest) or the first meeting in November. Once adopted, the Town must give at least 14 days notice of the date of the Annual General Meeting.

The earliest date for the Annual General Meeting is therefore of the week beginning 24 November 2008. However, to ensure there is sufficient time to advertise the Annual General Meeting and finalise the Annual Report, it is suggested that the most appropriate date for holding the Annual General Meeting of Electors is 8 December 2008 at 6.00pm.

## **CONSULTATION/ADVERTISING:**

There is no legislative requirement to consult on the Annual Report, but the Local Government Act 1995 requires an Annual General Meeting of Electors to be held and the Annual Report to be made available publicly.

It is proposed that the Annual Report will be produced on CD-Rom and made available on the Town's public website. A minimal number of printed, bound colour copies will be available for viewing at the Library, Beatty Park Leisure Centre and Customer Service Centre.

## **LEGAL/POLICY:**

The Local Government Act 1995, Section 5.53 requires every Local Government to prepare an Annual Report. Section 5.54 states that the Annual Report is to be accepted by the Local Government no later than 31 December of that financial year.

Local Government (Financial Management) Regulation 51(2) states:

“A copy of the annual financial report of a local government is to be submitted to the Executive Director within 30 days of the receipt by the CEO of the Auditor's Report on that financial report.”

Section 5.53 of the Local Government Act states:

### **5.53 Annual Reports**

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report s to contain:*
  - a. *a report from the mayor or president;*
  - b. *a report from the CEO;*
  - (c) and (d) *deleted*
  - e. *an overview of the plan for the future of the district made in accordance with Section 5.56 including major activities that are proposed to commence or to continue in the next financial year;*
  - f. *the financial report for the financial year;*
  - g. *such information as may be prescribed in relation to the payments made to employees;*
  - h. *the auditor's report for the financial year;*
  - ha. *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993; and*
  - i. *such other information as may be prescribed.*

Section 5.54 of the Local Government Act 1995 states:

### **5.54 Acceptance of Annual Reports**

- (1) *Subject to subjection (2) the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.*

*\* absolute majority required*

- (2) *If the Auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the Auditor's report becomes available.*

Section 5.55 of the Local Government Act 1995 states:

**5.55 Notice of annual reports**

*The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.*

Section 5.27 states:

**5.27 Electors' general meetings**

- (1) *A general meeting of the electors of a district is to be held once every financial year.*
- (2) *A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*
- (3) *The matters to be discussed at general electors' meetings are to be those prescribed.*

**STRATEGIC IMPLICATIONS:**

This is in keeping with the Town's Strategic Plan 2007-12

*"4.1.2 Manage the Organisation in a responsible, efficient and accountable manner."*

**SUSTAINABILITY IMPLICATIONS:**

Not Applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of preparing (typesetting) the Annual Report, which contains the Financial Report, is as follows:

Design for Website	\$4,400.00 (GST inclusive)
Printing of 50 black and white copies	\$495 (GST inclusive).

The Auditor's total costs are \$9,900 (GST inclusive).

The Annual Report is prepared by the Town's administration, as such, these costs are contained in the Town's Operating Budget.

**COMMENTS:**

In order for the Town to meet its legislative requirements, it is recommended that the Council accepts the Annual Report for 2007/08 and convenes the 2008 Annual General Meeting of Electors for 8 December 2008 at 6.00pm.

**9.4.6 Members Equity Stadium Committee Meeting - Receiving of Unconfirmed Minutes - 20 October 2008**

<b>Ward:</b>	South	<b>Date:</b>	23 October 2008
<b>Precinct:</b>	Beaufort, P13	<b>File Ref:</b>	RES0082
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Unconfirmed Minutes of the Stadium Committee meeting held on 20 October 2008, as shown in Appendix 9.4.6; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to approve the replacement of chair material in the Corporate Suites, at an estimated cost of \$2,900 and this be funded from the Perth Oval Reserve Fund.*

---

**COUNCIL DECISION ITEM 9.4.6**

**Moved Cr Ker, Seconded Cr Burns**

*That the recommendation be adopted.*

**MOTION PUT AND CARRIED**  
**BY AN ABSOLUTE MAJORITY (8-0)**

**(Cr Farrell was an apology for the meeting.)**

---

**PURPOSE OF REPORT:**

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Members Equity Stadium Committee meeting held on 20 October 2008 and approve of the replacement of chair material in the Corporate Suites at Members Equity Stadium.

**BACKGROUND:**

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

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

- (iii) *to delegate the following functions to the Committee;*
  - (a) *to establish and review the Heads of Agreement (HOA) Key Performance Indicators (KPIs) in conjunction with Allia;*
  - (b) *to assess whether each proposed Licensing Agreement is consistent with the KPIs and the provisions of the HOA and to approve the proposed Licensing Agreement if it is consistent;*



- (c) *to supervise the performance of the Services by Allia and to ensure that Allia performs the Services in accordance with the KPIs and the HOA;*
- (d) *to receive and consider Performance Reports;*
- (e) *to advise the Council on Capital Improvements required for the Stadium and to make recommendations to the Council about the use of the Reserve Fund;*
- (f) *to review Naming Signage; and*
- (g) *to review the Risk Management Plan;*

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

**CONSULTATION/ADVERTISING:**

Not applicable.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

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

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The Town's Perth Oval Reserve Fund contained an amount of \$384,630 as at 30 June 2008.

**COMMENTS:**

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

**10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

**PROCEDURAL MOTION**

At 9.00pm Moved Cr Youngman, Seconded Cr Ker

*That Council proceed "behind closed doors" to consider confidential item 14.1 as this matter relates to;*

- *a contract entered into, or which may be entered into the by Local Government and which relates to a matter to be discussed at the meeting; or*
- *legal advice obtained, or which may be obtained by the local government and which relates to a matter to be discussed at the meeting; and/or*
- *information that has a commercial value to a person.*

**PROCEDURAL MOTION PUT AND CARRIED (8-0)**

(Cr Farrell was an apology for the meeting.)

**14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED ("BEHIND CLOSED DOORS")**

**14.1 Confidential Report - Exercise of Legal Option for the Sponsorship Agreement for the Naming Rights for Leederville Oval, 246 Vincent Street, Leederville**

<b>Ward:</b>	South	<b>Date:</b>	23 October 2008
<b>Precinct:</b>	Oxford Centre, P4	<b>File Ref:</b>	TEN0312
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	John Giorgi		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- NOTES that Medibank Private Limited (Medibank) have exercised their legal option in accordance with the Sponsorship Agreement, Clause 3.4 ("Right of First and Last Renewal to Extend Term") for a further three (3) year period, terminating on 31 December 2011; and*
- ADVISES Medibank that their application for a sign on Vincent Street has been considered and approved separately, in accordance with the provision of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme.*

**COUNCIL DECISION ITEM 14.1**

**Moved Cr Burns, Seconded Cr Youngman**

*That the recommendation be adopted.*

**MOTION PUT AND CARRIED (8-0)**

**(Cr Farrell was an apology for the meeting.)**

---

**DETAILS:**

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

- (i) a trade secret;
- (ii) information that has a commercial value to a person; or
- (iii) information about the business, professional, commercial or financial affairs of a person;

where the trade secret or information is held by, or is about, a person other than the local government.

**LEGAL:**

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

*"2.14 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 to be treated in accordance with the "Local Government (Rules of Conduct) Regulations 2007".*

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

At the conclusion of these matters, the Council may wish to make some details available to the public.

**PROCEDURAL MOTION**

**At 9.05pm Moved Cr Messina, Seconded Cr Ker**

*That an "open meeting" be resumed.*

**PROCEDURAL MOTION PUT AND CARRIED (8-0)**

**(Cr Farrell was an apology for the meeting.)**

**15. CLOSURE**

**The Presiding Member, Mayor Nick Catania, declared the meeting closed at 9.05pm with the following persons present:**

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Jacinta Anthony	A/Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

No Members of the Public.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 4 November 2008.

Signed: .....Presiding Member  
Deputy Mayor Steed Farrell

Dated this ..... day of ..... 2008