

INDEX
(24 MAY 2005)

ITEM	REPORT DESCRIPTION	PAGE
10.1 ENVIRONMENTAL AND DEVELOPMENT SERVICES		
10.1.1	Further Report- No. 81 (Lot 246) Auckland Street, North Perth - Proposed Additional Two-Storey Grouped Dwelling to Existing Dwelling (North Perth Precinct) PRO2282 (00/33/1527)	37
10.1.2	No. 34 (Lot 47) Fairfield Street, Mount Hawthorn - Proposed Subdivision (Mount Hawthorn Precinct) 128064	82
10.1.3	No. 51 (Lot 108) Burt Street, North Perth - Proposed Demolition of Existing Single House (Norfolk Precinct) PRO3161 (00/33/2826)	89
10.1.4	No. 53 (Lot 108) Burt Street, North Perth - Proposed Demolition of Existing Single House (Norfolk Precinct) PRO3161 (00/33/2825)	11
10.1.5	No. 149 (Lot 52) Matlock Street, Corner Bondi Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations, Additions and Garage to Existing Single House (Mount Hawthorn Precinct) PRO3066 (00/33/2661)	66
10.1.6	No. 89 (Lot 242) Dunedin Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House (Mount Hawthorn Precinct) PRO3115 (00/33/2735)	55
10.1.7	No. 56 (Lot 2) Britannia Road, Mount Hawthorn - Proposed Partial Demolition of Alterations and Two-Storey Addition to Existing Single House (Mount Hawthorn Precinct) PRO2740 (00/33/2775)	14
10.1.8	No. 612 (Lot 91) Beaufort Street, Mount Lawley - Proposed Demolition of Existing Office Building and Construction of a Two-Storey Office Building and Associated Car Parking (Mount Lawley Centre) PRO2199 (00/33/2712)	92
10.1.9	No. 10 (Lot 15) Purslowe Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Single Storey Single House (Mount Hawthorn Precinct) PRO2551 (00/33/2742)	97
10.1.10	No. 12 (Lot 14) Purslowe Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Single Storey Single House (Mount Hawthorn Precinct) PRO2551 (00/33/2743)	101
10.1.11	No. 503 (Lot 9) Fitzgerald Street, North Perth - Proposed Demolition of Existing Garage and Carport and Construction of Additional Two (2) Two-Storey Single Houses and Street Wall and Gates to Existing Single House (Smith's Lake Precinct) PRO2787 (00/33/2693)	105
10.1.12	Nos. 370-374 (Lots 70 & 69) William Street, Corner Little Parry Street, Perth - Proposed Four-Storey Mixed Use Development Comprising Nine (9) Multiple Dwellings and One (1) Shop and Associated Undercroft Carparking (Beaufort Precinct) PRO2959 (00/33/2679)	109

10.1.13	No. 2 (Lot 4) St Albans Avenue, Corner Beaufort Street, Highgate - Proposed Change of Use from Shop to Shop and Eating House (Mount Lawley Precinct) PRO2536 (00/33/2776)	76
10.1.14	No. 284 (Lot 100) Fitzgerald Street, Perth - Proposed Change of Use from Showroom and Warehouse to Shop and Office and Associated Signage - Application for Retrospective Approval (Hyde Park Precinct) PRO2987 (00/33/2806)	59
10.1.15	Unit 16/No. 391 (Lot 20, Strata Lot No. 16) Fitzgerald Street, Corner Alma Road and View Street, North Perth - Proposed Change of Use from Shop to Eating House and Associated Alterations and Signage (North Perth Centre) PRO3151 (00/33/2808)	123
10.1.16	Unit 65/No. 318 (Lot 26, Strata Lot No. 65) Vincent Street Dual Frontage to Stamford Street and Oxford Street, Leederville - Proposed Change of Use from Office Building to Consulting Rooms (Chiropractor) and Associated Alterations and Signage (Oxford Centre Precinct) PRO3009 (00/33/2684)	16
10.1.17	Unit 19/No. 663 (Lot 53, Strata Lot No. 22) Newcastle Street, Leederville - Proposed Change of Use from Shop to Consulting Rooms (Chiropractor and Psychology Practice) and Associated Signage and Alterations (Oxford Centre Precinct) PRO3125 (00/33/2752)	19
10.1.18	Nos. 399-403 (Lots 29 and Pt 30, Strata Lot No. 1) William Street, Perth - Proposed Change of Use From Shop to Eating House and Incidental Shop and Associated Alterations and Additions (Beaufort Precinct) PRO1266 (00/33/2802)	128
10.1.19	Nos. 128-130 (Lot 28) Joel Terrace, Mount Lawley - Proposed Pruning of Camphor Laurel Tree as Listed on the Town's Trees of Significance Inventory (Banks Precinct) PRO2620 (00/33/2574)	71
10.1.20	No. 118 (Lot 206) Buxton Street, Mount Hawthorn - Alterations and Additions to Street Fencing to Existing Single House (Application for Retrospective Approval) (Mount Hawthorn Precinct) PRO1299 (00/33/2861)	132
10.1.21	No. 6 (Lot 5) St Albans Avenue, Highgate - Proposed Demolition of Existing Outbuilding and Construction of a Garage/Workshop to Existing Single House (Hyde Park Precinct) PRO3065 (00/33/2660)	8
10.1.22	Planning and Building Policies - Amendment No. 13 Relating to Non-Residential/Residential Development Interface (All Precincts) PLA0146	137
10.1.23	Planning and Building Policies - Amendment No. 20 Relating to Non-Variation of Development Standards and Requirements (All Precincts) PLA0121	144
10.1.24	Planning and Building Policies - Amendment No. 24 - Draft Policy Relating to Heritage Management - Interpretive Signage (All Precincts) PLA0098	149
10.1.25	East Perth Redevelopment Authority Draft Masterplan for the East Perth Power Station Precinct - Stakeholders Shared Position Statement (Revised) (Banks Precinct) PRO2980	154

10.2 TECHNICAL SERVICES

10.2.1	Further report - Main Roads WA Response Regarding Additional Funding for the Proposed State Black Spot Improvement Project Intersection of Anzac Road & The Boulevard, Mount Hawthorn (TES0173, TES0439 & TES0382) Mt Hawthorn Precinct	22
10.2.2	Proposed Perth Main Sewer Diversion Project (ORG0050) Oxford Centre Precinct	158
10.2.3	State Underground Power Program – Round Three (3) Major Residential Projects – Progress Report No 5 (TES0313) All Precincts	25

10.3 CORPORATE SERVICES

10.3.1	Financial Statements as at 30 April 2005 (FIN0026)	29
10.3.2	Donation to the Mount Hawthorn Branch of Retirees WA Inc (FIN0008)	32
10.3.3	Authorisation of Expenditure for the Period 1 April - 30 April 2005 (FIN005)	34
10.3.4	Donation to the Charles Alumni Inc. - Sir Charles Gairdner Hospital History Project (FIN0008)	163

10.4 CHIEF EXECUTIVE OFFICER

10.4.1	Council Policy Relating to Representation at the State Administrative Tribunal (ADM0023)	44
10.4.2	Information Bulletin	165

11. ELECTED MEMBERS MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil	167
-----	-----

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil	167
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13. URGENT BUSINESS

14. CLOSURE

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 24 May 2005, commencing at 6.05pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Nil.

(b) Present:

Mayor Nick Catania, JP	Presiding Member (until 7.25pm)
Cr Steed Farrell (Deputy Mayor)	North Ward (Presiding Member from 7.25pm)
Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward (from 6.15pm)
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward

John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Executive Assistant (Minutes Secretary)

Mark Fletcher	Journalist – Voice News (until 8.50pm)
Dan Hatch	Journalist – Guardian Express (until 8.10pm)

Approximately 21 Members of the Public

(c) Members on Leave of Absence:

- Cr Maddalena Torre for the period 26 April to 14 June 2005 (inclusive) for personal reasons.

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

1. Ms Leanne Surace of 79 Auckland Street, North Perth – Item 10.1.1 – Stated that she was disappointed with the short notice given to comment on the proposal – was only advised on Thursday. Asked why they were not given the fourteen days notice as per the policy. Questioned how could the subdivision be granted after the re-zoning of the area. Requested that the Town investigate this matter. Believes that the development will have a massive impact on their privacy, lifestyle, amenity and will overshadow and overcrowd. Urged Council to refuse the application.

2. Mr Charlie Surace of 79 Auckland Street, North Perth – Item 10.1.1 – Requested that the Council either defer or refuse the application. Queried the legality of the subdivision. Disappointed at the lack of time given to them to assess the proposal. Believes that the proposal should be treated as a new application and not a resubmission. Stated that he is concerned with the impact on the privacy and sunlight to their courtyard area.
3. Mr Colin Terry of 52 Hobart Street, North Perth – Item 10.4.1 – Believes that the policy will make the appeals process more transparent and fully supports this. Believes the Tribunal should follow the Town's process and include notifying the public in their consultation process. Requested that Council support and approve the recommendation.

Cr Ker entered the Meeting at 6.15pm.

4. Mr John Leenders of 89 Dunedin Street, Mt Hawthorn – Item 10.1.6 – Requested that Council delete condition (i) relating to the wall heights. Stated that his house has a ceiling height of 3.1 metres and the suggested height of 2.4 metres is very low. Does not believe that the wall heights requested are excessive. Advised that they have tried to contact the neighbours on the northern side but have had no luck and that the other adjoining neighbour has no objections.
5. Ms Lisa Goth of 26 Mayfair Street, West Perth – Item 10.1.14 – Stated that the current shop and office uses of this property have been in place before Town Planning Scheme No 1. Advised that there have been no complaints regarding the current uses during this time. Stated that the existing carparking on the site is adequate for staff and customers. Believes that the Council cannot compensate for a shortfall in carparking in line with its policy and payment would not rectify any situation. Requested that condition (i)(a) be deleted.
6. Mr Wayne Cronin of 149 Matlock Street, Mt Hawthorn – Item 10.1.5 – Believes that the 1.5 metre setback required by the Town is unfair as they will lose 9 square metres of land. Stated that there are many recently constructed garages in the area that are not setback 1.5 metres from the boundary. Requested that the setback be reduced to 0.5 metres.
7. Mr John Malcolm of 5/17 Alga Street, Scarborough – Item 10.1.14 – Stated that the tenant has been there for almost eleven years and there have been no parking issues during this time. Believes that the cash-in-lieu is excessive and will cause them to relocate. Request that condition (i)(a) be removed or revised.
8. Mr David Bebee of 124 Joel Terrace, Mt Lawley – Item 10.1.19 – Questioned why this application is before the Council as there is no development application. Does not believe that the pruning should be approved and should be deferred pending the impact on the tree that any future development application would have.

9. Ms Katrina Alexander of 124 Joel Terrace, Mt Lawley – Item 10.1.19 – Believes the officer’s reasons for pruning need to be reviewed. Stated that the tree is clearly visible from the street and there are no houses in front of the tree. Provided recent photos. Further stated that the tree is visible from the river, the Windan Bridge and will be close to the new cycleway and walkway. Requested that the applicant supply specific details of which limbs and lower branches they are proposing to remove and that the Council impose an additional condition that no further pruning or root disturbance of this tree in relation to this development will be accepted.
10. Ms Judy Burrows of 70 Auckland Street, North Perth on behalf of the North Perth Precinct Group – Item 10.1.1 – Believes the development should comply 100% to the R40 requirements and there should be a zero tolerance on the application for anything other than a strict compliance R30/40 requirements. Stated that the front development has no laundry or storage area indicated on the plans. Requested that the application be rejected.
11. Mr Cosi Schirippa of 66 Auckland Street, North Perth on behalf of the North Perth Precinct Group – Item 10.1.1 – Believes that this development is purely profit driven and has no consideration of the amenity or privacy of the neighbours. Does not believe that the applicants have addressed any of the issues raised in the previous application. Questioned why the Council has not written to the WA Planning Commission objecting to its decisions being overturned.

Mayor Catania advised that the Town constantly advises the Planning Commission when it has objected to their ruling.
12. Ms Doreen Sonogo of 120 Joel Terrace, Mt Lawley – Item 10.1.19 – Believes the removal of major limbs will have a detrimental impact on the amenity of the area. Stated that when the land was sold the Auctioneer made it very clear that the Camphor Laurel tree was heritage listed and that any building proposal had to take this into consideration. Urged the Council to defer the matter until plans are submitted that are appropriate to the amenity of the area.
13. Mr Tim Metcalf owner of Propaganda of 2 St Albans Avenue, Highgate – Item 10.1.13 – Advised that he would be submitting a licence application for the sign. Stated that they will try to enhance the Highgate experience for both residents and visitors to the area and looks forward to working with the Town to achieve this.
14. Mr Nick Aitken of 109 Gloucester Street, Subiaco – Item 10.1.19 – Advised that the applicants have recently lodged a proposal for a four lot subdivision on the site. Stated that the Council policy provides for the pruning and management of significant trees, the applicants do not want to destroy the tree and the aborculturalist is an independent assessor. Outlined reasons why the application should be approved.

There being no further questions from the public, the Presiding Member closed Public Question Time at 6.50pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

- 4.1 Cr Ian Ker for the Special Meeting of Council to be held on 31 May 2005 for business reasons.

Moved Cr Lake, Seconded Cr Chester

That Council APPROVES Leave of Absence for Cr Ker for the Special Meeting of Council to be held on 31 May 2005 for business reasons.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

- 5.1 The Chief Executive Officer advised that a petition with 51 signatories was received from the parents of students at the Margaret Kindergarten requesting Council to continue its support for funding to upgrade the grounds at the Kindergarten.

The Chief Executive Officer advised that the petition would be referred to the Executive Corporate Services for investigation and report.

Moved Cr Farrell, Seconded Cr Chester

That the petition be received.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

- 6.1 Special Meeting of Council held on 10 May 2005

Moved Cr Farrell, Seconded Cr Lake

That the Minutes of the Special Meeting of Council held on 10 May 2005 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

- 6.2 Ordinary Meeting of Council held on 10 May 2005

Moved Cr Farrell, Seconded Cr Lake

That the Minutes of the Ordinary Meeting of Council held on 10 May 2005 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

6.3 Special Meeting of Council – Election of Deputy Mayor held on 17 May 2005

Moved Cr Farrell, Seconded Cr Lake

That the Minutes of the Special Meeting- Election of Deputy Mayor of Council held on 17 May 2005 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

6.4 Special Meeting of Council – Budget held on 17 May 2005

Moved Cr Farrell, Seconded Cr Lake

That the Minutes of the Special Meeting - Budget of Council held on 17 May 2005 be confirmed as a true and correct record subject to:

- *It being recorded that “Cr Messina returned to the Chamber at 8.17pm” before Item 22.*

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 ICLEI - Local Governments for Sustainability

I am pleased to advise that Cr Helen Doran-Wu represented me at the *Leading the Sustainability Agenda: Western Australian Local Government Action forum* held in Perth on on 19 May 2005.

At the Forum, Cr Doran-Wu was presented with a Certificate of Recognition for the Town's commitment to the Cities for Climate Protection Program - CCP Plus Australia initiative. This commitment is to continue to reduce greenhouse gas emissions within the Council area.

The commitment represents the Council's intention to:

- Allocate resources to coordinate the program
- Continue to implement corporate and community actions that contribute to Councils reduction goal
- Participate in the annual CCP Measures Report and
- Play an appropriate advocacy role for CCP in the local community and in other forums.

Thank you to Cr Doran-Wu for attending and accepting the Award on the Town's behalf and also to all the staff involved for their hard work on this worthwhile project.

Cr Chester departed the Chamber at 6.55pm

Cr Chester returned to the Chamber at 6.56pm.

Cr Farrell departed the Chamber at 6.56pm.

8. DECLARATION OF INTERESTS

- 8.1 Cr Doran-Wu declared a proximity interest in Item 10.1.20 – No 118 (Lot 206) Buxton Street, Mt Hawthorn – Alterations and Additions to Street Fencing to Existing Single House. The nature of her interest being that she owns and resides in the adjoining property.

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

Nil.

Cr Farrell returned to the Chamber at 6.58pm.

10. REPORTS

The Agenda Items were categorised as follows:

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

Items 10.1.1, 10.4.1, 10.1.6, 10.1.14, 10.1.5, 10.1.19 and 10.1.13

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

Nil

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

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

Cr Farrell	Nil
Cr Chester	Items 10.1.8, 10.1.11, 10.1.22, 10.1.25, 10.2.2 and 10.4.2
Cr Ker	Item 10.1.15
Cr Doran-Wu	Nil
Cr Lake	Items 10.1.12 and 10.1.18
Cr Messina	Nil
Cr Maier	Items 10.1.2, 10.1.3, 10.1.9, 10.1.10, 10.1.23, 10.1.24 and 10.3.4
Mayor Catania	Nil

Presiding Member, Mayor Nick Catania JP, requested the Chief Executive Officer to advise the Meeting of:

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

Item 10.1.20

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

Items 10.1.4, 10.1.7, 10.1.16, 10.1.17, 10.2.1, 10.2.3, 10.3.1, 10.3.2 and 10.3.3

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

Nil

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

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

Items 10.1.4, 10.1.7, 10.1.16, 10.1.17, 10.2.1, 10.2.3, 10.3.1, 10.3.2 and 10.3.3

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

Items 10.1.1, 10.4.1, 10.1.6, 10.1.14, 10.1.5, 10.1.19 and 10.1.13

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

Due to an oversight, the unopposed items moved en bloc were moved and seconded at the conclusion of Item 10.1.1. The decision is as follows:

Moved Cr Maier, Seconded Cr Lake

That the following unopposed items be moved en bloc;

Items 10.1.4, 10.1.7, 10.1.16, 10.1.17, 10.2.1, 10.2.3, 10.3.1, 10.3.2 and 10.3.3.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

The Presiding Member, Mayor Nick Catania advised that requests had been received from the applicants to defer the following Items:

- 10.1.20 - No 118 (Lot 206) Buxton Street, Mt Hawthorn – Alterations and Additions to Street Fencing to Existing Single House.
- 10.1.21 – No 6 (Lot 5) St Albans Avenue, Highgate – Proposed Demolition of Existing Outbuilding and Construction of a Garage/Workshop to Existing Single House.

The Presiding Member advised that as Cr Doran-Wu had declared an interest in Item 10.1.20, that this Item would be considered as normal in the order of business.

The Presiding Member advised that the Council would consider the deferral of Item 10.1.21.

10.1.21 No. 6 (Lot 5) St Albans Avenue, Highgate - Proposed Demolition of Existing Outbuilding and Construction of a Garage/Workshop to Existing Single House

Ward:	South	Date:	13 May 2005
Precinct:	Hyde Park; P12	File Ref:	PRO3065; 00/33/2660
Attachments:	001		
Reporting Officer(s):	B Mckean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by JG Boyd on behalf of the owner J Boyd and A Courtley for proposed Demolition of Existing Outbuilding and Construction of a Garage/Workshop to Existing Single House, at No. 6 (Lot 5) St Albans Avenue, Highgate, and as shown on plans stamp-dated 10 January 2005 (site plan) and 7 April 2005, for the following reasons:

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

COUNCIL DECISION ITEM 10.1.21

Moved Cr Farrell, Seconded Cr Lake

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

CARRIED (8-0)

(Cr Torre on approved leave of absence.)

Landowner:	J Boyd & A Courtley
Applicant:	J Boyd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	632 square metres
Access to Right of Way	North side, 5.03 metres wide, sealed, Town of Vincent owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves demolition of outbuilding and construction of a garage/workshop to existing single house. The application involves variations to the outbuilding requirements, which is as specified in the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements, however, the application was received on 19 January 2005 and justification for the application was previously requested for referral to the Council for determination. In light of this, the application is being referred to the Council for determination.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	1.00	0.41	Noted
Setbacks			
North	1.5 metres	Nil	Supported - variation is considered minor and no objections received
West	1.1 metres	1.0 metre	Supported - variation is considered minor and affected neighbour has stated no objection
Outbuilding	Do not exceed 60 square metres in area or 10 per cent in aggregate of the site area, whichever is the lesser	88 square metres 14 per cent of site area	Not supported - variation is considered excessive and over development of the site
	Do not exceed a wall height of 2.4 metres	Wall height of 3.0 - 3.6 metres	Not supported - as above
	Do not exceed a ridge height of 4.2 metres	Ridge height of 6.7 metres	Not supported - as above
Consultation Submissions			
Support (1)	• Neighbour has stated no objection		Noted
Objection	N/A		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The application is non-compliant with the setback, floor area, wall height and ridge height requirements of the Residential Design Codes (R Codes). These variations (except in relation to setbacks) are considered excessive and over development of the site.

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

10.1.4 No. 53 (Lot 108) Burt Street, North Perth - Proposed Demolition of Existing Single House

Ward:	South	Date:	16 May 2005
Precinct:	Norfolk; P10	File Ref:	PRO3161; 00/33/2825
Attachments:	001		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner A La Piana for proposed Demolition of Existing Single House, at No. 53 (Lot 108) Burt Street, North Perth, and as shown on plans stamp-dated 20 April 2005, subject to:

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

COUNCIL DECISION ITEM 10.1.4

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania left the meeting at 7.25pm and did not vote.)

Landowner:	A La Piana
Applicant:	A La Piana
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	1012 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing dwelling.

ASSESSMENT:

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

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

COMMENTS:

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

The subject dwelling at No. 53 Burt Street, North Perth is a timber clad and iron dwelling constructed c.1900 during the Gold Boom era in Perth, (1891-1919). The subject place displays *little to some historic value* as part of a weatherboard building stock that is considered rare as a consequence of its restricted use as a building material.

While aspects of the original building remain intact with the wooden floorboards, architraves, and skirting boards still in situ, alterations have been made to the dwelling, which detract from the original shape and form. The rear of the dwelling has been extended and the original timber cladding on the western and northern external walls have been replaced with asbestos sheeting. These alterations have significantly diminished the level of authenticity associated with the place and its ability to provide an accurate historical record of early twentieth century housing in North Perth.

The place is not considered to meet the threshold for entry into the Town of Vincent Municipal Heritage Inventory.

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

10.1.7 No. 56 (Lot 2) Britannia Road, Mount Hawthorn - Proposed Partial Demolition of Alterations and Two-Storey Addition to Existing Single House

Ward:	North	Date:	16 May 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO2740; 00/33/2775
Attachments:	001		
Reporting Officer(s):	J Meggitt		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Ian Wilkes Architects on behalf of the owner A Morrison for proposed Partial Demolition of Alterations and Two-Storey Addition to Existing Single House., at No. 56 (Lot 2) Britannia, Mount Hawthorn, and as shown on plans stamp-dated 16 March 2005, subject to:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Britannia Road shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*

COUNCIL DECISION ITEM 10.1.7

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania left the meeting at 7.25pm and did not vote.)

Landowner:	A Morrison
Applicant:	Ian Wilkes Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	279 square metres
Access to Right of Way	N/A

BACKGROUND:

27 April 2004 Council at its Ordinary Meeting granted conditional approval for partial demolition to alterations and two storey additions to existing single house at No. 56 (Lot 2) Britannia Road, Mount Hawthorn.

DETAILS:

The application provides for a number of relatively minor changes from the original application. The main changes are an increase in roof pitch and the plate height from 4.51 metres to 5.5 metres, the addition of a small front balcony and alterations to the front and rear facades of the first storey. The highlight windows on the western elevation have been removed and the windows to the rear have been replaced with highlight windows.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	N/A
Plot Ratio	N/A	N/A	N/A
Setbacks Front - (south)	6.0 metres	2.7 to 3.2 metres	Supported - proposed setback is generally consistent with setback of existing house, and the lot was created from a previous corner lot.
Consultation Submissions			
The proposal was advertised when the original application was lodged in March 2004; no submissions were received. The current application is considered to have less impact on adjoining properties now that the potential for overlooking has been removed and as such no further advertising has been undertaken.			
Support	N/A		N/A
Objection	N/A		N/A
Other Implications			
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).		
Strategic Implications	Nil		
Financial/Budget Implications	Nil		

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

Comments:

The revised Development Application plans are regarded to be acceptable as the proposed development is considered to have less impact on adjoining properties now that the potential for overlooking has been removed, otherwise the application is consistent with that approved by the Council on 27 April 2004.

The proposal is therefore recommended for approval, subject to standard and appropriate conditions.

10.1.16 Unit 65/No. 318 (Lot 26, Strata Lot No. 65) Vincent Street Dual Frontage to Stamford Street and Oxford Street, Leederville - Proposed Change of Use from Office Building to Consulting Rooms (Chiropractor) and Associated Alterations and Signage

Ward:	South	Date:	16 May 2005
Precinct:	Oxford Centre; P4	File Ref:	PRO3009; 00/33/2684
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M and M Upfold on behalf of the owner MSU Services Pty Ltd for proposed Change of Use from Office Building to Consulting Rooms (Chiropractor) and Associated Alterations and Signage, at Unit 65/No. 318 (Lot 26, Strata Lot No. 65) Vincent Street dual frontage to Stamford Street and Oxford Street, Leederville, and as shown on plans stamp-dated 25 January 2005, subject to:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *the hours of operation shall be limited to 8:00am to 6:00pm Monday to Friday, inclusive;*
- (iii) *a maximum of one (1) consulting room and a maximum of one (1) consultant/practitioner and two (2) other staff member are permitted to operate from the property at any one time. An increase in consulting rooms or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (iv) *doors and windows and adjacent floor areas fronting Vincent Street shall maintain an active and interactive relationship with this street;*
- (v) *all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vi) *the signage shall not have flashing or intermittent lighting;*
- (vii) *all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of their display on-site;*
- (viii) *no massage activity of a non-medical nature shall occur at the premises and no bedding shall be provided at the premise; and*
- (ix) *this approval for a consulting room is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use. If no valid planning complaints are received within the 12 months period, the new application may not require consultation/advertising and conditional approval may be issued by the Town under delegated authority from the Council.*

COUNCIL DECISION ITEM 10.1.16

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania left the meeting at 7.25pm and did not vote.)

Landowner:	MSU Services Pty Ltd
Applicant:	M & M Upfold
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Office
Use Class:	Consulting Rooms
Use Classification:	"SA"
Lot Area:	6960 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves change of use from office building to consulting rooms (Chiropractor) and associated alterations and signage.

The proposed consulting rooms at Unit 65 are proposed to be called *Chiropractic on Vincent* and will be used to provide chiropractic services to people in the Leederville locality and its surrounds. The proposed hours of operation are Monday to Friday 8:00am to 6:00pm. The expected number of employees is one chiropractor and one to two reception/office assistants.

Two (2) signs are included as part of this application, which are a window sign and a projecting sign attached to the underside of a verandah.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> Strata Company for Oxford Lane supports the proposal. 		Noted
Objection (1)	<ul style="list-style-type: none"> Increased parking demand. 		Not supported - the change of use complies

	with the Town's parking requirements.
Other Implications	
Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Financial/Budget Implications	Nil

Car Parking	
Car Parking Requirement (nearest whole number) - Consulting Rooms (1 room equals 3 car bays)	3 car bays
Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.80 (within 400 metres of a rail station) ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (within 50 metres of one or more public car parks in excess of 50 spaces) 	(0.544) 1.632car bays
Minus car parking on-site	3** car bays
Minus the most recently approved on-site parking shortfall (after taking into account relevant adjustment factors) that is, 3 car bays (129 square metres of gross floor area for Office) x 0.544 = 1.632 car bays minus car parking on site (3) equals nil. Therefore, there is no on-site parking shortfall.	Nil
Resultant surplus	1.368 car bays

* 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.

** This figure is based on the allocation of 3 car bays for the subject site and shown on the Certificate of Title

COMMENTS:

The application was advertised and two submissions, as detailed above, were received during the advertising period. In assessing the proposal, it was considered to be compatible and complementary with other land uses within the locality. It is noted that the proposed signage is compliant with the Town's Sign and Advertising Policy.

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

**10.1.17 Unit 19/No. 663 (Lot 53, Strata Lot No. 22) Newcastle Street, Leederville
- Proposed Change of Use from Shop to Consulting Rooms
(Chiropractor and Psychology Practice) and Associated Signage and
Alterations**

Ward:	South	Date:	16 May 2005
Precinct:	Oxford Centre; P4	File Ref:	PRO3125; 00/33/2752
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by L De Coster and A Lim on behalf of the owner PB Prefama Pty Ltd for proposed Change of Use from Shop to Consulting Rooms (Chiropractor and Psychology Practice) and Associated Signage and Alterations, at Unit 19/No. 663 (Lot 53, Strata Lot No. 22) Newcastle Street, Leederville, and as shown on plans stamp-dated 8 March 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) the hours of operation shall be limited to the following times: 8am to 6pm Monday to Friday and 8am to 12noon Saturday, inclusive;*
- (iii) a maximum of two (2) consulting rooms and a maximum of two (2) consultants/practitioners and one (1) other staff member are permitted to operate from the property at any one time;*
- (iv) the signage shall not have flashing or intermittent lighting;*
- (v) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vi) all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of their display on-site;*
- (vii) all signage shall be fitted flush against the wall and located entirely on the subject property;*
- (viii) no massage activity of a non-medical nature shall occur at the premises and no bedding shall be provided at the premises;*
- (ix) this approval for a consulting room is for a period of 12 months only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to continuation of the use. If no valid planning complaints are received within the 12 months period, the new application may not require consultation/advertising and conditional approval may be issued by the Town under delegated authority from the Council; and*

- (x) *prior to the issue of a Sign Licence, revised plans shall be submitted and approved demonstrating the signage having a maximum area of 10 square metres. The revised plans shall not result in any greater variation to the requirements of the Town's Policies.*

COUNCIL DECISION ITEM 10.1.17

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania left the meeting at 7.25pm and did not vote.)

Landowner:	Prefama Pty Ltd
Applicant:	L De Coster & A Lim
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Shop
Use Class:	Consulting Rooms
Use Classification:	"AA"
Lot Area:	7163 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves change of use from shop to consulting rooms (chiropractor and psychology practice) and associated signage and alterations, at the subject property. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Wall Sign	Not to exceed 10 square metres in area on any one wall.	21.6 square metres	Not supported- has been conditioned to comply.
General Standards	Total signage area not to exceed 10 per cent of the total area of the building wall in which that signage is located.	Approximately 34 per cent.	Not supported- however 16 percent (10 square metres) is supported, given the context of the existing building scale, the building/ proposed signage faces a car park

			and the signage not being obviously visible from the public street.
Consultation Submissions			
Support	Nil		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil

Car Parking	
Car parking requirement (nearest whole number) <ul style="list-style-type: none"> • Consulting room -3 bays per consulting room 	6 car bays
Apply the adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (within 50 metres of one or more public car parks in excess of 50 spaces) ▪ 0.80 (within 400 metres of a rail station) ▪ 0.90 (within District Centre zone) 	(0.4896) 2.94 car bays
Minus the car parking provided on-site	4 car bays (number which has been allocated to subject premises)
Resultant surplus	1.06 car bays

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

COMMENTS:

The planning application is considered to be compatible with the uses of the surrounding area and in light of adequate car parking being provided, the proposal is recommended for approval, subject to standard and appropriate conditions to address the scale and nature of the proposal, including the limitation on the size of the proposed signage.

10.2.1 Further report - Main Roads WA Response Regarding Additional Funding for the Proposed State Black Spot Improvement Project Intersection of Anzac Road & The Boulevard, Mount Hawthorn

Ward:	North	Date:	18 May 2005
Precinct:	Mount Hawthorn P1	File Ref:	TES0173, TES0439 & TES0382
Attachments:	001;		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on Main Roads WA response regarding additional funding for the proposed State Black Spot Improvement Project at the intersection of Anzac Road and The Boulevard, Mount Hawthorn, as shown on attached Plan No 2196-CP-2A;*
- (ii) *DEFERS the project indefinitely until the matter has been reconsidered by the Local Area Traffic Management (LATM) Advisory Group in the overall context of Anzac Road traffic;*
- (iii) *SEEKS the views of the Anzac Road community on the proposal prior to resubmitting the Project for Black Spot funding consideration in 2006/2007;*
- (iv) *CARRIES FORWARD its contribution of \$28,333 and uses these funds should the project proceed in future;*
- (v) *ADVISES Main Road WA of its decision; and*
- (vi) *RECEIVES a further report once the matter has been further investigated by the LATM Advisory Group and community feedback has been received.*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania left the meeting at 7.25pm and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to advise Council of Main Roads WA response to the Town's request for additional Black Spot funds for the proposed Anzac Road / The Boulevard roundabout.

BACKGROUND:

The Council, at its Ordinary Meeting held on 9 November 2004, was advised that the Town had received State Black Spot funding to undertake improvements at the intersection of Anzac Road and The Boulevarde, Mount Hawthorn, to reduce or eliminate right angle crashes.

Following consideration of the report the following decision was adopted:

"That the Council;

- (i) RECEIVES the further report on the proposed State Black Spot Improvement Project at the intersection of Anzac Road and The Boulevarde, Mount Hawthorn as shown on attached Plan No 2196-CP-2;*
- (ii) NOTES that funds totalling \$85,000 are allocated for the project in the 2004/2005 budget with the State's share of the cost being \$56,667;*
- (iii) NOTES that the high cost of approximately \$50,000 associated with the relocation of services will make the project untenable unless further State funding is provided;*
- (iv) REQUESTS Main Roads WA to fund the additional \$45,000 from the State Black Spot Program for the relocation of services to enable the project to proceed; and*
- (v) RECEIVES a further report once a formal response has been received from Main Roads WA."*

DETAILS:

In accordance with clause (iv) of the Council's decision, Main Roads WA (MRWA) were requested to fund the additional \$45,000 from their Black Spot Program for the relocation of services to enable the project to proceed.

An extract from MRWA response is outlined below:

"I refer to your letter dated 19 April 2005 requesting additional State Black Spot funding of \$45,000 for the above Project to meet increased costs associated with service relocations.

The original BCR for this project was 1.03, based on a total project cost of \$85,000. With the additional \$45,000 required, the revised BCR would be 0.67, thus rendering the Project ineligible for State Black Spot funding as per Table 1 of the "State Black Spot Program Development and Management Guidelines". In view of this, Council is requested that the Project be withdrawn from the 2004/05 State Black Spot Program.

Council, however, can resubmit the Project for consideration in the 2006/07 State Black Spot Program if a formal Road Safety Audit supports it."

Officer Comments

The proposal to install a roundabout at the intersection of Anzac Road and The Boulevarde received Blackspot funding due to the project receiving a high benefit cost ratio (BCR). The higher BCR can only be maintained if the Town were to contribute more to the project.

The community has not yet been consulted regarding the proposal, however, some negative comments were received when the project funding was made public.

At the Ordinary meeting of Council held on 12 April 2005 the Council resolved (in part):

"That the Council;

- (ii) *REFERS the following eight (8) traffic matters, as listed below and detailed in the report, to the Town's Local Area Traffic Management Advisory Group for their consideration;*
 - (a) *Anzac Rd - Traffic calming;*
- (iii) *RECEIVES a further report on each of the matters listed following consideration by the Town's Local Area Traffic Management Advisory Group."*

It is recommended that the roundabout proposal be reconsidered by the LATM Advisory Group in the overall context of Anzac Road traffic and that the public views on the proposal be sought prior to a resubmission of the Project for funding in 2006/2007.

CONSULTATION/ADVERTISING:

Consultation will be carried out once the matter has been considered by the Town's LATM Advisory Group.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Strategic Plan 2003-2008 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *"o) Investigate and implement traffic management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group."*

FINANCIAL/BUDGET IMPLICATIONS:

The 2004/2005 budget lists this project as *The Intersection of Anzac Rd and The Boulevard Roundabout* with an allocation of \$85,000.

- State Funding \$56,667
- TOV Funding \$28,333

It is recommended that the Town's contribution of \$28,333 be carried forward and used to fund the project should it proceed in the future.

COMMENTS:

As previously reported to Council, while there is a strong case to install a roundabout in this intersection of Anzac Road and The Boulevard, in order to reduce the accident recurrence rate without causing restrictions to the current movements of this intersection, the service relocation costs make the project untenable unless the state can contribute additional funds.

It is therefore recommended that the Council defers the project indefinitely until the matter has been reconsidered by the LATM Advisory Group in the overall context of Anzac Road traffic and seeks the views of the Anzac Road community on the proposal prior to resubmitting the Project for Black Spot funding in 2006/2007.

10.2.3 State Underground Power Program – Round Three (3) Major Residential Projects – Progress Report No 5

Ward:	Both	Date:	18 May 2005
Precinct:	All	File Ref:	TES0313
Attachments:	001:		
Reporting Officer(s):	R Lotznicher,		
Checked/Endorsed by:	-	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the State Underground Power Program – Round Three (3) Major Residential Project – Progress Report No 5;*
- (ii) *NOTES the new preliminary time table as outlined in the report for the implementation of State Underground Power Program – Round Three; and*
- (iii) *RECEIVES a further report prior to the ratepayer survey being conducted outlining detailed (design) estimated costs, proposed financial model and funding proposal.*

COUNCIL DECISION ITEM 10.2.3

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania left the meeting at 7.25pm and did not vote.)

PURPOSE OF REPORT:

To advise the Council of the new preliminary time table for the implementation of Round Three (3) of the State Underground Power Program - Highgate East Project.

BACKGROUND:

At its Ordinary Meeting of 26 October 2004, the Council received a detailed report on the proposed Highgate East State Underground Power Project. The report outlined information presented to the Council Forum held on 5 October 2004, where Elected Members were given an overview of progress to date and were advised of the process still to be undertaken as part of the State Underground Power Project (SUPP) Detailed Submission Stage. The matters discussed were:

- State Underground Power Program
- The benefits of Underground Power
- Local Government's Role
- Progress to date
- Area Definition

- Estimated Costs
- Methods of Raising Funds
- Fixed Charge method Residential Properties
- Fixed Charge method Commercial Properties
- Town of Vincent Funding requirement
- Payment Options
- Community Survey

The Council subsequently made the following decision:

"That the Council;

- (i) *RECEIVES the report on the State Underground Power Program – Round Three (3) Major Residential Project – Progress Report No 4;*
- (ii) *NOTES the preferred funding options for the Highgate East State Underground Power Program project as detailed in the report and notes a further detailed report will be submitted, outlining estimated costs, the proposed financial model, and funding proposal once Western Power have completed a detailed project design;*
- (iii) *APPROVES the attached Underground Power Survey Form;*
- (iv) *CONDUCTS a survey of property owners in the Highgate East State Underground Power Project area as shown on the attached plan, giving ratepayers 21 days in which to respond;*
- (v) *RECEIVES a detailed report at the conclusion of the ratepayer survey outlining in detail the results of the survey; and*
- (vi) *further NOTES that to ensure the project cost, per lot, is maintained at a reasonable level, after taking into account the various discounts that are applicable as part of the project, contributory funding may need to be listed for consideration in the 2005/2006 draft budget."*

DETAILS

Previous Time table

At the Ordinary Meeting of 26 October 2004 the Council was advised of the following timetable regarding the "Detailed Proposal Stage" of the State Underground Power Project.

- Area definition
- Neighbouring LGs/ Sub Stations
- Project Design Nov 04
- Cost estimate Nov 04
- Community survey Jan 05
- Draft agreement prepared Feb 05
- Tenders called Aug 05
- Signed agreement Oct 05
- Project Start Nov 05

In November 2005, officers were unofficially advised that the SUPP project had been deferred by (a minimum) six (6) months and that the Town would be receiving official correspondence to this affect.

The Executive Officer of the Underground Power Steering Committee from the Office of Energy was subsequently emailed on several occasions and advised that as the Town was preparing its 2005/06 draft budget, it was becoming imperative that it be advised as to the veracity of the deferral of the project as soon as practical.

Updated Timetable

Finally, on 6 May 2005 officers received an email from the Public Liaison Officer from the State Underground Power Program, advising as follows:

As discussed, here are the most recent dates for the various facets of the design and preliminaries:

<i>Boundary issues</i>	<i>July 2005</i>
<i>Equipment Location Sign off</i>	<i>July 2005</i>
<i>Project Design Completed</i>	<i>October 2005</i>
<i>Provision of Cost estimate</i>	<i>November 2005</i>
<i>Community Survey</i>	<i>January 2006</i>
<i>Draft Agreement</i>	<i>February 2006</i>
<i>Tenders called</i>	<i>February 2006</i>
<i>Agreement Signed</i>	<i>April 2006</i>
<i>Project Commencement</i>	<i>June/July 2006</i>

The first cash call is not likely to be until August 2006

We will be writing to the Town shortly with these dates and will also be providing updates in the coming months as the progress of current projects, and those due to commence shortly, allows us to more accurately forecast these dates.

Neighbouring Local Governments

In November 2004, the Executive Manager Technical Services wrote to the Cities of Stirling and Bayswater as follows:

"You may be aware that the Town of Vincent has been successful in attracting funds for Round 3 of the State Underground Power Program.

The area which is currently being considered for the undergrounding of power is located on the eastern most boundary of the Town and adjoins the City of Bayswater and the City of Stirling.

The Town's Officers are currently awaiting a final estimated cost of the project from Western Power. Once these costs are known, a cost per lot will be determined.

It would be appreciated if you could advise the Town whether the City would be interested in including the properties shown on the attached plan in the project and whether the City is prepared to charge these properties for the cost of undergrounding.

This information is required so that the project area / cost can be finalised."

The responses from the City of Stirling and City of Bayswater are attached.

Officers' Comments

As can be seen from the updated time table, the project implementation date has been moved forward some eight (8) months. Funds for the project will need to be listed for consideration in the 2006/2007 draft budget.

Therefore, as part of the process, once further information has been determined, ratepayers in the project area will be individually mailed a questionnaire with a reply paid envelope and given 21 days in which to provide a response.

The officers can now recommence the process (Council decision 26 October 2004) leading up to the community survey where the Detailed Proposal stage requires that there is *clear evidence that the community in the SUPP area supports the proposal*

CONSULTATION/ADVERTISING:

Extensive consultation with affected ratepayers in the project area will need to be carried out as part of the process.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In line with Key Result Area One of the Strategic Plan 2003-2008 - 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.
k) Develop a strategy for the implementation of underground power - investigate alternative mechanisms for funding (e.g. loans, differential rates, deferred charges, etc. - develop a mechanism for assigning priorities to areas).

FINANCIAL/BUDGET IMPLICATIONS:

Funding arrangements will need to be in place prior to the finalisation of the 2006/07 budget to cover the projected cost of the project. In addition, the financial implications will be further developed once the Council has determined the charging method to be used to recoup funds from ratepayers.

COMMENTS:

The Council will receive a further progress report prior to the ratepayer survey being conducted. It is envisaged that this report may also include the estimated costs and the proposed financial model and funding proposal.

10.3.1 Financial Statements as at 30 April 2005

Ward:	Both	Date:	12 May 2005
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	Bee Choo Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Reports for the month ended 30 April 2005 as shown in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania left the meeting at 7.25pm and did not vote.)

BACKGROUND:

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports and quarterly financial reports to be submitted to Council. The Financial Statements attached are for the month ended 30 April 2005.

DETAILS:

The Financial Statements comprise:

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

Operating Statement and Detailed Summary of Programmes/Activities

The Operating Statement shows revenue and expenditure by Programme whereas the Summary of Programmes/Activities provides detail to Programme/Sub Programme level. Both reports compare actual results for the period with the Budget.

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

Operating Revenue

Operating revenue is currently 97 % of the annual Budget estimate

General Purpose Funding (Page 1)

General Purpose Funding is showing 97 % of the budget levied to date. This is due to rates being levied for the financial year; the rates revenue represents 99 % of the budgeted amount for the rates income.

Governance (Page 2)

Governance is showing 212 % of the budget received to date; this is due to advertising rebates, vehicle contributions received and sale of electoral rolls.

Law Order & Public Safety (Page 3)

Revenue is showing a favourable variance of 117 % due to recoup in advance of employee cost that is on secondment and grants received.

Health (Page 4)

Health is showing 103 %, this is due to 294 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining.

Community Amenities (Page 6)

Community Amenities is 98 % of the budget, this is as a result of 532 planning applications have been processed year to date.

Recreation & Culture (Page 9)

Recreation and Culture is 88 % of the total budget. Beatty Park revenue is 65 % of the total Recreation and Culture budget but tracking along with the year to date budget.

Economic Services (Page 12)

Economic Services is 83 % of budget which is the 378 building licences issued to the month of April.

Operating Expenditure

Operating expenditure for the month of April is under budget at 80%

Capital Expenditure Summary (Pages 18 to 26)

The Capital Expenditure summary details projects included in the 2004/05 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure for April amount of \$6,535,868 which is 54% of the budget.

	Budget	Actual to Date	%
Furniture & Equipment	131,310	73,606	47%
Plant & Equipment	1,249,972	486,807	39%
Land & Building	3,555,393	3,475,713	93%
Infrastructure	6,997,900	2,499,742	35%
Total	11,934,575	6,535,868	54%

Statement of Financial Position and Changes in Equity (Pages 27 & 28)

The statement shows the current assets of \$14,072,557 less current liabilities of \$2,585,131 for a current position of \$11,487,426. The total non current assets amount to \$115,870,136 less non current liabilities of \$10,933,324 for the total net assets of \$116,424,238.

Restricted Cash Reserves (Page 29)

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

Debtors and Rates Financial Summary

General Debtors (Page 30)

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

Sundry Debtors of \$948,389 are outstanding at the end of April. Of the total debt \$579,054 (61%) relates to debts outstanding for over 60 days. The majority of the debt is an amount owing by the Department of Sport & Recreation of \$475,661. The Debtor Report identifies significant balances that are well overdue.

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

Rate Debtors (Page 31)

The notices for rates and charges levied for 2004/05 were issued on the 3 August 2004.

The Local Government Act 1995 provides for ratepayers to pay rates by four instalments. The due dates for each instalment are:

First Instalment	7 October 2004
Second Instalment	8 November 2004
Third Instalment	6 January 2005
Fourth Instalment	8 March 2005

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

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

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

Rates outstanding are \$495,584 which represents 3.6% of the outstanding collectable income.

Beatty Park – Financial Position Report (Page 32)

As at 30 April 2005 the operating deficit for the Centre was \$367,409 in comparison to the budgeted annual deficit of \$616,852.

The cash position showed a current cash deficit of \$58,485 in comparison to the annual budget estimate of a cash deficit of \$161,888. The cash position is calculated by adding back depreciation to the operating position.

10.3.2 Donation to the Mount Hawthorn Branch of Retirees WA Inc

Ward:	Both	Date:	13 May 2005
Precinct:	All	File Ref:	FIN0008
Attachments:			
Reporting Officer(s):	A Bateman		
Checked/Endorsed by:	J Anthony M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That Council APPROVES a donation of \$500 (five hundred dollars) to the Mt Hawthorn Branch of Retirees WA Inc (formerly Mt Hawthorn Pensioners League) to assist them in providing a free Christmas party for their members later in the year.

COUNCIL DECISION ITEM 10.3.2

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania left the meeting at 7.25pm and did not vote.)

PURPOSE OF REPORT:

To request approval for a donation to the Mount Hawthorn Branch of Retirees WA Inc.

BACKGROUND:

The Mount Hawthorn Branch of Retirees WA Inc meets each fortnight at the Menzies Park Pavilion. Throughout the year they organise outings, activities and events for members. Where possible they subsidise the cost of these activities in order to make them affordable for people on a low income. Each year they hold a Christmas Party at no cost to members.

DETAILS:

Retirees WA Inc Mt Hawthorn Branch is requesting a donation of an unspecified amount from the Town of Vincent to assist them in providing a Christmas party later in the year.

In 2003, 2002 and 2001 the Town of Vincent provided a donation of \$500 to the group to assist with the cost of their annual Christmas party and other social activities. The group did not apply for a donation last year.

STRATEGIC IMPLICATIONS:

Key Result Area 2.1: *“Publicly celebrate and promote the Town’s diversity”.*

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$500 (five hundred dollars) would be expended from the Donation account.

COMMENTS:

Thirty five to forty seniors attend fortnightly meetings at the Mount Hawthorn branch of Retirees WA Inc. They are one of the few organisations that provide regular social activities for seniors in the area.

10.3.3 Authorisation of Expenditure for the Period 1 April - 30 April 2005

Ward:	Both	Date:	18 May 2005
Precinct:	All	File Ref:	FIN005
Attachments:	001		
Reporting Officer(s):	Gee Wong		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) Schedule of Accounts for the period 1 April - 30 April 2005 and the list of payments;*
- (ii) direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) direct lodgement of Child Support to the Australian Taxation Office;*
- (v) direct lodgement of creditors payments to the individual bank accounts of creditors;
and*
- (vi) direct lodgement of Superannuation to Local Government and City of Perth superannuation plans;*

as shown in Appendix 10.3.3

COUNCIL DECISION ITEM 10.3.3

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania left the meeting at 7.25pm and did not vote.)

DECLARATION OF INTEREST

Members/ Officers	Voucher	Extent of Interest
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Nil.

BACKGROUND:

The Local Government Act provides for all payments to be approved by the Council. In addition the attached Schedules are submitted in accordance with Item 13 of the Local Government (Finance Management) Regulations 1996.

DETAILS:

The Schedule of Accounts to be passed for payment, cover the following:

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Town of Vincent Advance Account	EFT	\$2,209,485.46
Total Municipal Account		\$2,209,485.46
Advance Account		
Automatic Cheques	51417-51691	\$760,004.88
Manual Cheques		
Transfer of Creditors by EFT Batch 372-380		\$690,816.76
Transfer of PAYG Tax by EFT	April 2005	\$149,881.75
Transfer of GST by EFT	April 2005	\$0.00
Transfer of Child Support by EFT	April 2005	\$519.44
Transfer of Superannuation by EFT City of Perth	April 2005	\$28,431.01
Local Government	April 2005	\$74,276.78
Total Advance Account		\$1,703,930.62
Transfer of Payroll by EFT	April 2005	\$481,742.71
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$3,531.23
Lease Fees		\$1,707.04
Corporate Master Cards		\$4,880.98
Australia Post Lease Equipment		\$251.61
2 Way Rental		\$530.80
Loan Repayment		\$30,835.13
Rejection Fees		\$17.50
ATM Rebate		\$225.16
Total Bank Charges & Other Direct Debits		\$41,979.45
Less GST effect on Advance Account		\$0.00
Total Payments		\$4,437,138.24

STRATEGIC IMPLICATIONS:

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

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

ADVERTISING/CONSULTATION:

Nil.

COMMENT:

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

10.1.1 Further Report- No. 81 (Lot 246) Auckland Street, North Perth - Proposed Additional Two-Storey Grouped Dwelling to Existing Dwelling

Ward:	North	Date:	17 May 2005
Precinct:	North Perth; P8	File Ref:	PRO2282; 00/33/1527
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

FURTHER OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Iliadis & Associates Architects Pty Ltd on behalf of the owner Daktiki Holdings Pty Ltd for proposed Additional Two-Storey Grouped Dwelling to Existing Dwelling, at No. 81 (Lot 246) Auckland Street, North Perth, and as shown on plans stamp-dated 25 June 2003, subject to:

- (i) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Auckland Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum of 50 per cent transparency;*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (iii) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Auckland Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

Moved Cr Doran-Wu, Seconded Cr Farrell

That the recommendation be adopted.

Cr Messina departed Chamber at 7.04pm.

Debate ensued.

Cr Messina returned to the Chamber at 7.05pm.

Moved Cr Doran-Wu, Seconded Cr Farrell

That the Item be DEFERRED to allow affected neighbours sufficient time to comment on the proposal.

LOST (3-5)

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

(Cr Torre on approved leave of absence.)

Debate ensued.

Mayor Catania advised that due to personal reasons he would be leaving the meeting. He requested that Deputy Mayor – Cr Steed Farrell act as Presiding Member in his absence.

Mayor Catania departed the meeting at 7.25pm and Deputy Mayor – Cr Farrell assumed the Chair.

COUNCIL DECISION ITEM 10.1.1

Moved Cr Messina, Seconded Cr Chester

That the Item be DEFERRED to allow further consideration of the matter and public consultation to be undertaken.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

The Chief Executive Officer advised the Presiding Member that the “*En bloc*” Items were required to be moved and seconded.

Moved Cr Maier, Seconded Cr Lake

That the following unopposed items be moved en bloc;

Items 10.1.4, 10.1.7, 10.1.16, 10.1.17, 10.2.1, 10.2.3, 10.3.1, 10.3.2 and 10.3.3.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

FURTHER REPORT:

The subject application was considered at the Ordinary Meeting of Council held on 13 May 2003. The following was resolved by the Council in relation to this matter:

"That this item "LIE ON THE TABLE", so that the applicant can address the issues of overlooking, setbacks and the driveway."

The Mayor Nick Catania and Councillors Sally Lake and Simon Chester have agreed for the item to be referred back to the Council for further consideration.

The applicant has since submitted revised plans and a justification letter (as 'Laid on the Table") to address the above issues.

The following table is an updated assessment as per the revised plans. While it is noted the subject property has since been down- zoned from Residential R30/40 to Residential R20, this has not been taken into consideration in the assessment table below, on the basis that the application considered by the Council on 13 May 2003 was assessed as per the R30/40 requirements.

With the exception of a density variation (R33.67, 68 percent density bonus) the Assessment Table would remain the same if the proposal were assessed as per the Residential R20 requirements. This variation would be supported in light of the two survey strata title lots being conditionally approved by the Western Australian Planning Commission on 14 June 2004 at the R30/40 density.

Assessment:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Primary Street	Driveways not to occupy more than 40 percent of the frontage of a property	56 per cent (does not include landscaping strip, as per previous assessment)	Supported- refer to comments from previous report in verbatim.
Setback: Upper Floor- West	2.3 metres	1.05 metres to 2.75 metres	Supported- affected neighbour has consented to variation.
Privacy Setbacks	Bedrooms- 4.5 metres Habitable rooms other than bedrooms- 6.0 metres	Bedroom 3- 1.5 metres Activities room- 1.5 metres	Supported- cone of vision encroachment is to car park.

In light of the above, it recommended that the application be approved, subject to standard conditions.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 13 May 2003:

"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 Iliadis and Associates Architects Pty Ltd on behalf of the owner Daktiki Holdings Pty Ltd for proposed two-storey grouped dwelling to existing single house at No. 81 (Lot 246) Auckland Street, North Perth, and as shown on the plans stamp dated 5 March 2003, subject to:

- (i) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Auckland Street shall be a maximum height of 1.2 metres above the ground level, with the upper portion of the new front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (ii) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the window(s) to the master bedroom on the western elevation on the first floor shall be screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees;*
- (iii) *all stormwater produced on the subject land shall be retained on site to the satisfaction of the Town's Technical Services Division;*
- (iv) *a road and verge security deposit bond and/or bank guarantee of \$550 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 footpath have been reinstated to the satisfaction of the Town's Technical Services Division. An application for the refund of the security deposit must be made in writing;*
- (v) *the construction of crossovers shall be in accordance with the Town's specifications;*
- (vi) *street trees will only be removed with the written consent of the Town's Parks Services Section. All removal and replacement costs shall be borne by the applicant/owner(s);*
- (vii) *a detailed landscaping plan, including a schedule of plant species and the landscaping and reticulation of the Auckland Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (viii) *prior to the first occupation of the development, redundant or 'blind' crossovers shall be removed and the verge and kerb made good to the satisfaction of the Town's Technical Services Division, at the applicant's/owner(s)' full expense; and*
- (ix) *compliance with all relevant Environmental Health, Engineering and Building requirements;*

to the satisfaction of the Chief Executive Officer.

COUNCIL DECISION ITEM 10.1.8

Moved Cr Torre, Seconded Cr Chester

That this item "LIE ON THE TABLE", so that the applicant can address the issues of overlooking, setbacks and the driveway.

CARRIED (9-0)

LANDOWNER: Daktiki Holding Pty ltd
APPLICANT: Iliadis and Associates Architects Pty Ltd
ZONING: Metropolitan Region Scheme: Urban
 Town Planning Scheme No.1: Residential R30/40
EXISTING LAND USE: Single House

COMPLIANCE:

<i>Use Class</i>	<i>Grouped Dwelling</i>
<i>Use Classification</i>	<i>"P"</i>
<i>Lot Area</i>	<i>594 square metres</i>

<i>Requirements</i>		<i>Provided</i>
<i>Primary Street</i>	<i>Driveways not to occupy more than 40 percent of the frontage of a property</i>	<i>68 per cent</i>
<i>Privacy - Western Elevation Master Bedroom Window</i>	<i>Permanent vertical screening to be provided to restrict views if setback less than 4.5 metres from neighbouring properties boundaries.</i>	<i>2.4 metres (screening condition imposed)</i>
<i>Setback - Western Elevation Upper Floor</i>	<i>2.3 metres</i>	<i>1.05 metres to 2.75 metres</i>

SITE HISTORY:

The subject site is occupied by a single storey single house.

CONSULTATION/ADVERTISING:

There were three objections received during the advertising period. The details of the submissions are comprehensive and are to be "Laid on the Table" and circulated separately to Elected Members.

The following points outline the main issues of the submissions:

- *Scheme Amendment No. 11: The scheme amendment was supported by 81 per cent of the residents within the Eton Locality to rezone the area from R30/40 to R20.*
- *The proposed development is not consistent with the amenity of the area in relation to the Eton Locality Statement.*
- *Visual privacy.*
- *Ground levels of the development site/height of block.*
- *Solar access/overshadowing.*
- *Rear boundary setback.*
- *Loss of mature trees.*
- *Driveway width.*
- *Excess traffic and noise the proposed dwelling may cause.*
- *Over-development.*
- *Investor development in the area.*

DETAILS:

Approval is sought for construction of one (1) two storey grouped dwelling to existing single house.

COMMENTS:

Privacy

With regard to objectors' concerns over privacy, the appropriate screening conditions have been placed in order to comply with the privacy requirements of the Residential Design Codes. The proposal has also screened the balcony from the master bedroom and setback the balcony from the activities room, both located adjacent to the southern boundary, both which are in accordance with the requirements of the Residential Design Codes.

In a recent Ordinary Meeting of Council, the Council has been prepared to vary the Privacy requirements of the Residential Design Codes by allowing the overlooking window to be top hinged and the obscured portion of the window to be openable to a maximum of 20 degrees.

In regard to the upper floor privacy concerns on the northern elevation, in relation to the activities room, bedroom 3 and bedroom 2, screening conditions are not required as this portion of the proposal is adjacent to a local reserve area, which is screened by mature trees.

Setback

The boundary setback variation as outlined in the Compliance Table is considered acceptable as it is generally minor in nature. The upper floor setback variation on the western elevation is considered appropriate as the majority of the setback, and that to the master bedroom, is setback in compliance with the requirements of the Residential Design Codes. Therefore, the setback variation is considered not to unduly affect the amenity of the adjoining properties.

Primary Street - Driveway Width and Street Trees

With regard to the requirements of driveway width and occupation of the frontage of the property, the proposal aims to widen the existing crossover to be able to provide two car parking bays for the existing dwelling. The design of the crossover also aims to separate the two properties to individualise the grouped dwellings. In the instance of subdivision, the access crossover for the existing dwelling is less than the 40 percent, and is therefore considered appropriate. In relation to concerns over street trees, the appropriate condition addressing this has been placed, and the applicant aims to retain the verge tree and replant in a more appropriate position.

Mature Trees

The proposal seeks to remove three trees located within the development site. In regard to concerns over the loss of mature trees, the trees are not listed on the Town's Significant Tree Inventory or Interim Databases, therefore their removal is supported.

Fill

In regard to concerns over site fill, the proposal does not exceed 0.5 metre, and is compliant with the requirements of the Residential Design Codes. The proposal generally retains the natural ground level of the site with variation to natural ground levels being less than 0.3 metre.

Overshadowing

In relation to the concerns raised in regard to overshadowing, the proposal is well within the requirements of the Residential Design Codes. The actual percentage of overshadowing onto the adjacent southern property is 9.94 per cent. The Residential Design Codes permits a maximum of 50 per cent overshadowing onto the adjoining site, for areas zoned between R40 to RIC. Therefore, it is compliant and not considered to unduly affect the amenity of the adjoining property.

Eton Locality

The Eton Locality Statement states the following:

"Single houses will remain the predominant dwelling types within this Locality. On those larger lots which can accommodate additional housing, infill development will be favoured. Grouped Dwellings developments comprising two or more new dwellings are also appropriate.

The retention and/or restoration of established houses which are indicative of the era in which the Locality was developed and generally contribute to its existing character will be encouraged. An increase in housing density for new infill development will be permitted where certain criteria can be met."

The proposal has retained the existing dwelling, which is indicative of the 1930's building stock and is providing infill development; therefore the proposal fulfills the current Locality Statement.

Scheme Amendment No. 11

It should be noted that the subject property is located within the Town's Eton Locality which is subject to Amendment No.11 to the Town of Vincent Town Planning Scheme No. 1. Amendment No.11 proposes to rezone the Eton Locality from R30 and R30/40 to R20. The Amendment is at present with the Western Australian Planning Commission and Minister for Planning and Infrastructure for final determination. The proposal represents a density code of R40.

Traffic and Noise

With regard to concerns over excess traffic and noise, the addition of a residential dwelling will not unduly increase noise or traffic flows on Auckland Street. Therefore, the dwelling is deemed not to unduly impact on the amenity of the area, in respect to the above concerns.

Over Development and Investor Development

In regard to concerns of over development of the proposal, the development generally complies with the current requirements of the Residential Design Codes and Town's Policies, and meets the site requirements for its current residential zoning.

In relation to concerns of over investor development, the Town is not in a position to determine and/or control the type of residential investment that occurs within the Town.

Summary

The proposal generally meets the current requirements of the Residential Design Codes and the Town's Policies, and will not unduly adversely affect the amenity and streetscape of the area. Accordingly, it is recommended that the proposal be approved, subject to standard and appropriate conditions to address the above matters."

10.4.1 Council Policy Relating to Representation at the State Administrative Tribunal

Ward:	-	Date:	18 May 2005
Precinct:	-	File Ref:	ADM0023
Attachments:	-		
Reporting Officer(s):	John Giorgi		
Checked/Endorsed by:		Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the Town's Policy relating to representation at the State Administrative Tribunal; and*
- (ii) *APPROVES BY AN ABSOLUTE MAJORITY to amend Policy No 4.1.23 - Policy/Procedure for State Administrative Tribunal as follows:*

**"POLICY/PROCEDURE FOR
STATE ADMINISTRATIVE TRIBUNAL**

OBJECTIVES

To prescribe procedures for the Town's administration for the most appropriate manner to deal with matters relating to the State Administrative Tribunal.

POLICY STATEMENT

At the Ordinary Meeting of Council held on 22 February 2005, the Council resolved as follows:

"That the Council;

- (i) *RECEIVES the report relating to establishment of the State Administrative Tribunal (SAT) and its impact on the operations of Local Government;*
- (ii) *AUTHORISES the Chief Executive Officer to determine the most appropriate manner to deal with matters relating to the State Administrative Tribunal; and*
- (iii) *NOTES that;*
 - (a) *in the first instance, it is proposed to use the Town's senior employees (in liaison with qualified Town Planning consultants, where required) to defend Council decisions in the State Administrative Tribunal, ~~except as required by Council's previous resolution on representation in the Town Planning Appeals Tribunal where Council has overturned the Officer recommendation.~~*
 - (b) *where the Council has overturned the Officer Recommendation and where deemed appropriate, that an Elected Member and/or a local resident be also called as witnesses in the State Administrative Tribunal".*

In relation to clause (iii) (b) above, the following procedure is to be undertaken:

**GUIDELINES AND POLICY PROCEDURE FOR
STATE ADMINISTRATIVE TRIBUNAL -
POLICY NO 4.1.23**

- 1. The Town engages the services of a qualified professional (agent) to represent the Town in the subject SAT Review application.**
 - 2. The Town's Officers notifies all Elected Members in writing of the subject SAT Review application, and the Elected Members are to advise within five (5) days whether they wish to be involved with the Review process. It is preferable that the Elected Members are from the Ward where the subject property is located.**
 - 3. The Town's Officers notifies all members of the public who made written submissions on the proposal, of the subject SAT Review application, and these members of the public are to advise within five (5) whether they wish to be involved with the Review process. It is preferable that these members reside adjacent to the subject property.**
 - 4. The Chief Executive Officer, in consultation with the qualified professional (agent) engaged by the Town to undertake the Review, determines the need for witnesses, inclusive of Elected Members, and if needed, the number of witnesses to be presented by the Town.**
 - 5. All witnesses prepare their own witness statements, and agree to appear as a witness at the Review Hearings at their cost.**
 - 6. Redrafted conditions on orders by SAT and provided by the Town of Vincent Officers, in relation to Review matters, be included in the Information Bulletin Section of the Ordinary Meeting of Council Agenda."**
- (iii) REQUESTS the Western Australian Local Government Association, the Minister for Planning and Infrastructure and the President of the State Administrative Tribunal to investigate and comment on the introduction of a community consultation process for all Reviews lodged with the State Administrative Tribunal.**

Moved Cr Maier, Seconded Cr Chester

That the recommendation be adopted subject to the following amendments:

That;

- 1. the existing clause (ii) be deleted and a new clause (ii) added as follows:***
 - "(ii) APPROVES BY AN ABSOLUTE MAJORITY to amend Policy No 4.1.23 - Policy/Procedure for State Administrative Tribunal as follows:***

**"POLICY/PROCEDURE FOR
STATE ADMINISTRATIVE TRIBUNAL**

OBJECTIVES

To prescribe procedures for the Town's administration for the most appropriate manner to deal with matters relating to the State Administrative Tribunal.

POLICY STATEMENT

At the Ordinary Meeting of Council held on 22 February 2005, the Council resolved as follows:

"That the Council;

- (i) ~~RECEIVES the report relating to establishment of the State Administrative Tribunal (SAT) and its impact on the operations of Local Government;~~*
- (ii)1. AUTHORISES The Chief Executive Officer is authorised to determine the most appropriate manner to deal with matters relating to the State Administrative Tribunal; ~~and~~*
- (iii)2. It is noted that NOTES that;*

(a) in the first instance, it is proposed to use the Town's senior employees (in liaison with qualified Town Planning consultants, where required) to defend Council decisions in the State Administrative Tribunal, except as required by Council's previous resolution on representation in the Town Planning Appeals Tribunal where Council has overturned the Officer recommendation.

(b) where the Council has overturned or significantly amended the Officer Recommendation a confidential report will be submitted to the Council. The report will include the Town's response, appropriate conditions (where required by the SAT) and will make a recommendation as to whether an Elected Member and/or a local member of the community should also appear as witnesses, and where deemed appropriate, that an Elected Member and/or a local resident be also called as witnesses in the State Administrative Tribunal. If there is insufficient time to report the matter to the Council, the CEO is authorised to make a response to the SAT with appropriate conditions.

In relation to clause (iii)(2)(b) above, the following procedure is to be undertaken:

GUIDELINES AND POLICY PROCEDURE FOR
STATE ADMINISTRATIVE TRIBUNAL -
POLICY NO 4.1.23

1. The Town engages the services of a qualified professional (agent) to represent the Town in the subject SAT Review application.
2. The Town's Officers notifies all Elected Members in writing of the subject SAT Review application, and the Elected Members are to advise within five (5) days whether they wish to be involved with the Review process. It is preferable that the Elected Members are from the Ward where the subject property is located.
2. where the Council has overturned or significantly amended the Officer Recommendation, a confidential report will be submitted to the Council advising of the SAT Review Application. The report will include the Town's response, appropriate conditions (where required by the SAT) and will make a recommendation as to whether an Elected Member and/or a local member of the community should also appear as witnesses.
3. Subject to (2) above, the Town's Officers notifies will notify all members of the public, community organisations, business proprietors or others who made written submissions on the proposal of the subject SAT Review application and invite nominations for involvement in the review process (it is preferable that the nominated persons own, reside in or occupy property adjacent to the subject site or represent a collective community interest [including local precinct groups or business group] these members of the public are to advise within five (5) whether they wish to be involved with the Review process. It is preferable that these members reside adjacent to the subject property.
4. The Chief Executive Officer, in consultation with the qualified professional (agent) engaged by the Town to undertake the Review, determines the need for witnesses, inclusive of Elected Members, and if needed, the number of witnesses to be presented by the Town.
4. All witnesses appearing before the SAT will be provided with assistance in preparing witness statements. Witnesses are to be made aware that they will not be paid a witness fee and appear at the SAT at their own cost.
5. All witnesses prepare their own witness statements, and agree to appear as a witness at the Review Hearings at their cost.
6. Redrafted conditions on orders by SAT and provided by the Town of Vincent Officers, in relation to Review matters, be included in the Information Bulletin Section of the Ordinary Meeting of Council Agenda."
5. Where the SAT has directed the Council in a matter and requires a response and such response closing date does not allow for sufficient time for the Town's Administration to prior report to the Council, the CEO is authorised to reply to the SAT with appropriate conditions.

The Town's draft response will be circulated to all Elected Members for comment and will include details relating to the timeframe and closing date for comments. Elected Members' comments will be included, wherever appropriate, in the Town's response/submission to the SAT.

After the matter has been determined and finalised by the SAT, the Town's response/submission will be included in the Council Agenda Information Bulletin.

2. existing clause (iii) be renumbered to clause (iv) and a new clause (iii) inserted as follows:

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

- (a) advertise the proposed policy amendments for a period of twenty one (21) days, seeking public comment;
- (b) report back to the Council with any public comments received; and
- (c) include the policy in the Policy Manual if no public submissions are received.; and"

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

That clause (ii)(2)(b) of the Policy Statement and clause (2) of the Guidelines and Policy Procedure for State Administrative Tribunal – Policy No 4.1.23 be amended to read as follows:

“(ii) **Policy Statement**

2. (b) *where a decision of the Council has been appealed ~~overturned or significantly amended the Officer Recommendation~~ a confidential report will be submitted to the Council. The report will include the Town's response, appropriate conditions (where required by the SAT) and will make a recommendation as to whether an Elected Member and/or a local member of the community should also appear as witnesses. If there is insufficient time to report the matter to the Council, the CEO is authorised to make a response to the SAT with appropriate conditions.*

Guidelines and Policy Procedure for State Administrative Tribunal – Policy No 4.1.23

2. *where a decision of the Council has been appealed ~~overturned or significantly amended the Officer Recommendation~~, a confidential report will be submitted to the Council advising of the SAT Review Application. The report will include the Town's response, appropriate conditions (where required by the SAT) and will make a recommendation as to whether an Elected Member and/or a local member of the community should also appear as witnesses.”*

AMENDMENT CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

Cr Messina departed the Chamber at 7.42pm.

Debate ensued.

Cr Messina returned to the Chamber at 7.45pm.

Moved Cr Chester, Seconded Cr Ker

That clause (ii)(5) of the Guidelines and Policy Procedure for State Administrative Tribunal – Policy No 4.1.23 be amended to read as follows:

- “5. *Where the SAT has directed the Council in a matter and requires a response and such response closing date does not allow for sufficient time for the Town's Administration to prior report to the Council, the CEO is authorised to reply to the SAT with appropriate conditions.*

The Town's draft response will be circulated to all Elected Members for comment before replying to the SAT and will include details relating to the timeframe and closing date for comments. Elected Members' comments will be included, wherever appropriate, in the Town's response/submission to the SAT.

After the matter has been determined and finalised by the SAT, the Town's response/submission will be included in the Council Agenda Information Bulletin.”

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

COUNCIL DECISION ITEM 10.4.1

- (i) ***RECEIVES*** the report relating to the Town's Policy relating to representation at the State Administrative Tribunal; and
- (ii) ***APPROVES BY AN ABSOLUTE MAJORITY*** to amend Policy No 4.1.23 - Policy/Procedure for State Administrative Tribunal as follows:

**"POLICY/PROCEDURE FOR
STATE ADMINISTRATIVE TRIBUNAL**

OBJECTIVES

To prescribe procedures for the Town's administration for the most appropriate manner to deal with matters relating to the State Administrative Tribunal.

POLICY STATEMENT

1. *The Chief Executive Officer is authorised to determine the most appropriate manner to deal with matters relating to the State Administrative Tribunal. -*
2. *It is noted that;*
 - (a) *in the first instance, it is proposed to use the Town's senior employees (in liaison with qualified Town Planning consultants, where required) to defend Council decisions in the State Administrative Tribunal.*
 - (b) *where a decision of Council has been appealed a confidential report will be submitted to the Council. The report will include the Town's response, appropriate conditions (where required by the SAT) and will make a recommendation as to whether an Elected Member and/or a local member of the community should also appear as witnesses. If there is insufficient time to report the matter to the Council, the CEO is authorised to make a response to the SAT with appropriate conditions.*

In relation to clause (2)(b) above, the following procedure is to be undertaken:

**GUIDELINES AND POLICY PROCEDURE FOR
STATE ADMINISTRATIVE TRIBUNAL -
POLICY NO 4.1.23**

1. *The Town engages the services of a qualified professional (agent) to represent the Town in the subject SAT Review application.*
2. *where a decision of Council has been appealed a confidential report will be submitted to the Council advising of the SAT Review Application. The report will include the Town's response, appropriate conditions (where required by the SAT) and will make a recommendation as to whether an Elected Member and/or a local member of the community should also appear as witnesses.*
3. *Subject to (2) above, the Town will notify all members of the public, community organisations, business proprietors or others who made written submissions on the proposal of the subject SAT Review application and invite nominations for involvement in the review process (it is preferable that the nominated persons own, reside in or occupy property adjacent to the subject site or represent a collective community interest [including local precinct groups or business group.*

4. *All witnesses appearing before the SAT will be provided with assistance in preparing witness statements. Witnesses are to be made aware that they will not be paid a witness fee and appear at the SAT at their own cost.*
5. *Where the SAT has directed the Council in a matter and requires a response and such response closing date does not allow for sufficient time for the Town's Administration to prior report to the Council, the CEO is authorised to reply to the SAT with appropriate conditions.*

The Town's draft response will be circulated to all Elected Members for comment before replying to the SAT and will include details relating to the timeframe and closing date for comments. Elected Members' comments will be included, wherever appropriate, in the Town's response/submission to the SAT.

After the matter has been determined and finalised by the SAT, the Town's response/submission will be included in the Council Agenda Information Bulletin.

- (iii) **AUTHORISES** the Chief Executive Officer to:
 - (a) *advertise the proposed policy amendments for a period of twenty one (21) days, seeking public comment;*
 - (b) *report back to the Council with any public comments received; and*
 - (c) *include the policy in the Policy Manual if no public submissions are received; and*
- (iv) **REQUESTS** the Western Australian Local Government Association, the Minister for Planning and Infrastructure and the President of the State Administrative Tribunal to investigate and comment on the introduction of a community consultation process for all Reviews lodged with the State Administrative Tribunal.

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of its recently adopted policy for dealing with matters being considered by the State Administrative Tribunal and also of the new procedure which has been implemented by the Chief Executive Officer for the obtaining of legal advice.

BACKGROUND:

At the Ordinary Meeting of Council held on 10 May 2005, discussion ensued concerning representation at matters before the State Administrative Tribunal and it was resolved as follows;

"That;

- (i) *the Information Bulletin dated 10 May 2005 as distributed with the Agenda, be received; and*
- (ii) *a report be submitted concerning the policy and guidelines for representation at the Appeals Tribunal and this be submitted to the Ordinary Meeting of Council to be held on 24 May 2005."*

At the Ordinary Meeting of Council held on 22 February 2005, the Council considered a report relating to the new State Administrative Tribunal and its impact on the operations of Local Government and resolved as follows;

"That the Council;

- (i) RECEIVES the report relating to establishment of the State Administrative Tribunal (SAT) and its impact on the operations of Local Government;*
- (ii) AUTHORIZES the Chief Executive Officer to determine the most appropriate manner to deal with matters relating to the State Administrative Tribunal; and*
- (iii) NOTES that in the first instance, it is proposed to use the Town's senior employees to defend Council decisions in the State Administrative Tribunal, except as required by Council's previous resolution on representation in the Town Planning Appeals Tribunal where Council has overturned the Officer recommendation."*

At the Ordinary Meeting of Council held on 22 February 2005, the Council also considered the matter of the appeal relating to 128-130 Joel Terrace and in particular, the high costs associated with successfully defending the Appeal.

The Town has also received correspondence dated 11 March 2005 from the North Perth Precinct Group for the Town to introduce a process in dealing with matters of Review to the State Administrative Tribunal (SAT). This included notification of all members of the public who submitted submissions to the Town relating to a particular development application which is subject to review by SAT. The North Perth Precinct Group also wishes to gain the Town's support in introducing a community consultation process that the SAT could implement.

DETAILS:

The following was reported to the Ordinary Meeting of Council held on 12 April 2005:

"Following the Council's Meeting on 22 February 2005, the Chief Executive Officer wrote to the Town's Solicitors Minter Ellison seeking clarification on the legal costs associated with this Appeal. The Chief Executive Officer also met with the Managing Partner responsible for Local Government matters to discuss the matter. Letters were also sent to the Minister for Planning and Infrastructure and the Western Australian Local Government Association (WALGA)."

Minter Ellison Solicitors provided a response and the relevant comments relating to the use of Elected Members and members of the community at Appeals is as follows;

"2.2 Conducting appeals

Often the evidence of elected members relates to an explanation or justification of Council's decision. As hearings are a fresh consideration of the issues, this evidence is unnecessary.

...the practice of routinely requiring or permitting elected members, precinct group members and residents to appear as witnesses, could be altered so that such individuals are only called when necessary."

The Chief Executive Officer has implemented the following new procedure for obtaining of legal advice:

“OBJECTIVES

To prescribe procedures for the Town’s administration for the obtaining of legal advice to ensure the most efficient and effective use of these resources.

POLICY STATEMENT

1. *At the Ordinary Meeting of Council held on 21 December 2004 the Council approved of a tender for the Town’s legal services. It approved of a panel of legal firms to provide legal services to the Town.*
2. *The following procedure is to be followed:*
 - (i) *Prior to contacting any solicitors/lawyers for any advice, the matter is to be discussed with the Chief Executive Officer.*
 - (ii) *The Town will seek preliminary advice from the Panel firms (or at least two of them) as to the prospect of success of any action/appeal and an estimate of fees.*
 - (iii) *After considering the legal firm’s response, the Chief Executive Officer may prescribe a maximum amount which is not to be exceeded unless a variation is subsequently agreed.”*

A search carried out of the previous Council decision relating to the matter of appeals in the former Town Planning Appeal Tribunal. This revealed that at the Ordinary Meeting of Council held on 17 December 2002, at Items 10.1.19 and 10.1.29, the Council, in both cases, refused the development application and moved as follows:

“FURTHER MOTION

Moved Cr Ker, Seconded Cr Hall

That should the matter be taken to appeal to Town Planning Tribunal or other hearing based appeal process, an Elected Member and a local resident be called as witnesses.”

CONSULTATION/ADVERTISING:

As the new policy/procedures relate to administrative matters, it is recommended that they not be advertised for public comment.

LEGAL/POLICY:

The Policies and Procedures detailed in this report have been implemented.

STRATEGIC IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

N/A.

COMMENTS:

The new procedures relating to the obtaining of legal advice and Council policy relating to State Administrative Tribunal matters was prepared taking cognisance of the Town's Solicitor's advice concerning the practice of using Elected Members and a local resident as witnesses at appeals and also the need to be aware of the cost implications associated with legal matters and Appeals.

However, there are occasions where it may be appropriate to have an Elected Member and a local resident to appear as witnesses in the SAT. Accordingly, the policy has been amended to reflect the Council's view.

10.1.6 No. 89 (Lot 242) Dunedin Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House

Ward:	North	Date:	16 May 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO3115; 00/33/2735
Attachments:	001		
Reporting Officer(s):	B Mckean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Pendlebury Constructions on behalf of the owner JA Leenders for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House, at No. 89 (Lot 242) Dunedin Street, Mount Hawthorn, and as shown on plans stamp-dated 22 February 2005, subject to:

- (i) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the northern, eastern, southern and western wall height being reduced to 6.0 metres. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (ii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to the bedrooms and activity room on the northern first floor elevations, shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002; and*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Dunedin Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency.*

Moved Cr Doran-Wu, Seconded Cr Lake

That the recommendation be adopted.

Moved Cr Doran-Wu, Seconded Cr Messina

That clause (i) be deleted and the remaining clauses be renumbered.

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

COUNCIL DECISION ITEM 10.1.6

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Pendlebury Constructions on behalf of the owner JA Leenders for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House, at No. 89 (Lot 242) Dunedin Street, Mount Hawthorn, and as shown on plans stamp-dated 22 February 2005, subject to:

- (i) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the windows to the bedrooms and activity room on the northern first floor elevations, shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002; and*
- (ii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Dunedin Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency.*

Landowner:	J Leenders
Applicant:	Pendlebury Constructions
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	453 square metres
Access to Right of Way	West side, 5 metres wide, sealed, Privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

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

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks:			
First Floor-North	3.6 metres	2.75 metres	Supported - variation is considered minor and no objection have been received by the Town
South	1.5 metres	1.1 metres - 1.5 metres	Supported - as above
Building Wall Height:			
North	6 metres	6.3 metres - 6.5 metres	Not supported - it is a recommended condition that the wall height be no higher than 6 metres
East	6 metres	6.2 - 6.5 metres	Not supported - as above
South	6 metres	5.8 metres - 6.2 metres	Not supported - as above
West	6 metres	6.58 metres	Not supported - as above
Privacy:			
North-Bedroom 2	4.5 metres	2.75 metres	Not supported - the privacy issue will be addressed via condition (ii) of the Officer Recommendation
Activity Room	6 metres	2.75 metres	Not supported - as above
Bedroom 4	4.5 metres	2.75 metres	Not supported - as above
South-Bedroom 3 (east window)	4.5 metres	2.5 metres to southern boundary	Supported - affected neighbour has stated no objection
Bedroom 1 (west window)	4.5 metres	4 metres to southern boundary	Supported - as above
Consultation Submissions			
Support (1)	• Neighbour has stated no objection		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The proposal is regarded to be in keeping with the established streetscape and the variations sought by the applicant (except those relating to building wall height and privacy which are addressed in the conditions of the Officer Recommendation) are considered to be supportable and not to have an undue impact on the surrounding area. In light of this and no objections relating directly to the proposal being received by the neighbours, the proposal is recommended for approval, subject to standard and appropriate conditions.

10.1.14 No. 284 (Lot 100) Fitzgerald Street, Perth - Proposed Change of Use from Showroom and Warehouse to Shop and Office and Associated Signage - Application for Retrospective Approval

Ward:	South	Date:	17 May 2005
Precinct:	Hyde Park;P12	File Ref:	PRO2987; 00/33/2806
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by MGA Town Planners on behalf of the owners D Papadopoulos & E Eleopulos for proposed Change of Use from Showroom and Warehouse to Shop and Office and Associated Signage - Application for Retrospective Approval, at No. 284 (Lot 100) Fitzgerald Street, Perth, and as shown on plans stamp-dated 7 April 2005 (previously approved site plans and elevations) and plans stamp-dated 12 May 2005 (photograph perspective of signage and existing site plan and elevations), subject to:*
- (a) *the applicant/owner shall pay a cash-in-lieu contribution of \$34,558 for the equivalent value of 5.73 car parking spaces, based on the construction cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget, and 50 per cent of the land value per square metre multiplied by the area of a car bay. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided or the car parking requirements have decreased as a result of an approved change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (b) *the floor areas shall be limited to;*
- (1) *223 square metres of gross floor area for the shop component; and*
- (2) *224 square metres of gross floor area for the office component.*
- An 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;*
- (c) *the doors, windows and adjacent floor areas fronting Fitzgerald Street shall maintain an active and interactive relationship with this street;*
- (d) *all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (e) *the signage shall not have flashing or intermittent lighting;*
- (f) *all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of their display on-site;*

- (g) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*
- (h) *the tethered (banner) sign adjacent to Fitzgerald Street being removed within fourteen (14) days of notification;*
- (ii) *the Council ADVISES the owner and occupier of No. 284 (Lot 100) Fitzgerald Street, Perth that the unauthorised tethered (banner) signage at No. 284 (Lot 100) Fitzgerald Street, Perth, shall be removed within fourteen (14) days of notification; and*
- (iii) *the Council AUTHORIZES the Chief Executive Officer to commence legal proceedings to remove the unauthorised tethered (banner) signage should this signage remain after the above fourteen (14) days of notification period.*

Moved Cr Lake, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

Moved Cr Lake, Seconded Cr Ker

That clause (i)(a) be deleted and the remaining subclauses be renumbered.

Debate ensued.

AMENDMENT LOST (3-4)

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

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

Journalist Dan Hatch left the meeting at 8.10pm.

Cr Doran-Wu departed the Chamber at 8.12pm.

Moved Cr Ker, Seconded Cr Lake

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

- “(i) (a) *the applicant/owner shall pay a cash-in-lieu contribution of \$~~11,825~~ ~~34,558~~ for the equivalent value of ~~4.73~~ ~~5-73~~ car parking spaces, based on the construction cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget, and 50 per cent of the land value per square metre multiplied by the area of a car bay. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided or the car parking requirements have decreased as a result of an approved change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;”*

Debate ensued.

AMENDMENT CARRIED (5-1)

For

Deputy Mayor – Cr Farrell
Cr Ker
Cr Lake
Cr Maier
Cr Messina

Against

Cr Chester

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote. Cr Doran-Wu was absent from the Chamber and did not vote.)

Moved Cr Messina, Seconded Cr Lake

That the cash-in-lieu contribution of \$11,825 in clause (i)(a) be reduced to \$2,000.

Debate ensued.

AMENDMENT WITHDRAWN

Cr Doran-Wu returned to the Chamber at 8.14pm.

Moved Cr Lake, Seconded Cr Maier

That clause (i)(a) be deleted and a new clause (i)(a) be inserted as follows:

“(i) (a) *The cash-in-lieu contribution being waived for the current two businesses only and should either of the tenancies change, a further application be made to Council and the parking situation be reassessed;*”

Debate ensued.

AMENDMENT CARRIED (6-1)

For

Deputy Mayor – Cr Farrell
Cr Chester
Cr Ker
Cr Lake
Cr Maier
Cr Messina

Against

Cr Doran-Wu

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

The Presiding Member advised that as there had been significant changes has been made to the recommendation that reasons would need to be given for the changes.

Reasons:

1. The businesses have been operating for a considerable period of time without a parking problem in the area.
2. The low impact nature of the subject businesses.
3. That other businesses operating within the same use category may bring greater activity to the area, therefore it would need to be reviewed at that stage.

COUNCIL DECISION ITEM 10.1.14

That;

(i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by MGA Town Planners on behalf of the owners D Papadopoulos & E Eleopulos for proposed Change of Use from Showroom and Warehouse to Shop and Office and Associated Signage - Application for Retrospective Approval, at No. 284 (Lot 100) Fitzgerald Street, Perth, and as shown on plans stamp-dated 7 April 2005 (previously approved site plans and elevations) and plans stamp-dated 12 May 2005 (photograph perspective of signage and existing site plan and elevations), subject to:*

(a) *The cash-in-lieu contribution being waived for the current two businesses only and should either of the tenancies change, a further application be made to Council and the parking situation be reassessed;*

(b) *the floor areas shall be limited to;*

(1) *223 square metres of gross floor area for the shop component; and*

(2) *224 square metres of gross floor area for the office component.*

An 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;

(c) *the doors, windows and adjacent floor areas fronting Fitzgerald Street shall maintain an active and interactive relationship with this street;*

(d) *all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*

(e) *the signage shall not have flashing or intermittent lighting;*

(f) *all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of their display on-site;*

(g) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive; and*

- (h) *the tethered (banner) sign adjacent to Fitzgerald Street being removed within fourteen (14) days of notification;*
- (ii) *the Council ADVISES the owner and occupier of No. 284 (Lot 100) Fitzgerald Street, Perth that the unauthorised tethered (banner) signage at No. 284 (Lot 100) Fitzgerald Street, Perth, shall be removed within fourteen (14) days of notification; and*
- (iii) *the Council AUTHORIZES the Chief Executive Officer to commence legal proceedings to remove the unauthorised tethered (banner) signage should this signage remain after the above fourteen (14) days of notification period.*

Landowner:	D Papadopoulos & E Eleopoulos
Applicant:	MGA Town Planners
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Warehouse/Showroom
Use Class:	Shop and Office
Use Classification:	"P" and "P"
Lot Area:	451 square metres
Access to Right of Way	East side, 3 metres wide, sealed, Crown owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The application involves change of use from showroom and warehouse to shop and office and associated signage. The application is for retrospective approval.

The ground level portion of the subject site is being used as a retail shop called *Bower Bird Records*. It currently sells second hand vinyl long players (LP's) and compact discs and is open from Monday to Sunday 10:00am till 5:30pm. It is operated by the owner of the business and has no employees.

The upper level portion is being used as an office for *Falcon Protective Services Pty Ltd*. It has 4 employees working from the office at any one time and is open Monday to Friday 8:30 am till 5:30 pm.

The application also includes signage for the ground level retail shop. There are three signs, an illuminated pylon sign, a projecting sign attached to the fascia of the verandah and a tethered sign.

It is noted that both businesses have been operating from the subject site for approximately 10 years and *Bower Bird Records* is well known within the Perth DJ scene for its inventory of old vinyl LP's.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Projecting Sign	Not be less than 2.7 metres from the finished ground level	2.5 metres	Supported - no undue impact and roof located below sign.
Tethered Sign: Size	Maximum vertical dimension of 750 millimetres and a maximum area of 2 square metres	Vertical dimension of 900 millimetres and area of 2.16 square metres	Not supported - condition included in the Officer Recommendation for removal of tethered sign.
Location	Not be within 10 metres of a pylon sign	Within 1 metre of pylon sign	Not supported - condition included in the Officer Recommendation for removal of tethered sign.
Height	Not be less than 2.7 metres from the finished ground level	1.2 metres	Not supported - condition included in the Officer Recommendation for removal of tethered sign.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car Parking Requirement (nearest whole number) - Retail shop (223.2 square metres of gross floor area) - Office (224.2 square metres of gross floor area)			19 car bays
Apply the adjustment factors ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 400 metres of one or more public car parks in excess of 50 spaces)			(0.7225) 13.73 car bays
Minus car parking on-site			8 car bays
Minus the most recently approved on-site parking shortfall (after taking into account relevant adjustment factors) that is, 5 car bays (447.4 square metres of gross floor area for Showroom/Warehouse) x 0.7225 = 3.6125 car bays minus car parking on site (7) equals nil**. Therefore, there is no on-site parking shortfall.			Nil
Resultant shortfall			5.73 car bays

* 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 application was advertised and no submissions were received during the advertising period. Furthermore, the proposal is considered to be compatible and complementary with other land uses within the locality.

In considering the signage component of the subject application, the Town's Officers regard the application for a tethered (banner) sign to be excessive and have the potential to 'clutter' the streetscape. It is therefore a recommended condition that this sign be removed.

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

10.1.5 No. 149 (Lot 52) Matlock Street, Corner Bondi Street, Mount Hawthorn - Proposed Partial Demolition of and Alterations, Additions and Garage to Existing Single House

Ward:	North	Date:	17 May 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO3066; 00/33/2661
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Pendlebury Constructions on behalf of the owners D and WJ Cronin for proposed Partial Demolition of and Alterations, Additions and Garage to Existing Single House, at No. 149 (Lot 52) Matlock Street, corner Bondi Street, Mount Hawthorn, and as shown on plans stamp-dated 19 April 2005 , subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, revised plans being submitted and approved demonstrating that the setback to the garage on the eastern elevation being a minimum of 1.5 metres from the Bondi Street frontage. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iii) subject to first obtaining the consent of the owners of No. 2 Bondi 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. 2 Bondi Street in a good and clean condition;*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Matlock Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. The solid portion of any new fences and gates adjacent to Bondi Street may increase to a maximum height of 1.8 metres, provided that the fences and/or gates have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (v) the subject approved structure shall not be used for industrial, commercial or habitable purposes, and is for the sole personal use of the inhabitants of the main dwelling only; and*
- (vi) no plumbing or sanitary facilities or fixtures shall be provided to or within the subject approved structure without the prior approval of such by the Town.*

Moved Cr Chester, Seconded Cr Messina

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

“(ii) prior to the issue of a Building Licence, revised plans being submitted and approved demonstrating that the setback to the garage on the eastern elevation being a minimum of 0.5 ~~1.5~~ metres from the Bondi Street frontage. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;”

Debate ensued.

Moved Cr Lake, Seconded Cr Doran-Wu

“(ii) prior to the issue of a Building Licence, revised plans being submitted and approved demonstrating that the setback to the garage on the eastern elevation being a minimum of 0.5 ~~1.5~~ metres from the Bondi Street frontage. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;”

AMENDMENT LOST (3-4)

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

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

Debate ensued.

Moved Cr Lake, Seconded Cr Doran-Wu

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

“(ii) prior to the issue of a Building Licence, revised plans being submitted and approved demonstrating that the setback to the garage on the eastern elevation being a minimum of 1.0 ~~1.5~~ metres from the Bondi Street frontage. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;”

AMENDMENT CARRIED (5-2)

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

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

MOTION AS AMENDED CARRIED (6-1)

For

Deputy Mayor – Cr Farrell
Cr Chester
Cr Doran-Wu
Cr Ker
Cr Maier
Cr Messina

Against

Cr Lake

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

COUNCIL DECISION ITEM 10.1.5

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 Pendlebury Constructions on behalf of the owners D and WJ Cronin for proposed Partial Demolition of and Alterations, Additions and Garage to Existing Single House, at No. 149 (Lot 52) Matlock Street, corner Bondi Street, Mount Hawthorn, and as shown on plans stamp-dated 19 April 2005 , subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, revised plans being submitted and approved demonstrating that the setback to the garage on the eastern elevation being a minimum of 1.0 metre from the Bondi Street frontage. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iii) subject to first obtaining the consent of the owners of No. 2 Bondi 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. 2 Bondi Street in a good and clean condition;*
- (iv) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Matlock Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency. The solid portion of any new fences and gates adjacent to Bondi Street may increase to a maximum height of 1.8 metres, provided that the fences and/or gates have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*

- (v) *the subject approved structure shall not be used for industrial, commercial or habitable purposes, and is for the sole personal use of the inhabitants of the main dwelling only; and*
- (vi) *no plumbing or sanitary facilities or fixtures shall be provided to or within the subject approved structure without the prior approval of such by the Town.*

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

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves partial demolition of and alterations, additions and garage to existing single house.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Secondary Street Setbacks: Southern Elevation - Garage	Garage structures located adjacent to secondary streets are to be setback at or behind main building line (in this case 1.5 metres)	0.5 metre	Not supported - condition is included for compliance with secondary street setbacks provisions.

Non-Compliant Requirements			
Setbacks: Northern Elevation - Ground Floor	1.5 metres	1 - 1.32 metres	Supported - considered minor, neighbours support received and no undue impact.
Screen Wall	1 metre	Nil	Supported - compliant with provisions of R Codes clause 3.3.2 - Buildings on Boundary requirements.
Privacy Setbacks: West - Alfresco Area (Balcony)	7.5 metres	4 metres to northern boundary	Supported - neighbours support received and no undue impact.
North - Alfresco Area (Balcony)	7.5 metres	2.32 metres to northern boundary	Supported - neighbours support received and no undue impact.
Dining Room	6 metres	2.32 metres to northern boundary	Supported - neighbours support received and no undue impact.
Consultation Submissions			
Support (2)	<ul style="list-style-type: none"> No objection to development 		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The proposal was advertised and two letters of support were received during this period.

The garage secondary street setback variations are not supported, as it is considered that there is sufficient room for the garage to be setback in accordance with the Town's Street Setbacks Policy, and compliance with this provision will be a gain to the adjoining streetscape along Bondi Street and the locality in general.

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

10.1.19 Nos. 128-130 (Lot 28) Joel Terrace, Mount Lawley - Proposed Pruning of Camphor Laurel Tree as Listed on the Town's Trees of Significance Inventory

Ward:	South	Date:	17 May 2005
Precinct:	Banks; P15	File Ref:	PRO2620; 00/33/2574
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by SJB Town Planning and Urban Design on behalf of the owner Joel Terrace Unit Trust, for proposed Pruning of Camphor Laurel Tree as Listed on the Town's Trees of Significance Inventory, at Nos. 128-130 (Lot 28) Joel Terrace, Mount Lawley, and as shown on plans stamp-dated 22 November 2004, subject to:

- (i) *to ensure the retention, protection and on-going preservation of the Camphor Laurel tree listed on the Town's Trees of Significance Inventory, the owner/s and/or occupier/s shall implement the following measures to retain, protect and maintain the on-going health of the significant tree:*
 - (a) *the submission of a tree management plan prepared by an arboriculturalist, Charles Aldous-Ball or a qualified accredited arboriculturalist commissioned by the Town, which addresses the works to be carried out and the on-going maintenance. This tree management plan shall be submitted to and approved by the Town prior to commencement of pruning works and all associated works shall be undertaken and maintained thereafter in accordance with the plan to the satisfaction of the Town;*
 - (b) *arboriculturalist, Charles Aldous-Ball or a qualified accredited arboriculturalist commissioned by the Town to be on-site during all limb removals process for the Camphor Laurel tree; and*
 - (c) *the Camphor Laurel tree to be inspected annually by arboriculturalist Charles Aldous-Ball or a qualified accredited arboriculturalist commissioned by the Town, and all necessary remedial works to be carried out.*

All cost associated with this condition shall be borne by the owners.

COUNCIL DECISION ITEM 10.1.19

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

That the Item "Lie on the Table".

CARRIED (6-1)

For

Deputy Mayor – Cr Farrell
Cr Chester
Cr Doran-Wu
Cr Ker
Cr Maier
Cr Messina

Against

Cr Lake

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

Reasons

1. No pressing safety issues requiring pruning.
2. To be considered in the context of a Development Application as stated in the Tribunal's ruling.

Landowner:	Joel Terrace Unit Trust
Applicant:	SJB Town Planning and Urban Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Vacant Lot
Use Class:	"Tree Pruning"
Use Classification:	"Unlisted Use"
Lot Area:	899 square metres
Access to Right of Way	N/A

BACKGROUND:

28 September 2004: The Council at its Ordinary Meeting resolved to refuse the proposed three (3) two-storey and four (4) three-storey grouped dwellings and Survey Strata Subdivision 63-04 at Nos. 128-130 (Lots 28 and 27) Joel Terrace, Mount Lawley. The Council also resolved as follows:

"ADVISES the applicant that it is prepared to consider a new planning application for a revised proposal that reflects no building within the Camphor Laurel tree canopy land area, the significant Camphor Laurel tree being retained in its current form, and the tree canopy land area possibly being set aside as open space with some on-grade open car parking bays for the residents of the grouped dwellings on-site."

22 December 2004: Appeal dismissed by the Town Planning Appeal Tribunal.

18 January 2005: Appeal determination reported to Ordinary Meeting of Council.

Below is a verbatim of the findings in part from the Town Planning Appeal Tribunal decision of 22 December 2004 pertaining to the evidence presented by arboriculturalist Mr Charles Aldous-Ball:

"46. The question therefore remains, accepting Mr Aldous-Ball's evidence, whether what is proposed addresses the Trees of Significance Policy and in broad planning terms impacts on the amenity of the area. By the amenity in relation to the Tree is primarily meant and understood to be the streetscape from Joel Terrace side.

47. In the case of the latter point Mr Aldous -Ball makes clear that the pruning that will be required in order to undertake the development will not affect the Joel Terrace streetscape. In relation to the Trees of Significance Policy I am satisfied that as the Tree is to be retained there is no conflict with the policy.

48. Ultimately any proposal to proceed with the development must be subject to a management plan in relation to the pruning of the Tree to be supervised by Mr Aldous-Ball. This in any event was a matter which was proffered by the Appellants to the Respondent throughout the process and represents, in my view, an appropriate approach to the development proposal.

49. To the extent to which this is an issue which relates to the determination of the appeal, I am satisfied with the approach proposed by the Appellants and believe in the circumstances that on this issue there is no impediment to the development proceeding."

The subject site is a vacant fee simple green title lot. The driveway access to the site is via a partly constructed shared access drive. The Camphor Laurel tree is currently on the Town's Trees of Significance Inventory.

DETAILS:

The proposal involves the pruning of two (2) major limbs and lower secondary limbs to the Camphor Laurel tree at the above site.

The applicant submission in support of the proposal is summarised as follows:

- *"the Camphor laurel is aesthetically unbalanced upon the eastern section, due to the limb removal to alleviate limb encroachment over into the adjacent property boundary (i.e. pruning by neighbours). The report states that an inspection of the two limbs revealed the first major limb was somewhat poorly formed and sinuous in development and therefore would normally be removed as part of sound arboricultural practice.*
- *With regard to the second limb it is evident that an attached eastern limb has previously been reduced back to a branch stub, and although the limb was found to extend significantly laterally, there was sufficient surrounding limbs remaining as to not reduce the aesthetic balance or the aesthetic value of the tree if the limb in question was to be removed."*
- *On the above basis, the limb removal would be considered to not detrimentally impact on the future health or amenity and aesthetic value that the tree provides to the surrounding landscape.*

The applicants solicitors, McLeod Barristers and Solicitors, have advised that the Town is required to take into consideration the former Town Planning Appeal Tribunal decision relating to the report prepared by the applicant's arboriculturalist over the report presented by the Town's arboriculturalist Mr Banks, the pruning impact of the tree on the amenity and that it will not affect the streetscape of Joel Terrace, that a management plan prepared by the arboriculturalist Charles Aldous-Ball is an appropriate approach, and that the proposed pruning was no impediment to the development proceeding. On the above basis, *"the Town cannot now reasonably refuse the pruning proposal, or make a determination inconsistent*

with that of the Town Planning Appeal Tribunal. The Tribunal's decision is, in effect, binding on the Town. The tree pruning proposal is a matter already decided as between the owners and the Town, and in legal terms the issue is *res judicata*." There is also no question of root damage as the proposal only involves pruning (attached).

The applicant's submission, which includes the report from arboriculturalist Charles Aldous-Ball, and the Town Planning Appeal Tribunal decision of 22 December 2004, is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Significant Tree	Tree on Trees of Significant Inventory	Significant Tree being retained, subject to pruning and based on comments from arboriculturalist Charles Aldous- Ball, who is to be on-site during limb removal, and Town Planning Appeal Tribunal decision.	Supported- for the reasons stated below subject to recommended conditions.

Consultation Submissions		
Objections (11 individual submissions and one petition with 147 signatures)	<ul style="list-style-type: none"> • Camphor laurel tree to remain un-tampered, as it forms a significant part of the heritage of the area, and would create an undesirable precedent for the area. • Limbs to be removed are considered significantly high limbs and will have an impact on the amenity and aesthetic value the tree provides to the surrounding landscape. • Tree canopy area set aside for open space and some open car parking bays for residents. 	<ul style="list-style-type: none"> • Noted. • Not supported- as the tree as a result of the pruning when viewed from Joel Terrace would not result in a significant visual impact due to the obstruction of houses along Joel Terrace and also due to the inclination of the land that slopes towards the river and eastern side of the subject site. • Noted.

Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Financial/Budget Implications	The legal cost in defending the previous refusal of Council at the Town Planning Appeal Tribunal was \$75,405.00.

* 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:

Parks Services advise that the proposed pruning should have no adverse affects on the health, condition and structural integrity of the tree, subject to the works being undertaken by an accredited arborist and supervised by a qualified arboriculturalist. The proposed pruning will assist in balancing the tree, which will ultimately improve the amenity and aesthetic value of the specimen.

As a result of the pruning when viewed from Joel Terrace, the affect would not be significant, due to the obstruction of houses along Joel Terrace and also due to the inclination of the land that slopes towards the river, eastern side of the subject site.

On the above basis, the proposed tree pruning is considered acceptable.

10.1.13 No. 2 (Lot 4) St Albans Avenue, Corner Beaufort Street, Highgate - Proposed Change of Use from Shop to Shop and Eating House

Ward:	South	Date:	18 May 2005
Precinct:	Mount Lawley; P11	File Ref:	PRO2536; 00/33/2776
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by T Metcalf on behalf of the owner GJ Flynn for proposed Change of Use From Shop to Shop and Eating House, at No. 2 (Lot 4) St Albans Avenue, corner Beaufort Street, Highgate, and as shown on plans stamp-dated 17 March 2005, subject to:*
 - (a) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
 - (b) *the public floor area of the eating house and gross floor area for the shop shall be limited to 69 square metres and 94 square metres, respectively. 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;*
 - (c) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$48,407 for the equivalent value of 6.83 car parking spaces, based on the construction cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget, and 50 per cent of the land value per square metre multiplied by the area of a car bay. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided or the car parking requirements have decreased as a result of an approved change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements; and*
 - (d) *doors and windows and adjacent floor areas fronting St Albans and Beaufort Streets shall maintain an active and interactive relationship with these streets;*
- (ii) *the Council ADVISES the owner and occupier of at No. 2 (Lot 4) St Albans Avenue, corner Beaufort Street, Highgate, that the unauthorised signage at No. 2 (Lot 4) St Albans Avenue, corner Beaufort Street, Highgate, shall be removed within fourteen (14) days of notification, OR alternatively, an application for retrospective Planning Approval for the signage shall be submitted to the Town; and*
- (iii) *the Council AUTHORIZES the Chief Executive Officer to commence legal proceedings to remove the unauthorised signage should the signage remain or an application for retrospective Planning Approval for the signage has not been submitted within fourteen (14) days of notification.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Ker

That a new clause (i)(e) be inserted as follows:

"(e) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the provision of a minimum of three on-site car bays with access from the right of way, which comply with the Town's Policy Relating to Parking and Access and Australian Standards AS2890.1 - "Off Street Parking". The car bays shall be available for the visitors of the tenancy during all opening times of the use. The provision of these car bays will require the demolition and/or alterations to the existing western high brick wall and roller door abutting the right of way."

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

Moved Cr Maier, Seconded Cr Lake

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

"(i) (c) prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of ~~\$48,407~~ \$17,075 for the equivalent value of 6.83 car parking spaces, based on the ~~construction~~ cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget, ~~and 50 per cent of the land value per square metre multiplied by the area of a car bay.~~ Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided or the car parking requirements have decreased as a result of an approved change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements; and"

AMENDMENT CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

Moved Cr Maier, Seconded Cr Ker

That a new clause (i)(f) be inserted as follows:

“(i) (f) *the hours of operation of the eating house shall be limited to:*

<i>Friday to Wednesday</i>	<i>9.00am – 6.00pm</i>
<i>Thursday</i>	<i>9.00am – 9.00pm”</i>

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

Debate ensued.

MOTION AS AMENDED LOST (2-5)

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

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

Reasons:

1. **Impact of parking shortfall on the local area.**
2. **Consideration of objections received.**
3. **Uncertainty that three (3) carparking bays can be accommodated on the site.**

Journalist Mark Fletcher left the meeting at 8.50pm.

ADDITIONAL INFORMATION:

Car Parking

The Town's Technical Services have advised that the proposed car parking configuration as shown on the existing plans is not supported. There is opportunity however to provide three on-site car parking bays. The existing structure would need to be modified to accommodate this. This matter has therefore been conditioned accordingly in the Amended Recommendation.

In light of the above, the car parking table in the report remains unchanged.

Toilet Provision

The Town's Health Services and Building Services have advised no additional toilets are required to be provided due to the scale and nature of the proposal.

Amended Assessment Table

Consultation Submissions		
	Summary	Officer's Comments
Objection (2) (3)	<ul style="list-style-type: none"> • Shortage of parking • No safeguard to ensure development will not intensify in the future • Undue impact on surrounding residential area • Illegal parking • Additional rubbish 	<p>Not supported- refer to 'Comments'.</p> <p>Not supported- any intensification or change of use of a site will require further assessment and Planning Approval.</p> <p>Not supported- uses proposed is considered to be appropriate for the commercially zoned area and not considered to have an undue impact on surrounding residential area.</p> <p>Not supported- not a major planning consideration, matter can be monitored by Town's Ranger Services and Community Safety.</p> <p>Not supported- not a major planning consideration, matter can be monitored by Town's Technical Services and Health Services.</p>
	<ul style="list-style-type: none"> • <u>Trading hours</u> 	<p><u>Not supported- hours (Friday to Wednesday- 9am to 6pm, Thursday- 9am-9pm) considered to be appropriate for the proposed uses in a commercial zoned area.</u></p>

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

“That the Council;

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

The draft amended version of the Policy relating to Parking and Access is only to apply to those planning and building applications received after the 12 April 2005 Ordinary Meeting of Council.

Clause (i)(c) of the previous Officer Recommendation reflects the cash-in-lieu calculation based on the Amended Policy. However, the subject application was received prior to the Ordinary Meeting of Council held on 12 April 2005. Therefore, clause (i)(c) is required to be amended to reflect the cash-in-lieu calculation based on the Policy operating at the time the application was received.

Landowner:	GJ Flynn
Applicant:	T Metcalf
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shop
Use Class:	Shop and Eating House
Use Classification:	"P", "P"
Lot Area:	503 square metres
Access to Right of Way	West side, 4.0 metres wide, unsealed, privately-owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves change of use from shop to shop and eating house at the subject property. The applicant's submission is "*Laid on the Table*".

A site inspection and archive search undertaken by the Town's Officers has indicated that the current signage on-site has not received Planning Approval. This matter has therefore been conditioned accordingly in the Officer Recommendation.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Consultation Submissions			
Support	Nil		Noted.
Objection (2)	<ul style="list-style-type: none"> • Shortage of parking • No safeguard to ensure development will not intensify in the future • Undue impact on surrounding residential area 		<p>Not supported- refer to 'Comments'.</p> <p>Not supported- any intensification or change of use of a site will require further assessment and Planning Approval.</p> <p>Not supported- uses proposed is considered to be appropriate for the commercially zoned area and not considered to have an undue impact on surrounding residential area.</p>

	<ul style="list-style-type: none"> • Illegal parking 	Not supported- not a major planning consideration, matter can be monitored by Town's Ranger Services and Community Safety.
	<ul style="list-style-type: none"> • Additional rubbish 	Not supported- not a major planning consideration, matter can be monitored by Town's Technical Services and Health Services.
Other Implications		
Legal/Policy		TPS 1 and associated Policies.
Strategic Implications		Nil
Financial/Budget Implications		Nil
Car Parking		
Car parking requirement (nearest whole number)		22 car bays
<ul style="list-style-type: none"> • Eating house - 15.33 car bays • Shop -6.27 car bays. 		
Apply the adjustment factors.		(0.7225)
<ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of car park in excess of 75 car parking spaces) 		15.90 car bays
Minus the car parking provided on-site		3 car bays
Minus the most recently approved on-site car parking shortfall		6.07 car bays
Resultant shortfall		6.83 car bays

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

COMMENTS:

In addressing the car parking shortfall, a cash-in-lieu payment is considered appropriate in this instance on the basis there is on-street car parking nearby the subject property and there are existing site constraints that limit the site ability's to provide additional parking. With this in mind, the proposal is considered to be compatible with the uses of the surrounding area and approval is therefore recommended, subject to standard and appropriate conditions.

10.1.2 No. 34 (Lot 47) Fairfield Street, Mount Hawthorn - Proposed Subdivision

Ward:	Mount Hawthorn	Date:	17 May 2005
Precinct:	Mount Hawthorn; P1	File Ref:	128064
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission (WAPC), for the application submitted by Greg Rowe and Associates on behalf of the owner M Powell and Y Butler for proposed Subdivision, at No. 34 (Lot 47) Fairfield Street, Mount Hawthorn, and as shown on plans stamp-dated 7 April 2005, subject to:

- (i) the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on proposed Lot 1, which is less than 350 square metres, in accordance with the Town's requirements;*
- (ii) the existing dwelling being retained, and the subdivider entering into a legal agreement at the land owners' cost and to the satisfaction of the Western Australian Planning Commission for the conservation of the existing dwelling located on the proposed Lot 2;*
- (iii) prior to the clearance of the Diagram or Plan of Survey by the Town, the external façades of the existing dwelling on proposed Lot 2 shall be enhanced and conserved. Plans shall be submitted and approved prior to such works being undertaken;*
- (iv) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (v) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (vi) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (vii) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*

- (viii) *the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost. The maximum permitted amount of fill and height of associated retaining walls is 500 millimetres above the existing pre-subdivision ground level, and any greater amount of fill or higher retaining wall requires a separate Planning Approval to be applied to and obtained from the Town of Vincent;*
- (ix) *the street verge tree(s) on Fairfield Street adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;*
- (x) *prior to the clearance of the Diagram or Plan of Survey by the Town, 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;*
- (xi) *a 1.5 metres by 1.5 metres truncation being provided at the north east corner of proposed Lot 2;*
- (xii) *the existing residence to comply with the requirements of the Residential Design Codes 2002 pertaining to single house development to the satisfaction of the Town, including;*
 - (a) *the provision of an outdoor living area, with a minimum area of 24 square metres, and minimum dimensions of 4 metres;*
 - (b) *the provision and construction of two (2) on site car parking bays and associated driveway and crossover; and*
 - (c) *the provision of open space, with a minimum total area of 45 per cent of the site area;*
- (xiii) *a pedestrian access way with a minimum width of 1.5 metres being provided and constructed from Fairfield Street to the proposed rear Lot 1;and*
- (xiv) *approval of the subdivision should not be construed as approval for the proposed carport on proposed Lot 2, and the carport requires a separate Planning Approval to be applied to and obtained from the Town.*

Moved Cr Maier, Seconded Cr Chester

That the recommendation be adopted.

Cr Messina left the Chamber at 8.51pm.

Moved Cr Chester, Seconded Cr Lake

That the Item be DEFERRED for the applicant to provide information by a qualified heritage consultant on the contribution the place makes to the streetscape and for the Town to seek legal advice as to what is the best means for Council to ensure the long term maintenance on the place that is receiving a development bonus.

Debate ensued.

Cr Messina returned to the Chamber at 8.55pm.

WITHDRAWN

Moved Cr Chester, Seconded Cr Ker

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

“(ii) the existing dwelling being retained, and the subdivider entering into a legal agreement including a memorial at the land owners' cost and to the satisfaction of the Western Australian Planning Commission for the conservation of the existing dwelling located on the proposed Lot 2;”

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

Moved Cr Chester, Seconded Cr Lake

That a new clause (xv) be added as follows:

“(xv) the applicant shall provide a report by a qualified heritage consultant on the streetscape value of the existing dwelling, and the impact on the streetscape value of the existing dwelling as a result of any proposed modifications to the existing dwelling and any development proposal. Any features of the existing dwelling identified in the report as positively contributing to the streetscape are to be maintained by the owner in the longer term.”

Debate ensued.

AMENDMENT CARRIED (6-1)

For
Deputy Mayor – Cr Farrell
Cr Chester
Cr Doran-Wu
Cr Lake
Cr Maier
Cr Messina

Against
Cr Ker

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

Moved Cr Maier, Seconded Cr Chester

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

“(ii) *the existing dwelling being retained, and the subdivider entering into a legal agreement including a memorial at the land owners' cost and to the satisfaction of the Western Australian Planning Commission and the Town of Vincent for the conservation of the existing dwelling located on the proposed Lot 2;*”

AMENDMENT CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

Moved Cr Lake, Seconded Cr Maier

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

“(xi) *a 1.5 metres by 1.5 metres truncation being provided at the ~~north-east~~ south west corner of proposed Lot 2;*”

AMENDMENT CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

Debate ensued.

MOTION AS AMENDED CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

SUBSEQUENT MOTION

Moved Cr Maier, Seconded Cr Lake

That the Council AUTHORISES the Chief Executive Officer to seek legal advice as to the most effective means of retaining and/or conserving an existing dwelling.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

COUNCIL DECISION ITEM 10.1.2

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission (WAPC), for the application submitted by Greg Rowe and Associates on behalf of the owner M Powell and Y Butler for proposed Subdivision, at No. 34 (Lot 47) Fairfield Street, Mount Hawthorn, and as shown on plans stamp-dated 7 April 2005, subject to:

- (i) the applicant obtaining Planning Approval and/or Building Licence for the development of a house(s) on proposed Lot 1, which is less than 350 square metres, in accordance with the Town's requirements;*
- (ii) the existing dwelling being retained, and the subdivider entering into a legal agreement including a memorial at the land owners' cost and to the satisfaction of the Western Australian Planning Commission and the Town of Vincent for the conservation of the existing dwelling located on the proposed Lot 2;*
- (iii) prior to the clearance of the Diagram or Plan of Survey by the Town, the external façades of the existing dwelling on proposed Lot 2 shall be enhanced and conserved. Plans shall be submitted and approved prior to such works being undertaken;*
- (iv) all buildings and effluent disposal systems, having the necessary clearance from the new boundaries as required under the relevant legislation;*
- (v) support of the subdivision is not to be construed as support of the demolition of the existing building(s) and/or any development on the proposed lots;*
- (vi) if any portion of the existing building(s) is to be demolished to facilitate the proposed subdivision, a separate Planning Approval and/or Demolition Licence is to be obtained from the Town for the demolition of the existing building(s) prior to the clearance of the Diagram or Plan of Survey by the Town;*
- (vii) all buildings and structures that have been granted Planning Approval and/or Demolition Licence for demolition being demolished and materials removed from the site and the site made good. A separate Planning Approval and/or Demolition Licence is required from the Town prior to the commencement of any demolition works;*
- (viii) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost. The maximum permitted amount of fill and height of associated retaining walls is 500 millimetres above the existing pre-subdivision ground level, and any greater amount of fill or higher retaining wall requires a separate Planning Approval to be applied to and obtained from the Town of Vincent;*
- (ix) the street verge tree(s) on Fairfield Street adjacent to the subject land being retained and measures being taken to ensure their identification and protection to the satisfaction of the Town prior to commencement of site works;*

- (x) *prior to the clearance of the Diagram or Plan of Survey by the Town, 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;*
- (xi) *a 1.5 metres by 1.5 metres truncation being provided at the south west corner of proposed Lot 2;*
- (xii) *the existing residence to comply with the requirements of the Residential Design Codes 2002 pertaining to single house development to the satisfaction of the Town, including;*
- (a) *the provision of an outdoor living area, with a minimum area of 24 square metres, and minimum dimensions of 4 metres;*
- (b) *the provision and construction of two (2) on site car parking bays and associated driveway and crossover; and*
- (c) *the provision of open space, with a minimum total area of 45 per cent of the site area;*
- (xiii) *a pedestrian access way with a minimum width of 1.5 metres being provided and constructed from Fairfield Street to the proposed rear Lot 1;*
- (xiv) *approval of the subdivision should not be construed as approval for the proposed carport on proposed Lot 2, and the carport requires a separate Planning Approval to be applied to and obtained from the Town; and*
- (xv) *the applicant shall provide a report by a qualified heritage consultant on the streetscape value of the existing dwelling, and the impact on the streetscape value of the existing dwelling as a result of any proposed modifications to the existing dwelling and any development proposal. Any features of the existing dwelling identified in the report as positively contributing to the streetscape are to be maintained by the owner in the longer term.*

Landowner:	M Powell & Y Butler
Applicant:	Greg Rowe & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1: Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	582 square metres
Access to Right of Way	East side, 5.0 metres wide, sealed, Town-owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the subdivision of the subject property into two lots with the front lot being 310 square metres and the rear lot being 274 square metres. The application proposes the retention of the existing dwelling on Lot 2 with direct frontage to Fairfield Street, while Lot 1 located at the rear of the property proposes vehicular access via the right of way with a 1.5 metres pedestrian access way from Fairfield Street. The applicant's submission is "*Laid on the Table*".

While the proposed subdivision does not meet the requirements for a Green Title/Freehold battleaxe lot subdivision, there are no provisions which preclude the proposal to be Green Titled as there are no minimum (road) frontage for lots zoned Residential R30 and the proposal has adequate land area for single house development (with density variation being supported by the Town's Officers). This information has been concurred with by the Department for Planning and Infrastructure.

COMPLIANCE:

Requirements	Required	Proposed *
Density	1 dwelling R 30	2 dwellings R 34 3 per cent density bonus
Consultation Submissions		
No consultation required for this application		
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

COMMENTS:

The applicant seeks a density bonus under the Clause 20 of the Town's Town Planning Scheme No.1 which allows the Council to grant an increase in the permitted dwelling density by up to 50 per cent if the proposed development conserves or enhances an existing dwelling or existing dwellings worthy of retention. In this instance, the variation sought is supported on the basis that it is considered to be minor, and the existing dwelling is considered to be worthy of retention due to its contribution to the intact streetscape, which are strongly encouraged to be maintained in the Town's Policy relating to the Anzac Locality. It has been conditioned in the Officer Recommendation that the subdivider enters a legal agreement for the conservation of the existing dwelling and the existing dwelling on proposed Lot 2 be conserved and enhanced externally.

On the above basis, the application is recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.1.3 No. 51 (Lot 108) Burt Street, North Perth - Proposed Demolition of Existing Single House

Ward:	South	Date:	16 May 2005
Precinct:	Norfolk; P10	File Ref:	PRO3161; 00/33/2826
Attachments:	001		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner A La Piana for proposed Demolition of Existing Single House, at No. 51 (Lot 108) Burt Street, North Perth, and as shown on plans stamp-dated 20 April 2005, subject to:

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

COUNCIL DECISION ITEM 10.1.3

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted subject to:

1. *Clause (v) being amended to read as follows:*

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

2. *a new clause (vii) being inserted as follows:*

"(vii) the Town advises the owner that the Council has the ability to give development bonuses for the retention of existing dwellings worthy of retention."

Debate ensued.

Moved Cr Chester, Seconded Cr Ker

That the Item be DEFERRED to allow discussion with the applicant on the benefits of retaining the existing dwelling.

CARRIED (4-3)

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

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

ADDITIONAL INFORMATION:

The Heritage Assessment attached to the agenda report should read that the '*the place does not meet the minimum criteria for entry into the Town of Vincent Municipal Heritage Inventory*', under clause 10. Statement of Significance. The attached amended Heritage Assessment reflects this correct text.

Landowner:	A La Piana
Applicant:	A La Piana
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	1012 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing dwelling.

ASSESSMENT:

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

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

COMMENTS:

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

The subject dwelling at No. 51 Burt Street, North Perth is a brick and iron dwelling constructed c.1900. The place is considered to have *little to some historic value* as part of a building stock which arose during the Gold Rush Period in Perth, 1890 - 1910.

While aspects of the original building remain intact with the wooden floorboards, architraves, and skirting boards still in situ, substantial alterations have been made to the rear of the dwelling. These alterations have diminished the level of authenticity associated with the place and its ability to provide an accurate historical record of early twentieth century housing in North Perth.

The place is not considered to meet the threshold for entry into the Town of Vincent Municipal Heritage Inventory.

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

10.1.8 No. 612 (Lot 91) Beaufort Street, Mount Lawley - Proposed Demolition of Existing Office Building and Construction of a Two-Storey Office Building and Associated Car Parking

Ward:	South	Date:	17 May 2005
Precinct:	Mt Lawley Centre; P11	File Ref:	PRO2199; 00/33/2712
Attachments:	001		
Reporting Officer(s):	B Mckean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Hodgins on behalf of the owner L & R Rodgers for proposed Demolition of Existing Office Building and Construction of a Two-Storey Office Building and Associated Car Parking, at No. 612 (Lot 91) Beaufort Street, Mount Lawley, and as shown on plans stamp-dated 9th February 2005, subject to:*
- (a) *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;*
 - (b) *all car parking bays shall be dimensioned on the Building Licence application working drawings and shall comply with the minimum specifications and dimensions specified in the Town's Policy relating to Parking and Access and Australian Standards AS2890.1 – "Off Street Parking";*
 - (c) *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;*
 - (d) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
 - (e) *doors and windows and adjacent floor areas fronting Beaufort Street shall maintain an active and interactive relationship with this street;*
 - (f) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
 - (g) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
 - (h) *prior to the first occupation of the development, two (2) class 1 or 2 bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (j) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (1) *the proposed awning complying with the Town's Policy relating to the Mount Lawley Centre Precinct, including the awning projecting to 0.5 metre of the road kerb and the depth of the fascia to be a maximum depth of 300 millimetres;*
 - (2) *the provision of one shade tree per every 4 car parking bays within the car parking area; and*
 - (3) *compliance with C3.2 and C3.4 of the Building Code of Australia relating to external walls and fire protection.*
- The revised plans shall not result in any greater variation to the requirements of the Town's Policies.*
- (k) *a detailed landscaping plan, including a list of plants, shall be submitted and approved prior to the issue of a Building Licence, including the provision of one shade tree per 4 car parking bays within the car parking area. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (l) *subject to first obtaining the consent of the owners of No. 610 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. 610 Beaufort Street in a good and clean condition; and*

- (ii) *the Council ADVISES the applicant that the Department for Planning and Infrastructure has advised as follows:*

"The subject land is affected by a land requirement for the future upgrading of Beaufort Street, which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS). The attached extract of the WAPC Plan No. 1.3562/3 defines the land requirement for the ORR.

It is proposed that at some stage in the future the Western Australian Planning Commission will acquire this land for the purposes of widening the ORR.

You are advised to contact WAPC - Land Asset Management Branch of the Department for Planning and Infrastructure should you wish to discuss early purchase of the affected land by the Western Australian Planning Commission."

COUNCIL DECISION ITEM 10.1.8

Moved Cr Ker, Seconded Cr Lake

That the recommendation be adopted.

Cr Chester departed the Chamber at 9.11pm.

Debate ensued.

Moved Cr Lake, Seconded Cr Ker

That clause (i)(j)(1) be amended to read as follows:

“(i) (j) (1) the proposed awning to be continuous to complying with the Town's Policy relating to the Mount Lawley Centre Precinct, including the awning projecting to 0.5 metre of the road kerb and the depth of the fascia to be a maximum depth of 300 millimetres;”

AMENDMENT LOST (2-4)

<u>For</u> Cr Ker Cr Lake	<u>Against</u> Deputy Mayor – Cr Farrell Cr Doran-Wu Cr Maier Cr Messina
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(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote. Cr Chester was absent from the Chamber and did not vote.)

MOTION CARRIED (6-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote. Cr Chester was absent from the Chamber and did not vote.)

Landowner:	L & R Rodgers
Applicant:	J Hodgins
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Office Building
Use Class:	Office Building
Use Classification:	"P"
Lot Area:	473 square metres
Access to Right of Way	East side, 3.02 metres wide, sealed, resumed and vested in the Town

BACKGROUND:

11 February 2003 Council at its Ordinary Meeting granted conditional approval for proposed demolition of existing office and construction of a two-storey office and associated car parking at No. 612 (Lot 91) Beaufort Street, Mount Lawley.

DETAILS:

The proposal involves demolition of existing office building and construction of a two-storey office building and associated car parking. The previous conditional approval granted by Council at its Ordinary Meeting held on 11 February 2003 was not activated by the applicant during the two years in which the approval was valid; therefore the applicants seek approval for a similar application.

The application was referred to the Department for Planning and Infrastructure for comment as the proposed development fronts Beaufort Street which is an Other Regional Road Reservation and is subject to future road widening. The Department for Planning and Infrastructure have no objections to this application; furthermore, advice from the Department for Planning and Infrastructure is contained in the Officer Recommendation.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks:			
Front	Mandatory front setback is to be nil to any street reserve boundary	1.4 metres	Supported - proposed office building is setback in accordance with Department for Planning and Infrastructure road widening requirements.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car Parking Requirement (nearest whole number) -Proposed Office: 1 car bay per 50 square metres of gross floor area (proposed 396.93 square metres).			8 car bays
Apply the adjustment factors			(0.612)
<ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (within 50 metres of a public car park with in excess of 50 car parking spaces) ▪ 0.90 (within a District Centre zone) 			4.90 car bays
Minus car parking on-site			6 car bays
Resultant surplus			1.10 car bays

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

COMMENTS:

Demolition

A detailed Heritage Assessment of the existing place is included as an attachment to this report.

The place is a rendered brick and iron dwelling that was constructed c.1895 on Lot 91 of Perth Suburban Lot 145. The place was constructed at a time when residential accommodation expanded north of the original townsite of Perth, as a direct result of the population explosion that accompanied the Western Australian Gold Boom. The place itself plays only a minor role in demonstrating this phase of the Town's development and consequently, it is considered to have little value in this respect. Additionally, the place has been subject to a number of alterations, which have reduced the extent to which the place can provide an accurate historical record of late nineteenth century housing. Original ceilings have been removed and replaced, as have some windows, glazing, doors, skirtings and architraves. Of the four original fireplaces, only one has been retained in an altered state.

The place is not considered to meet the threshold for entry in the Town's Municipal Heritage Inventory. Moreover, applications for the demolition of existing buildings, like all other development applications, have to be considered in the wider planning context, taking into account all aspects of the amenity of an area. In this particular instance, it is not considered that the demolition of the place will have an unreasonable impact on the amenity of the Beaufort Street commercial precinct. In light of this, it is recommended that the proposal to demolish the existing building be approved, subject to standard conditions.

Redevelopment

The front setback variation is considered acceptable as the setback is in accordance with the Department for Planning and Infrastructure road widening requirements.

The proposal is supported as it is not considered to unduly impact the amenity of the adjacent or surrounding properties and is compliant with the Town's Policy relating to Parking and Access.

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

10.1.9 No. 10 (Lot 15) Purslowe Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Single Storey Single House

Ward:	North	Date:	16 May 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO2551; 00/33/2742
Attachments:	001		
Reporting Officer(s):	T Durward, T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Redwood on behalf of the owner Meloni Family Trust for proposed Demolition of Existing Single House and Construction of Single Storey Single House, at No. 10 (Lot 15) Purslowe Street, Mount Hawthorn, and as shown on plans stamp-dated 25 February 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) subject to first obtaining the consent of the owners of No. 8 Purslowe 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. 8 Purslowe Street in a good and clean condition;*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Purslowe Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (v) an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence.*

Moved Cr Lake, Seconded Cr Ker

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

- "(vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the driveway width being no more than 40 per cent, being 4.88 metres, of the frontage of the property. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;"*

Debate ensued.

CARRIED (5-1)

For
Deputy Mayor – Cr Farrell
Cr Doran-Wu
Cr Ker
Cr Maier
Cr Messina

Against
Cr Lake

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote. Cr Chester was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.9

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Redwood on behalf of the owner Meloni Family Trust for proposed Demolition of Existing Single House and Construction of Single Storey Single House, at No. 10 (Lot 15) Purslowe Street, Mount Hawthorn, and as shown on plans stamp-dated 25 February 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) subject to first obtaining the consent of the owners of No. 8 Purslowe 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. 8 Purslowe Street in a good and clean condition;*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Purslowe Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (v) an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the driveway width being no more than 40 per cent, being 4.88 metres, of the frontage of the property. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

ADDITIONAL INFORMATION:

The applicant has provided a response to the objectors' comments, and these are "Laid on the Table" for the Elected Members' consideration.

An additional assessment of the proposal has found it to be non-compliant with clause 3.5.4 of the Residential Design Codes (R Codes). An amended Assessment Table to reflect the abovementioned non-compliance is detailed below.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
<u>Driveway Width</u>	<u>Not to exceed 40 per cent of the frontage</u>	<u>44 per cent</u>	<u>Not supported - conditioned to comply with clause 3.5.4 of the R Codes</u>

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

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves demolition of existing single house and construction of a single storey single house.

The existing dwelling straddles two lots, being Nos. 10-12 (Lots 14 and 15) Purslowe Street. It is noted that the redevelopment component of this application is for the redevelopment of one of those lots only, being No. 10 (Lot 15) Purslowe Street.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks: East (Garage)	1 metre	Nil	Supported - compliant with provisions of R Codes clause 3.3.2 - Buildings on Boundary requirements.
West (Bedroom2/Study, Bedroom 3 and Bath/WC)	1.5 metres	1 metre	Supported - no undue impact and neighbour (who is also the owner of the subject property) support received.

Consultation Submissions		
Support	Nil	Noted
Objection (1)	<ul style="list-style-type: none"> • Contravention of front setback requirements including setback provisions contained within Menzies Locality Plan and Vehicular Access Policy • Contravention of Local Character Policy 	<p>Not supported - development is single storey and complies with the R Codes and Town's Policy relating to Street Setbacks.</p> <p>Not supported - development is considered to be in keeping with the scale (the development is only one storey), street rhythm and housing type of the immediate locality.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

COMMENTS:

Demolition

A detailed Heritage Assessment is attached to this report.

The subject dwelling is a brick and tile dwelling constructed in 1939. The place represents part of the interwar building stock common to the Mount Hawthorn area. The size and dimension of the subject place expanding over two lots, is distinct from the other brick and tile dwellings that were constructed in Purslowe Street during the interwar period. While some of the original features of the dwelling remain intact, there are no particular features which justify the retention of the house or qualify the place for consideration into the Town's Municipal Heritage Inventory. The place is not rare and is considered to be of little aesthetic, historic, scientific and social value.

Redevelopment

The proposed redevelopment was advertised and one submission, as detailed and addressed above, was received during this period.

Summary

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

10.1.10 No. 12 (Lot 14) Purslowe Street, Mount Hawthorn - Proposed Demolition of Existing Single House and Construction of Single Storey Single House

Ward:	North	Date:	16 May 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO2551; 00/33/2743
Attachments:	001		
Reporting Officer(s):	T Durward, T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Redwood on behalf of the owner Meloni Family Trust for proposed Demolition of Existing Single House and Construction of Single Storey Single House, at No. 12 (Lot 14) Purslowe Street, Mount Hawthorn, and as shown on plans stamp-dated 25 February 2005, subject to:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *subject to first obtaining the consent of the owners of No. 14 Purslowe 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. 14 Purslowe Street in a good and clean condition;*
- (iii) *no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Purslowe Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (v) *an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence.*

Moved Cr Doran-Wu, Seconded Cr Lake

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

- "(vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the driveway width being no more than 40 per cent, being 4.88 metres, of the frontage of the property. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*"

Debate ensued.

CARRIED (5-1)

For
Deputy Mayor – Cr Farrell
Cr Doran-Wu
Cr Ker
Cr Maier
Cr Messina

Against
Cr Lake

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote. Cr Chester was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.10

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Redwood on behalf of the owner Meloni Family Trust for proposed Demolition of Existing Single House and Construction of Single Storey Single House, at No. 12 (Lot 14) Purslowe Street, Mount Hawthorn, and as shown on plans stamp-dated 25 February 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) subject to first obtaining the consent of the owners of No. 14 Purslowe 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. 14 Purslowe Street in a good and clean condition;*
- (iii) no fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Purslowe Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency;*
- (iv) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (v) an archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence; and*
- (vi) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the driveway width being no more than 40 per cent, being 4.88 metres, of the frontage of the property. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

ADDITIONAL INFORMATION:

The applicant has provided a response to the objectors' comments, and these are "Laid on the Table" for the Elected Members' consideration.

An additional assessment of the proposal has found it to be non-compliant with clause 3.5.4 of the Residential Design Codes (R Codes). An amended Assessment Table to reflect the abovementioned non-compliance is detailed below.

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
<u>Driveway Width</u>	<u>Not to exceed 40 per cent of the frontage</u>	<u>44 per cent</u>	<u>Not supported - conditioned to comply with clause 3.5.4 of the R Codes</u>

Landowner:	Meloni Family Trust
Applicant:	Melissa Redwood - Collier Homes
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	491 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves demolition of existing single house and construction of a single storey single house.

The existing dwelling straddles two lots, being Nos. 10-12 (Lots 14 and 15) Purslowe Street. It is noted that the redevelopment component of this application is for the redevelopment of one of those lots only, being No. 12 (Lot 14) Purslowe Street.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Setbacks:			
West (Garage)	1 metre	Nil	Supported - compliant with provisions of R Codes clause 3.3.2 - Buildings on Boundary requirements.
East (Bedroom2/Study, Bedroom 3 and Bath/WC)	1.5 metre	1 metre	Supported - no undue impact and neighbour (who is also the owner of the subject property) support received.

Consultation Submissions		
Support	Nil	Noted
Objection (1)	<ul style="list-style-type: none"> • Loss of vista • Overshadowing 	<p>Not supported - development is single storey and complies with the R Codes and Town's Policy relating to Street Setbacks.</p> <p>Not supported - development is single storey and complies with the R Codes Design for Climate provisions.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

COMMENTS:

Demolition

A detailed Heritage Assessment is attached to this report.

The subject dwelling is a brick and tile dwelling constructed in 1939. The place represents part of the interwar building stock common to the Mount Hawthorn area. The size and dimension of the subject place expanding over two lots, is distinct from the other brick and tile dwellings that were constructed in Purslowe Street during the interwar period. While some of the original features of the dwelling remain intact, there are no particular features which justify the retention of the house or qualify the place for consideration into the Town's Municipal Heritage Inventory. The place is not rare and is considered to be of little aesthetic, historic, scientific and social value.

Redevelopment

The proposed redevelopment was advertised and one submission, as detailed and addressed above, was received during this period.

Summary

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

10.1.11 No. 503 (Lot 9) Fitzgerald Street, North Perth - Proposed Demolition of Existing Garage and Carport and Construction of Additional Two (2) Two-Storey Single Houses and Street Wall and Gates to Existing Single House

Ward:	North	Date:	18 May 2005
Precinct:	Smith's Lake; P6	File Ref:	PRO2787; 00/33/2693
Attachments:	001		
Reporting Officer(s):	B Mckean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Sipe on behalf of the owner M Sipe and D Rhodes for proposed Demolition of Existing Garage and Carport and Construction of Additional Two (2) Two-Storey Single Houses and Street Wall and Gates to Existing Single House, at No. 503 (Lot 9) Fitzgerald Street, North Perth, and as shown on amended plans stamp-dated 16 May 2005, subject to:

- (i) subject to first obtaining the consent of the owners of No. 505 Fitzgerald Street and No. 2 Sholl Lane for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 505 Fitzgerald Street and No. 2 Sholl Lane in a good and clean condition;*
- (ii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site; and*
- (iv) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Fitzgerald Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

COUNCIL DECISION ITEM 10.1.11

Moved Cr Lake, Seconded Cr Doran-Wu

That the recommendation be adopted.

CARRIED (5-1)

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

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote. Cr Chester was absent from the Chamber and did not vote.)

Landowner:	M Sipe & D Rhodes
Applicant:	M Sipe
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	670 square metres
Access to Right of Way	West side, 5 metres wide, sealed, Town of Vincent owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves additional two (2) two-storey single houses and street wall and gates to existing single house and demolition of existing garage and carport.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	3 dwellings R 60	3 dwellings R 60	Supported - no variation
Plot Ratio	0.65	0.64	Supported - no variation
Setbacks:			
<u>Unit 1</u> Ground Floor- North	1.5 metres	Nil - 1.025 metres	Supported - variation is considered minor and affected neighbour has stated no objection
East (Laundry)	1 metre	Nil	Supported - wall to internal boundary
South	1.5 metres	Nil - 1.2 metres	Supported - wall to internal boundary
Upper Floor- North	3.8 metres	1.4 metres	Supported - variation is considered minor and affected neighbour has stated no objection
East	2.8 metres	1.2 metres	Supported - wall to internal boundary
South	3.8 metres	Nil	Supported - wall to internal boundary

<u>Unit 2</u> Ground Floor- South	1.5 metres	Nil - 1.025 metres	Supported - variation is considered minor and affected neighbour has stated no objection
East (Laundry)	1 metre	Nil	Supported - wall to internal boundary
North	1.5 metres	Nil - 1.2 metres	Supported - wall to internal boundary
Upper Floor- South	3.8 metres	1.4 metres	Supported - variation is considered minor and affected neighbour has stated no objection
East	2.8 metres	1.2 metres	Supported - wall to internal boundary
North	3.8 metres	Nil	Supported - wall to internal boundary
Building on Boundary	Walls not higher than 3.5 metres with an average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary	<u>Unit 1</u> - Three boundary walls South boundary wall - wall height is 6.1 - 6.3 metres <u>Unit 2</u> - Three boundary walls North boundary wall - wall height is 6.3 metres	Supported - affected neighbours have stated no objection and one boundary wall is internal Supported - roof is considered to be concealed and the bulk is less than 7 metres Supported - affected neighbours have stated no objection and one boundary wall is internal Supported - roof is considered to be concealed and the bulk is less than 7 metres
Consultation Submissions			
Support (2)	<ul style="list-style-type: none"> Affected neighbours have stated no objection 		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

* 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 proposed street wall and gates are considered acceptable given Fitzgerald Street is a District Distributor Road, the solid portion is 1.286 metres high, and the incorporation of design features such as brick pillars and cedar infill with gaps.

The above proposal was not advertised as all affected neighbours stated they had no objection to the development.

The variations to the setback requirements of the Residential Design Codes (R Codes) are considered minor and to not unduly impact on the streetscape or surrounding amenity and all affected neighbours stated no objection.

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

10.1.12 Nos. 370-374 (Lots 70 & 69) William Street, Corner Little Parry Street, Perth - Proposed Four-Storey Mixed Use Development Comprising Nine (9) Multiple Dwellings and One (1) Shop and Associated Undercroft Carparking

Ward:	South	Date:	17 May 2005
Precinct:	Beaufort; P13	File Ref:	PRO2959; 00/33/2679
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the Buchan Group on behalf of the owner Hualong Holdings Pty Ltd for proposed Four Storey Mixed Use Development Comprising Nine (9) Multiple Dwellings and One (1) Shop and Associated Undercroft Carparking, at Nos. 370- 374 (Lots 70 & 69) William Street, corner Little Parry Street, Perth, and as shown on plans stamp-dated 21 January 2005 and 29 April 2005 (perspective views), subject to:

- (i) 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;*
- (ii) subject to first obtaining the consent of the owners of No. 378 William Street and Nos. 29 and 35 Money 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. 378 William Street and Nos. 29 and 35 Money Street in a good and clean condition;*
- (iii) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iv) prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. 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;*
- (v) doors and windows and adjacent floor areas fronting William and Little Parry Street shall maintain an active and interactive relationship with these streets;*
- (vi) prior to the first occupation of the development, eleven (11) car parking spaces, including two (2) visitors 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;*
- (vii) any proposed vehicular entry gates adjacent to Little Parry Street shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential 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;*

- (viii) *on-site parking for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (ix) *the maximum gross floor area for the shop use shall be limited to 307 square metres unless adequate car parking is provided for the changes in floor space area;*
- (x) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town, and thereafter implemented and maintained;*
- (xi) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xii) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xiii) *the sliding gate to the car park facing Little Parry Street shall be visually permeable, with a minimum 50 per cent transparency;*
- (xiv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the William Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (xv) *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);*
- (xvi) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$18 000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$18 000, subject to the Town agreeing to this arrangement. 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);*

- (xvii) *prior to the issue of a Building Licence, in relation to the multiple dwellings, 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 that:*
- (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; and*
 - (c) *the floor plan layout is to be maintained in accordance with the Planning Approval plans.*

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

- (xviii) *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 footpath upgrading contribution of \$2500 (50 per cent of contribution) 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;*
- (xix) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *the provision of a plaque or interpretive piece of artwork visible to the public domain that recognises the historic value associated with the site;*
 - (b) *storerooms 4,5,6,7 and 8 each having a minimum internal area of 4.0 square metres and the storeroom of apartment 7 being accessible from outside the dwelling;*
 - (c) *the screening of the private garden terraces and the screening between balconies being permanent obscure glazing and non-openable to a minimum of 1.6 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
 - (d) *all car-parking bays being dimensioned on the Building Licence application working drawings and complying with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
 - (e) *the windows of the commercial component facing Little Parry Street being redesigned to promote an active and interactive relationship with this street; and*
 - (f) *the William Street elevation being in accordance with plan stamped dated 29 April 2005, DA 302- Perspective Views, 'Option without Sun Screening'.*

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

- (xx) *prior to the first occupation of the development, the full length and width of the Little Parry Street to the eastern most boundary abutting the subject land shall be:*
- (a) *resurfaced with red asphalt;*
 - (b) *installed with decorative 'urbi lighting'; and*
 - (c) *installed with appropriate landscaping.*

The above works shall be undertaken to the specifications of and supervised by the Town, at the applicant's/owner(s)' full expense, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$11 500, subject to the Town agreeing to this arrangement;

- (xxi) *prior to the first occupation of the development, each apartment shall be provided with a clothes tumbler dryer and be furnished in accordance with the approved plans;*
- (xxii) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$82,924 for the equivalent value of 7.56 car parking spaces, based on the construction cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget, and 50 per cent of the land value per square metre multiplied by the area of a car bay. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided or the car parking requirements have decreased as a result of an approved change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements; and*
- (xxiii) *prior to the first occupation of the development, one (1) class 1 or 2 and two (2) class 3 bicycle parking facilities shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities.*

Moved Cr Lake, Seconded Cr Ker

That the recommendation be adopted subject to:

1. *clauses (xviii), (xix)(c) and (xxi) being amended to read as follows:*

“(xviii) in accordance with the Town's proposed upgrading of William Street and in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land are is to be upgraded, by the applicant the Town, to a brick paved standard to the Town's specification. A footpath upgrading contribution of \$2,500 (50 per cent of contribution cost of upgrade) shall be lodged by the applicant 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;

- (xix)(c) *the screening of the private garden terraces and the screening between balconies being permanent obscure glazing and non-openable to a minimum of 1.6 metres above the respective finished floor level. The eastern side of the communal pool terrace and private garden terrace of Apartment 1 shall be screened with a wall with a minimum height of 1.8 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
- (xxi) *prior to the first occupation of the development, each apartment shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer and be furnished in accordance with the approved plans;"*
2. *a new clause (xxiv) being added as follows:*
- "(xxiv) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the northern and southern balconies of Apartment 1 on the second floor shall be screened within the 7.5 metres cone of vision to the eastern side boundary, as stipulated by the Residential Design Codes 2002 on the northern, eastern and southern elevations 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 glazing does not include a self-adhesive material or other material that is easily removed;" and*
3. *clause (xiv) being deleted and the remaining clauses being renumbered.*

Cr Chester returned to the Chamber at 9.20pm.

CARRIED (6-1)

For
Deputy Mayor – Cr Farrell
Cr Chester
Cr Ker
Cr Lake
Cr Maier
Cr Messina

Against
Cr Doran-Wu

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

COUNCIL DECISION ITEM 10.1.12

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 Buchan Group on behalf of the owner Hualong Holdings Pty Ltd for proposed Four Storey Mixed Use Development Comprising Nine (9) Multiple Dwellings and One (1) Shop and Associated Undercroft Carparking, at Nos. 370- 374 (Lots 70 & 69) William Street, corner Little Parry Street, Perth, and as shown on plans stamp-dated 21 January 2005 and 29 April 2005 (perspective views), subject to:

- (i) *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;*
- (ii) *subject to first obtaining the consent of the owners of No. 378 William Street and Nos. 29 and 35 Money 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. 378 William Street and Nos. 29 and 35 Money Street in a good and clean condition;*
- (iii) *all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (iv) *prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. 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;*
- (v) *doors and windows and adjacent floor areas fronting William and Little Parry Street shall maintain an active and interactive relationship with these streets;*
- (vi) *prior to the first occupation of the development, eleven (11) car parking spaces, including two (2) visitors 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;*
- (vii) *any proposed vehicular entry gates adjacent to Little Parry Street shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential 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;*
- (viii) *on-site parking for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (ix) *the maximum gross floor area for the shop use shall be limited to 307 square metres unless adequate car parking is provided for the changes in floor space area;*
- (x) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town, and thereafter implemented and maintained;*
- (xi) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*

- (xii) *the residential component of the development shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant are to be at the applicant's/owner(s)' costs;*
- (xiii) *the sliding gate to the car park facing Little Parry Street shall be visually permeable, with a minimum 50 per cent transparency;*
- (xiv) *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);*
- (xv) *prior to the issue of a Building Licence, designs for art work(s) valued at a minimum of 1 per cent of the estimated total cost of the development (\$18 000) shall be submitted to and approved by the Town, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$18 000, subject to the Town agreeing to this arrangement. 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);*
- (xvi) *prior to the issue of a Building Licence, in relation to the multiple dwellings, 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 that:*
- (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; and*
 - (c) *the floor plan layout is to be maintained in accordance with the Planning Approval plans.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xvii) *in accordance with the Town's proposed upgrading of William Street and in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land is to be upgraded, by the Town, to a brick paved standard. A footpath upgrading contribution of \$2,500 (50 per cent of cost of upgrade) shall be lodged by the applicant prior to the issue of a Building Licence;*

- (xviii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (a) *the provision of a plaque or interpretive piece of artwork visible to the public domain that recognises the historic value associated with the site;*
 - (b) *storerooms 4,5,6,7 and 8 each having a minimum internal area of 4.0 square metres and the storeroom of apartment 7 being accessible from outside the dwelling;*
 - (c) *the screening of the private garden terraces and the screening between balconies being permanent obscure glazing and non-openable to a minimum of 1.6 metres above the respective finished floor level. The eastern side of the communal pool terrace and private garden terrace of Apartment 1 shall be screened with a wall with a minimum height of 1.8 metres above the respective finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed;*
 - (d) *all car-parking bays being dimensioned on the Building Licence application working drawings and complying with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
 - (e) *the windows of the commercial component facing Little Parry Street being redesigned to promote an active and interactive relationship with this street; and*
 - (f) *the William Street elevation being in accordance with plan stamped dated 29 April 2005, DA 302- Perspective Views, 'Option without Sun Screening'.*

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

- (xix) *prior to the first occupation of the development, the full length and width of the Little Parry Street to the eastern most boundary abutting the subject land shall be:*
- (a) *resurfaced with red asphalt;*
 - (b) *installed with decorative 'urbi lighting'; and*
 - (c) *installed with appropriate landscaping.*

The above works shall be undertaken to the specifications of and supervised by the Town, at the applicant's/owner(s)' full expense, OR alternatively, the applicant/owner shall pay a cash-in-lieu contribution of \$11 500, subject to the Town agreeing to this arrangement;

- (xx) *prior to the first occupation of the development, each apartment shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer and be furnished in accordance with the approved plans;*
- (xxi) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$18,900 for the equivalent value of 7.56 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided or the car parking requirements have decreased as a result of an approved change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (xxii) *prior to the first occupation of the development, one (1) class 1 or 2 and two (2) class 3 bicycle parking facilities shall be provided at a location convenient to the*

entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities; and

(xxiii) to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development, the northern and southern balconies of Apartment 1 on the second floor shall be screened within the 7.5 metres cone of vision to the eastern side boundary, as stipulated by the Residential Design Codes 2002 on the northern, eastern and southern elevations 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 glazing does not include a self-adhesive material or other material that is easily removed.

Landowner:	Hualong Holdings Pty Ltd
Applicant:	The Buchan Group
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shop and Warehouse
Use Class:	Multiple Dwelling and Shop
Use Classification:	"AA" and " P"
Lot Area:	898 square metres
Access to Right of Way	N/A

BACKGROUND:

The Council at its Ordinary Meeting held on 9 November 2004 resolved to conditionally approve the demolition of existing shop, warehouse and outbuildings at the subject properties.

DETAILS:

The proposal involves a four-storey mixed use development comprising nine (9) multiple dwellings and one (1) shop and associated undercroft car parking, at the subject properties. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	7 dwellings R 80	5 single bedroom and 4 multi-bedroom dwellings R 80	Supported- no variation.
Plot Ratio	1.0 - 898 square metres	1.0- 898 square metres - excludes ground floor storerooms and balconies and roof terraces which are open on two sides or conditioned to be open on two sides (privacy screens which are 1.6	Supported- no variation.

		metres high and of obscure glazing are considered to be open)	
Single Bedroom Plot Ratio	60 square metres	Apartment 1- 83 square metres Apartment 2- 81 square metres Apartment 3- 81 square metres Apartment 4- 81 square metres	Supported- refer to 'Comments'.
Car Parking for Residential Component	11 car bays (after the reduction of the commercial parking bays which are available after hours, as per R-Codes)	11 car bays	Supported- no variation.
Height	Two storeys are encouraged, three storeys can be considered.	Four storeys	Supported- refer to 'Comments'.
Storage Area	- Internal area of 4 square metres - Accessible from outside	- Store 4,5,6,7 and 8 have area of 3.84 square metres - Apartment 7 storeroom not accessible from outside	Not supported- addressed via condition/clause of Officer Recommendation, as agreed by applicant.
Clothes Drying Facilities	Adequate area set aside for clothes-drying, screened from the street.	Not indicated on plans	Not supported- addressed via condition/clause of Officer Recommendation, as agreed by applicant.
Consultation Submissions			
Comment	The Department of Planning and Infrastructure have advised it has no objections to the subject proposal.		Noted.
Support	Nil		Noted.
Objection (2)	<ul style="list-style-type: none"> • Overshadowing 		Not supported- not a major planning consideration in light of area being in a commercial zoning and the majority of overshadowing being cast onto Little Parry Street.

	<ul style="list-style-type: none"> • Dividing fence in wrong position • Height of building • Clothes drying facilities to be screened • Windows overlooking 	<p>Not supported- not a major planning consideration, civil matter to be resolved by adjoining landowners.</p> <p>Not supported- refer to 'Comments'.</p> <p>Supported- refer to 'Assessment' Table.</p> <p>Not supported- not a major planning consideration in light of area being in a commercial zoning. Nevertheless, proposal is compliant with privacy provisions of R-Codes.</p>
	<ul style="list-style-type: none"> • Proposal blocks westerly and south westerly breeze 	<p>Not supported- not a major planning consideration in light of area being in a commercial zoning. Nevertheless, in terms of breeze access, proposal is not considered to have an undue impact on adjoining properties due to the existing building envelopes of these properties.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil
Car Parking- Commercial Component		
Car parking requirement (nearest whole number)	<ul style="list-style-type: none"> • Retail - 20 car bays 	20 car bays
Apply the adjustment factors.	<ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.85 (within 800 metres of a rail station) • 0.80 (contains mix of uses, with at least 45 per cent of gross floor area being residential) 	(0.578)
		11.56 car bays
Minus the car parking provided on-site		4 car bays
Minus the most recently approved on-site car parking shortfall		Not applicable as proposal is to redevelop a vacant site.
Resultant shortfall		7.56 car bays

Bicycle Parking Facilities	
<p>Shop</p> <ul style="list-style-type: none"> • 1 per 300 square metres public area for employees (class 1 or 2)- 1.02 spaces • 1 space per 200 square metres public area for visitors (class 3)- 1.54 spaces 	<p>No facilities provided- this matter has been conditioned accordingly.</p>

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

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

COMMENTS:

Vincent Vision 2024 Preliminary Outcome

The Brisbane/William Street 'Place Workshop' occurred on 6 November 2004, after a group self guided an instructed 'Placecheck' analysis of the Brisbane-William Street commercial area and surroundings, which occurred in the morning of the workshop. A total of 66 people participated in these events and the workshop involved 36 participants focused on eight vision focus areas.

With respect to the Town Centre and Commercial areas of the Brisbane-William Street area, participants strongly valued the mix of uses, the diversity in cultures, the built form, the heritage and character, walkability and accessibility, higher density housing and the sense of improvement and potential of the area. Participant's vision statements and ideas noted the importance of developing the identity and character of the area, traffic calming, rejuvenating the commercial areas, developing the diversity in uses, using best practice in design, encouraging residences above shops and affordable housing. Participants embraced the dynamic inner-city potential of the area and acknowledged that this area was distinctly different to other suburbs in the Town and warranted wider scope in planning decisions.

Participants specifically noted the following in terms of the Brisbane/William Street commercial area (excerpts from Workshop Report): *'no general limit on building height (should be on a case-by-case basis), promote development of vacant lots, ie: incentives for development, encourage living above/within commercial buildings, build more apartments above shop fronts, diversity can be retained by encouraging housing over shops to enable older houses to be retained, improve housing density by building apartments over existing single storey commercial premises.'*

Technical Services

Little Parry Street is a dedicated road, 5.0 metres wide, sealed and drained. It runs between William Street and Beaufort Street and forms part of the proposed Greenway route between Smith's Lake and the Swan River.

The Greenway proposal will ultimately comprise the upgrade of Little Parry Street by applying asphalt overlay using 'red' asphalt and installing lighting being the 'ubi light', which has been adopted as standard lighting for the Town's Greenway.

It is therefore recommended that as a condition of development the applicant be required to upgrade the portion of Little Parry Street adjoining the development as follows:

- Resurface with red asphalt;
- Install decorative 'urbi lighting'; and
- Install appropriate landscaping.

Alternatively, the applicant is to provide the Town with an upgrading contribution to enable the Town to upgrade the portion of Little Parry Street adjoining the development.

With regard to the William Street frontage, it is recommended that a verge upgrade contribution be made to enable the Town to upgrade the portion of verge fronting the development as part of the proposed William Street Streetscape upgrade proposal.

Little Parry Street Interaction

With the upgrade of Little Parry Street being proposed as detailed above, it is considered appropriate that a more active interface be provided from this elevation. This matter has therefore been conditioned accordingly in the Officer Recommendation.

Height, Bulk and Scale

The surrounding area of the subject property is characterised by a variety of building forms from single storey to four storeys. With the inner city location of the site and its commercial zoning in mind, together with the streetscape upgrade proposed for William Street and Little Parry Street, it is considered that there are sites in the area, including the subject site that are under developed/utilised and appropriate for redevelopment for more intense purposes and at a larger magnitude in terms of building scale.

In this instance, the four-storey element of the proposal fronting William Street, and the three-storey component adjacent to Little Parry Street is supported on the basis the overall bulk and scale of the proposal is considered to be keeping with what is considered to an appropriate future built form of this inner city locality and not regarded to have any undue effect on the amenity and streetscape of both Little Parry and William Streets. In relation to the attached plan DA 302- Perspective Views, it has been conditioned that the building be designed as per the 'option without sun screening' presented, as it is considered that this design limits the perceived bulk and scale of the building and promotes a more interactive interface.

In addition to the above, it is noted that the proposed setbacks and overall plot ratio (other controls of bulk and scale) is regarded to be consistent with the requirements pertaining to the site.

Single Bedroom Plot Ratio

It is considered that the purpose of the single bedroom plot ratio provision is to control the bulk and scale of a development and to ensure that proposed single bedroom dwellings provide limited accommodation that are suitable for one or two persons, for the purpose of addressing density and car parking.

In relation to the bulk and scale, this matter has been addressed in the previous sub-section.

The applicant has contended that the proposed single bedroom dwellings are in accordance with the R-Codes performance criteria, which state proposed single bedroom dwellings provide limited accommodation that are suitable for one or two persons. This assertion is supported on the basis that attached plan DA 204 demonstrates that another bedroom cannot be reasonably accommodated and that this matter has been further conditioned in the Officer Recommendation.

This variation is therefore considered acceptable in this instance.

Car Parking

In addressing the commercial car parking shortfall, a cash-in-lieu payment is considered appropriate in this instance in light of there being on-street car parking, public transport and car parks nearby the subject property.

Summary

In giving consideration to the inner city location, the general encouragement of the R- Codes and the Town's Policy relating to Beaufort Precinct to promote both a diverse range of inner city housing and mixed use development and the likely future development of the areas built form, it is considered that the development proposal displays a sensitive and appropriate mix of uses, and development intensity, which will not have an undue impact on the amenity and streetscape of the area.

The proposal is also considered to enhance and improve the streetscape and surrounding area through the redevelopment of an under-utilised site and the Town's requirement to upgrade the adjacent William Street verge and Little Parry Street and provide public art. It is considered that these improvements will provide a stimulus for other similar developments, which is to be vital for the attraction of people to the Northbridge area and the development and consolidation of inner city communities.

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

10.1.15 Unit 16/No. 391 (Lot 20, Strata Lot No. 16) Fitzgerald Street, Corner Alma Road and View Street, North Perth - Proposed Change of Use from Shop to Eating House and Associated Alterations and Signage

Ward:	South	Date:	17 May 2005
Precinct:	North Perth Centre; P9	File Ref:	PRO3151; 00/33/2808
Attachments:	001		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Plecas on behalf of the owner Acquaviva Investments Pty Ltd for proposed Change of Use from Shop to Eating House and Associated Alterations and Signage, at Unit 16/No. 391 (Lot 20, Strata Lot No. 16) Fitzgerald Street, Corner Alma Road and View Street, North Perth, and as shown on plans stamp-dated 1 April 2005, subject to:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) the floor areas shall be limited to 25.25 square metres of public area for the eating house component. An 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;*
- (iii) prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$2,629 for the equivalent value of 0.672 car parking space, based on the construction cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget, and 50 per cent of the land value per square metre multiplied by the area of a car bay. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided or the car parking requirements have decreased as a result of an approved change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*
- (iv) doors and windows and adjacent floor areas fronting Fitzgerald Street shall maintain an active and interactive relationship with this street;*
- (v) all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vi) the signage shall not have flashing or intermittent lighting;*
- (vii) all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of their display on-site;*
- (viii) prior to the first occupation of the development, the owners(s)/occupiers(s) shall demonstrate that three (3) car bays are provided on the subject site for the exclusive use of Unit 16. The car bays shall remain for the exclusive use of Unit 16 for the existence of the use approved by this Planning Approval; and*

- (ix) *prior to the issue of a Sign Licence, revised plans shall be submitted and approved demonstrating the two projecting signs attached to the fascia of the verandah facing Fitzgerald Street and Alma Road on the eastern and southern elevations respectively, being deleted. The revised plans shall not result in any greater variation to the requirements of the Town's Policies.*

Moved Cr Ker, Seconded Cr Lake

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

- “(iii) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of ~~\$2,629~~ \$1,680 for the equivalent value of 0.672 car parking space, based on the ~~construction~~ cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget, and 50 per cent of the land value per square metre multiplied by the area of a car bay. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided or the car parking requirements have decreased as a result of an approved change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*”

Debate ensued.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

COUNCIL DECISION ITEM 10.1.15

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Plecas on behalf of the owner Acquaviva Investments Pty Ltd for proposed Change of Use from Shop to Eating House and Associated Alterations and Signage, at Unit 16/No. 391 (Lot 20, Strata Lot No. 16) Fitzgerald Street, corner Alma Road and View Street, North Perth, and as shown on plans stamp-dated 1 April 2005, subject to:

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *the floor areas shall be limited to 25.25 square metres of public area for the eating house component. An 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;*
- (iii) *prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$1,680 for the equivalent value of 0.672 car parking space, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided or the car parking requirements have decreased as a result of an approved change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements;*

- (iv) *doors and windows and adjacent floor areas fronting Fitzgerald Street shall maintain an active and interactive relationship with this street;*
- (v) *all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
- (vi) *the signage shall not have flashing or intermittent lighting;*
- (vii) *all signage shall be kept in a good state of repair, safe, and be non-climbable and free from graffiti for the duration of their display on-site;*
- (viii) *prior to the first occupation of the development, the owners(s)/occupiers(s) shall demonstrate that three (3) car bays are provided on the subject site for the exclusive use of Unit 16. The car bays shall remain for the exclusive use of Unit 16 for the existence of the use approved by this Planning Approval; and*
- (ix) *prior to the issue of a Sign Licence, revised plans shall be submitted and approved demonstrating the two projecting signs attached to the fascia of the verandah facing Fitzgerald Street and Alma Road on the eastern and southern elevations respectively, being deleted. The revised plans shall not result in any greater variation to the requirements of the Town's Policies.*

ADDITIONAL INFORMATION:

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

"That the Council;

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

The draft amended version of the Policy relating to Parking and Access is only to apply to those planning and building applications received after the 12 April 2005 Ordinary Meeting of Council.

Clause (iii) of the previous Officer Recommendation reflects the cash-in-lieu calculation based on the Amended Policy. However, the subject application was received prior to the Ordinary Meeting of Council held on 12 April 2005. Therefore, clause (iii) is required to be amended to reflect the cash-in-lieu calculation based on the Policy operating at the time the application was received.

Landowner:	Acquaviva Investments Pty Ltd
Applicant:	D Plecas
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): District Centre
Existing Land Use:	Shop
Use Class:	Eating House
Use Classification:	"P"
Lot Area:	Strata Lot 16 - 69 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves change of use from shop to eating house and associated alterations and signage for Strata Lot 16.

The other existing tenancies contained within the North Perth Plaza Shopping Centre at No. 391 Fitzgerald Street remain unchanged by this application.

The proposed eating house at Unit 16 is called *Subway* and is part of a worldwide franchise that serves dine-in and take-away food and drinks. The proposed hours of operation are Monday - Sunday 7:30am to 10:00pm. It is anticipated that a maximum of 4 to 5 staff will work at the premises.

Five (5) signs are included as part of this application, which are a window sign, a projecting sign attached to a building, two (2) projecting signs attached to the fascia of a verandah and a pylon sign. The proposed pylon sign is an additional sign to the existing pylon sign located along the Fitzgerald Street frontage abutting the car park.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Signage: General Standards	The total signage area is not to exceed 10 per cent of the total area of the building wall in which that signage is located.	25 per cent	Supported - no undue impact and complements existing streetscape and matches the signage area of adjacent signage.
Projecting Signs: Number	Be limited to a maximum of one sign per tenancy.	3 signs	Not supported - the application for three (3) projecting signs is considered excessive and it is a recommended condition to remove the two (2) projecting signs attached to the fascia of the verandah facing Fitzgerald Street and Alma Road.
Attached to the Building	Have a minimum clearance of 2.7 metres	2.44 metres	Supported - as the sign is replacing an existing sign and does not have any undue impact and complements existing streetscape.

Attached to the Fascia of the Verandah	Not exceed vertical dimension of 600 millimetres	1 metre	Not supported - signage considered to be excessive and a recommended condition is included for removal of these signs.
Consultation Submissions			
Support (2)	<ul style="list-style-type: none"> • No objection for change of use 		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car Parking Requirement (nearest whole number) - Take Away Food Outlet (4.25 square metres of queuing area and 21 square metres of restaurant) - 6.36 car bays			6 car bays
Apply the adjustment factors <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.80 (within 50 metres of one or more public car parks in excess of 50 spaces) ▪ 0.90 (within a District Centre zone) 			(0.612) 3.672 car bays
Minus car parking on-site			3 car bays **
Minus the most recently approved on-site parking shortfall (after taking into account relevant adjustment factors) that is, 5 car bays (69 square metres of gross floor area for shop) x 0.612 = 3.06 car bays minus car parking on-site (3)** equals nil. Therefore, there is no on-site parking shortfall.			Nil
Resultant shortfall			0.672car bay

* 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.

** This figure is based on the allocation of 3 car bays given to Unit 16 by the strata company and is calculated on a proportionate share of monies paid for the upkeep of the carpark and surrounds. A condition is included in the Officer Recommendation that the applicant/owners demonstrate exclusive use of these car bays for the existence of the subject site.

COMMENTS:

The application did not require to be advertised as two letters of support were received from adjoining property tenants. The application is referred to the Council for its consideration and determination.

In considering the signage component of the subject application, the Town's Officers regard the proposal for five (5) signs to be excessive and have the potential to 'clutter' the streetscape. It is therefore a recommended condition that two (2) of these signs on the verandah fascia are deleted.

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

10.1.18 Nos. 399-403 (Lots 29 and Pt 30, Strata Lot No. 1) William Street, Perth - Proposed Change of Use From Shop to Eating House and Incidental Shop and Associated Alterations and Additions

Ward:	South	Date:	16 May 2005
Precinct:	Beaufort; P13	File Ref:	PRO1266; 00/33/2802
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by S Shen on behalf of the owner K Chen for proposed Change of Use From Shop to Eating House and Incidental Shop and Associated Alterations and Additions, at Nos. 399-403 (Lots 29 and Pt 30, Strata Lot No. 1) William Street, Perth, and as shown on plans stamp-dated 4 April 2005, subject to:

- (i) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ii) the public floor area of the eating house and incidental shop shall be limited to 54.7 square metres. 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;*
- (iii) prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$10,970 for the equivalent value of 1.15 car parking spaces, based on the construction cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget, and 50 per cent of the land value per square metre multiplied by the area of a car bay. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided or the car parking requirements have decreased as a result of an approved change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements; and*
- (iv) doors and windows and adjacent floor areas fronting William Street shall maintain an active and interactive relationship with this street.*

Moved Cr Ker, Seconded Cr Maier

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

- “(iii) prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of ~~\$10,970~~ \$2,875 for the equivalent value of 1.15 car parking spaces, based on the ~~construction~~ cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget, and ~~50 per cent of the land value per square metre multiplied by the area of a car bay~~. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided or the car parking requirements have decreased as a result of an approved change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements; and”*

CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

COUNCIL DECISION ITEM 10.1.18

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by S Shen on behalf of the owner K Chen for proposed Change of Use From Shop to Eating House and Incidental Shop and Associated Alterations and Additions, at Nos. 399-403 (Lots 29 and Pt 30, Strata Lot No. 1) William Street, Perth, and as shown on plans stamp-dated 4 April 2005, subject to:

- (i) all signage shall be subject to a separate Planning Approval and Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ii) the public floor area of the eating house and incidental shop shall be limited to 54.7 square metres. 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;*
- (iii) prior to the issue of the Building Licence, the applicant/owner shall pay a cash-in-lieu contribution of \$2,875 for the equivalent value of 1.15 car parking spaces, based on the cost of \$2,500 per bay as set out in the Town's 2004/2005 Budget. Alternatively, if the car parking shortfall is reduced as a result of a greater number of car bays being provided or the car parking requirements have decreased as a result of an approved change in floor area use, the cash in lieu amount can be reduced to reflect the new changes in car parking requirements; and*
- (iv) doors and windows and adjacent floor areas fronting William Street shall maintain an active and interactive relationship with this street.*

ADDITIONAL INFORMATION:

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

"That the Council;

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

The draft amended version of the Policy relating to Parking and Access is only to apply to those planning and building applications received after the 12 April 2005 Ordinary Meeting of Council.

Clause (iii) of the previous Officer Recommendation reflects the cash-in-lieu calculation based on the Amended Policy. However, the subject application was received prior to the Ordinary Meeting of Council held on 12 April 2005. Therefore, clause (iii) is required to be amended to reflect the cash-in-lieu calculation based on the Policy operating at the time the application was received.

Landowner:	K Chen
Applicant:	S Shen
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shop
Use Class:	Eating House and Shop
Use Classification:	"P", "P"
Lot Area:	Lots 29 and Pt 30= 708 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves change of use from shop to eating house and incidental shop and associated alterations and additions at the subject property. The subject property is part of a complex of three premises. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Awnings/Verandahs	Buildings are strongly encouraged to be provided with continuous and complementary awnings/verandahs over the adjacent footpaths.	None proposed	Supported- there is no feasible opportunity to provide such a structure as existing building is well setback to accommodate the car park at the front of the property.
Consultation Submissions			
Support	Nil		Noted.
Objection	Nil		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			Nil
Car Parking			
Car parking requirement (nearest whole number)			49 car bays
<ul style="list-style-type: none"> • Eating house and incidental shop- 12.15 car bays** • Other existing uses (Units 2 and 3) -37.2 car bays. 			
Apply the adjustment factors.			(0.85)
<ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) 			41.65 car bays
Minus the car parking provided on-site			6 car bays
Minus the most recently approved on-site car parking shortfall			36.8 car bays
Resultant shortfall			1.15 car bays

* 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.

**As the shop use is limited in nature and integral with the eating house use, it is considered appropriate that the car parking requirement for these uses be on the basis that the eating house and shop uses are a single (eating house) component.

COMMENTS:

In addressing the car parking shortfall, a cash-in-lieu payment is considered appropriate in this instance on the basis there is on-street car parking nearby the subject property and there are existing site constraints that limit the site ability's to provide additional parking. With this in mind, the proposal is considered to be compatible with the uses of the surrounding area and approval is therefore recommended, subject to standard and appropriate conditions.

The Presiding Member advised that Cr Doran-Wu had declared a proximity interest in this Item. Cr Doran-Wu departed the Chamber at 9.25pm and did not speak or vote on the matter.

10.1.20 No. 118 (Lot 206) Buxton Street, Mount Hawthorn - Alterations and Additions to Street Fencing to Existing Single House (Application for Retrospective Approval)

Ward:	North	Date:	18 May 2005
Precinct:	Mount Hawthorn; P1	File Ref:	PRO1299; 00/33/2861
Attachments:	001		
Reporting Officer(s):	B Mckean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owner N and C Nocciolino for Alterations and Additions to Street Fencing to Existing Single House (Application for Retrospective Approval), at No. 118 (Lot 206) Buxton Street, Mount Hawthorn, and as shown on plans stamp-dated 16 May 2005, 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; and*
 - (b) *the non-compliance with the Town's Policy - Street Walls and Fences; and*
- (ii) *the Council ADVISES the owners of No. 118 (Lot 206) Buxton Street, Mount Hawthorn, that the unauthorised street fence/wall is to be removed within 14 days of the date of notification by the Town; and*
- (iii) *the Council AUTHORISES the Chief Executive Officer to initiate legal proceedings against the owner of No. 118 (Lot 206) Buxton Street, Mount Hawthorn, if this unauthorised street fence/wall still remains after the above 14 days period.*

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

Debate ensued.

The Presiding Member ruled that the Item would be debated and considered.

Moved Cr Maier, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

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

“(iii) the Council AUTHORISES the Chief Executive Officer to initiate legal proceedings against the owner of No. 118 (Lot 206) Buxton Street, Mount Hawthorn, if this unauthorised street fence/wall still remains after the above 14 days period and requires the process leading to the legal proceedings to be initiated immediately after the 14 days.”

Debate ensued.

**AMENDMENT LOST ON THE
CASTING VOTE OF THE PRESIDING
MEMBER – DEPUTY MAYOR
CR STEED FARRELL (3-4)**

<u>For</u>	<u>Against</u>
Cr Ker	Deputy Mayor – Cr Farrell (2 votes)
Cr Lake	Cr Chester
Cr Maier	Cr Messina

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote. Cr Doran-Wu was absent from the Chamber and did not vote.)

Moved Cr Chester, Seconded Cr Ker

That;

1. *clause (i)(b) be amended to read as follows:*

“(i) (b) the non-compliance with the Town's Policies - Street Walls and Fences, and Visual Sight Line Truncation -Driveways and Rights of Way (ROW); and”

2. *a new clause (i)(c) be added as follows:*

“(i) (c) the non-compliance with the Residential Design Codes - Clause 3.2.6 relating to Sightlines at Vehicle Access Points and Street Corners, and Clause 3.6.1 relating to Excavation or Fill;”

AMENDMENT CARRIED (6-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote. Cr Doran-Wu was absent from the Chamber and did not vote.)

MOTION AS AMENDED CARRIED (6-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote. Cr Doran-Wu was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.20

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owner N and C Nocciolino for Alterations and Additions to Street Fencing to Existing Single House (Application for Retrospective Approval), at No. 118 (Lot 206) Buxton Street, Mount Hawthorn, and as shown on plans stamp-dated 16 May 2005, for the following reasons:*
 - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
 - (b) *the non-compliance with the Town's Policies - Street Walls and Fences, and Visual Sight Line Truncation -Driveways and Rights of Way (ROW); and*
 - (c) *the non-compliance with the Residential Design Codes - Clause 3.2.6 relating to Sightlines at Vehicle Access Points and Street Corners, and Clause 3.6.1 relating to Excavation or Fill;*
- (ii) *the Council ADVISES the owners of No. 118 (Lot 206) Buxton Street, Mount Hawthorn, that the unauthorised street fence/wall is to be removed within 14 days of the date of notification by the Town; and*
- (iii) *the Council AUTHORISES the Chief Executive Officer to initiate legal proceedings against the owner of No. 118 (Lot 206) Buxton Street, Mount Hawthorn, if this unauthorised street fence/wall still remains after the above 14 days period.*

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

BACKGROUND:

- 15 October 1999 Conditional Planning Approval was granted under delegated authority for the demolition of the existing building and the construction of a two storey dwelling at No. 118 Buxton Street.
- 15 October 1999 Demolition Licence granted for No. 118 Buxton Street.
- 18 October 1999 Building Licence granted for the construction of a two storey dwelling at No. 118 Buxton Street.
- 12 October 2004 Council at its Ordinary Meeting resolved to refuse the application for alterations and additions to street fencing to existing single house (application for retrospective approval) at No. 118 Buxton Street.

DETAILS:

The application for retrospective Planning Approval involves alterations and additions to street fencing to existing single house at No. 118 (Lot 206) Buxton Street, Mount Hawthorn. The application is almost identical to the previous application for retrospective Planning Approval, which was refused by Council at its Ordinary Meeting held on 12 October 2004.

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.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	N/A
Street Fence	Not to exceed a maximum height of 1.8 metres above the adjacent footpath level.	2.4 metres - 2.5 metres	Not supported - variation is considered excessive and to unduly impact on the streetscape and amenity.
	Solid portion of the wall or fence excepting piers is to be a maximum height of 1.2 metres above the adjacent footpath level.	1.2 metres - 1.3 metres	Not supported - as above
	Upper portion of the wall or fence being visually permeable, with a minimum of 50 per cent transparency when viewed directly in front of the fence.	13 per cent	Not supported - as above
Consultation Submissions			
No advertising was required for this application			

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

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

COMMENTS:

The application for retrospective approval for alterations and additions to street fencing to existing single house is non-compliant with the Town's Policy relating to Street Walls and Fences and is considered to unduly impact the streetscape and surrounding amenity.

In light of the above, it is recommended that the application be refused, and the Town undertakes action to ensure the unauthorised street fence/wall is removed, as detailed in the Officer Recommendation.

10.1.22 Planning and Building Policies - Amendment No. 13 Relating to Non-Residential/Residential Development Interface

Ward:	Both Wards	Date:	18 May 2005
Precinct:	All Precincts	File Ref:	PLA0146
Attachments:	001 002		
Reporting Officer(s):	C Mooney		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final version of the Draft Policy relating to Non-Residential/Residential Development Interface, as shown in Attachment 001, resulting from the advertised version having been reviewed and regard to the one written submission received during the formal advertising period as outlined in Attachment 002, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final version of the Draft Policy relating to Non-Residential/Residential Development Interface, as shown in Attachment 001; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final version of the adopted Policy relating to Non-Residential/Residential Development Interface, as shown in Attachment 001, in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.*

Cr Doran-Wu returned to the Chamber at 9.37pm.

Moved Cr Chester, **Seconded** Cr Lake

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

- "(iv) AMENDS the final version of the Draft Policy relating to Non-Residential/Residential Development Interface, as follows, prior to clauses (ii) and (iii) above, being actioned:*

OBJECTIVES

To protect and enhance the amenity and general environmental standards of existing and future development within and adjoining both residential and non-residential areas by providing clear guidance with respect to what is considered desirable and acceptable development.

To protect the character of the existing residential buildings and areas and ensure that non-residential uses do not impact upon the amenity of existing and nearby dwellings, through noise, illumination, traffic or any other manner which is in excess of normal residential living.

To encourage small to medium scale mixed use development of a type and character appropriate to the location and existing character of the area, that enhances and encourages a pedestrian friendly environment and preserves the residential character and amenity of abutting areas.

The Town encourages the development of residential development in non-residential areas as a means of achieving a diversity of uses, which are close to services and attractions and generate after hours activity.

~~*The Town generally does not encourage the use of properties zoned residential being used for non-residential uses as non-residential uses outside of District and Local Centres detract from the commercial amenity, vitality and viability of those Centres.*~~

To encourage non-residential uses to be restricted to District and Local Centres in order to promote the commercial amenity, vitality and viability of those Centres.

1) GENERAL

- ...
- iv) *For any non-residential development proposed in a residential zone, the applicant should demonstrate that: ~~there is no suitable site within the non-residential or residential/commercial zones within close proximity for the proposed non-residential use.~~*
- a) *the application complies with the objectives of this Policy;*
- b) *there is no suitable site within the non-residential or residential/commercial zones within close proximity of the proposed non-residential use;*
- c) *the character of the building is to be retained and any internal alterations should not preclude the reconversion of the building back to residential at some future date . . .”*

CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

COUNCIL DECISION ITEM 10.1.22

That the Council;

- (i) *RECEIVES the final version of the Draft Policy relating to Non-Residential/Residential Development Interface, as shown in Attachment 001, resulting from the advertised version having been reviewed and regard to the one written submission received during the formal advertising period as outlined in Attachment 002, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final version of the Draft Policy relating to Non-Residential/Residential Development Interface, as shown in Attachment 001;*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final version of the adopted Policy relating to Non-Residential/Residential Development Interface, as shown in Attachment 001, in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1; and*
- (iv) *AMENDS the final version of the Draft Policy relating to Non-Residential/Residential Development Interface, as follows, prior to clauses (ii) and (iii) above, being actioned:*

OBJECTIVES

To protect and enhance the amenity and general environmental standards of existing and future development within and adjoining both residential and non-residential areas by providing clear guidance with respect to what is considered desirable and acceptable development.

To protect the character of the existing residential buildings and areas and ensure that non-residential uses do not impact upon the amenity of existing and nearby dwellings, through noise, illumination, traffic or any other manner which is in excess of normal residential living.

To encourage small to medium scale mixed use development of a type and character appropriate to the location and existing character of the area, that enhances and encourages a pedestrian friendly environment and preserves the residential character and amenity of abutting areas.

The Town encourages the development of residential development in non-residential areas as a means of achieving a diversity of uses, which are close to services and attractions and generate after hours activity.

To encourage non-residential uses to be restricted to District and Local Centres in order to promote the commercial amenity, vitality and viability of those Centres.

1) GENERAL

- ...
- iv) *For any non-residential development proposed in a residential zone, the applicant should demonstrate that:*
- a) *the application complies with the objectives of this Policy;*
 - b) *there is no suitable site within the non-residential or residential/commercial zones within close proximity of the proposed non-residential use;*
 - c) *the character of the building is to be retained and any internal alterations should not preclude the reconversion of the building back to residential at some future date . . .*

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the final version of the draft Policy relating to Non-Residential/Residential Development Interface, and seek final adoption.

BACKGROUND:

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

The Council at its Special Meeting held on 15 March 2005 resolved the following:

“That the Council;

- (i) *RECEIVES the:*
- (a) *Draft Policy relating to Non-Residential/Residential Development Interface; and*
 - (b) *amended Policies relating to Mount Hawthorn Precinct – Scheme Map 1, Mount Hawthorn Centre Precinct – Scheme Map 2, Leederville Precinct – Scheme Map 3, Cleaver Precinct – Scheme Map 5, Smith’s Lake Precinct – Scheme Map 6, Charles Centre Precinct – Scheme Map 7, North Perth Precinct – Scheme Map 8, North Perth Centre Precinct – Scheme Map 9, Norfolk Precinct – Scheme Map 10, Mount Lawley Centre Precinct – Scheme Map 11, Hyde Park Precinct – Scheme Map 12, Beaufort Precinct – Scheme Map 13, Forrest Precinct – Scheme Map 14, Banks Precinct – Scheme Map 15;*
- as shown in Attachments 001 and 002;*
- (ii) *ADOPTS the:*
- (a) *Draft Policy relating to Non-Residential/Residential Development Interface to be applied in the interim; and*
 - (b) *amended Policies relating to Mount Hawthorn Precinct – Scheme Map 1, Mount Hawthorn Centre Precinct – Scheme Map 2, Leederville Precinct – Scheme Map 3, Cleaver Precinct – Scheme Map 5, Smith’s Lake Precinct – Scheme Map 6, Charles Centre Precinct – Scheme Map 7, North Perth Precinct – Scheme Map 8, North Perth Centre Precinct – Scheme Map 9, Norfolk Precinct – Scheme Map 10, Mount Lawley Centre Precinct – Scheme Map 11, Hyde Park Precinct – Scheme Map 12, Beaufort Precinct – Scheme Map 13, Forrest Precinct – Scheme Map 14, Banks Precinct – Scheme Map 15;*
- (iii) *RESCINDS the Policies relating to Non-Residential Uses In/Or Adjacent To Residential Areas, Residential Uses in Non-Residential Areas and Mixed Residential/Commercial Development, as shown in Attachment 003;*
- (iv) *ADVERTISES the:*
- (a) *Draft Policy relating to Non-Residential/Residential Development Interface;*
 - (b) *amended Policies relating to Mount Hawthorn Precinct – Scheme Map 1, Mount Hawthorn Centre Precinct – Scheme Map 2, Leederville Precinct – Scheme Map 3, Cleaver Precinct – Scheme Map 5, Smith’s Lake Precinct – Scheme Map 6, Charles Centre Precinct – Scheme Map 7, North Perth Precinct – Scheme Map 8, North Perth Centre Precinct – Scheme Map 9, Norfolk Precinct – Scheme Map 10, Mount Lawley Centre Precinct – Scheme Map 11, Hyde Park Precinct – Scheme Map 12, Beaufort Precinct – Scheme Map 13, Forrest Precinct – Scheme Map 14, Banks Precinct – Scheme Map 1; and*
 - (c) *the Policies proposed to be rescinded relating to Non-Residential Uses In/Or Adjacent To Residential Areas, Residential Uses in Non-Residential Areas and Mixed Residential/Commercial Development;*

for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:

- (d) advertising a summary of the subject Draft Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (e) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Draft Policy; and*
 - (f) forwarding a copy of the subject Draft Policy to the Western Australian Planning Commission;*
- (v) after the expiry of the period for submissions:*
- (a) REVIEWS the Draft Policy relating to Non-Residential/Residential Development Interface, amended Policies relating to Mount Hawthorn Precinct – Scheme Map 1, Mount Hawthorn Centre Precinct – Scheme Map 2, Leederville Precinct – Scheme Map 3, Cleaver Precinct – Scheme Map 5, Smith’s Lake Precinct – Scheme Map 6, Charles Centre Precinct – Scheme Map 7, North Perth Precinct – Scheme Map 8, North Perth Centre Precinct – Scheme Map 9, Norfolk Precinct – Scheme Map 10, Mount Lawley Centre Precinct – Scheme Map 11, Hyde Park Precinct – Scheme Map 12, Beaufort Precinct – Scheme Map 13, Forrest Precinct – Scheme Map 14, Banks Precinct – Scheme Map 15 having regard for any written submissions; and*
 - (b) DETERMINES the Draft Policy relating to Non-Residential/Residential Development Interface and amended Policies relating to Mount Hawthorn Precinct – Scheme Map 1, Mount Hawthorn Centre Precinct – Scheme Map 2, Leederville Precinct – Scheme Map 3, Cleaver Precinct – Scheme Map 5, Smith’s Lake Precinct – Scheme Map 6, Charles Centre Precinct – Scheme Map 7, North Perth Precinct – Scheme Map 8, North Perth Centre Precinct – Scheme Map 9, Norfolk Precinct – Scheme Map 10, Mount Lawley Centre Precinct – Scheme Map 11, Hyde Park Precinct – Scheme Map 12, Beaufort Precinct – Scheme Map 13, Forrest Precinct – Scheme Map 14, Banks Precinct – Scheme Map 15 with or without amendment, to or not to proceed; and*
- (vi) ACKNOWLEDGES that the Notice of Motion resolved at the Ordinary Meeting of Council on 8 July 2003 relating to commercial and mixed-use developments abutting residential areas, as listed in this report, has been addressed and finalised in the Non-Residential/Residential Development Interface Draft Policy.*
- (vii) AMENDS the Draft Policy relating to Non-Residential/Residential Development Interface as shown in the Attachment, by amending the objectives; clause 1) i), i) b) ii), iv); clause 2) i); clause 4) i), ii); clause 6) i); and clause 8) ii); prior to clauses (i) (a), (ii) (a), and (iv) (a) above, being actioned:*

OBJECTIVES

To encourage small to medium scale mixed use development of a type and character appropriate to the location and existing character of the area, that enhances and encourages a pedestrian friendly environment and preserves the residential character and amenity of abutting areas.

The Town generally does not encourage the use of properties zoned residential being used for non residential uses as non-residential uses outside of District and Local Centres detract from the commercial amenity, vitality and viability of those Centres.

POLICY STATEMENT

1) *GENERAL*

- i) *The Town may consider an application for a non-residential or mixed use (i.e. residential and commercial) development on land immediately adjacent to residential areas where it is demonstrated that the following matters have been taken into consideration, to minimise the impact of the development on adjoining and nearby land uses;*
- b) *where there is an identified heritage significance, the heritage character of the area is to be retained by the reinforcement of original development patterns and the re-use of existing building stock;*
- ii) *For example, a buffer site may be a residential development in a non-residential area, which forms the barrier or separator to adjoining non-residential uses in Commercial, Local Centre and District Centre Areas.*
- iv) *For any non-residential development proposed in a residential zone, the applicant should demonstrate that there is no suitable site within the non-residential or residential/commercial zones within close proximity for the proposed non-residential use.*

2) *SITING, DESIGN AND STREETScape*

- i) *Existing dwelling stock is to be retained in preference to purpose built non-residential facilities in buffer areas. Extensions or alterations to a former dwelling are to be designed to maintain or enhance its residential character.*

4) *HEIGHT FOR RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT (INCLUDING MIXED USE)*

- i) *Given the above, the height requirements for non-residential development abutting residential areas should account for the varying height standards. For example the height requirement where a non-residential development abuts a R80 lot should be more flexible to where it abuts a R30 lot.*

6) *PRIVACY AND OVERSHADOWING*

- i) *Where the Acceptable Development Provisions of the Residential Design Codes cannot be met, written justification, accompanied by a site analysis plan, demonstrating that the development meets the Performance Criteria provisions of the Residential Design Codes must be provided.*

8) *OPEN SPACE AND LANDSCAPING*

- ii) *Ten percent of the site area for non-residential development adjacent to residential areas is to be landscaped, where possible this is to include front setback areas."*

CONSULTATION/ADVERTISING:

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

Advertising of the draft Policy concluded on 13 May 2005. One submission was received relating to Non-Residential/Residential Development Interface. The Schedule of Submissions including Officer's responses are shown in Attachment 002. Additionally, the Town has received correspondence relating to a proposed development at No. 38 Fairfield Street, Mount Hawthorn, providing statements of justification demonstrating the potential development would comply with the new subject Policy.

DETAILS:

One submission was received from the Smith's Lake Precinct Group, supporting the Policy and as such no further amendments have been made to those amendments carried at the Special Meeting of Council held on 15 March 2005.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

The current 2004/2005 Budget lists \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

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

10.1.23 Planning and Building Policies - Amendment No. 20 Relating to Non-Variation of Development Standards and Requirements

Ward:	Both Wards	Date:	18 May 2005
Precinct:	All Precincts	File Ref:	PLA0121
Attachments:	001 002		
Reporting Officer(s):	C Mooney		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final version of the Draft Policy relating to Non - Variation of Specific Development Standards and Requirements, as shown in Attachment 001, resulting from the advertised version having been reviewed and regard to the one written submission received during the formal advertising period as outlined in Attachment 002, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) *ADOPTS the final version of the Draft Policy relating to Non- Variation of Specific Development Standards and Requirements , as shown in Attachments 001; and*
- (iii) *AUTHORISES the Chief Executive Officer to advertise the final version of the adopted Policy relating to Non-Variation of Specific Development Standards and Requirements as shown in Attachment 001, in accordance with Clause 47 (6) of Town's Town Planning Scheme No. 1.*

COUNCIL DECISION ITEM 10.1.23

Moved Cr Maier, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

CARRIED (6-1)

For
Deputy Mayor – Cr Farrell
Cr Chester
Cr Doran-Wu
Cr Ker
Cr Lake
Cr Messina

Against
Cr Maier

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the final version of the draft Policy relating to Non-Variation of Specific Development Standards and Requirements, and seek final adoption.

BACKGROUND:

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

The Council at its Ordinary Meeting held on 22 March 2005 resolved the following:

“That the Council;

- (i) RECEIVES this report and the draft Policy relating to Non-Variation of Specific Development Standards and Requirements, as shown in the Attachment;*
- (ii) ADOPTS the draft Policy relating to Non-Variation of Specific Development Standards and Requirements, to be applied in the interim;*
- (iii) ADVERTISES the draft Policy relating to Non-Variation of Specific Development Standards and Requirements for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) forwarding a copy of the subject Policy to the Western Australian Planning Commission;*
- (iv) after the expiry of the period for submissions:*
 - (a) reviews the draft Policy relating to Non-Variation of Specific Development Standards and Requirements, having regard to any written submissions; and*
 - (b) determines the draft Policy relating to Non-Variation of Specific Development Standards and Requirements, with or without amendment, to or not to proceed with them;*
- (v) pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, APPROVES BY AN ABSOLUTE MAJORITY, the following delegation of the exercise of its powers and duties to the Chief Executive Officer:*

<i>No.</i>	<i>Area</i>	<i>Description of Council Function Delegated to the Chief Executive Officer from Council</i>	<i>Assignee(s)</i>	<i>Conditions</i>

105	<i>Planning, Building and Heritage Services</i>	<p><i>Authority to exercise discretion and to refuse planning applications for development that involves an 'X' use (a use that is not permitted), pursuant to clauses 13 and 38 and the Zone Table of the Town of Vincent Town Planning Scheme No. 1.</i></p> <p><i>(An 'X' use is not a 'non-conforming' use if it is not contained in the Town of Vincent's adopted Non-Conforming Use Register.)</i></p>	EMEDS MPBHS	<p><i>(i) The 'X' use is a use that is not permitted as classified pursuant to clause 13(2) Use of Land in a Scheme Area and Zone Table of TPS No.1.</i></p> <p><i>(ii) The 'X' use is not a 'non-conforming' use contained in the Town of Vincent's adopted Non-Conforming Use Register.</i></p> <p><i>(iii) Report to the Council on a quarterly basis.</i></p>
106	<i>Planning, Building and Heritage Services</i>	<p><i>Authority to exercise discretion and to refuse planning applications for development that involves a variation to a development standard or requirement specified in the Town of Vincent's Policy - Non-Variation of Specific Development Standards and Requirements, pursuant to clause 38 of the Town of Vincent Town Planning Scheme No. 1.</i></p>	EMEDS MPBHS	<p><i>(i) The development standard or requirement proposed to be varied is as specified in the Town of Vincent's Policy - Non-Variation of Specific Development Standards and Requirements.</i></p> <p><i>(ii) The development will unduly adversely affect the orderly and proper planning and conservation of the amenities of the locality, as determined by the CEO, EMEDS or MPBHS.</i></p> <p><i>(iii) Report to the Council on a quarterly basis.</i></p>

and

- (vi) *AMENDS the draft Policy relating to Non-Variation of Specific Development Standards and Requirements as follows, prior to clauses (ii), (iii), (iv) and (v) above being actioned:*

- '1) i) a) *Minimum total open space (provision - percentage of site area), as stated for the applicable R Code in Table 1 - General Site Requirements and Clause 3.4.1 Open Space Provision A1 of the Residential Design Codes, or in any applicable design guidelines/elements Policies. In the case of proposed alterations or additions to an existing dwelling, where the existing dwelling does not comply with this development standard and requirement, any increase in the amount of variation to this development standard and requirement will not be allowed. Applications that increase the amount of compliance with this development standard and requirement are encouraged.*
- '1) i) b) *Minimum outdoor living area (provision, size, accessibility, dimensions and uncovered), as stated for the applicable R Code in Table 1 - General Site Requirements and Clause 3.4.2 Outdoor Living Areas A2 of the Residential Design Codes, or in any applicable design guidelines/elements Policies. The required outdoor living area can be located within the street setback area, provided it can be demonstrated that the required outdoor living area cannot reasonably be located behind the street setback area. In the case of proposed alterations or additions to an existing dwelling, where the existing dwelling does not comply with this development standard and requirement, any increase in the amount of variation to this development standard and requirement will not be allowed. Applications that increase the amount of compliance with this development standard and requirement are encouraged.*
- '1) i) j) *Maximum plot ratio as stated for the applicable R Code in Table 1 - General Site Requirements of the Residential Design Codes, or in any applicable design guidelines/elements Policies. In the case of proposed alterations or additions to an existing dwelling, where the existing dwelling does not comply with this development standard and requirement, any increase in the amount of variation to this development standard and requirement will not be allowed. Applications that increase the amount of compliance with this development standard and requirement are encouraged.*
- 2) *In the case of proposed alterations or additions to an existing dwelling where the existing dwelling does not comply with this development standard and requirement any increase in the amount of variation to this development standard and requirement will not be allowed. Applications that increase the amount of compliance with this development standard and requirement are encouraged.*

CONSULTATION/ADVERTISING:

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

Advertising of the draft Policy concluded on 13 May 2005. One submission was received in relation to the draft Policy pertaining to Non-Variation of Specific Development Standards and Requirements. The Schedule of Submissions including the Officer's responses are shown in Attachment 002.

DETAILS:

One submission was received from the Smith's Lake Precinct Group, supporting the Policy and as such no further amendments have been made to those amendments carried at the Ordinary Meeting of Council held on 22 March 2005.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

'1.3 Develop, implement and promote sustainable urban design.'

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

FINANCIAL/BUDGET IMPLICATIONS:

The current 2004/2005 Budget lists \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

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

10.1.24 Planning and Building Policies - Amendment No. 24 - Draft Policy Relating to Heritage Management - Interpretive Signage

Ward:	Both Wards	Date:	18 May 2005
Precinct:	All Precincts	File Ref:	PLA0098
Attachments:	001		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES this report and the draft Policy relating to Heritage Management - Interpretive Signage, as shown in Attachment 001;*
- (ii) *ADVERTISES the draft Policy relating to Heritage Management - Interpretive Signage for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission and the Heritage Council of Western Australia;*
- (iii) *after the expiry of the period for submissions:*
 - (a) *reviews the draft Policy relating to Heritage Management - Interpretive Signage, having regard to any written submissions; and*
 - (b) *determines the draft Policy relating to Heritage Management - Interpretive Signage, with or without amendment, to or not to proceed with them; and*
- (iv) *AKNOWLEDGES that the Notice of Motion at the Ordinary Meeting of Council on 7 December 2004 relating to the heritage matters associated with the 'social' and 'historic' cultural heritage significance and the application of these thresholds for these values when considering development applications has been addressed and finalised by the draft Policy relating to Heritage Management - Interpretive Signage.*

Moved Cr Ker, Seconded Cr Lake

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

- "(v) *AMENDS the draft Policy relating to Heritage Management - Interpretive Signage as shown in Attachment 001, by amending clause 2) as follows; prior to clauses (i), (ii), and (iii) above, being actioned:*

- 2) *If Council resolves that a building approved for demolition has solely historic and/or social significance that is deemed by Council as not directly reflected in the building's structure, style or physical appearance the following procedures apply:*
- i) *The applicant and/or owner of the building approved to be demolished are to be notified that a plaque or an alternative form of interpretation is to be ~~installed~~ displayed on the site of the existing building.*
 - ii) *The plaque is to meet the following specifications;*
 - a) *it is to be A4 size or thereabouts;*
 - b) *the text is not to exceed 50-100 words;*
 - c) *it is to include the Town of Vincent logo; and*
 - d) *the text is to be approved by the Town's Officers prior to proceeding.*
 - iii) *The specification details of the plaque or alternative form of interpretation is to be approved by the Town of Vincent before the issuing of a Demolition Licence and/or Building Licence, whichever occurs first.*
 - iv) *The plaque or alternative form of interpretation is to be installed prior to first occupancy of the new development on the site."*

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

That a new clause (v)(2)(ii)(e) be inserted to read as follows:

“(v) 2) (ii) e) *to be made of durable material that will not deteriorate visually over time.*”

Debate ensued.

AMENDMENT CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

MOTION AS AMENDED CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

COUNCIL DECISION ITEM 10.1.24

- (v) *AMENDS the draft Policy relating to Heritage Management – Interpretive Signage as shown in Attachment 001, by amending clause 2) as follows; prior to clauses (i), (ii), and (iii) above, being actioned:*
- 2) *If Council resolves that a building approved for demolition has solely historic and/or social significance that is deemed by Council as not directly reflected in the building's structure, style or physical appearance the following procedures apply:*

- i) *The applicant and/or owner of the building approved to be demolished are to be notified that a plaque or an alternative form of interpretation is to be ~~installed~~ displayed on the site of the existing building.*
- ii) *The plaque is to meet the following specifications;*
 - a) *it is to be A4 size or thereabouts;*
 - b) *the text is not to exceed 50-100 words;*
 - c) *it is to include the Town of Vincent logo; ~~and~~*
 - d) *the text is to be approved by the Town's Officers prior to proceeding; and*
 - e) *to be made of durable material that will not deteriorate visually over time."*
- iii) *The specification details of the plaque or alternative form of interpretation is to be approved by the Town of Vincent before the issuing of a Demolition Licence and/or Building Licence, whichever occurs first.*
- iv) *The plaque or alternative form of interpretation is to be installed prior to first occupancy of the new development on the site.*

PURPOSE OF REPORT:

The purpose of this report is to provide a draft Policy relating to heritage management to ensure a system of interpretive signage can be adopted that generates awareness of historic and social cultural heritage within the Town of Vincent. The report seeks the Council's adoption to advertise the draft Policy.

BACKGROUND:

At the Ordinary Meeting of Council held on 7 December 2004, a Notice of Motion by Councillor Ian Ker was considered which related to heritage matters associated with 'social' and 'historic' cultural heritage significance and the application of thresholds for these values when considering demolition applications.

The Council resolved at its Ordinary Meeting held on 7 December 2004 that a report and draft Policy be prepared and reported to the Council no later than the Ordinary Meeting of Council to be held on 8 February 2005. It was also resolved that comments from the Heritage Council of Western Australia (HCWA) should be received and included in the report back to the Council.

An interim report was prepared and reported to the Ordinary Meeting of Council held on 8 February 2005 outlining that proposed amendments require a formal Policy amendment to be initiated relating to the Town's Policy No. 3.6.2 - Heritage Management - Municipal Heritage Inventory.

Comments from the HCWA were received on 24 January 2005. These comments have been incorporated into the draft Policy outlined in this report. The comments strongly reiterate that the draft Policy proposed should not be at the detriment of good heritage practice in the Town of Vincent. The HCWA suggested that the new Policy should be viewed as a development control Policy and not impact on existing heritage assessment practice.

Further to a meeting held with Councillor Ian Ker and the Town's relevant Officers on 28 April 2005, it was decided that a new Policy was preferred over amending the Town's Policy No. 3.6.2 - Heritage Management - Municipal Heritage Inventory.

DETAILS:

The objectives of the draft Policy relating to Heritage Management - Interpretive Signage;

- "1) *To generate awareness of the rich and diverse historic and cultural heritage within the Town of Vincent's built environment and;*
- 2) *To provide a procedure to recognise buildings approved to be demolished within the Town of Vincent which are considered to hold historic and/or social cultural heritage values not reflected directly in the building's structure, style, or physical appearance."*

The procedures within this draft Policy are to be viewed separately to Policy No. 3.6.2 which provides procedures for assessing places for entry on the Town of Vincent Municipal Heritage Inventory.

It is anticipated that the draft Policy will facilitate Elected Members in considering demolition applications. The following procedures have been outlined to streamline the process:

- (i) The applicant and/or owner of the building approved to be demolished are to be notified that a plaque is to be installed on the site of the existing building.
- (ii) The plaque is to meet the following specifications;
 - (a) it is to be A4 size or thereabouts;
 - (b) the text is not to exceed 50 words;
 - (c) it is to include the Town of Vincent logo; and
 - (d) the text is to be approved by the Town's Officers prior to proceeding.
- (iii) The specifications details of the plaque is to be approved by the Town of Vincent before the issuing of a Demolition Licence and/or Building Licence, whichever comes first; and
- (iv) The plaque is to be installed prior to first occupancy of the new development on the site.

CONSULTATION/ADVERTISING:

The draft Policy will be subject to consultation/advertising as prescribed under clause 47 of the Town's Town Planning Scheme No. 1, and the Community Consultation Policy.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

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

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

FINANCIAL/BUDGET IMPLICATIONS:

The current 2004/2005 Budget lists \$62,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

The draft Policy that has been developed should not be at the detriment of good heritage practice. Heritage assessments are undertaken using widely adopted and professionally recognised criteria, and a threshold has been set at which places are considered to have a level of cultural heritage significance that warrants protection under the Town Planning Scheme No.1. Further to this, the standard criteria used in a heritage assessment, namely aesthetic, social, historic and scientific values, are to be considered equally in weighting. This is supported by the Burra Charter Article 1 which notes that '*one value should not be favoured above others*'.

It is anticipated that the draft Policy be adopted as a management technique to assist the Council in considering demolition applications and to heighten awareness of the social and historic cultural heritage intrinsically linked to the buildings within the Town of Vincent not clearly shown within the building fabric itself.

In light of above, it is recommended that the Council receives and advertises the draft Policy.

10.1.25 East Perth Redevelopment Authority Draft Masterplan for the East Perth Power Station Precinct - Stakeholders Shared Position Statement (Revised)

Ward:	South	Date:	17 May 2005
Precinct:	Banks; P15	File Ref:	PRO2980
Attachments	001		
Reporting Officer(s):	C Mooney, T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Stakeholders Shared Position Statement (Revised) relating to the East Perth Redevelopment Authority Draft Masterplan for the East Perth Power Station Precinct, dated November 2004; and*
- (ii) *ADVISES the 'Stakeholders' that the Council is not in a position to support the full intent and content of the Stakeholders Shared Position Statement (Revised), relating to the Draft Masterplan East Perth Power Station Precinct, dated November 2004 until the following matters have been addressed to the satisfaction of the Town;*
 - (a) *the sentence in paragraph four of the Stakeholders Shared Position Statement (Revised) 'Greater consideration must be given to the machinery, fittings and other items within the Power Station buildings, as they are integral to its heritage value', be amended to read, 'A future use of the site should be decided which provides interpretation of the cultural heritage value of the site and a management plan for the site's moveable cultural heritage items'; and*
 - (b) *the last sentence in the first paragraph of the Stakeholders Shared Position Statement (Revised) be amended to read 'Its heritage values are clearly understood and recognised, and should be seen as an essential component of the adaptive re-use and interpretation of the place. Public and visual access to the place should be maximised from the various vantage points such as the Swan River, the Graham Farmer Freeway and Summers Street'.*

COUNCIL DECISION ITEM 10.1.25

Moved Cr Doran-Wu, Seconded Cr Ker

That the recommendation be adopted subject to it being amended to read as follows:

“That the Council;

- (i) *RECEIVES the Stakeholders Shared Position Statement (Revised) circulated by the National Trust (WA) which relates ~~relating~~ to the East Perth Redevelopment Authority Draft Masterplan for the East Perth Power Station Precinct, dated November 2004; and*
- (ii) *ADVISES the 'Stakeholders' that the Council is not in a position to support the full intent and content of the Stakeholders Shared Position Statement (Revised), relating to the Draft Masterplan East Perth Power Station Precinct, dated*

November 2004 until the following matters have been addressed to the satisfaction of the Town;

- (a) the sentence in paragraph four of the Stakeholders Shared Position Statement (Revised) 'Greater consideration must be given to the machinery, fittings and other items within the Power Station buildings, as they are integral to its heritage value', be amended to read, '~~A future use of the site should be decided which provides interpretation of the cultural heritage value of the site~~ The decision framework on the selection of a future, primary tenant ought to include a criterion that assessed such a tenant's capability to interpret the cultural heritage values of the site and a management plan for the site's moveable cultural heritage items'; ~~and~~*
- (b) the last sentence in the first paragraph of the Stakeholders Shared Position Statement (Revised) be amended to read 'Its heritage values are clearly understood and recognised, and should be seen as an essential component of the adaptive re-use and interpretation of the place. Public and visual access to the place should be maximised from the various vantage points such as the Swan River, the Graham Farmer Freeway and Summers Street';*
- (c) delete the first sentence of paragraph three of the Stakeholder Position Statement (Revised) since the EPRA Masterplan does propose 'Civic and Cultural' as the use for the former Power Station Building; and*
- (d) the draft Masterplan should further consider the impact of traffic, the bulk, scale and density of development, and environmental and health issues, on the immediate and surrounding areas."*

Debate ensued.

Moved Cr Chester, Seconded Cr Doran-Wu

That the Item be DEFERRED to allow for more information to be provided and a meeting with EPRA to be arranged and Elected Members invited to attend.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council on the Stakeholders Shared Position Statement (Revised) relating to the Town's submission on the Draft Masterplan for the East Perth Power Station Precinct.

BACKGROUND:

The former East Perth Power Station is a derelict and unoccupied 8.5 hectares site bounded by East Parade, Summers Street, the Swan River and the Graham Farmer Freeway. This site accommodates a power station which ceased operation in 1981.

The Town received documentation dated 9 November 2004 from the East Perth Redevelopment Authority (EPRA) advising of the launch for public comment on the Draft Masterplan for the East Perth Power Station which is located at the above site.

The Council resolved at its Ordinary Meeting held on 22 February 2005 that it had reservations about both 'Option One - Urban Gateway Model' and 'Option Two - Urban Garden Model' presented in the Draft Masterplan for the East Perth Power Station Precinct. The Town of Vincent presented a submission outlining these concerns to the East Perth Redevelopment Authority in February 2005.

On 31 March 2005, a letter was received from the National Trust (WA) inviting three members from the Town of Vincent to participate in a meeting regarding the future of the East Perth Power Station. The meeting was attended by two of the Town's Officers on 19 April 2005. Organisations represented at the meeting were: Australian Institute of Landscape Architects, Banks Precinct Action Group, City Vision, Engineering Heritage Panel, Heritage Council of Western Australia, National Trust of Australia (WA), the Royal Australian Institute of Architects and the Town of Vincent.

Prior to the meeting held on 19 April 2005, a Shared Position Statement was prepared by the National Trust (WA) on the basis of the submissions submitted to EPRA made by the organisations listed above. The outcome of the meeting was the creation of the current Stakeholders Shared Position Statement (Revised). It is anticipated that prior to further consultation with EPRA signatories are requested from all organisations listed above to form a shared position to negotiate the future development of the East Perth Power Station.

DETAILS:

The Stakeholders Shared Position Statement (Revised) is included as an attachment and is intended to provide a platform for continued consultation with EPRA as an advisory forum for State Government. The Stakeholders Shared Position Statement (Revised) is primarily concerned with deciding on a future use for the Power Station building that is compatible with the heritage value associated with the place.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

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

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

"1.3 Develop, implement and promote sustainable urban design."

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Further to the resolution at the Ordinary Meeting of Council held on 22 February 2005, the Town's Officers in the most part agree with the Stakeholders Shared Position Statement (Revised).

This is clearly evident in Council Decision Item 10.1.17, within the following clauses:

- Clause (ii) (c) '*with respect to the cultural heritage significance of the Power Station, strong evidence of consideration for the conservation plan and reference to 'The Illustrated Burra Charter: Good Practice for Heritage Places', Australian ICOMOS, 2004 and this evidence should be highlighted in the further development of the Masterplan'*.
- Clause (ii) (o) '*prior to any development commencing on the site, the future specific end user of the Power Station should be determined, and consideration of this use be given to potential future traffic impacts to and from the site.'*

Differences between the points resolved at the Ordinary Meeting of Council held on 22 February 2005 and the Stakeholders Shared Position Statement (Revised) are apparent in the fourth paragraph, in particular the sentence that reads '*Greater consideration must be given to the machinery, fittings and other items within the Power Station buildings as these are integral to its heritage value'*'. Entered on the State Register of Western Australia, it is imperative that the cultural heritage of the site is recognised, however as past proposals for the redevelopment of the Power Station building reveal, an over emphasis on keeping the machinery intact could diminish the possibility of creating an economical viable future use for the site and may in turn impede on the current stabilisation of the site.

Furthermore, the Stakeholders Shared Position Statement (Revised) does not accurately reflect the overall concerns of the Town of Vincent, which were raised in the Council Resolution of the Ordinary Meeting of Council held on 22 February 2005, and were included in a submission presented to EPRA by the Town of Vincent in February 2005. The Stakeholders Shared Position Statement (Revised) addresses solely the building itself, and whilst central to the redevelopment of the site, the Town of Vincent recognised other factors in the redevelopment of the East Perth Power Station Precinct, such as traffic, the bulk, scale and density of the development plans and environmental and health issues, to be of equal importance, not addressed in the Stakeholders Shared Position Statement (Revised).

Conclusion

In light of the above, it is recommended that Council adopt the above Officer Recommendation accordingly.

10.2.2 Proposed Perth Main Sewer Diversion Project

Ward:	South	Date:	18 May 2005
Precinct:	Oxford Centre P4	File Ref:	ORG0050
Attachments:	001 ;		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report on the Water Corporation of WA's Proposed Perth Main Sewer Diversion Project;
- (ii) **ACCEPTS** the Water Corporation's Engineering Consultants, GHD Pty Ltd, offer to provide a detailed presentation to Council at the June 2005 Elected Members Forum; and
- (iii) **ADVISES** the Water Corporation of its resolution.

Moved Cr Chester, Seconded Cr Messina

That the recommendation be adopted subject to:

1. *existing clause (iii) being deleted;*
2. *existing clause (ii) being renumbered to clause (iii) and a new clause (ii) inserted as follows:*

"(ii) REQUESTS that the Water Corporation does NOT pump a concrete slurry into the redundant sewer line located in the reserve which traverses The Avenue carpark but instead investigates alternatives options including possible removal of the redundant infrastructure;"
3. *new clauses (iv) and (v) being inserted as follows:*

"(iv) RECEIVES a further report once the Water Corporation has considered the Town's request as outlined in clause (ii); and

(v) ENTERS into discussions with the Water Corporation regarding the Leederville Masterplan."

Debate ensued.

CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

COUNCIL DECISION ITEM 10.2.2

That the Council;

- (i) *RECEIVES the report on the Water Corporation of WA's Proposed Perth Main Sewer Diversion Project;*
- (ii) *REQUESTS that the Water Corporation does NOT pump a concrete slurry into the redundant sewer line located in the reserve which traverses The Avenue carpark but instead investigates alternatives options including possible removal of the redundant infrastructure;*
- (iii) *ACCEPTS the Water Corporation's Engineering Consultants, GHD Pty Ltd, offer to provide a detailed presentation to Council at the June 2005 Elected Members Forum;*
- (iv) *RECEIVES a further report once the Water Corporation has considered the Town's request as outlined in clause (ii); and*
- (v) *ENTERS into discussions with the Water Corporation regarding the Leederville Masterplan.*

ADDITIONAL INFORMATION:

Proposed Sewer alignment

The proposed 1800 diameter 'gravity' sewer will be laid by thrust boring (trench less technology). Ground disturbance will occur only where there is a change of grade or direction. At these points the boring machine will need to be set up resulting in an isolated large excavation. Inspection chambers will be constructed at these points.

The route chosen for the new sewer will have very minimal impact on traffic, have no impact on any future development in the Leederville Area and is required to be located on the chosen alignment to connect with the existing section of sewer pipe previously laid under Loftus Street (within the Freeway Road Reserve) when the Loftus duplication occurred.

Impact on Land Owned by the Town

The new main sewer (1800mm dia) will not encroach on any land owned by the Town. It is however proposed that a small diameter 225mm dia reticulation main will be relaid from Oxford Street along the Water Corporation Reserve and along the east side of a portion of The Avenue carpark to Leederville Parade.

The alternative would be to lay this section of reticulation sewer along Oxford Street which will cause disruption. The advantage of locating the proposed reticulation sewer in The Avenue carpark land is that should the Town redevelop the site in the future a sewer main will be available to connect any new development.

Existing Mounts Bay Drain St located in the Water Corporation Reserve

Officers previously discussed the possible relocation of the Mounts Bay Drain with the Water Corporation. The Main Sewer (which will be relocated) flows from east to west, the Mounts Bay Stormwater Drain flows from west to east. The Mounts Bay Drain is still in good condition while the Main Sewer is in very poor condition. The Water Corporation advised there is no practical reason for them to consider spending several million dollars relocating infrastructure that is in good condition. They further advised it would be difficult to achieve the required gradients as a relocated piped system would need to reconnect to the existing piped system somewhere further to the east of the existing reserve.

Future Redevelopment of land in the Vicinity of the redundant Sewer

The existing Main Sewer is in very poor condition. It is approx 3.5m deep (to invert) and about 2.0m to the top of pipe. The land the sewer is currently located in belongs to Water Corporation in the form of a drainage reserve. The Water Corporation have advised they will not be removing the old sewer pipes located in the drainage reserve as this would cause major disruption to the Avenue carpark, be an expensive exercise and the Town would need to pay all reinstatement costs as the reconfigured the carpark has been constructed over their reserve.

Given the depth of the existing pipe line infilling the sewer with the slurry, which sets rock hard, will have no impediment to any future development on the overall site.

PURPOSE OF REPORT:

The purpose of this report is to advise Council of the Water Corporation of WA's proposal to construction a new section of the Perth Main Sewer and associated works within the Oxford Centre Precinct, commencing early in 2006.

BACKGROUND:

A portion of the Perth Main Sewer, constructed in stages in the late 1800s and early 1900s, is located within the Water Corporation's reserve that bisects the Oxford Centre Precinct from the intersection of Loftus Street and Drummond Place (within the City of Perth) to the intersection of Vincent Street and Leederville Parade.

Essentially the sewer is reaching the end of its serviceable life and, as a consequence, the Water Corporation is looking to replace it.

Engineering consultants GHD Pty Ltd (GHD) have been engaged by the Water Corporation to undertake project design, documentation and construction supervision.

GHD, who are currently finalising the detailed design and construction methodology, have approached the Town seeking to engage and consult with the Council before proceeding to full public consultation.

DETAILS:

Existing Sewer

The Perth Main Sewer is located within the existing Water Corporation reserve that bisects the Oxford Precinct. The Main Sewer originates in the Perth Central Business District and terminates at the Subiaco Waste Water Treatment Plant.

It enters the Town at the junction of Drummond Place and Loftus Street (West Perth) passing through the grounds of the John Tonkin Water Centre. From there it skirts the northern boundary of the Frame Court carpark, before crossing Oxford Street and tracking diagonally through the Avenue carpark to the intersection of Vincent Street and Leederville Parade and under the Mitchell Freeway.

The condition of the 1525mm concrete sewer pipe, constructed in late 1800s and early 1990s, is rapidly deteriorating and is reaching the end of its serviceable life. Further, as a consequence, the continuing development within the City is also nearing capacity.

Proposed Sewer Upgrade

The Water Corporation is proposing to replace the existing sewer with a new 1800mm diameter reinforced concrete plastic lined pipeline.

The Corporation has recognised that it is impractical to lay the new sewer within the existing reserve and has proposed a new alignment, as shown on the attached plan. To have used the existing reserve would have required the original sewer to be excavated before laying the new pipe, resulting in excessive disruption within the Oxford Precinct.

Water Corporation Reserve Through The Avenue Car Park

The Water Corporation will not be relinquishing control of the aforementioned reserve as the Mounts Bay Main Stormwater Drain is co-located within the existing reserve and at this time is not listed on any future capital works programs for replacement.

Design/Implementation

The contract for the design, documentation and construction supervision for the Perth Main Sewer Diversion Project was awarded to Engineering Consultants, GHD.

The Water Corporation, in anticipation of having to ultimately replace the portion of the Perth Main Sewer through the Town, in 1999 laid a section of 1800mm diameter concrete pipe under Loftus Street, within and parallel to the Mitchell Freeway reserve, as part of the Loftus Street Duplication and Graham Farmer Freeway Projects.

The proposed alignment of the new Main Sewer, as shown on the attached diagram, starts from the aforementioned section within the Freeway Reserve at the base of the Loftus Street overpass. It will cross from the Freeway Reserve into the Leederville Parade road reserve near the intersection of Frame Court. It will run parallel to the freeway approximately following the kerblines of Leederville Parade before terminating within Main Roads WA reserve adjacent the Vincent Street South off-ramp.

In light of the potential for massive disruption to traffic and the Oxford Centre Precinct in general, GHD have chosen to use mainly thrust boring or trenchless technology, requiring minimal open excavation.

Further, when the old sewer is decommissioned, rather than excavate or leave it to ultimately collapse, the structure will be stabilised by pumping a concrete slurry into the void to create a solid mass.

A further consequence of the works is that those properties previously abutting or connected directly to the old Main Sewer will require new connections via a local network of gravity sewers linking into the new Main Sewer. As an example, a new 225mm diameter sewer line will be required for the Oxford Street shops backing onto The Avenue car park, running from the Water Corporation reserve to Leederville Parade.

Time Table

The project is currently scheduled to commence in January / February 2006 (2005/06 financial year) with a construction period of approximately ten (10) months, after which the old Main Sewer will be decommissioned taking a further four (4) months.

Elected Members Forum

Given the timeframe of the project, the Water Corporation and GHD are keen to commence the public consultation phase, particularly in respect of traffic management issues and the need for periodic road closures. However, before commencing the public consultation phase, the Water Corporation and GHD are seeking an opportunity to make a presentation to the Council on the project and the potential impact upon the Oxford Precinct.

CONSULTATION/ADVERTISING:

Nil

LEGAL/POLICY

Nil

FINANCIAL/BUDGET IMPLICATIONS:

Nil

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan - Amended 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment - Infrastructure Improvements “g) *Work with Stakeholders to develop strategies for improved drainage, stormwater conveyance and improved water quality.*”

COMMENTS:

The Perth Main Sewer Diversion Project has the potential to have a significant impact upon the Oxford Centre Precinct, not only in respect of daily disruption but also on mooted developments and long term planning issues.

While the Water Corporation is committed to the project, and it will proceed, the Corporation and their consultants GHD, are keen to engage and consult with the Council and the Town's Administration in order to minimise the disruption and maximise the benefits. To this ends it is recommended that GHD be invited to give a presentation on the project at the Elected Members Forum to be held in June 2005.

10.3.4 Donation to Charles Alumni Inc. - Sir Charles Gairdner Hospital History Project.

Ward:	Both	Date:	11 May 2005
Precinct:	All	File Ref:	FIN0008
Attachments:			
Reporting Officer(s):	A Bateman		
Checked/Endorsed by:	J Anthony M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That Council APPROVES a donation of \$500 towards the research and publication of a history of Sir Charles Gairdner Hospital.

COUNCIL DECISION ITEM 10.3.4

Moved Cr Maier, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED (5-2)

For
Deputy Mayor – Cr Farrell
Cr Chester
Cr Doran-Wu
Cr Lake
Cr Messina

Against
Cr Ker
Cr Maier

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

PURPOSE OF REPORT:

To request approval for a donation for Sir Charles Gairdner Hospital History Project.

BACKGROUND:

The Charles Alumni is a not-for profit body with approximately 250 members, consisting of past and current long-servicing members of staff and volunteers. They plan to research, write and publish a history of Sir Charles Gairdner Hospital to coincide with the 50th anniversary of the hospital in 2008.

DETAILS:

The estimated cost of the project is \$100,000. The Vice-chancellor of the University of Western Australia has agreed that the University will provide a grant of \$50,000 provided the group can raise the balance of the funds themselves. They have been successful in applying for a grant from Lotterywest and they are now seeking assistance from other individuals and organisations with links to the hospital.

Many of the residents of the Town of Vincent would have an association, past or present, with the hospital and it is likely that the proposed history project will be of interest and importance to them. For this reason, the Alumni seeks financial assistance from the Town.

Charles Alumni have requested a donation of \$2000 from the Town.

Any contribution from the Town would be formally acknowledged in the publication.

STRATEGIC IMPLICATIONS:

Key Result Area 2.1 Celebrate and acknowledge the Town's cultural diversity.

"(a) Develop, financially support, promote and organise events and initiatives that engage the community and celebrate the cultural diversity of the Town."

FINANCIAL/BUDGET IMPLICATIONS:

An amount of \$500 would be drawn from the Donation account.

COMMENTS:

Many older Town of Vincent residents would have a strong historical connection to Sir Charles Gairdner Hospital. Parts of the Town of Vincent fall within the hospital's catchment area and there are many residents currently accessing services provided by the hospital.

10.4.2 Information Bulletin

Ward:	-	Date:	18 May 2005
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	S Garreffa		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 24 May 2005 as distributed with the Agenda, be received.

Moved Cr Chester, Seconded Cr Lake

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

- (ii) *in relation to Information Bulletin Item IB01, the Council REQUESTS that the State Administrative Tribunal (SAT) update the 'draft conditions', which the Town will contend at the hearing should the Tribunal consider that approval of the application is appropriate, to include the following condition:*

"(v) the bathroom on the loft plan shall be deleted."

CARRIED (7-0)

(Cr Torre on approved leave of absence. Mayor Catania departed the meeting at 7.25pm and did not vote.)

COUNCIL DECISION ITEM 10.4.2

That;

- (i) *the Information Bulletin dated 24 May 2005 as distributed with the Agenda, be received; and*
- (ii) *in relation to Information Bulletin Item IB01, the Council REQUESTS that the State Administrative Tribunal (SAT) update the 'draft conditions', which the Town will contend at the hearing should the Tribunal consider that approval of the application is appropriate, to include the following condition:*

"(v) the bathroom on the loft plan shall be deleted."

DETAILS:

The items included in the Information Bulletin dated 24 May 2005 are as follows:

ITEM	DESCRIPTION
IB01	Letter to State Administrative Tribunal - No. 15 Hutt Street, Mount Lawley - Appeal No. RD380 of 2005 - Draft Conditions
IB02	Letter from State Administrative Tribunal - Nos. 434-446 Lord Street Mount Lawley - Appeal No. CC/225 of 2005 - Determination
IB03	Letter from State Administrative Tribunal - No. 86 Bourke Street, Leederville - Appeal No. CC/41375 of 2004 - Determination
IB04	Melbourne 2006 – XVIII Commonwealth Games Fact Sheet – 15-26 March 2006 and News 9 th Edition December 2004 and 10 th Edition April 2005
IB05	Forum Notes – 14 May 2005

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil

13. URGENT BUSINESS

14. CLOSURE

The Presiding Member, Deputy Mayor – Cr Farrell, declared the meeting closed at 10.00pm with the following persons present:

Cr Simon Chester	North Ward
Cr Helen Doran-Wu	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Executive Assistant (Minutes Secretary)

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 24 May 2005.

Signed: Presiding Member
Mayor Nick Catania, JP

Dated this day of 2005