



**TOWN OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**27 MAY 2008**

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 27 May 2008, commencing at 6.00pm.

## 1. DECLARATION OF OPENING

The Presiding Member, Mayor Nick Catania, JP, declared the meeting open at 6.01pm.

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

### (a) Apologies:

Nil

### (b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Helen Doran-Wu	North Ward (until approx 8.20pm)
Cr Steed Farrell (Deputy Mayor)	North Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Lindsay McPhee	Journalist – “ <i>The Guardian Express</i> ” (until approx 8.53pm)

Approximately 26 Members of the Public

### (c) Members on Leave of Absence:

Cr Ian Ker                      South Ward (*Work related and personal reasons*)

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

There were no questions received from Members in the Public Gallery.

The following matters were raised by Members in the Public Gallery:

1. Tain Evershire from Planning Solutions – Suite 1, 255 Beaufort Street, Perth – Item 10.1.9. Advised that planning approval was granted for the re-development of the Caltex Station on the site however, a number of signs were refused and an existing crossover was required to be modified as part of the approval, these aspects are subject of a matter currently before the State Administrative Tribunal. Advised that as a result of successful mediation with the Town's Officer amended plans have been submitted which:

- (a) reduce the size of the sign and product display sign to comply with Council's requirements;

- (b) seek approval for the created roof sign which was previously submitted on the basis that all other signs comply on the site, thereby reducing the accumulative impact of signage on the site; and
- (c) retaining the existing Lord Street crossover in its current form as it now meets with the relevant engineering requirements.

Stated that the Officers Recommendation for approval reflects the mediated outcome and therefore requests that the amended plans as submitted be approved by the Council.

2. Yet Chee Wong – 6 Cuthbert Street, Shenton Park – Item 10.1.10. Thanked the Planning Department in particular Susannah Kendall and Des Abel for their professional approach on her development application. It has been a pleasure working with them.
3. Bruce Arnold from Bruce Arnold Architects – 3A Coogee Street, Mt Hawthorn – Item 10.1.4. Stated that 18 months ago his client approached him about possibly knocking the cottage down to build two new residences. After long negotiations with the Town's Planning Officers it was agreed that they should look at retaining the existing house because of the streetscape value and they should add to the back and in doing so they would be granted some form of bonuses. The design has an increase in plot ratio and three storey height, being the two main issues. He is to retain the existing cottage and have it done up, so they can seek some bonuses. Stated that they negotiated bringing as much of the parking as possible to the back of the new residence so that they would not interfere with parking on Hyde Park which at this moment is very critical as there is always shortage of parking. In doing so it pushed the bulk of the building up from if they put four cars on the back up to three storey and in doing so they also assessed 5 Throssell Street and it had parapet construction along about 75% of its boundary and No. 9 had about 40% therefore, they built their new building right up to the boundary on the first floor and set the upper two floors back and in doing so they haven't created any issue of overshadowing to the neighbours but he believes No. 5 has issues. Advised that he wants clause iii(a) struck off the recommendation as it states, the opening of the outdoor covered area on the eastern terrace of the proposed dwelling should have obscure glass, however, it is looking onto roof and it states in the response to consultation that they are conformed to privacy and would therefore like to strike that off the recommendation. He advised that he would also like clause iii(f) and (g) removed as well as iii(c) as it states the eastern and southern walls are to be lowered to 1.6 metres.
4. Arthur Hanlan – Unit 5, 22 Knutsford Street, North Perth – Item 10.1.3. Advised that he has lived there for just over two years has been a ratepayer with the Town for over 30 years. Stated his two main problems with the proposal being no one wants to see the waste ground that has been on this site for much longer than it has been as there has been dumping on the site and is in a bad state. Feels the proposal will make a building that is far too crowded and the plot ratio of the land is R60 and the proposal is R90. Stated that he is not opposed to high density living however, he believes to replicate that to what he has seen over the last 30/40 years would be a big mistake. Believes there is a place for the high rise development there but it is far too crowded given the proposal is for 18 one bedroom out of 26 units and believes that will lead to a trans in population and would not like to see that.

5. Philip Ker from RJ Knott, PD Ker & Associates – 23 Richardson Street, South Perth – Item 10.1.17. Stated that the report recommends refusal of the application and there are two areas it refers to, being some non compliance with R Codes and Council's Policy regarding the Barnet locality, most concern to the applicant is refusal of demolition. Stated that during enquiries over the last 12 months there was never suggestion until recently that demolition would be challenged. Advised that his clients have applied for and received conditional approval from WAPC to do side-by-side green title subdivision based on reasonable expectation that they would be granted a demolition licence with no advice to the contrary. Queried why the original house at 62 Albert Street (which is strikingly similar) has been demolished and side-by-side subdivision when this is up for refusal, this would appear to be an obvious inconsistency in Council's Policy. Regarding the comment to Heritage, the site is zoned to take three dwelling and they proposed two new homes allowing for a larger better quality residence with more open space and both homes having street frontage. Advised the new designs are contemporary without being outlandish similar to many designs built further east along Albert Street and they comply with five plus energy and water efficiency provisions and will have water wise gardens designed by a landscape architect being in contrast with the dark and efficient design of existing homes. Stated that he has no time to get into the non compliance with R Codes, many of which are minor and can be dealt with as conditions of approval.
6. Katerine Holloway – Item 10.1.16. Stated that Council is refusing the grant to renovate due to the guidelines for Lacey Street and wishes to advise that when the property was purchased in 2003 there were no guidelines and it was already commercial premises and therefore it was purchased with a view for using it for commercial premises. Also stated that they design the building so it may be converted to residential uses further along the track which would be in keeping with the guidelines and they feel the guidelines should not be set in stone as they are there to guide them but not necessarily restrict them. Stated that Lacey Street, is already 70% commercial and it is unlikely that the remainder of the Street will convert to predominantly residential use. Therefore for their application would be in keeping with the harmony of the Street, surrounded by lawyers, architects etc and are not trying to do anything unusual.
7. Ian Taylor – 33 Valencia Avenue, Churchlands – Item 10.1.14. He advised that he owns Unit 58 Paddington Place adjacent to this development and wishes to resubmitted his objections and he has discovered this afternoon that the revised drawings of the developer are in error. He spoke to Mr Rasiah yesterday who advised that the new drawings had been submitted and are available for viewing and he saw the drawings this afternoon and found they are all incorrect in showing the relationship of the development to his unit as the developer omits his balcony from every drawing and he advised that he is a lot closer to the developer as depicted. Has objected on the grounds of invasion of privacy and infringement on his light and space and requested that this be re-examined taking his existing balcony into account. He believes his floor is slightly elevated to the car park but well below the awnings depicted. He also adds noise pollution to his objection as the main steel pole supporting the awnings will be adjacent to his balcony and master bedroom objects to this as of the noise that will be generated every time there is strong wind. Advised that he will be away from Australia between 8 June and 4 July 2008.

8. Nicholas White – 317-319 Pier Street, Perth – Item 10.1.11. Objected for the following reasons:
  - (a) veranda of the joining building set back is 3 metres whereas the proposed development with awning is 1.5 metres. Stated that this is inconsistent with the joining and other building lines in this location;
  - (b) severely compromises use of adjoining property open space due to the bulk of the building and lack of set back from the property boundaries;
  - (c) design should be sympathetic with the adjoining use is currently residential and the commercial nature and look of the proposed development is not in keeping with this;
  - (d) design of the proposal to the front presents as a brick wall which effectively encloses the veranda on the adjoining property and impedes daylight access and enjoyment and amenities of this area of open space;
  - (e) existing neighbourhood buildings are single storey and do have the same bulk as does the proposed development which would be a scale on the streetscape of this area of Pier Street. He advised that he has provided the Council with pictures of the streetscape.
9. Stefanie Keogh – 74 Doonan Road, Nedlands – Item 10.1.13. He stated that the condition effectively requires her to remove off street parking at the front of the property and objects:
  - (a) mainly because it is going to very difficult if not impossible for them to comply with the Building Code of Australia requirement to impose ACROD parking at the property if they cannot use the front of the property;
  - (b) the crossover was approved by the Town and installed by them at their expense only one year ago and they feel it is now inappropriate for them to move that again at their expense; and
  - (c) they have spoken extensively to the Town Officers in relation to their change of use application and were strongly advised to maximise their off street parking and as such improve the on street parking for other uses and therefore at considerable expense they have re-landscaped the front of the property, paved it, installed the crossover to make it appropriate for them to use it as on street parking and this was against their original plans which were approved by the Town.
10. Daniel Rata – 261 Bulwer Street – Item 10.1.15. Stated that La Papillion Café less than 20 metres from his proposed site is open 7 days a week employee four staff at any one time servicing a minimum to 50/60 residential clients per day also Bulwer Medical Centre less than 20 metres from his proposed site, open 5 days a week servicing mainly the local area and servicing a minimum of 50/60 patients per day. He finds it hard to believe that this can be a low scale commercial corner shop as he see no comparison in any way to the subject site and the business and clientele that he will be servicing in his business to any volume. Stated that over the last 15 years he has built his business with the support of the Perth community as a singer/songwriter professional working as an artist in Perth performing at various different function and has established a lifestyle in Perth through his music and wishes to expand his business hand-in-hand with the community.



11. Rudy Perroni – RJ Designs – Chelsea Avenue, Claremont – Item 10.1.16. Advised that he is aware of significance of the historical and guidelines imposed on the property and ensure compliance with any of the conditions if granted approval and they have considered with the owner deletion of the loft floor and proposed roof alterations if the change of use application is granted and due to the Australian Standards the parking issues cannot be resolved if a commercial or residential property was to be on the site and can only propose an off street parking allowance with consideration to the application.

**Cr Messina departed the Chamber at 6.26pm.**

12. Keith Greg – 24 Harwood Place, West Perth – Item 10.1.7. Advised that Council has been petitioned by the residents of Harwood Place on two fronts and has received individual comments. Stated the proposal for development is remarkable in the extent to which it defines the existing requirements for development proposals in this zone and the lack of respect it shows for the Council's planning programmes and their concern for maintaining historic ambience where possible. Also the lack of forethought shown when considering a development within this very small street and the problems that already exist which can only be made worse from this very insensitive proposal. Stated the plan he has seen is for 16 residences on a frontage of less than 30 metres with less than 70% of the formally required parking spaces, despite the current existing access and parking problems in the street. Advised the tallest residence in the street is single storey and they understand requirements allow two storey's and that there is no serious problem with that. Believes the buildings currently on this plot are not pretty buildings, they are commercial buildings and it was please them to see them replace with something more aesthetically pleasing. Advised that proposal double the required number of storey's without sufficient facilities for new residents and visitors in his view is best unprofessional and it could be considered negligent in their planning. Requested the Council reject this proposal.

**Cr Messina returned to the Chamber at 6.28pm.**

13. Joe Nadizzi from Choice Constructions – 379 Scarborough Beach Road, North Perth – Item 10.1.2. Seeks Council support on recommended Item in unit 1 of the 8 unit project complies on performance criteria complies on the size of the balcony being 18 rather than 16 that is slightly short on the width by a figure of 240mm. Advised that after much discussion with the Town Planners and with the mediator at the State Administrative Tribunal this was proposed as a practical solution. Suggested that this is a fairly minor concession and asked for support.
14. Danny Jones – McDonald Jones Architects – Item 10.1.7. Advised that many recommendations in the planning report relate to scale and parking and believes that the scale is appropriate for this particular development as the site on the corner of Newcastle and Charles has recently been sold and believes that there is a possible height of five or six storey's, the main stock around that area is industrial and is of bad condition. Stated that this proposal is on a single storey industrial wasteland, the street has a number of single storey federation houses across from it and they have tried to endeavour to do good planning in terms of the amount of density that is required on such a great location, next to public transport and very close to the city. Stated the State and Federal Governments are pushing to reduce fuel and increase public transport and they believes this is an appropriate site for the development that is proposed. Advised the site has 16 apartments of which 4 are one bedroom and they have proposed one car bay per

unit which is not dissimilar to which happens in Subiaco and Perth. They have also provided scooter and bicycle parking internally together with additional two visitors car parking available directly off the street opposite the single storey dwelling and a reversing bay at the end of the street which will assist residents as well as the other uses of Harwood Place. Advised that even though it is 4 storey the building is set back from the street and there is landscaping that provides an adequate streetscape. Believes the casual surveillance of the energy efficiency or design of the buildings, most have cross ventilation, north or east aspect and will be designed to best practice energy efficient building. There are other heritage buildings in the Town as well as Subiaco and West Perth where single storey heritage buildings have been built around and beside other multi-storey buildings, up to 8 storey in West Perth and 4 in Subiaco on Barker Road and does not believe this to be an inappropriate scale for this type of development.

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

Refer to IB10 to IB14.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

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

Nil.

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

6.1 Minutes of the Ordinary Meeting of Council held on 13 May 2008.

**Moved Cr Farrell, Seconded Cr Burns**

*That the Minutes of the Ordinary Meeting of Council held 13 May 2008 be confirmed as a true and correct record.*

**CARRIED (8-0)**

**(Cr Ker on approved leave of absence.)**

6.2 Minutes of the Special Meeting of Council held on 14 May 2008.

**Moved Cr Burns, Seconded Cr Farrell**

*That the Minutes of the Special Meeting of Council held 14 May 2008 be confirmed as a true and correct record.*

**CARRIED (8-0)**

**(Cr Ker on approved leave of absence.)**

The Minutes of the Special Meeting of Council held on 14 May 2008 were confirmed after the "Announcements of the Presiding Member", in order to allow Cr Lake and Cr Maier to read a copy of the Minutes, as they stated that they did not receive a copy.

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

Restoration of Hyde Park Lakes – Federal Government Funding

I am pleased to advise that I have received a letter from Stephen Smith MP, Federal Member for Perth, advising that the Federal Government have honoured their commitment to allocate \$2million to the restoration of the Hyde Park Lakes and confirming that authorisation for the expenditure of these funds has been included in the recent Federal Budget.

Senator the Honourable Penny Wong released a Media Release on 13 May 2008 stating that:

*"The Rudd Government will invest \$254.8 million to increase the security of water supplies in cities and towns as part of its \$12.9 billion 'Water for the Future' plan.*

*...the plan would be funded in two stages. In the first stage, the Government will commit \$104.5 million to 20 projects outlined in Labor's 2007 election commitments. A list of projects - including "Contribution to the "Saving Hyde Park" project in Perth - was included in the Media Release.*

*Details of the second stage of funding will be developed in consultation with the states and territories through the Council of Australian Governments."*

The Town's Hyde Park Lakes Working Group has been reviewing a number of options for the restoration of the Lakes.

A report will be submitted to the Council in the forthcoming months.

**8. DECLARATIONS OF INTERESTS**

- 8.1 Cr Burns declared a Financial interest in Item 10.1.4 – No. 7 (Lot: 15) Throssell Street Perth. The extent of her interest being that her husband is a co-director in a company with the Applicant and the landowner is a relative.
- 8.2 Cr Lake declared an Impartiality Interest in Item 10.1.17 – 29 Barnet Street, North Perth. The extent of her interest being that she was the author of a document quoted in the reports.

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

Nil.

**10. REPORTS**

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

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

Items 10.1.9, 10.1.10, 10.1.4, 10.1.3, 10.1.17, 10.1.16, 10.1.14, 10.1.11, 10.1.13, 10.1.15, 10.1.7, 10.1.2.

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

Items 10.1.2, 10.1.3, 10.1.12.

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

Item 10.1.4.

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

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

Cr Farrell	Nil
Cr Messina	Nil
Cr Youngman	10.1.1
Cr Doran-Wu	Item 10.4.2
Cr Lake	Items 10.1.19, 10.1.20, 10.2.6
Cr Burns	Nil
Cr Maier	Items 10.1.5, 10.1.18, 10.2.4
Mayor Catania	Item 10.1.23

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

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

Items 10.1.6, 10.1.8, 10.1.21, 10.1.22, 10.2.1, 10.2.2, 10.2.3, 10.2.5, 10.2.7, 10.2.8, 10.3.1, 10.3.2, 10.4.1.

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 business, of which items will be considered, as follows:

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

Items 10.1.6, 10.1.8, 10.1.21, 10.1.22, 10.2.1, 10.2.2, 10.2.3, 10.2.5, 10.2.7, 10.2.8, 10.3.1, 10.3.2, 10.4.1.

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

Items 10.1.9, 10.1.10, 10.1.4, 10.1.3, 10.1.17, 10.1.16, 10.1.14, 10.1.11, 10.1.13, 10.1.15, 10.1.7, 10.1.2.

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

**Moved Cr Farrell, Seconded Cr Youngman**

*That the following unopposed items be approved, as recommended, en bloc;*

*Items 10.1.6, 10.1.8, 10.1.21, 10.1.22, 10.2.1, 10.2.2, 10.2.3, 10.2.5, 10.2.7, 10.2.8, 10.3.1, 10.3.2, 10.4.1*

**CARRIED (8-0)**

**(Cr Ker on approved leave of absence.)**

**10.1.6 No. 41 (Lot: 46 D/P: 2824) Scarborough Beach Road, Corner Pennant Street, North Perth - Proposed Demolition of Existing Single House and Construction of Four (4) Single Bedroom Grouped Dwellings**

<b>Ward:</b>	North	<b>Date:</b>	19 May 2008
<b>Precinct:</b>	Smith's Lake; P06	<b>File Ref:</b>	PRO3296; 5.2008.116.1
<b>Attachments:</b>	<a href="#">001_002</a>		
<b>Reporting Officer(s):</b>	D Pirone		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Rechichi Architects on behalf of the owner M A Coletti for proposed Demolition of Existing Single House and Construction of Four (4) Single Bedroom Grouped Dwellings, at No. 41 (Lot: 46 D/P: 2824) Scarborough Beach Road, corner Pennant Street, North Perth, and as shown on plans stamp-dated 17 March 2008, subject to the following conditions:*

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) any new street/front wall, fence and gate within the Scarborough Beach Road setback area and the Pennant Street setback area, including along the side boundaries within these street setback areas, shall comply with the following:*
  - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
  - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*

- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (v) *first obtaining the consent of the owners of No. 43 Scarborough Beach Road for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 43 Scarborough Beach in a good and clean condition;*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the windows to the master bedroom of unit 2 on the western elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished 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. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 43 Scarborough Beach Road stating no objection to the respective proposed privacy encroachments. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (viii) *prior to the issue of a Building Licence for the single bedroom 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 single bedroom dwelling that:*
- (a) *a maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom dwelling at any one time;*
- (b) *the floor plan layout of the single bedroom dwelling shall be maintained in accordance with the Planning Approval plans; and*
- (c) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential unit/dwelling. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

- (ix) *a detailed landscaping plan, including a list of plants and the landscaping of the Scarborough Beach Road and Pennant Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); and*
- (x) *the carports to units 1, 3 and 4 shall be one hundred (100) per cent open on all sides and at all times (open style gates/panels with a minimum visual permeability of eighty (80) per cent are permitted), except where it abuts the main building walls of units 1, 3 and 4.*

**COUNCIL DECISION ITEM 10.1.6**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

(Cr Ker on approved leave of absence.)

<b>Landowner:</b>	M A Coletti
<b>Applicant:</b>	Rechichi Architects
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	465 square metres
<b>Access to Right of Way</b>	South side, 5 metres wide, sealed, Town owned

**BACKGROUND:**

20 December 2005                      The Council at its Ordinary Meeting conditionally approved an application for proposed demolition of existing single house and construction of four (4) two-storey single bedroom grouped dwellings.

13 February 2007                      The Council at its Ordinary Meeting approved an application for amended plans to the Planning Approval granted by Council on 20 December 2005.

**DETAILS:**

The proposal involves the demolition of existing single house and construction of four (4) two-storey single bedroom grouped dwellings.



The proposed plans are almost identical to the amended plans approved on 13 February 2007. There are slight differences in building setbacks; however, the differences are minor and not considered to have an undue impact on the amenity of the area.

The proposal was resubmitted to the Town on 17 March 2008 as the previous Planning Approval has expired.

It should be noted that the application was assessed against the Residential Design Elements Policy as the application was submitted to the Town subsequent to the adoption of this Policy by the Council on 18 December 2007. The Town's Officers have also taken into consideration the previous Planning Approval when assessing the proposal.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density:	3.875 single bedroom dwellings at R60 (density bonus for single bedroom dwellings)	4 single bedroom grouped dwellings.  3 per cent density bonus to the average site area required for single bedroom grouped dwellings (permitted under clause 6.1.3 A3 (i) of the R Codes).	Supported – the density variation is considered acceptable in this instance as the property abuts a right-of-way, is adjacent to Scarborough Beach Road, provides housing choice in close proximity to the Mount Hawthorn District Centre and the bulk and scale of the development is considered acceptable as the development is practically compliant with the single bedroom dwelling, plot ratio and open space requirements of the R Codes.
Plot Ratio:	N/A	N/A	Noted – the adoption of the 2008 R Codes illustrates that plot ratio is now not applicable for grouped dwellings in any Residential zoning.
Single Bedroom Dwelling Plot Ratio:  Unit 1	60 square metres	61.48 square metres	Supported – not considered to have an undue impact on the amenity of the area and the proposal is compliant with the previous overall plot ratio requirement of 0.65. A section 70A condition has been placed in the Officer Recommendation to ensure that there is only one bedroom and two occupants per dwelling, the floor layout does not alter and no residential or visitor parking permit is issued.

Unit 2	60 square metres	64.52 square metres	Supported – not considered to have an undue impact on the amenity of the area and the proposal is compliant with the previous overall plot ratio requirement of 0.65. A section 70A condition has been placed in the Officer Recommendation to ensure that there is only one bedroom and two occupants per dwelling, the floor layout does not alter and no residential or visitor parking permit is issued.
Building Setbacks: Ground Floor -West Unit 3 Laundry/Living	1.5 metres	Nil	Supported – not considered to have an undue impact on the neighbouring property.
Units 1 and 2	1.5 metres	Nil	Supported – not considered to have an undue impact on the neighbouring property.
Upper Floor -East (Pennant Street) Unit 4	2 metres	1.5 metres – 2 metres	Supported – not considered to have an undue impact on the amenity of the area as only a small portion is setback at 1.5 metres and the building wall introduces horizontal and vertical articulation.
Unit 1 and 2 Main Building	4 metres	3.76 metres – 5.58 metres	Supported – not considered to have an undue impact on the amenity of the area as only a small portion is setback at 3.76 metres and the building wall introduces vertical articulation.
-West Unit 3	3 metres	1.2 metres	Supported – not considered to have an undue impact on the neighbouring property.
Unit 1 and 2	1.6 metres	1.5 metres	Supported – not considered to have an undue impact on the neighbouring property.

Buildings on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 the length of the balance of the boundary behind the front setback, to one side boundary.	Two boundary walls proposed on one boundary.  Wall Height 3 metres – 3.7 metres (average height = 3.35 metres)  Total Wall Length = 20.2 metres	Supported in part – the wall length is not considered to have an undue impact on the neighbouring property and no objections received from neighbouring property.
Outdoor Living Area: Unit 3	To be provided behind the street setback area.	Provided within the street setback area.	Supported – not considered to have an undue impact on the amenity of the area.
Privacy Setbacks: Unit 2 – Window to Master Bedroom	4.5 metres	1.5 metres	Not supported – considered to have an undue impact on the neighbouring property. Condition applied for the window to be screened or obtain neighbour's consent.
<b>Consultation Submissions</b>			
Support	Nil.	Noted.	
Objection	Nil.	Noted.	
<b>Other Implications</b>			
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:**

**Demolition**

Demolition of the subject place at No. 41 Scarborough Beach Road, North Perth, was previously approved by the Council at its Ordinary Meeting held on 20 December 2005; however, this approval has lapsed as more than two years has passed. As such, a new approval for demolition is required.

The subject place is a brick and tile Inter-war Bungalow built circa 1927. The place has a double gable roof arrangement, with the main gable located over the front room oriented to Pennant Street. The original verandah, also oriented to Pennant Street, has been enclosed to form extra living space. An extension to the rear along the Pennant Street end has considerably increased the original internal space. The exterior has been rendered and painted white. The Wise & Co Western Australia Post Office Directory indicates that Mr Victor Christensen was a long term resident, from 1928 to at least 1949 when publication of the Directory ceased.

A full heritage assessment was undertaken for No. 41 Scarborough Beach Road, North Perth, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

### **Summary**

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

**10.1.8 No. 51 (Lot 51 D/P: 2824) Scarborough Beach Road, corner Coronation Street, North Perth - Proposed Change of Use from Office to Non - Medical Consulting Rooms (Beauty Salon) and Associated Signage and Alterations (Application for Retrospective Approval)**

<b>Ward:</b>	North	<b>Date:</b>	19 May 2008
<b>Precinct:</b>	Smith's Lake; P6	<b>File Ref:</b>	PRO4214; 5.2008.9.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Kendall		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J Griffiths on behalf of the owner C B Woodroffe & D A Ward for proposed Change of Use from Office to Non - Medical Consulting Rooms and Alterations (Beauty Salon) and Associated Signage and Alterations (Application for Retrospective Approval), at No. 51 (Lot 51 D/P: 2824) Scarborough Beach Road, corner Coronation Street, North Perth, and as shown on floor plan stamp dated 15 January 2008, site plan and fence elevation stamp dated 19 February 2008 and signage plan and elevations stamp dated 1 February 2008, subject to the following conditions:*

- (i) this approval is for Non-Medical Consulting Rooms (beauty salon) use only, and any change of use from Non-Medical Consulting Rooms (beauty salon) shall require Planning Approval to be applied for and obtained from the Town prior to commencement of such use;*
- (ii) this approval for Non-Medical Consulting Rooms (beauty salon), 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;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) doors, windows and adjacent floor areas fronting Scarborough Beach Road and Coronation Street shall maintain an active and interactive relationship with this street;*
- (v) the maximum gross floor area of the Non-Medical Consulting Rooms (beauty salon) shall be limited to 88 square metres, and a maximum of 1 consulting rooms/consultants operating at any one time, as shown on the approved plans. Any increase in floor space or number of consulting rooms/consultants or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*

- (vi) *the subject property is not to be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
  - (vii) *the hours of operation for the proposed Non-Medical Consulting Rooms (beauty salon) shall be restricted to 9am to 6pm Monday to Friday and 8am to 1pm Saturday, inclusive;*
  - (viii) *within 28 days of the issue date of the 'Approval to Commence Development', the following works shall be undertaken:*
    - (a) *the car parking area shall be sealed and drained as shown on the approved plans and shall be clearly sign posted and available at all times the business is operating to clients;*
    - (b) *standard visual truncations, in accordance with the Town's policy and/or to the satisfaction to the Town's Technical Services Division, are to be provided at the intersection of the road reserve boundary and the vehicular accessways to ensure that the safety of pedestrians and other road users is not compromised. Details of the required visual truncations shall be submitted and approved by the Town's Technical Services prior to the commencement of the works;*
    - (c) *to ensure that the safety of vehicles manoeuvring to and from the car parking bays, wheel stops, or an alternative form of barrier, shall be placed at a distance of 1 metre around the base of the existing tree. Details of the required barrier shall be submitted and approved by the Town's Technical Services Section prior to the commencement of the works;*
    - (d) *the following existing signage shall be removed and/or modified to reflect the plans stamp dated 1 February 2008:*
      - (1) *the existing window signs along the northern and western facades shall be replaced and shall comprise no more than 50 per cent of the glazed area of each window. The balance of the window shall be transparent to enable a clear view and interactive relationship with Scarborough Beach Road and Coronation Street respectively; and*
      - (2) *the projecting sign along the eastern end of the existing awning shall be modified so as not to project beyond the outer frame or surround of the fascia.*
- A Sign Licence application will need to be submitted to and approved by the Town prior to the commencement of the above works; and*
- (e) *architectural drawings and building assessment report (BCA), which are prepared by a qualified Practising Building Consultant demonstrating the building complying with the Building Code of Australia (BCA) requirements for a class 6 Building, and confirming that the patio enclosure is structural sound shall be submitted to and approved by the Town of Vincent;*
- (ix) *any new street/front wall, fence and gate between the Scarborough Beach Road boundary and Coronation Street boundary and the main building, including along the side boundaries within these front setback areas, shall comply with the following:*
  - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*

- (b) *the maximum height of piers with decorative capping being 2 metres above the adjacent footpath level;*
- (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
- (d) *the posts and piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
- (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (x) *the significant Jacaranda (Jacaranda mimosifolia) tree, which is located 0.5 metre from the western property boundary, shall not be removed without the written consent of the Town's Parks Services and all costs associated with the removal/ shall be borne by the applicant/owner(s).*

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**COUNCIL DECISION ITEM 10.1.8**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

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

**(Cr Ker on approved leave of absence.)**

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<b>Landowner:</b>	C B Woodroffe & D A Ward
<b>Applicant:</b>	J Griffiths
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Office
<b>Use Class:</b>	Single Dwelling and Non-Medical Consulting Rooms
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	543 square metres
<b>Access to Right of Way</b>	Southern side, 5 metres wide, sealed, Town owned

**BACKGROUND:**

- 1969 The City of Perth approved an application for conversion of a non-conforming use from shop (butchers) to office.
- 19 November 2007 The Town received correspondence regarding the unauthorised use of the subject place as a non-medical consulting room (beauty salon).

- 29 November 2007 A site inspection was undertaken by the Town's Officers which revealed that the subject site was being renovated for use as a non-medical consulting room (beauty salon).
- 3 December 2007 The Town wrote to the owners of the subject property and advised that no approval had been issued for a non-medical consulting room at the subject site and that a planning application was required to be obtained from the Town prior to the first occupation of the development.
- 15 January 2008 The Town received an application for retrospective approval change of use from office to non-medical consulting room (beauty salon).

**DETAILS:**

The proposal involves change of use from office to non-medical consulting room (beauty salon). The subject site comprises a former corner shop and attached residence.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted.
Consulting Rooms Policy No. 3.5.22	The maximum floor area permitted to be dedicated to the consulting rooms is not to exceed more than 20 per cent of the total floor area and the residential use is to remain the predominant use of the dwelling.	Consulting room occupies 49 per cent / 88 square metres of total floor area. The remaining 51 per cent / 87.3 square metres will be used for residential purposes.	Supported – as the existing building was originally built to comprise one half commercial and one half residential; it maintains its original appearance and integration with the streetscape and as the business is low in scale and comprises only one consultant and one additional staff member.
	Private Courtyard - 16 square metres behind the front setback area, with 2/3 (10.6 square metres) of the required area without permanent roof cover.	In excess of 16 square metres, within front setback area and 8.8 square metres uncovered.	Supported – as the required car parking is being provided in the rear yard reducing the ability to provide a functional outdoor living area behind the front setback area. Outside the operating hours, the applicant will be able to utilise the rear of the property.



	Not to be located within 200 metres of a Local Centre or District Centre zone	190 metres to Local Centre.	Supported – as the nearby Local Centre, located at the corner of Loftus Street and Scarborough Beach Road intersection is small scale and the proposal is not considered to compromise integrity of the Centre.
Consulting Rooms Policy - Signage	One (1) 'Consulting Rooms' identification sign is permitted within the front setback area of the property.	- An aggregate of 4.324 square metres, comprising: - Two window signs at 1.35 square metres; - A wall sign at 0.244 square metres; and - Projecting Sign at 1.38 square metres.	Supported – the proposed signage is not considered excessive in this instance as it readily identifies the building along each street frontage and otherwise complies with the requirements of the Town's Policy relating to Signs and Advertising.
Economic Development Strategy	No requirement to add new commercial precincts or nodes as all Vincent's residents live within 1 kilometre of a commercial centre.	Non-residential use encroaching into a residential area.	Supported - as the building was originally constructed as a corner shop and associated residence, with which its continued partial commercial use is consistent. The proposal is not considered to compromise the objectives contained in the Strategy, as it is a low in scale and nature as it comprises only one consultant and one additional staff member.
<b>Commercial Car Parking</b>			
Car parking requirement (nearest whole number)		3 car bays	
<ul style="list-style-type: none"> <li>• 3 spaces per Consulting Room</li> </ul>			
Apply the adjustment factors.		(0.68)	
- 0.85 (within 400 metres of a bus stop)			
- 0.80 (the proposed development contains a mix of uses, where at least 45 percent of the gross floor area is residential)		2.04	
Minus the car parking provided on-site for the commercial component of the development.		3 car bays	
Minus the most recently approved on-site car parking shortfall.		Nil	
Resultant surplus		0.96 car bays	
<b>Bicycle Requirements</b>			
Minimum Requirements: Class 1 or 2 - 1 space per eight practitioners - 0.125 space		Nil	
Class 3 - 1 space per 4 practitioners -0.25 space			

<b>Consultation Submissions</b>		
Support	Nil	Noted
Objection	Nil	Noted
<b>Other Implications</b>		
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:**

### **Building Comments**

The submitted plans do not provide adequate information to fully assess compliance with Building Code of Australia (BCA) in respect of the required bounding (fire separation) between residence and the beauty salon use; fire protection of external openings (doorways/windows); and accessibility, car parking, and sanitary facilities for people with disabilities. Accordingly, a condition has been recommended to address non-compliant BCA matters. Furthermore a Building Licence was not obtained for the enclosure of the existing patio along the western boundary of the site. Therefore, structural certification of the patio enclosure has also been requested.

### **Planning Comments**

The applicant erected signage on the subject property, prior to receiving notification from the Town requiring a planning approval for the change of use and associated signage. The existing signage on-site does not comply with the Town's Policy No. 3.5.2 relating to Signs and Advertising and Policy No. 3.5.22 relating to Consulting Rooms. However, the applicant has submitted plans, which show compliant signage, except where the above table states otherwise. The applicant has advised that the existing signage will be removed/modified in accordance with the attached plans, if the application is approved.

### **Summary**

Policy No. 3.3.8 relating to the Scarborough Locality recognises that there are a number of non-residential uses which have been in existence for many years along Scarborough Beach Road. The Policy further states that their continued presence is generally accepted where they remain at their existing scale and intensity and do not unduly impact on the amenity of their neighbours.

The scale and nature of the application is considered acceptable and would not result in any undue impact on the amenity of the surrounding area. Furthermore, the proposal complies with the Town's Policy No. 3.4.3 relating to Residential Non-Residential Interface. The application is, therefore, supported subject to standard and appropriate conditions to address the above matters.

**10.1.21 Investigation of Small Business Initiatives – Progress Report No. 3**

<b>Ward:</b>	Both Wards	<b>Date:</b>	20 May 2008
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	ADM0085
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	E Saraceni		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Investigation of Small Business Initiatives – Progress Report No. 3; and*
- (ii) *NOTES;*
  - (a) *the outcomes of the Investigations of Small Business Initiatives; and*
  - (b) *that a further report is to be submitted to the Council by September 2008, with a response to the Economic Development Plan – Implementation and Governance.*

**COUNCIL DECISION ITEM 10.1.21**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**(Cr Ker on approved leave of absence.)**

**PURPOSE OF REPORT:**

To provide a progress report to the Council with in regard to the Town’s progress in investigating small business initiatives, including registration, funding, partnerships with other local governments and online sources of information and other online services relevant to small businesses.

**BACKGROUND:**

7 November 2006

The Council received and adopted a Notice of Motion at its Ordinary Meeting, which read as follows:

*“That the Council;*

- (i) *AUTHORISES the Chief Executive Officer to investigate and prepare a report which includes;*
  - (a) *to investigate initiatives to help small business registration;*

- (b) *possible funding through a grant from the federal government "Regulation Reduction Incentive Fund";*
- (c) *exploring a partnership with other local governments (eg City of Stirling);*
- (ii) *REQUESTS the initiatives to consider and include (where practicable);*
  - (a) *ending the need for small business to apply for annual signage approval renewals;*
  - (b) *an online self assessment tool to help business owners determine the feasibility of a business within a particular locality;*
  - (c) *a "self assessment" enquiry tool into the Town's website;*
  - (d) *an assessment tool which will check the Town's zoning database to firstly establish any conflict in zoning and also other technical requirements (including parking details, disabled access, signage, or food establishment standards;*
  - (e) *information useful for business planning and marketing initiatives;*
  - (f) *a link into the Town's Administration and also a business directory;*
  - (g) *information concerning building approvals data, a commentary on trends, demographics and business mix; and*
- (iii) *CONSIDERS the report no later than April 2007."*

24 April 2007

The Council at its Ordinary Meeting considered a progress report on the investigation of small business initiatives and resolved the following:

*"That the Council;*

- (i) *RECEIVES Progress Report No. 1 – Investigation – Small Business Initiatives;*
- (ii) *NOTES that the Town's Administration has been unable to complete this project due to a lack of staff and resources;*
- (iii) *CONSIDERS the funding and timeline of the project during the consideration of the Draft Budget 2007/08; and*

- (iv) *INCLUDES in the scope of the project, investigation of the Town's website as a portal for the Town's Town Centres and for individual businesses operating within the Town.*"

20 November 2007

The Council at its Ordinary Meeting received an Information Bulletin report - Progress Report No. 2 – Small Business Initiatives Investigation. This report advised the Council of the Town's progress with regard to investigating the matter.

**DETAILS:**

The Town's Officers have investigated the matter and determined that the Town at present has numerous existing initiatives for small businesses. These initiatives are listed below in point form;

- The Town's administration is currently in the process of investigating and initiating an online planning application lodgement system.
- The Town's website provides access to the Town Planning Scheme, Planning and Building Policy Manual, Application Checklists and Information Sheets relating to small businesses.
- The Town's website also provides a demographic profile of the Town, which provides useful information for those investigating the option of operating a business in the Town.
- The Town has proposed an Economic Development Strategy, which is also accessible on the Town's website.
- No Planning Approval for signage is required if the proposed signage is compliant with the Town's Policy relating to Signs and Advertising.
- Building and Planning Approvals (determined under delegated authority) are reported to the Council on a quarterly basis and this information is available to the public.

The Town's Officers are of the view that the abovementioned initiatives are adequate in providing information, encouragement, initiatives and assistance to current and prospective small business proprietors within the Town. However, it is noted that the availability of this information on the Town's website could be articulated in a clearer, more business focused manner.

The Town also has long term initiatives with regard to small businesses. The Council at its Ordinary Meeting held on 22 April 2008 considered the *Draft Final Report of the Economic Development Plan – Implementation and Governance*, and resolved as follows:

*" That the Council;*

- (i) *RECEIVES the draft final report of the Economic Development Plan – Implementation and Governance dated March 2008 and prepared by Pracsys; and*
- (ii) *REQUESTS that a further report be presented to Council by September 2008 with recommendations in response to the final report of the Economic Development Plan – Implementation and Governance."*

The above report outlines strategies and models to implement and govern the Economic Development Strategy, including place management, which will be charged with various responsibilities such as further developing small business initiatives.

A further report is programmed to be presented to the Council in September 2008, when the Council will consider which recommendations of the above report should be implemented. Any further small business initiatives will be pending the outcomes of the aforementioned meeting.

**CONSULTATION/ADVERTISING:**

Not applicable at this stage.

**LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2006-2011: Objective 2.1: Progress Economic Development with Adequate Financial Resources:

*“2.1.3 Promote business development.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

In light of the above, it is recommended that the Council receives this progress report, and notes the outcomes of the investigations.

**10.1.22 Progress Report No. 3 - Review of Practices Relating to Conditions on Demolition Approvals**

<b>Ward:</b>	Both Wards	<b>Date:</b>	19 May 2008
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0180
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	S O'Loughlin, S Kendall		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES Progress Report No.3 – Review of Practices relating to Conditions on Demolition Approvals;*
- (ii) *ADOPTS the following Practices relating to Conditions on Demolition Approvals;*
  - (a) *the following conditions are to be imposed on Planning Approvals, which involve both demolition and redevelopment:*
    - (1) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site; and*
    - (2) *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;*
  - (b) *the following conditions are to be imposed on Planning Approvals, which involves demolition only:*
    - (1) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
    - (2) *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;*
    - (3) *demolition of the existing building may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;*
    - (4) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
    - (5) *support of the demolition application shall not be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property; and*

- (6) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Planning Scheme No.1 and associated Policies; and*
- (c) *in the event that significant structural failure is cited as a justification for demolition of a building or where it is deemed that a building poses a serious threat to the health, safety and general welfare of the Town's inhabitants, the Town may replace the standard condition requiring a development proposal for the redevelopment of the subject property to be submitted and approved prior to the issue of a Demolition Licence, with the following conditions:*
- (1) *prior to the issue of a Demolition Licence the owner shall:*
- (aa) *provide a detailed landscaping (inclusive of both lawn and garden bed components) and lighting plan, prepared in consultation with the Town's Technical Services for the property at [insert property address]. The plan shall be submitted and approved prior to the issue of a Demolition Licence. The approved landscaping and lighting plan works shall completed within 3 months from the issue date of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s);*
- (ab) *provide a bond of an amount up to \$10,000 by way of a bank guarantee to ensure the landscaping and lighting plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer;*
- (ac) *agree in writing to enable the Town to carry out the landscaping and lighting plan works and thereafter maintain it to an appropriate appearance and standard, and draw on the bond as required in the absolute discretion of the Town's Chief Executive Officer, in the event of non-compliance by the owners; and*
- (ad) *indemnify in writing the Town of Vincent against any claims:*
- (ba) *which are in any way associated with the carrying out of the demolition of the building at the property at [insert property address] pursuant to the Demolition Licence issued by the Town in respect of the property; and*
- (bb) *which arise during the period from the date of issue of the said Demolition Licence until the date that approved redevelopment works are commenced at the property; and*
- (iii) *AUTHORISES the Chief Executive Officer to prepare a Policy to address the above practices relating to Conditions on Demolition Approvals, should the Council endorse the above practice.*

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**COUNCIL DECISION ITEM 10.1.22**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

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

**(Cr Ker on approved leave of absence.)**



**PURPOSE OF REPORT:**

The purpose of this report is to present to the Council the further findings resulting from the investigation and research undertaken by the Town's Officers in response to the Notice of Motion adopted by the Council at its Ordinary Meeting held on 27 June 2006, in relation to the 'Review of Practices relating to Conditions for Demolition'.

**BACKGROUND:**

- 27 June 2006                      The Council at its Ordinary Meeting resolved to adopt the following Notice of Motion:
- "That the Council requests;*
- (i) *the Chief Executive Officer review the current practice regarding conditions for demolition to:*
- (a) *more effectively encourage redevelopment and discourage lots being left vacant;*
- (b) *more effectively discourage dwellings being left in an uninhabitable, abandoned state;*
- (c) *provide some flexibility as to what constitutes "a redevelopment proposal" within developed definitive guidelines while achieving identified positive development outcomes;*
- (d) *identify means of the Town's intervening, taking action and recouping costs if the Town is not satisfied with situations arising from a demolition approval;*
- (e) *maintain the positive outcomes achieved (eg Wright Street) by the application of the current demolition conditions; and*
- (f) *all of the above be considered in light, not only of policies pertaining to demolition, but also to the relevant Safer Vincent and Health policies;*
- (ii) *the report contain:*
- (a) *statistics and comments on the number of demolition applications per year for the past five years;*
- (b) *the number of requests for deletion of conditions relating to submission of plans; and*
- (c) *the number of appeals to the State Administrative Tribunal relating to demolition and the reasons; and*
- (iii) *a report back on the above matters within three (3) months."*
- 10 October 2006                      The Council considered and received Progress Report No.1 providing an update in relation to the progress of further work being undertaken in relation to the 27 June 2006 Notice of Motion.

21 November 2006      The Council considered and received Progress Report No.2 providing an update in relation to the progress of further work being undertaken in relation to the 27 June 2006 Notice of Motion and resolved the following:

- “(i)    *RECEIVES Progress Report No.2 - Review of Practices Relating to Conditions on Demolition Approvals;*
- (ii)    *DEFERS clause (ii) for further consideration; and*
- (iii)   *SEEKS comments from the Western Australian Local Government Association in relation to how to deal with this matter, through Policy or Legislation.”*

20 February 2007      At the Council Members Forum, the Town's Officers presented a power point presentation relating to the draft proposed practices and conditions relating to Demolition Approvals.

The presentation reflected the content of the Agenda Report, which was considered by the Council at its Ordinary Meeting held on 21 November 2006. The recommendation made in the presentation and report were subsequently not considered effective mechanisms for dealing with demolition applications and the subsequent management of properties after demolition as the recommendations were complex and considered difficult to impose and monitor.

**CONSULTATION/ADVERTISING:**

Not required.

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

**Comments from Western Australian Local Government Association**

In relation to clause (iii) of the Council's resolution from the Ordinary Meeting held on 21 November 2006, the Town wrote to Western Australian Local Government Association (WALGA) for advice on *how to deal with this matter, through Policy or Legislation* on 15 November 2007. However, since this time and after subsequent follow up requests for assistance, no response has been received.

Notwithstanding the above, there have been recent developments in the management and practice of applications for demolition where it has been requested that the requirement for a redevelopment proposal be omitted, which have further informed the Officer's consideration of such matters.

The condition, which requires a redevelopment approval to be submitted and approved prior to the issue of a Demolition Licence, is a standard condition and is applied to the approval of almost all demolitions within the Town. The application of this standard condition is intended to minimise parcels of land being left vacant over a lengthy period and enables opportunity for buildings to be retained in the event that the ownership changes. Whilst the request not to apply the condition is not generally granted, it is considered that in some instances where the health, safety and general welfare of the Town's inhabitants are under threat that the expeditious demolition of a place, facilitated by the removal of the redevelopment condition is required.

In such instances, it has been standard practice in the past to impose a condition on the 'Approval to Commence Development' for a landscaping plan and the associated implementation of the landscaping works to be undertaken for the beautification of the site after the demolition works.

At the Ordinary Meeting of Council held on 24 July 2007, the Council approved the demolition application at No. 441 William Street, Perth and replaced the standard redevelopment condition with the following condition:

*"(vii) the owner entering into a Legal Agreement with the Town (prepared by the Town at the owners expense), prior to the issue of a demolition licence to;*

- (a) provide a detailed Landscaping and Lighting Plan, prepared in consultation with the Town's Parks Services and Technical Services Section for the site at No. 441 (Lot 11 D/P: 1114) William Street, Perth. The Plan shall be submitted and approved prior to the issue of a Demolition Licence. The approved landscaping and lighting plan works shall be undertaken and completed within three 3 months from the issue of the Demolition Licence and maintained thereafter by the owner(s)/occupier(s);*
- (b) a bond of \$8,500 being paid by the owners, prior to a demolition licence being issued, to ensure the landscape plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer. In the event that the bond is drawn upon, such bond shall be maintained at a level of \$8,500 dollars until the redevelopment works are commenced;*
- (c) a bond of up to \$10,000 being negotiated and paid by the owners, prior to a demolition licence being issued, to ensure the lighting plan is implemented within the time period and thereafter maintained to the satisfaction of the Chief Executive Officer;*
- (d) the Town being able to carry out the Landscape Plan works and thereafter maintain it to an appropriate appearance and standard, and draw on the bond as required in the absolute discretion of the Town's Chief Executive Officer, in the event of non-compliance by the owners; and*
- (e) such Legal Agreement to remain in effect until redevelopment works commence;*
- (f) indemnify the Town against any claims whatsoever that may arise as a result of this matter;"*

However, since the issue of Planning Approval for the demolition of that place on 24 July 2007, the matter of the legal agreement has been subject to a review at the State Administrative Tribunal. Whilst the review was later vacated through consent of both parties, the property has yet to be demolished due to preparation and review of the required legal documentation. This unnecessary delay in the demolition process has resulted in further complaints being received and frustrations communicated, by nearby residents. In addition, it is unlikely that such a condition requiring both parties to enter a legal agreement, would hold up to stronger legal scrutiny.

At the Ordinary Meeting of Council held on 12 February 2008, the Council approved the demolition of the Norwood Hotel at No. 282 Lord Street, Perth without the standard condition requiring the redevelopment due to the deteriorated condition of the place. At this meeting, a condition was imposed that reflected the above condition imposed on No.441 William Street, but without the requirement for a legal agreement. Since the Ordinary Meeting of Council held on 12 February 2008, the applicant proactively acted upon the Town's requirements and subsequently a Demolition Licence has been issued.

### **Conclusion**

The Town's Officers acknowledge that uninhabitable and abandoned properties are problematic and should be addressed in liaison with owners as far as practicable. However, there are instances where demolition is unavoidable and therefore a standard practice needs to be agreed upon. In light of the recent examples, as detailed above, it is recommended that the Council endorse the practice for conditions of Planning Approval, which involve demolition as detailed in the Officer Recommendation. Should the Council endorse the proposed practice relating to Conditions on Demolition Approvals, it is further recommended that the practice be formalised in a Policy as outlined in the Officer Recommendation.

**10.2.1 Annual General Meeting of Electors held on 3 December 2007 –  
Response to Motion**

<b>Ward:</b>	Both	<b>Date:</b>	15 May 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	ADM0016
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	R Lotznicker		
<b>Checked/Endorsed by:</b>		<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report on the response to a motion carried at the Annual General Meeting of Electors held on 3 December 2007; and*
- (ii) *ADVISES Mr Fleay of the Council's decision.*

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**COUNCIL DECISION ITEM 10.2.1**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

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

**(Cr Ker on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to provide information to the Council on a motion moved by Mr Brian Fleay, regarding recycling at the Annual General Meeting of Electors held on 3 December 2007.

**BACKGROUND:**

At the Annual General Meeting of Electors held on 3 December 2007, the Council received the Annual Report 2006/2007. In addition, during General Business the following motion was carried;

*"That the Town undertake early in 2008 a report outlining the background to these developments in the WA recycling product industry, followed by local publication. An in-depth report is not envisaged, just sufficient information to get an overall picture and what follow-up action may be required? Solutions will undoubtedly require action at city wide and even at State levels. I recognise that Council staff are under considerable pressure at the present time."*

**DETAILS:**

The questions raised at the meeting have been researched by the Director Technical Services and the following brief comments to the questions raised by Mr Fleay are provided:

Question:

*From newspaper reports, there appear to be wider problems, not well explained. The Perth factory that reprocesses waste glass to reusable products has apparently closed down without clear reasons being given.*

Officers' Comments

The Perth factory has been closed for the last three (3) years. All glass currently collected in WA goes to a company called Rail Road Transport, located in Kewdale, from where it is transported to a glass plant located in South Australia. In WA glass is a marginal product in Recycling.

There are a number of studies in progress for use of glass in WA and the Department of Environment and Conservation (DEC) are providing grants to companies for research, however, as WA has a very large quantity of mineral sands which has the same performance as fine crushed glass, the cost of processing glass in WA is higher than the cost of processing mineral sand.

Question

*AMCOR is apparently closing down its recycled paper processing plant in Perth:*

Officers' Comments

AMCOR closed its Perth facility located at Bibra Lake in 2006 and now exports the majority of their product overseas or sends it to its paper mills located in the Eastern States.

AMCOR is only one possible purchaser of recycled paper products; there are others or the product/s can be exported overseas as a number of recycling companies have done in the past.

In discussions with several recycling companies in WA, it is business as usual from their viewpoint.

Question

*What is the background that led to these closures that have serious consequences for the city and local government?*

Officers Comments

The advice is that the risk in any Recycling contract is the volatile pricing of the recycling products.

The glass plant closure resulted from the lack of volume produced in Perth to justify a plant being located in WA.

It can only be speculated why the AMCOR closure occurred, however, the plant was built in the 1960s and needed a substantial upgrade, including the high value of the land which the plant was located on.

It was probably a business decision, given that the company has similar larger and newer plants in eastern Australia. AMCOR may have considered that the capital investment was not worth it when they could easily transport the raw material to the east coast and increase the output from their existing mills.

Question

*Do the recent prosecutions of AMCOR and VISY and their key personnel for cartel trading have a bearing on this? Today's West Australian (p 41) reports that a New Zealand company is planning to take over/merge with AMCOR and possibly VISY. What are the implications for recycling?*

Officers' Comments

Research has indicated that at this stage there have been no consequences for Local Government from the result of the AMCOR closure and the glass Recycling facility as this has not affected the 'on sale' of either products.

We have been advised that both AMCOR and VISY are not the only two purchasers of recyclable product in WA and there are many other markets for recycling products.

Question

*What changes are occurring in the local market for recycled products? What is driving these trends?*

Officers' Comments

The response to this question is best answered by *what are the factors preventing better reuse of recycled materials* in WA?

Currently there is a lack of market demand for recovered materials due mainly, in part, to the attraction of using virgin materials due to the continued financial support given to mining and extraction industries and the lack of tax incentives available to encourage the use of recycled materials.

Also there is a high cost associated with recovering materials due to increases in collection costs and the increased complexity involved in recycling manufactured and branded materials in the hard waste stream, especially Waste Electronic and Electrical Equipment (WEEE).

The lack of flexibility in changing the type of materials that can be collected in recycling containers and a shortage of Materials Recovery Infrastructure in WA is due to the lack of financial incentives to invest in waste recovery and recycling infrastructure.

Cost shifting/Cost cutting.

- Local Government (ratepayer funded) programs to recover and recycle waste continue to be the default means by which recycling programs are expected to function.
- State and Federal Governments continue to prevaricate on the matter of transferring the responsibility and cost of conserving resources and recycling from ratepayers and taxpayers to the brand owners and consumers through Extended Producer Responsibility.

The lack of publicity the State and Federal Governments give to:

- The need for waste minimisation and the importance of re-use and recycling as a means of conserving resources.
- The investments that Local Governments are making in infrastructure and services designed to reduce waste going to landfill.

**Conclusion:**

The Town is in the process of preparing a Strategic Waste Minimisation plan through the Mindarie Regional Council. The plan is being developed in response to an initiative of the Western Australian Waste Management Board in 2007 and as part of the Town's Strategic Plan KPIs.

The Plan, once adopted, will assume a legal status in accordance with the provisions of Division 3, Section 40-44 of the Waste Avoidance and Resource Recovery Act 2007, at a time to be proclaimed.

The plan will contain various recommendations and actions to facilitate waste minimisation at a Local, State and Federal level.

Once the plan has been finalised, it will be presented to the Council for adoption.

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

The Town's Strategic Waste Minimisation Plan, once adopted, will assume a legal status in accordance with the provisions of Division 3, Section 40-44 of the Waste Avoidance and Resource Recovery Act 2007 at a time to be proclaimed.

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

N/A

**COMMENTS:**

The report contains comments to the questions raised by Brian Fleay at the Annual General Meeting of Electors held on 3 December 2007.

In addition, the report advises that the Town is in the process of preparing a Strategic Waste Minimisation Plan through the Mindarie Regional Council. The plan is being developed in response to an initiative of the Western Australian Waste Management Board in 2007 and as part of the Town's Strategic Plan KPIs.

Once adopted, the recommendations in the Strategic Waste Minimisation Plan will be acted upon with the aim of improving/facilitating the minimisation of waste.



**10.2.2 Proposed One-Way Street – Lacey Street, Perth**

<b>Ward:</b>	South	<b>Date:</b>	15 May 2008
<b>Precinct:</b>	Beaufort Precinct P13	<b>File Ref:</b>	TES0193
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	C Wilson		
<b>Checked/Endorsed by:</b>	R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the report on the proposal to convert Lacey Street, Perth, to a one-way street;
- (ii) **APPROVES IN PRINCIPLE** the introduction of one-way restriction in Lacey Street as shown on attached concept plan, drawing No. 2579-CP-01;
- (iii) **CONSULTS** with the residents and businesses to determine the level of support for the proposal, and
- (iv) **RECEIVES** a further report at the conclusion of the community consultation.

**COUNCIL DECISION ITEM 10.2.2**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**(Cr Ker on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to advise Council of an outstanding written request to consider converting Lacey Street, Perth, to a one-way street and to seek Council's approval to undertake community consultation to determine the level of support of residents/businesses for the proposal.

**BACKGROUND:**

In February 2005, the Town received a written request from a business proprietor whose premises are located in Lacey Street, Perth, seeking a review of the parking restrictions, consideration be given to its conversion to a one-way street and a general infrastructure upgrade.

At its Ordinary Meeting of 12 April 2005, Council endorsed a recommendation to refer the matter to the Local Area Traffic Management (LATM) Advisory Group for consideration.

The LATM Advisory Group duly considered the matter at its meeting of 19 September 2005.

The Group considered the implications of a one-way restriction on the surrounding road network and agreed that it would be insignificant and that the proposal had merit. It was the Group's intention that a further report be prepared seeking Council's approval to undertake community consultation.

However, in 2006 the Town was advised that the Office of Energy was calling Expressions of Interest (EOI) for projects to be submitted for funding in Round 4 of the State Underground Power Program - Localised Enhancement Project (LEP) scheme.

At its Ordinary Meeting of 5 December 2006, Council, when adopting Design Guidelines for Lacey Street, also resolved to lodge an EOI for Lacey Street to be included in Round Four of LEP scheme as an historical precinct.

As a consequence of Council's decision, any proposed changes in Lacey Street were placed on hold pending the outcome of the Town's submission.

#### **DETAILS:**

Lacey Street comprises a 12m wide road reserve with a 7m wide carriageway and on-road parking on both sides of the street. As a consequence, the trafficable lane width is 2.8m. While there are passing opportunities along the street, such as at crossovers, it can be difficult for large vehicles like the rubbish and recycling trucks and commercial delivery vehicles to negotiate the street and therefore Lacey Street lends itself to a one-way restriction.

This situation is not unlike a number of other streets in the Town.

In September 2005, the LATM Advisory Group considered a request to convert Lacey Street, Perth, to a one-way street. The Group considered that the proposal had merit based upon the narrow width of the street and limited passing opportunities when vehicles occupied a majority of, or all of, the on-road parking spaces. The Town's rubbish and recycling trucks had also experienced problems negotiating the street. Further, the residents perceived that Lacey Street was being used as a 'rat run' from Brisbane Street to Brewer Street in the morning peak period.

The Advisory Group concluded that if the one-way proposal were to be supported, the preferred direction of travel should be south (Brewer Street) to north (Brisbane Street), as shown on the attached concept plan, drawing No. 2579-CP-01, to overcome the perception of rat running.

The Advisory Group intended that the Council be requested to approve undertaking community consultation to gauge the level of support for the proposal. However, subsequent to this Council had considered two (2) separate reports on the State Underground Power Program - Localised Enhancement Project scheme and Design Guidelines for Lacey Street.

In June 2007 the Minister for Energy advised the Town that while an LEP submission for Brookman Street, Moir Street and Forbes Road had been selected as a reserve project, the Lacey Street proposal had been unsuccessful.

However, it should be noted that while the original request to convert Lacey Street to a one-way street is still outstanding, the Town has not received any further requests and therefore the current level of community support is unknown.

#### **CONSULTATION/ADVERTISING:**

In accordance with the Town's Community Consultation Policy.

**LEGAL/POLICY:**

While Lacey Street is under the care, control and management of the Town, Main Roads WA are responsible for speed zoning, regulatory signage and line marking of all of the State's roads and, therefore, the Town requires the approval of the Commissioner of Main Roads to convert Lacey Street to one-way.

**STRATEGIC IMPLICATIONS:**

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

**FINANCIAL/BUDGET IMPLICATIONS:**

The Town currently has \$73,000 on budget, proposed to be carried forward to the 2008/2009 draft budget for road resurfacing and traffic management/streetscape improvements in Lacey Street.

**COMMENTS:**

As indicated in the report, the original request to consider a one-way street is several years old and the Town does not have current indication of community support.

It is therefore recommended that the Council approves the introduction of one-way restriction in Lacey Street in principle, consults with the residents and businesses to determine the level of support for the proposal, and receives a further report at the conclusion of the community consultation.

**10.2.3 Review of Road Reserves - Progress Report No. 2**

<b>Ward:</b>	Both	<b>Date:</b>	15 March 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0310
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Lotznicker		
<b>Checked/Endorsed by:</b>	-	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** Progress Report No. 2 on the proposed Review of Road Reserves;
- (ii) **NOTES** that the Town's officers met with officers from the Department for Planning and Infrastructure to further discuss road widening reservations on the Important Regional Roads within the Town but in particular Charles Street, where the negative impact of road widening reserves on development within the Town, particularly the Town Centres, was highlighted;
- (iii) **COMPLETES** an 'in house' review of the widening requirements on the roads as listed in the report;
- (iv) **REQUESTS** that the Department for Planning and Infrastructure provide an update on the Town's proposal for Charles Street as outlined on attached plans 2124-CP-1 to 6; and
- (v) **NOTES** that a further report on this matter will be submitted to the Council by August 2008.

**COUNCIL DECISION ITEM 10.2.3**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

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

(Cr Ker on approved leave of absence.)

**PURPOSE OF REPORT:**

The purpose of this report is to provide an update on the progress to date regarding a review of widening road reservations within the Town of Vincent.

**BACKGROUND:**

**Ordinary Meeting of Council held on 10 October 2006:**

A Notice of Motion was approved requesting that the Town approach the WA Planning Commission (WAPC), as a *matter of urgency*, to review the widening of road reservations on various Important Regional Roads within the Town:

**Ordinary Meeting of Council held on 24 April 2007:**

The Council considered a progress report (No 1) and was advised that Road reservations in the Metropolitan Region Scheme were last reviewed in 1991 and, since that time, the State Government had developed and adopted targets and strategies for reducing reliance on the private car in Perth, including the Metropolitan Transport Strategy (1995) and Network City (September 2004).

It was contended that it had become generally accepted that global production of oil would peak in the next ten years or so and then decline, with consequent increases in the price of fuel and the possible uncertainty of supply until possible alternative technologies were developed.

The report also contained extracts from responses received from the WAPC, Main Roads WA, the City of Stirling and the City of Bayswater.

The following decision was made (in part):

*"That the Council;*

*(ii) NOTES that;*

*(b) the Western Australian Planning Commission advised, in its letter of 21 February 2007, that a major review of road reserves in the Town of Vincent is simply not possible at this time (however, if the Town of Vincent has urgent need for specific work, and should discuss this with the Director of Urban Transport Systems);*

*(c) a meeting is to be arranged, as a matter of urgency, with officers from the Department for Planning and Infrastructure and the Western Australian Planning Commission's Director of Urban Transport Systems to further discuss road widening reservations on the Important Regional Roads within the Town but in particular Charles Street, and the negative impact of road widening reserves on development within the Town particularly the Town Centres, as the Town is in the process of reviewing its Town Planning Scheme;*

*(iv) RECEIVES a further progress report advising the outcome of the meeting proposed in clause (ii) above."*

**DETAILS:**

**Meeting with Department for Planning and Infrastructure (DPI).**

In accordance with the Council's decision in June 2007, a meeting to discuss road widening reservations on the important regional roads within the Town of Vincent, particularly Charles Street, was held.

The meeting was attended by the Town's Director Technical Services, Manager Engineering Design Services, Snr Engineering Technical Officer, Strategic Planning Officer and the Director of Urban Transport Systems and Team Leader Network Planning from the DPI.

At the meeting, road widening reservations on the Important Regional Roads within the Town, and in particular Charles Street, was discussed in detail. Also discussed was the negative impact of the existing road widening reserves on development within the Town, particularly the Town Centres, as the Town was in the process of reviewing its Town Planning Scheme.

### Charles Street

The meeting was advised that the Council, at its Ordinary Meeting held on 3 December 2002, previously requested that DPI review its current proposal for the future installation of a dedicated south bound bus lane and cycle lane on Charles Street, between Angove and Carr Streets and, as an alternative, consider adopting an alternative proposal as prepared by the Town's officers and Local Area Traffic Management Advisory Group

### The DPI proposal

- Maintain 3.66m road widening requirement on the eastern side of Charles Street and remove the requirement for the 3.66m wide widening on the western side of Charles Street.
- Construct an additional traffic lane south bound on Charles Street, from Angove Street to Carr Street, to be a "dedicated bus lane" including a 1.5m wide cycle lane at the kerb side.

### Town's Proposal.

The LATM advisory group agreed that the Charles Street study did not live up to its title of an Integrated Transport Study as it gave priority to long-distance over the local movements of pedestrians, cyclists and motorists and identified the following issues:

- Pedestrian Safety - would be compromised as pedestrians would need to cross five traffic lanes.
- Cyclist Safety - The proposal includes a 1.5m wide cycleway on the kerbside lane. This will result in buses regularly crossing this lane and stopping.
- Traffic safety - It was considered the safety of vehicles egress/access intersecting streets would be compromised with the addition of an additional traffic lane.
- Demolition - Buildings, some heritage listed, will require demolition.
- Justification - The group unanimously agreed that, from observation, the current AM peak period traffic congestion south bound on Charles street does not usually extend beyond Bourke Street and is usually cleared in one "green traffic phase" at the Vincent Street / Charles Street traffic signals.
- High Voltage Overhead Power Lines - The proposal would require the relocation of High Voltage Overhead Power Lines and, in accordance with Western Power's policy, they would need to be undergrounded at an approximate cost (Carr to Angove) of \$1.6m (based on \$1,000 per lineal metre).
- Traffic Volumes current/future - Traffic volumes in the section of Charles Street had decreased since the opening of the Graham Farmer Freeway and it is considered future levels of car mobility forecasted due to projected increases in the cost of fuel in the medium term are unlikely to be achievable.

The alternative proposal prepared by the Town's officers and the LATM Advisory Group included the following:

- An option for a 3.20m wide south bound dedicated bus lane from Claverton Street to the existing bus embayment south of Vincent Street
- An option for a 3.20m wide south bound dedicated bus lane from Claverton Street to Carr Street
- Allowance for a minimum 1.80m wide painted/solid median Island between Angove and Carr Streets
- Allowance for 2 x 4.0m wide inner traffic lane to accommodate cyclists

- Proposal for improvements to the Vincent / Charles Street traffic signals to improve level of service by carrying out a travel demand management survey
- Retention of the existing road widening requirement between Albert and View Streets to accommodate future bus priority measures
- Future possible installation of traffic signals at the Bourke/View/Charles intersection
- Lighting improvements along Charles Street
- Returning previously reserved land to adjacent property owners

The DPI Officers present were advised that plans prepared by the Town for the proposal would be resubmitted to them for further consideration.

Other Roads:

The other roads in the Notice of Motion (OMC 10 October 2006) included:

- Loftus Street
- London Street
- Vincent Street (Leederville Parade to Bulwer Street)
- Bulwer Street (properties adjacent to major intersections – Fitzgerald, William and Beaufort Streets)
- Fitzgerald Street
- Walcott Street (boundary road with City of Stirling)
- Lord Street
- Beaufort Street
- William Street
- Guildford Road (boundary road with City of Bayswater)
- East Parade (Main Roads WA road)
- Charles Street (Main Roads WA road)

The Town's officers have been assessing these roads to determine where widenings would still be required and where widenings are no longer required.

The main locations where the widenings could be retained are at intersections devoid of Heritage buildings and where level of service improvements could be achieved by a future intersection upgrade/improvement.

This work is still in progress and is being undertaken by Planning and Technical Services officers.

**Comments:**

A follow up in-house meeting was held in February 2008 to gauge progress on the above tasks and, due to other priorities, little progress had been made and at the time of writing this report more work is required.

Once a clear direction with regard to where widenings should be maintained and where they are no longer required has been arrived at, this information will be reported to the Council and passed onto DPI. This was agreed at the meeting with DPI.

**CONSULTATION/ADVERTISING:**

Nil

**LEGAL/POLICY:**

Nil

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“(d) Implement Local Area Traffic Management matters referred to the Local Area Traffic Management Advisory Group by the Council.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

In accordance with the Council decision, officers wrote to the various State and Local Authorities regarding a review of the widening of road reservations on Important Regional Roads within the Town. The responses received were previously reported to the Council.

WAPC advised that a major review of road reserves in the Town of Vincent is simply not possible at this time, however, if the Town had urgent need for specific work, to discuss this with the Director of Urban Transport Systems.

In accordance with the Council's decision at the Ordinary Meeting of Council held on 24 April 2007, a meeting took place with DPI and the Town's officers.

It is therefore recommended that the Town's officers finalise the review of widening proposals on the roads as listed in the report by June/July 2008 and report to the Council prior to submitting to DPI.



**10.2.5 Progress Report No. 4 - London Plane Trees at Birdwood Square and Port Jackson Fig at Hyde Park**

<b>Ward:</b>	South	<b>Date:</b>	19 May 2008
<b>Precinct:</b>	Hyde Park P12	<b>File Ref:</b>	RES0022/RES0042
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	K Godfrey		
<b>Checked/Endorsed by:</b>	J van den Bok, R Lotznicker	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECIEVES progress report No 4 regarding the condition of the London Plane trees at Birdwood Square and the Port Jackson Fig at Hyde Park;*
- (ii) *NOTES the recommendations from the arboriculturalist (as laid on the table) and summarised in the report with regard to the most suitable outcomes for the subject trees;*
- (iii) *APPROVES the;*
  - (a) *pruning of dead wood from the trees located on the eastern side of Birdwood Square (Beaufort Street frontage);*
  - (b) *continuation with the new application method of Trichoderma treatment on all the infected trees within Birdwood Square (refer attached photograph appendix 10.2.5A); and*
  - (c) *removal of the existing Port Jackson Fig and the replanting of a new Moreton Bay Fig within Hyde Park (refer attached photograph appendix 10.2.5B); and*
- (iv) *RECIEVES a further report on the new application method of Trichoderma treatment on the London Plane trees within Birdwood Square and its effectiveness in Spring of 2010.*

**COUNCIL DECISION ITEM 10.2.5**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**(Cr Ker on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to update the Council regarding the current health /condition of the London Plane trees within Birdwood Square and the Port Jackson Fig at Hyde Park.

**BACKGROUND:**

The Council considered a report on the health of the London Plane trees within Birdwood Square and the Port Jackson Fig in Hyde Park at its Ordinary Meeting held on 12 December 2006 where it was decided (in part):

*"That the Council;*

*(iii) APPROVES the:*

- (a) removal of the three (3) London Plane Trees from Birdwood Square numbered 1, 7 and 8 as shown on appendix 10.2.4 and the pruning of the remaining trees as recommended in the report;*
- (b) replanting of London Plane trees in Birdwood Square where trees numbered 1 and 8 are proposed to be removed; and*
- (iv) RECIEVES a further report on the continued treatment/effectiveness of the Trichoderma spraying, mulching and fertilising program in spring 2007."*

**DETAILS:**

**London Plane Trees - Birdwood Square**

The initial report regarding the London Plane Trees located within Birdwood Square was undertaken in December 2000 in response to their decline in health and vigour. At the time, the arboricultural report identified the presence of *Armillariella mella* (Honey fungus).

The recommended treatment with a product named Trichoshield was undertaken in 2000, 2001, 2002, 2003, 2004 and again in December 2006. The treatment works by feeding on the destructive threads of the *Armillariella mella* (honey fungus), by reducing the damaging effect that the fungus has on the health of the trees.

Recovery can be very slow and visible signs within the tree canopies can take as long as two (2) to five (5) years.

Arboricultural Report –January 2005

Parks Services Officers requested a progress report from arboricultural consultant, Charles Aldous Ball, in January 2005 regarding the recovery of the London Plane trees in Birdwood Square and the Port Jackson Fig located within Hyde Park.

This report identified that the row of trees on the eastern frontage (Beaufort Street frontage) of Birdwood Square were still in decline, with some trees displaying sparse leaf coverage. The decline over time resulted in the appearance of a number of dead limbs/branches within the upper canopies of these trees.

It was also noted that a number of the trees were displaying positive signs in their recovery. This was evident in the flush of new foliar growth near the tree limbs that were in decline. As indicated previously, the recovery of the trees is very slow to respond to such a fungal attack and the recommended treatment. The report also advised against the removal of any of the dead wood from their canopies as this would deplete their stored energy levels thus hindering their recovery.

### Aboricultural Report –July 2006

A further detailed inspection of all nineteen (19) London Plane trees was undertaken in July 2006 by Arboricultural Consultant Charles Aldous-Ball to ascertain their health and structural integrity. As this report was not received until September 2006, Parks Services Officers decided to arrange another inspection following the emergence of the new spring growth when the trees are easier to identify in terms of their recovery as they are displaying their optimum growth.

Inspection of the eleven (11) trees located along the Beaufort Street frontage revealed some *major* sections of dead wood within the canopies and as these were now deemed a potential hazard to the public, they were pruned back off Beaufort Street.

Inspection of trees numbered 1, 7, and 8 (*refer attached plan*) revealed that the majority of their canopy was dead with no epicormic (*watershoot*) growth evident. The buttress (*base*) of these trees, including the three (3) that were in decline, were still structurally sound at ground level and therefore not in danger of total collapse.

However, trees numbered 1, 7, and 8 had declined to a point where the arboricultural consultant recommended they be removed. The remaining trees required target pruning back to a growth point to remove the dead wood.

The eight (8) trees located along the Bulwer Street frontage required some minor target pruning and removal of some dead branches, otherwise they had not been overly affected by the Honey Fungus.

The aboricultural consultant also recommended that the Town implement a fertilising and mulching program around the base of the eastern row of London Plane trees to assist in their recovery.

In addition, the consultant recommended that the Town replants with the same tree species (*London Plane*) to maintain the continuity of the existing planting within Birdwood Square. While the idea of replanting with a tree indigenous to the area had been discussed, the arboriculturist recommended that they would be just as susceptible to being affected by the Honey Fungus.

### Aboricultural Report - 3 April 2008.

A further detailed inspection of the sixteen (16) London Plane trees was undertaken in April 2008 by Aboricultural Consultant, Charles Aldous-Ball, to ascertain the response and subsequent regrowth from within the tree canopies that were pruned in 2007.

#### *Eastern Boundary.*

The response from the removal of major sections of dead wood from within the canopies of these eight (8) trees has resulted in the emergence of regrowth along the remaining branch structure of the trees. As detailed in the report, some of the upper branch structure has died back to the points where the new growth has emerged.

These sections of dead wood are very light in structure and in their current form do not represent any danger to persons/public utilising Birdwood Square and Beaufort Street.

*As recommended, it would be prudent to review the health of these branches once the spring growth emerges to ascertain the level of pruning required to remove this dead wood.*

*Northern Boundary*

Two (2) of the trees on this frontage of Bulwer Street have had major limbs removed to alleviate the load on the upper canopies, and to reduce potential branch failure, also to eliminate any risk to the public. Both of these trees have produced new healthy epicormic growth, however, their structural form will take a number of years to fully recover.

The remaining six (6) trees have not displayed the declining effect of the *Armillariella mella* (Honey Fungus) therefore; they are still displaying sound and healthy growth within their canopy structure. This is evident by the extent that the canopies overhang into Birdwood Square and Bulwer Street.

**Summary**

As detailed in the aboricultural report, the sixteen (16) trees appear to be slowly recovering and are displaying new growth each season. They also appear to be structurally sound around their base with no visible signs of root heave evident, therefore are not in danger of collapse.

The consultant is of the opinion that these *trees have responded relatively well to previous applications of Trichoderma*.

Treatment of the trees for *Armillariella mella* (Honey Fungus) has been undertaken by the Aboricultural consultant since 2004, utilising the product "Trichoshield". Trichoshield was applied as a soil drench around the base and drip line of all the trees to control the "Honey Fungus".

The aboricultural consultant has now advised that there is *now a new form of "Trichoderma" product which comes in dowel form*. This is injected into the tree trunk and allows direct contact with the vascular structure and root system of the trees.

A total of ten (10) dowels are required for each tree. This new form of delivery will assist in the recovery process of these trees.

The recommended number of Trichoderma dowel injections for each tree is approximately ten (10). Once these dowel injections have been completed, it is advised to leave all the trees for at least two (2) years to ascertain the effect of the dowel injections and subsequent recovery on controlling the Honey Fungus infection.

**Port Jackson Fig - Hyde Park**

This tree is a mature multi stemmed Port Jackson Fig (*Ficus rubiginosa*) which is located on the southern side of Hyde Park adjacent to the frontage of Glendower Street.

Aboricultural Report –January 2005:

This Port Jackson Fig (*Ficus rubiginosa*) was initially inspected in December 2000 as the tree was in severe decline due to an initial infestation of Fig Psylid (*Mycopsylla fici*). This insect infestation resulted in the defoliation of the majority of the tree's canopy. Vascular injections of the insecticide "Rogor" eliminated the Fig Psylid, however; with the tree being devoid of foliage, recovery has been very slow.

An inspection and progress report undertaken in January 2005 revealed that whilst overall leaf growth was sparse, there was regrowth emerging within parts of the crown of the tree. Although this recovery is minimal, it is evident that the tree is regaining strength.

As a precautionary measure, an application of the product "Trichoshield" was applied around the root zone of this tree. This treatment was undertaken to eliminate any potential secondary threat of harmful soil pathogens.

Aboricultural Report –October 2006:

A further aboricultural report was undertaken on the Port Jackson Fig (*Ficus rubiginosa*) in October 2006 as the tree had a significant amount of dead wood within the canopy which could represent a potential danger to the public.

The inspection revealed that there were some major limbs that required target pruning back to a growth point. Pruning was immediately undertaken to alleviate the weight load on the tree canopy, thus eliminating any danger of branch failure. As recommended previously, the tree's canopy was not pruned back too hard as this would have depleted the tree's stored energy levels, thus hindering the its recovery.

An inspection of the buttress of the tree and large associated root system indicted that it was structurally root firm and not in danger of total collapse.

The aboricultural consultant also took some tissue samples of the tree to ascertain if there were any harmful fungal or insect pathogens present, however, these did not reveal any problems. Soil samples were also undertaken and, upon receipt of these results, any recommendations will be acted upon.

Aboricultural Report - 3 April 2008:

A further detailed inspection, along with an aboricultural report of the Port Jackson Fig, was undertaken by Charles Aldous-Ball in May 2008 to ascertain the response to previous treatments applied to increase the health and vigour of this particular tree.

Prior to an aboricultural report being undertaken on this Fig tree, a major dead limb from within the upper canopy had sheared off and landed at the base of the tree.

As the Hyde Park Fair was scheduled to commence within a month of this incident, Parks Services Officers had undertaken a further inspection of the tree and in the interest of public safety it was resolved to reduce the amount of dead wood from within the upper canopy.

Previous pruning of dead wood from within the canopy had occurred in 2006, however more dead branches were identified and a safety prune was undertaken to reduce the canopy load and eliminate further branch failure.

The aboricultural report indicated that whilst there was some epicormic growth emerging below the main trunk/s, this new growth was also found to be in decline.

A ground level examination also revealed excessive bark tissue displacement with open tissue being degraded and discoloured. All these signs revealed that continual decline of the tree was evident.

Over the years, Parks Services staff have implemented all the recommendations set by the aboricultural consultant, however, it appears that the tree is still in declining health and vigour, thus confirming that the tree will not recover.

As recommended in the aboricultural consultants report: "*It would be advisable to remove the tree based upon the extent of its response to previous treatment, poor regrowth and further decline. There is also a duty of care to the public to consider should any further branch/limb failure occur.*"

This tree therefore needs to be removed and the remnant stump ground out.

A new Moreton Bay Fig tree is recommended to be planted within the vicinity of the previous location of the old tree.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

In accordance with Strategic Objective 1 of the Strategic Plan 2006-2011 - Natural and Built Environment 1.3.1 "*Enhance and maintain parks and community facilities* "

**FINANCIAL/BUDGET IMPLICATIONS:**

The cost of the removal/replacement of the Port Jackson Fig tree comes to a total of \$3,800.00.

Funds to undertake the removal and replacement of this tree will be sourced from the Amenity Pruning account.

**COMMENTS:**

The remaining sixteen (16) London Plane trees located within Birdwood Square will be monitored by Parks Services staff in conjunction with the aboricultural consultant for a period of two (2) years.

After this period of time has elapsed, the trees will again be inspected by the aboricultural consultant with a report to be presented to Council advising of the response of the trees to the prescribed treatment and their overall recovery.

It is with regret that the Port Jackson Fig at Hyde Park will have to be removed, however, given its recent decline there is no possibility that the tree will ever recover to attain its former stately shape and form.

It should also be noted that Parks Officers have observed that this particular species of Fig tree is in decline in other local councils and is not just a specific problem to trees within the Town of Vincent.

**10.2.7 Compact Fluorescent Lamp Recycling – Proposal by Synergy**

<b>Ward:</b>	Both	<b>Date:</b>	20 May 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	ENS0008
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	J Lockley		
<b>Checked/Endorsed by:</b>	R Lotznicker	<b>Amended by:</b>	-

**OFFICER RECOMNENDATION**

*That the council*

- (i) *RECEIVES the report on an initiative from Synergy to implement a recycling program for Compact and Tubular Fluorescent Lamps in the Town;*
- (ii) *NOTES that Compact Fluorescent Lights contain a small amount of mercury sealed within the glass tubing and there is a requirement to keep the globes out of landfill as mercury is harmful to the environment and a loss of resource when landfilled;*
- (iii) *SUPPORTS the implementation of a compact fluorescent recycling bin at the Town's works depot and the placing of 140 litre Compact Fluorescent Light recycling bin/s at the Town's Library and Local History centre and in the foyer of the Town's Administration and Civic Centre;*
- (iv) *ADVERTISES the initiative as outlined in the report to the Town's residents; and*
- (v) *ADVISES Synergy of its decision and that it fully supports this initiative.*

**COUNCIL DECISION ITEM 10.2.7**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

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

**(Cr Ker on approved leave of absence.)**

**PURPOSE:**

The purpose of this report is to advise the Council of an initiative by Synergy to set up a compact fluorescent recycling bin in the Town.

**BACKGROUND:**

Synergy has approached the Town with an initiative to recycle compact fluorescent lamps (CFL). Synergy proposes to locate a number of large skip containers made specifically for the CFL recycling in a few locations throughout the Perth metropolitan area. Synergy has requested that the Town provide a location for one (1) of the skip containers.

## **DETAILS:**

An overview of lamps available is outlined below.

The main types of household lamps or lights are - incandescent, halogen and fluorescent and their differences are explained below:

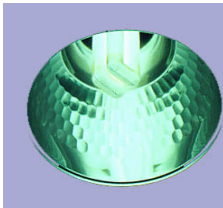
### **Incandescent lamps:**



Incandescent lamps or bulbs are the most commonly used. While they are cheap to buy, they are relatively short lived (around 1,000 hours) and extremely inefficient in their use of electricity. Only about 5 to 20 percent of the energy consumed by the light bulb is converted to light, the rest is converted to heat.

Dimmer switches can be used with incandescent lamps to save energy, however, when an incandescent lamp is dimmed to one quarter of its normal light output, it still uses half the normal energy. If the light is consistently dimmed, fitting a lower wattage globe is more economical. Because of their high energy use, incandescent bulbs are best used in areas of a home where light is used for short periods of time, such as walk-in cupboards, toilets and bathrooms.

### **Halogen lamps:**



Halogen lamps are a variation on standard incandescent bulbs. Although more expensive than standard lamps, they are slightly more energy efficient and emit a brighter and a whiter light.

Halogen lamps tend to focus the light and are best used in task lighting, such as over a cooking area or for highlighting features such as artwork and architectural design. Due to the focussing effect of halogen lamps, they are not particularly suitable for general areas such as living rooms. This is because multiple lamps would be required to provide an even distribution of light.

Halogens can generate significant amounts of heat and are often recessed and vented into the ceiling to prevent overheating. Most halogens are low voltage and require a transformer. However, "low voltage" does not simply equate to low energy consumption. A transformer is used to reduce the voltage (not wattage) to a level suitable for a halogen globe.

Dimmers are recommended with halogen lamps as strong lighting may not always be required.

### **Fluorescent lamps:**

Fluorescent lamps produce minimal heat, are much more energy efficient than incandescent lamps and generally last around 8,000 hours.

They are made up of two main parts - a lamp and a starter. The lamp has a special phosphor coating on the inside surface of the glass casing which gives off a visible glow when bombarded with ultraviolet light. The ultraviolet light is created by passing electricity through a gas contained in the lamp. The starter is required to convert household electricity to the voltage required to power the fluorescent lamp.

Modern fluorescent lamps come in a variety of sizes, shapes and colour tones and require only about a quarter of the energy of a standard incandescent bulb and half the energy of halogens to produce the same amount of light. They are most suited to areas where lighting is required for long periods of time since they take about half a second to start and a minute or two to reach their full brightness.



Frequent on/off switching can reduce their lifespan. However, if one leaves a room for more than 10 minutes one should turn fluorescent lamps off. There is a misconception that fluorescent lamps use a significant amount of electrical energy while the lamp is starting up. This is not correct - switching on and off fluorescent lamps does not waste energy.

Most household fluorescent lamps cannot be used with dimmer switches.

There are two types of fluorescent lamps - compact and tubular.

#### Compact fluorescent:



Compact fluorescent lamps are designed to fit into a standard light fitting and are available in a range of sizes and styles.

Compact fluorescents can be used anywhere in the home. Whilst they are more expensive to buy than standard globes, they are cost effective in the long term.

In the past, compact fluorescent lamps were thought to give off a cold-looking glow which deterred some people from using them in their homes. There are now a variety of fluorescents to choose from, including lamps which cast a warm glow. When switching on, a slight time delay can occur before compact fluorescents reach full light output.

#### Tubular fluorescent lamps



These can be straight or circular and are widely used in kitchen areas and workshops

#### **Running Costs and Greenhouse Gas Emissions:**

Whilst lighting is not the most substantial contributor to an average energy bill, savings can be made by switching to energy efficient options. An average house can save over \$80 a year in electricity costs by switching to compact fluorescents in rooms where the light is on for long periods. Whilst more expensive to buy, they last longer and should pay for themselves in a little over one year.

In WA, a significant proportion of electricity is generated by burning fossil fuel which in turn produces carbon dioxide. For every unit of electricity produced, around 3 units of fuel must be burnt and, as a result, around 1 kg of carbon dioxide is produced.

If all of WA households replaced one 75W incandescent globe used for four hours each day with an 18W compact fluorescent lamp, greenhouse gas emissions would be reduced by over 55,000 tonnes each year. This is equivalent to taking over 12,000 cars off the road.

#### **Why is there a need to recycle Compact Fluorescent Lamps?**

Compact Fluorescent Lights (CFL's) contain a small amount of mercury sealed within the glass tubing – 5 milligrams on average (roughly equivalent to the tip of a ball-point pen). Mercury is an essential, irreplaceable element in CFLs as it allows the bulb to be an efficient light source.

Note: Older home thermometers contain 500 milligrams of mercury and manual thermostats up to 3000 milligrams.

CFLs present an opportunity to prevent mercury emissions from entering the environment as they help to reduce emissions from coal-fired power plants.

There is no current substitute for mercury in CFLs, however, manufacturers have taken significant steps to reduce mercury levels in fluorescent lighting products over the past decade, with some beginning research into the production of mercury-free CFLs. No mercury is released when the bulbs are in use.

Due to the mercury in the CFL, there is a requirement to keep the globes out of landfill. The collective amount of mercury into the landfill if everyone was to dispose of the globes via the household waste bin would be harmful to the environment and a large loss of resources.

The safest way to dispose of lamps that contain mercury (e.g. CFLs and fluorescent tubes) is to have them recycled. A reputable recycler can safely recover and recycle the mercury, glass, phosphor, and aluminium from lamps.

### **Recycling of the CFL in Western Australia:**

Currently the Department of Environment has some information listed on their website for the CFL recycling and according to their website there is no current recycling collection service for Western Australia.

However, from April 2008 until the end of October 2008, Advanced Recycling Australasia (ARA) located in Wangara will accept a maximum of two drop offs (6 lamps or less) per household.

There are also drop off points at Balcatta Waste and Recycling Centre and at Tamala Park Recycling Centre. Veolia Environmental Services has also set up a new lamp recycling service for all lamps, Incandescent, Halogen, Compact and Tube Fluorescents though there is a cost involved and the service is via a cardboard carton system.

### **Synergy Proposal:**

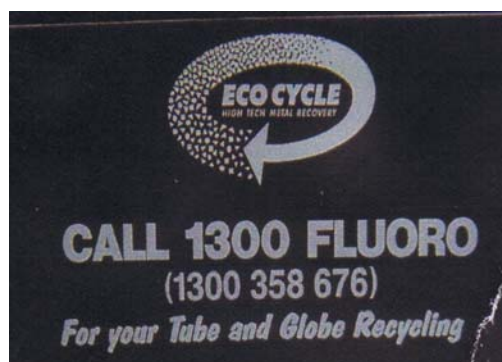
Synergy are proposing to set up skip bins in a few locations throughout Perth as a trial and, if successful, would like the State Government to take over the management and funding for the scheme.

Synergy would like the Town to be involved in the pilot program as they see the Town as a pro active council for protection of the environment.

The skip that Synergy proposes to implement within the Town could be available from 1 June 2008. The Town would be required to allocate a location where the skip could be housed and the public could gain access to dispose of lamps correctly and safely. Synergy would promote the new bins on World Environment Day (5 June 2008) and promote the Town's involvement.

### Officers Comments

The skip bin proposed by Synergy has an open top. It is suggested that the location of the skip bin be at the depot as there is a risk of other materials being placed in to the bin and contaminating or breaking the lamps. It is recommended that there be a small 140 Litre Mobile Garbage Bin (MGB) situated in the foyer of the Administration and Civic Centre and Library to collect the globes. The globes will then be transported to the depot by staff and placed into the skip bin for recycling. The 140 litre bins will be specially marked as follows:



**CONSULTATION/ADVERTISING:**

Synergy will advertise the Compact Fluorescent Lamp recycling and the Towns involvement on World Environment Day - 5 June 2008. It may help for the Town to advertise the importance of the recycling to the public and the Town's residents to help them to keep the hazardous waste out of the general household bins.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.4 Minimise negative impacts on the community and environment. *"(c) Implement and promote further methods to reduce the impact of pollution."*

**FINANCIAL/BUDGET IMPLICATIONS:**

There is no initial cost to the Town for the recycling skip bin, however, the second skip bin will not be paid for and it will be the Town's decision to continue recycling in the future. Synergy is requesting the Department of Environment and Conservation for funds to keep the program running. There are funds on budget for Recycling Promotion (\$40,000) which can be used to advertise the skip, including the reason for Fluorescent Lamp recycling

**COMMENTS:**

It is important for the community to replace existing globes from the incandescent to the CF lamps, however, CF lamps must be disposed of in a safe way to stop the mercury entering the environment. In addition, by recycling CF lamps a precious resource (mercury) can be reused.

Synergy is offering the Town an opportunity to implement a recycling program of great importance to the environment.

**10.2.8 Tender No. 381/08 - Bi-annual Bulk Verge Green Waste and Annual Bulk Verge General Waste Collection**

<b>Ward:</b>	Both	<b>Date:</b>	20 May 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	TEN0205 & TEN0188
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	R Lotznicker, J Lockley		
<b>Checked/Endorsed by:</b>	M Rootsey	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council ACCEPTS the tender from ML and RD Graham PTY Ltd trading as Kwinana Recycling Services (KRS) for the Bi-annual Bulk Verge Green Waste Collection and the Annual Bulk Verge General Waste Collection, in accordance with the terms and conditions detailed in Tender No 381/08.*

**COUNCIL DECISION ITEM 10.2.8**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**(Cr Ker on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to request that Council approve the tender for the Bi-annual Bulk Verge Green Waste Collection and the Annual Bulk Verge General Waste Collection for a three (3) year period.

**BACKGROUND:**

The Town’s current tenderer D & M Waste Services recently indicated that due to unforeseen circumstances they wished to terminate the current Bi-annual Bulk Verge Green Waste and Annual Bulk Verge General Waste Collection with the Town.

D&M Waste Services have carried out both the Bulk Verge Green Waste Collection and the General Waste Collection for the Town for the past eight years (8) years and have provided an excellent service.

Following discussions with WALGA, and assessing the tender documentation, it was agreed that in this instance the contract would be terminated.

D&M Waste Services recently completed the May 2008 Green Waste collection. The outstanding collections in the contract period would have included the November 2008 and May 2009 Green Waste Collection and the March /April 2009 General Junk Collection.

As a result of the agreed withdrawal by D&M Waste Services, tenders for the Bulk Verge Green Waste Collection and the Annual Bulk Verge General Waste Collection for a three (3) year period were called in April 2008 and at the close of the tender period on 14 May 2008 one (1) tender was received.

Present at the opening were Gee Wong (Financial Services Finance Officer) and Linda Hack (Waste Management Officer Technical Services).

**DETAILS:**

Details of the tender received is as follows: (Note All prices exclude GST)

**2008/2009**

Collection Period	Description	Tender Unit Range Tonnes	Price Tendered \$/tonne
Nov 2008	Tonnage Fee	Between 350 to 400 tonne	195.00
		Between 401 to 450 tonne	
		Between 451 to 500 tonne	
		Over 501 tonne	
May 2009	Tonnage Fee	Between 350 to 400 tonne	
		Between 401 to 450 tonne	
		Between 451 to 500 tonne	
		Over 501 tonne	

**2009/2010**

Collection Period	Description	Tender Unit Range Tonnes	Price Tendered \$/tonne
Nov 2009	Tonnage Fee	Between 350 to 400 tonne	205.04
		Between 401 to 450 tonne	
		Between 451 to 500 tonne	
		Over 501 tonne	
May 2010	Tonnage Fee	Between 350 to 400 tonne	
		Between 401 to 450 tonne	
		Between 451 to 500 tonne	
		Over 501 tonne	

**2010/2011**

Collection Period	Description	Tender Unit Range Tonnes	Price Tendered \$/tonne
Nov 2010	Tonnage Fee	Between 350 to 400 tonne	210.00
		Between 401 to 450 tonne	
		Between 451 to 500 tonne	
		Over 501 tonne	
May 2011	Tonnage Fee	Between 350 to 400 tonne	
		Between 401 to 450 tonne	
		Between 451 to 500 tonne	
		Over 501 tonne	

**BI-ANNUAL BULK VERGE 'GENERAL WASTE' COLLECTION**

**2008/2009**

Collection Period	Description	Tender Unit Range Tonnes	Price Tendered \$/Tonne
March/April 2009	Tonnage Fee	Between 350 to 400 tonne	195.00
		Between 401 to 450 tonne	
		Between 451 to 500 tonne	
		Over 501 tonne	

**2009/2010**

<b>March/April 2010</b>	Tonnage Fee	Between 350 to 400 tonne	205.04
		Between 401 to 450 tonne	
		Between 451 to 500 tonne	
		Over 501 tonne	

**2010/2011**

<b>March/April 2011</b>	Tonnage Fee	Between 350 to 400 tonne	210.00
		Between 401 to 450 tonne	
		Between 451 to 500 tonne	
		Over 501 tonne	

**Tender Evaluation**

The following weighted criteria was used for the selection of the most appropriate company to provide the service.

CRITERIA		WEIGHTING
1.	Demonstrated experience supplying similar services	20%
2.	Skills and experience of Key Personnel	20%
3.	Demonstrated understanding (methodology) of collection requirements as outlined in Part B - Specification	20%
4.	Demonstrated understanding of all plant requirements as outlined in Part B – Specification	15%
5.	Contract price (Hourly Rates) Hourly Rate (as indicated in the Tender Schedule)	15%
6.	References Written references of satisfactory service	10%
<b>TOTAL:</b>		<b>100%</b>

Tenderers were advised to address all of the above criteria, **separately, comprehensively and in the order listed** in their submission.

Tender Evaluation Panel

The tender evaluation panel consisted of the Director Technical Services, Director Corporate Services and Environmental Officer.

Tender Summary

CRITERIA	D&M Waste Services
Demonstrated experience supplying similar services - (20%)	20
Skills and experience of Key Personnel - (20%)	20
Demonstrated understanding (methodology) of collection requirements as outlined in Part B - Specification - (20%)	18
Demonstrated understanding of all plant requirements as outlined in Part B – Specification - (15%)	14
Contract price (Hourly Rates) Hourly Rate (as indicated in the Tender Schedule) - (15%)	15
References Written references of satisfactory service - (15%)	10
<b>TOTAL:</b>	<b>97</b>

**Discussion:**

Tonnages for the Greenwaste Collection in 2007/2008 were in the 235 to 400 tonne range. Tonnages for the general Junk Collection were in the highest to date at 680 tonnes. The total tonnes collected were in the order of 1,300 tonnes. The material was disposed of at a variety of sites including the Balcatta Transfer Station and Brockway Transfer Station. The prices submitted were assessed on these parameters.

Reference checks have revealed that Kwinana Recycling Services (KRS) have carried out both the Bulk Verge Green Waste Collection and the General Waste Collection for the City of Cockburn for over five (5) years and for the Town of Victoria Park for ten (10) years. Their contract expires in August 2008.

The City of Cockburn has three (3) green waste collections per year and one (1) bulk waste collection per year. The green waste is collected from the verge, not from cardboard boxes or bags and all the green waste collected is mulched / composted. The bulk verge material is separated from the scrap metal and KRS collect the scrap metal separately and take it to scrap metal recyclers.

The Town of Victoria Park have four (4) green waste collections per year and two (2) bulk waste collections per year. The green waste is collected from the verge plus cardboard boxes and plastic waste bags, which are taken to landfill and the loose greens taken to Southern Metropolitan Regional Council (SMRC) for recycling / composting. The bulk waste is separated from the scrap metal, however, most of the metal is removed from the verge from unknown passers-by before KRS start the collection.

Both local governments have given very good references for KRS stating that the collection is generally completed on time (each area in a week). If there has been a need to run over time, the next area is started on the scheduled date with extra crew and the previous area is still collected until finished. KRS repair any verge damage they may have caused usually within a week and do not leave anything behind.

KRS does not have a vehicle tracking system on their trucks however they provide a map of the streets collected and a list of the non-compliant properties at the end of each day.

**CONSULTATION/ADVERTISING:**

N/A

**LEGAL/POLICY:**

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

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2006-2011 – 1.1.4 Minimise negative impacts on the community and environment. *“(e) Prepare a Waste Minimisation Strategy that is aligned with state legislation and the Mindarie Regional Council's strategic direction.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

Funds totalling \$360,000 have been listed in the 2008/2009 draft budget for two (2) Bulk Verge Green Waste collections and one (1) Bulk Verge General Waste collection during this period. This amount includes tipping fees, leaflet preparation and distribution, skip bins (at several locations), advertising and supervision.

The collection component, if the tender was awarded to KRS (based on current tonnages) would be in the order of \$250,000. The tip fee components would be in the order of \$100,000 (based on current rates). Leaflet preparation and distribution, skip bins (at several locations), advertising and supervision will comprise the remainder.

**COMMENTS:**

As previously reported to Council, the bulk verge collection was changed from a combined greens/general waste to a bi-annual bulk verge green waste collection and an annual bulk verge general waste collection, to overcome some of the problems experienced and negative publicity generated (OMC 25 July 2000).

Since adopting and implementing the new bulk verge program over six years ago, almost all the problems previously experienced have been addressed and no negative reports have been received by the Town.

While it is regrettable that D&M Waste Services, who have provided an exceptionally professional service over the last eight years, have withdrawn from the contract, the reference check for KRS indicates that the Town should expect the same level of service from this contractor.

It is therefore recommended that the contract for the Bi-annual Verge Green Waste Collection and Annual Verge General Waste collection for the period 2008/09 to 2010/2011 be awarded to ML and RD Graham Pty Ltd trading as Kwinana Recycling Services (KRS) in accordance with the terms and conditions as outlined in Tender No 341/06.



### 10.3.1 Financial Statements as at 30 April 2008

Ward:	Both	Date:	13 May 2008
Precinct:	All	File Ref:	FIN0026
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	B Wong		
Checked/Endorsed by:	M Rootsey	Amended by:	

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Financial Reports for the year ended 30 April 2008 as shown in Appendix 10.3.1.*

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**COUNCIL DECISION ITEM 10.3.1**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**(Cr Ker on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to present the financial statements for the month ended 30 April 2008.

**BACKGROUND:**

The Local Government Act and Local Government (Financial Management) Regulations 1996 require monthly reports to be submitted to Council. The Financial Statements attached are for the month ended 30 April 2008.

**DETAILS:**

The Financial Statements comprise:

- Operating Statement
- Summary of Programmes/Activities
- Capital Works Schedule
- Balance Sheet and Statement of Changes in Equity
- Reserve Schedule
- Debtor Report
- Rate Report
- Beatty Park Report – Financial Position
- Statement of Financial Activity
- Net Current Asset Position
- Variance Comment Report

## **Operating Statement and Detailed Summary of Programmes/Activities**

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

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

### **Operating Revenue**

Operating revenue is currently 4 % over the year to date budget for the month ending 30 April 2008.

### **General Purpose Funding (Page 1)**

General Purpose Funding is showing 1 % over the budget.

### **Governance (Page 2)**

Governance is showing 20 % under budget.

### **Law Order & Public Safety (Page 3)**

Revenue of Law Order & Public Safety is 87 % of the budget.

### **Health (Page 4)**

Health is showing 116 %, of the budget this is due to 374 Health Licences being issued for Lodging Houses, Eating Houses and Alfresco dining.

### **Education & Welfare (Page 5)**

Education and Welfare is now showing 96 % of the budget.

### **Community Amenities (Page 6)**

Community Amenities is 14 % above the year to date budget. There were 620 planning applications being processed to date.

### **Recreation & Culture (Page 9)**

The total revenue for Recreation and Culture is currently on the revenue budget. Beatty Park Leisure Centre revenue is 67 % of the total Recreation and Culture revenue budget and is performing on target with the centre year to date revenue at 102 %

### **Transport (Page11)**

The total revenue for Transport is 10 % over the budget.

**Economic Services (Page 12)**

Economic Services is 28 % over budget due to the increase number of building licences 540 issued compared to last year 454 licences.

**Other Property & Services (Page 13)**

The total revenue for Other Property & Services is 287 % over the budget due to the money received from the Trust retentions of work bonds.

**Operating Expenditure**

Operating expenditure for the month is 99 % of the year to date budget for the month ending 30 April 2008.

**Capital Expenditure Summary (Pages 18 to 24)**

The Capital Expenditure summary details projects included in the 2007/08 budget and reports the original budget and compares actual expenditure to date against these. Capital works show total expenditure including commitment for year amount of \$16,648,160 which is 66 % of the revised budget of \$25,436,439.

	<b>Budget</b>	<b>Revised Budget</b>	<b>Actual to Date %</b>	
Furniture & Equipment	538,150	775,450	294,960	38%
Plant & Equipment	1,487,450	1,536,200	773,397	50%
Land & Building	12,303,039	13,191,761	10,163,945	77%
Infrastructure	10,034,028	9,933,028	5,415,858	55%
<b>TOTAL</b>	<b>24,362,667</b>	<b>25,436,439</b>	<b>16,648,160</b>	<b>65%</b>

**Balance Sheet (Statement of Financial Position) and  
Statement of Changes in Equity (Pages 25 & 26)**

The statement shows the current assets of \$19,255,170 and non current assets of \$136,199,815 for total assets of \$155,454,985.

The current liabilities amount to \$5,965,359 and non current liabilities of \$14,167,548 for the total liabilities of \$20,132,907. The net asset of the Town or Equity is \$135,322,079.

**Restricted Cash Reserves (Page 27)**

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 28)**

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 \$343,439 is outstanding at the end of April 2008. Of the total debt \$168,924 (49%) relates to debts outstanding for over 60 days, of which \$145,540 is related to Cash in lieu Parking and % Art Contribution. The Debtor Report identifies significant balances that are well overdue.

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

### **Rate Debtors (Page 29)**

The notices for rates and charges levied for 2007/08 were issued on the 6 August 2007.

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

First Instalment	10 September 2007
Second Instalment	12 November 2007
Third Instalment	14 January 2008
Fourth Instalment	17 March 2008

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

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

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

Rates outstanding are \$595,470 which represents 3.5% of the outstanding collectable income compared to last year 2.6%. The difference in the outstanding debt was partly due to the issue of additional boundary rates assessments in August 2007.

### **Beatty Park – Financial Position Report (Page 30)**

As at 30 April 2008 the operating deficit for the Centre was \$258,660 in comparison to the annual deficit of \$478,265.

The cash position showed a current cash surplus of \$138,020 in comparison annual budget estimate of a cash surplus of \$26,320. The cash position is calculated by adding back depreciation to the operating position.

### **Statement of Financial Activity (Page 31)**

The closing surplus carry forward for the year to date 30 April 2008 was \$6,416,385.

### **Net Current Asset Position (Page 32)**

The net current asset position \$6,416,385.

### **Variance comment Report (Pages 33 to 36)**

The comments will be for the favourable or unfavourable variance of greater than 10% of the year to date budgeted.

**10.3.2. Hyde Park Rotary Community Fair 2009**

<b>Ward:</b>	South	<b>Date:</b>	14 May 2008
<b>Precinct:</b>	Hyde Park Precinct P12	<b>File Ref:</b>	RES0031
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M Rootsey		
<b>Checked/Endorsed by:</b>	J Anthony	<b>Amended by:</b>	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *APPROVES the application by the Rotary Club of North Perth to hold the Hyde Park Community Fair on 1 and 2 March 2009, subject to;*
  - (a) *event application fees for the fair at Hyde Park being waived;*
  - (b) *a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the park;*
  - (c) *full compliance with conditions of use being imposed including Environmental Health and other conditions as listed in the report;*
  - (d) *under no circumstances will stalls, storage containers or vehicles be permitted to encroach onto or park on any landscaped / mulched garden area located under any tree canopy;*
  - (e) *only vehicles with an official Town of Vincent parking permit will be permitted to remain within the confines of the park for the duration of the event;*
  - (f) *the Town will issue infringement notices to any vehicle not displaying an official Town of Vincent parking permit remaining in the park during the event;;*
  - (g) *a plan be submitted for the layout of stalls so that vehicles and storage containers are not placed on the root zone of any trees within the park. The plan to be approved by the Town's staff; and*
  - (f) *acknowledgement of the Town of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report*

*to the satisfaction of the Chief Executive Officer; and*
- (ii) *APPROVES the sponsorship contribution of \$13,000 to assist with the costs of the event as listed in the 2008/2009 Budget.*

**COUNCIL DECISION ITEM 10.3.2**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

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

**(Cr Ker on approved leave of absence.)**

**PURPOSE OF REPORT:**

To approval the Hyde Park Community Fair 2009 to be held at Hyde Park subject to conditions as listed in the report.

**BACKGROUND:**

At the Ordinary Council Meeting of 20 November 2007, the following resolution was adopted;

*"That the Council;*

- (i) PERMITS the Rotary Club of North Perth to hold the Hyde Park Community Fair on 2 and 3 March 2008, subject to;*
  - (a) event application fees for the fair at Hyde Park being waived;*
  - (b) a bond of \$2,000 being lodged by applicant as security for any damage to or clean-up of the park;*
  - (c) full compliance with conditions of use being imposed including Environmental Health and other conditions as listed in the report;*
  - (d) acknowledgement of the Town of Vincent as a major sponsor of the events on all publications and advertising materials subject to the conditions listed in the report to the satisfaction of the Chief Executive Officer;*
- (ii) APPROVES the sponsorship contribution of \$12,000 to assist with the costs of the event, as listed in the 2007/2008 Budget;*
- (iii) APPROVES a one off amount of \$2000 for the organisers of the fair, for the sole purpose of developing a special event celebrating the 20<sup>th</sup> anniversary of the Hyde Park Festival;*
- (iv) ADVISES the North Perth Rotary Club that:*
  - (a) under no circumstances will stalls, storage containers or vehicles be permitted to encroach onto or park on any landscaped / mulched garden area located under any tree canopy.*
  - (b) only vehicles with an official Town of Vincent parking permit will be permitted to remain within the confines of the park for the duration of the event; and*
  - (c) the Town will issue infringement notices to ALL vehicles not displaying an official Town of Vincent parking permit; and*
- (v) the Towns staff negotiate with the North Perth Rotary Club in developing a plan for the layout of stalls so that vehicles and storage containers are not placed on the root zone of any trees within the park. The plan to be approved by the Town's staff."*

**DETAILS:**

The Rotary Club of North Perth has submitted a proposal to hold the Hyde Park Community Fair on the Labour Day long weekend of 1st and 2nd of March 2009.

The Club has organised the fair since 1988 and runs the event in order to raise funds to meet perceived needs in the community which have a vocational, youth and international focus.

The overall objective is to present a *Free Family Fair*, attractive to a broad section of the community while raising money for charities.

The Rotary Club of North Perth considered the 2008 Hyde Park Fair to be successful, with good attendance figures, increased stall holders and quality entertainment. Attendee numbers were high with an estimated attendance of around 30,000 people over the 2 days.

Generally the attendee feedback was positive at the fair with many attendees stating they would visit the fair again next year. Most attendees thought the new layout around the lake worked well.

The number of exhibitors was increased from 2007 with most of them preferring the new layout around the lake. Organisers plan to encourage more arts and craft exhibitors and encourage smaller hobby arts and crafts to attend the 2009 event.

The main areas attendees complained about at the 2008 fair are as follows:

1. Toilets – brick toilet building was in poor condition, not clean.
2. Lack of toilets on lower side of the lake.
3. Difficulty finding food area.
4. No website on the fair.

The new layout also posed security issues with a stall being vandalised on the evening before the Fair. Due to the new layout, the usual two security guards may not be enough for the evenings. Organisers believe that a minimum of four guards are required to adequately patrol the park at night with the new layout running around the lake.

The proceeds from the 2008 Rotary Fair totalling \$12,549 were distributed to the following projects;

- Penguin Club- Speak Up Awards;
- Manna Industries;
- ROMAC;
- RYLA - Rotary Youth Leadership Awards;
- Rotary Youth Exchange Project;
- Kennerson Youth Project;
- CordBlood Bank; and
- Life Education.

Since 2005, event organisers have continued to put in place the following additional conditions on stall holders to ensure appropriate behaviour in the park;

1. "Exhibitors are not permitted to affix anything to any trees or shrubs in the Park. If exhibitors are erecting a tent or shade, please advise the Organisers on your application form. The organisers are responsible for any damage to the Park vegetation;
2. Exhibitors are requested to leave their site as clean as possible at the end of the Hyde Park Community Fair and to remove all cardboard cartons, boxes and containers;
3. Leaf and ground coverage is not to be removed from the ground of the allocated site; and
4. All exhibitors must be careful with their vehicles and any damage to facilities, trees or gardens will be charged to the exhibitor. Many trees on the park are of historical significance and must be preserved, please be respectful of this."

An internal working group has been established to determine a management plan and coordinate the Fair from the perspective of the Town with the following representatives:

- Manager Community Development (Chairperson)
- Manager Parks Services
- Manager Ranger Services and Community Safety
- Manager Health Services
- WA Police Service
- plus representatives from the organising committee.

In previous years, the Working Group has met regularly and discussed the conditions as stipulated plus coordinated a management plan for the smooth running of the fair.

The plan included the following aspects:

1. Parking allocations and permits;
2. Coordination of the Town of Vincent display;
3. Allocation of sites and vetting events;
4. Risk Management Plan;
5. Food stall permits and inspections;
6. Review number of community groups and strategies to increase their involvement;
7. Site inspections; and
8. Noise management.

The Fair will have community stalls, carnival rides, stage entertainment and other community attractions. Fair organisers continue to be committed to encouraging the involvement of local community groups. Organisers are also committed to improving the calibre of entertainment.

The Hyde Park Community Fair has in previous years been monitored by Council officers from various service areas. All officers involved reported satisfaction with the proceedings of the Fair with no major problems. Additional conditions pertaining to noise control, litter control and additional temporary toilet facilities (including accessible facilities) were implemented last year and will continue to be enforced in future events.

Parking for organisers, exhibitors and attendees continue to be a challenge with the following issues;

- A total of 55 parking permits are issued to the organisers.
- William Street was made available for parking for the larger trucks. However it would seem that there was a lack of communication by the organisers to the exhibitors on this matter. Many exhibitors were confused about parking on William Street as there was signage advising 'No Parking'. In 2009, there will be clarification provided in the site confirmations sent out to exhibitors.
- Free public parking was publicised off Fitzgerald Street behind the Italian Club, however the usage of this site is undetermined as it is not clear which cars were belonging to the patrons of the fair.
- There were a number of infringements issued to vehicles without permits on the park. It is recommended that signage be clearly placed which clearly states that onsite parking is for Rotary Volunteers only and clearer instructions to be provided to exhibitors in their confirmation letters on parking.



In seeking permission to hold the event the Rotary Club of North Perth Inc have agreed to the following amongst other conditions imposed by the Town;

1. Abide by all health regulations in regard to food handling and preparation; provision of adequate toilet facilities; isolating pony and camel rides at a distance from food preparation and sales; and arranging for all food permits from food vendors to be completed and submitted to the Town of Vincent at an early date;
2. Provision of staff to monitor the entrances to Hyde Park to prevent illegal parking;
3. Policing of trucks being driven on to the park to ensure that no damage is caused to any equipment or flora; and
4. The Rotary Club of North Perth Inc. will be responsible for carrying out any reasonable request placed on it by the Town of Vincent.

**CONSULTATION/ADVERTISING:**

NIL.

**LEGAL/POLICY:**

The standard conditions for sponsorship would apply to this event:

1. The events must not promote smoking, alcohol, any use of illicit substances and/or adult "R" rated entertainment;
2. The sponsorship funds should be expended in keeping with ethical conduct and practices;
3. The Town of Vincent must be acknowledged in associated publicity and promotional material with the Town's Logo displayed appropriately;
4. Event organisers must liaise with relevant Council officers before proceeding to use the Town's Logo or material;
5. Upon completion of the sponsored event, a report outlining the outcomes of the event, publicity/promotion and how the sponsorship monies were expended must be submitted to Council no more than 30 (thirty) days after the event;
6. The event organisers must take out and hold current a policy of insurance for Public Liability for an amount of not less than \$10,000,000 (ten million dollars) for any one event. A copy of the current certificate is to be provided to Council at least 10 (ten) days before the commencement of the event; and
7. The event organisers must indemnify the Council against any claims, damages, writs, summonses or other legal proceedings and any associated costs, expenses, losses or other liabilities as a result of loss of life, personal injury or damage to property arising from an occurrence in or connected with the sponsored event, regardless of the cause. In addition, it is recommended that the Council impose similar conditions that were imposed for last year's event.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2006-2011

Strategic Objective

3 Community Development

*"3.1 Enhance community development and wellbeing."*

**FINANCIAL/BUDGET IMPLICATIONS:**

The Rotary Club of North Perth has received a sponsorship of \$3,000 (three thousand dollars) in 2003 and 2004 for this event. An increase in sponsorship to a total of \$10,000 (ten thousand dollars) was provided for the event since 2005. An amount of \$12,000 was approved in the 2007/2008 Budget for the 2008 event with an additional \$2,000 approved for the 20th Anniversary celebrations. In the 2008/09 Budget, an amount of \$13,000 is listed for consideration.

Event organisers have requested an increase in sponsorship to \$18,000 to cover increased costs in organising the Fair. It is submitted that whilst the new layout of the Fair has worked well, it has given rise to additional costs because of the wider spread of the event area. Additional funds are being requested for increased security and extra toilets required for the lower side of the lake.

In return, a platinum sponsorship package is offered which includes the exposure of the Town on radio, television, and local and State wide newspaper coverage.

**COMMENTS:**

This is one of the most heavily patronised events organised in the Town. The sponsorship by the Town will provide the opportunity for the Town to be featured in advertisements in the West Australian and community newspapers. The revenue from the Fair will continue to be allocated to a variety of community based initiatives.

The Rotary Club has taken responsibility for any damage on the park through the forfeit of the bond in previous years and they are proactive in working with officers to ensure damage is minimised. It is considered that the Rotary Club of North Perth has managed the Fair in accordance with the recommendations outlined by officers, if conducted in the same manner incorporating suggested improvements, the Fair will continue to be well supported by the Town and the community.

**10.4.1 Disaster Appeal Donation – China Earthquake**

<b>Ward:</b>	-	<b>Date:</b>	21 May 2008
<b>Precinct:</b>	-	<b>File Ref:</b>	FIN0008
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	N. Greaves		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council APPROVES a donation of \$3,500 (three thousand five-hundred dollars) to the Australian Red Cross China Sichuan Earthquake Appeal 2008 in accordance with the Town's Policy No. 4.1.27 - "Disaster Appeals - Donations and Assistance".*

**COUNCIL DECISION ITEM 10.4.1**

**Moved Cr Farrell, Seconded Cr Youngman**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

(Cr Ker on approved leave of absence.)

**PURPOSE OF REPORT:**

To approve of a donation to the China Earthquake Appeal to assist in humanitarian efforts to those affected by the earthquake in the Sichuan Province.

**BACKGROUND:**

On 12 May at 14.28 Beijing time in the southwest province of Sichuan, a 7.8-magnitude earthquake rattled China (the worst to hit China in 30 years), with tremors felt in nearly every province of the country and as far away as Bangkok and Hanoi, Vietnam.

The earthquake has left more than 32,400 dead, 220,100 injured and 4.8 million people homeless in Sichuan and seven other affected municipalities: Gansu, Shaanxi, Chongqing, Yunnan, Shanxi, Guizhou and Hubei.

**DETAILS:**

There are a number of appeals for victims of the Sichuan earthquake. The Australian Red Cross is a recognised organisation renowned for their humanitarian efforts in disaster areas. The Australian Red Cross has set up the China Sichuan Earthquake Appeal 2008 to which donations can be made.

More than 35,000 local Red Cross staff and volunteers have been working with rescue and medical teams to distribute tents, food, water, clothes and medicines around the clock.

The Red Cross and Red Crescent efforts will target the most affected, paying special attention to special health and psycho-social needs of the most vulnerable groups such as children, the elderly, pregnant mothers, the displaced and disabled, among others.

Donations to the China Sichuan Earthquake Appeal 2008 will:

- support the relief and recovery needs of individuals and communities affected by the earthquake, including urgent needs of shelter through the provision of tents and quilts, clean water, food parcels, medical supplies and hygiene kits
- send specialist aid workers to assist in the Red Cross response if required
- assist Red Cross in China in preparing and responding to this and future emergencies.

### Previous Donations

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

Date	Details	Amount
January 1998	Lord Mayor's Distress Relief Fund for the Brookton/Pingelly Bush Fire	\$ 500
April 1999	<ul style="list-style-type: none"><li>• Lord Mayor's Moora Flood Appeal</li><li>• Lord Mayor's Exmouth Cyclone Appeal</li></ul>	\$1,000 \$1,000
November 2002	Lord Mayor's Distress Relief Fund for the Victims of the Bali Bombing	\$5,000
January 2005	Tsunami Appeal to CARE Australia	\$5,000
November 2005	Earthquake Relief Appeal - Afghanistan, India, Pakistan and Kashmir	\$2,500
March 2006	Lord Mayor's Distress Disaster Relief Fund ( <i>General request for Donations</i> )	\$ 500
April 2006	Premier's Disaster Relief Appeal Fund for the communities affected by Cyclone Larry in North Queensland	\$2,500
June 2006	Australian Red Cross - Indonesian Earthquake Appeal Fund	\$2,000
February 2007	Lord Mayor's Disaster Relief Fund – Dwellingup Fires Appeal	\$2,500
May 2008	CARE Australia – Myanmar (Burma) Cyclone Nargis Appeal	\$,3500

### CONSULTATION/ADVERTISING:

Not applicable.

### LEGAL/POLICY:

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

#### *"OBJECTIVES*

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

#### *POLICY STATEMENT*

##### *1. Council to Approve Requests*

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

2. *Financial Support*

- (a) *Financial support shall be limited to a maximum of \$5,600 to any one disaster or other significant emergency appeal.*
- (b) *In the event of more than one relief organisation/agency being involved in the Disaster Appeal, the Council shall determine the most appropriate relief organisation to receive the support.*
- (c) *Financial support will only be made to approved agencies/organisations and cash donations will not be made directly to individuals."*

**STRATEGIC IMPLICATIONS:**

Not applicable.

**FINANCIAL/BUDGET IMPLICATIONS:**

An amount of \$3,500 (three thousand five-hundred dollars) would be expended from the Donation account.

**COMMENTS:**

The recommended donation is in accordance with the Town's Policy.

**10.1.9 No. 159 (Lot: 1 D/P: 830, Lot: 2 D/P: 830) Lord Street, corner Dalmeny and Parry Streets, Perth - Proposed Demolition of Existing Service Station and Construction of a Service Station and Ancillary Shop, Car Wash Facility and Signage (Reconsideration of Conditions)- State Administrative Tribunal (SAT) Review Matter No. DR 88 of 2008**

<b>Ward:</b>	South	<b>Date:</b>	19 May 2008
<b>Precinct:</b>	Beaufort,P13	<b>File Ref:</b>	PRO1748; 5.2007.347.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Narroo		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to No.159 (Lot: 1 D/P: 830, Lot: 2 D/P: 830) Lord Street, corner Dalmeny and Parry Streets, Perth - Proposed Demolition of Existing Service Station and Construction of a Service Station and Ancillary Shop, Car Wash Facility and Signage (Reconsideration of Conditions)- State Administrative Tribunal (SAT) Review Matter No. DR 88 of 2008; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES as part of the State Administrative Tribunal Review Matter No. DR 88 of 2008, the application submitted by the owner Caltex Oil Australia Pty Ltd for proposed Demolition of Existing Service Station and Construction of a Service Station and Ancillary Shop, Car Wash Facility and Signage, at No.159 (Lot: 1 D/P: 830, Lot: 2 D/P: 830 ) Lord Street, Perth, and as shown on plans stamp-dated 14 May 2008 , subject to the following conditions:*
  - (a) *all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
  - (b) *the signage shall not have flashing or intermittent lighting;*
  - (c) *all signage shall be kept in good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site;*
  - (d) *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;*
  - (e) *within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development,’ the owner(s), or the applicant on behalf of the owner(s), shall comply with the following requirements:*
    - (1) *pay a cash in lieu public art contribution of \$16,100 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$1,610,000); OR*

- (2) *lodge an appropriate public art assurance bond/ bank guarantee of a value of \$16,100 with the Town. The assurance bond / bank guarantee will only be released to the owner(s)/ applicant in the following circumstances:*
- (a) *Designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$1,610,000) have been submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or*
  - (b) *A Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development,' have been submitted to and approved by the Town; or*
  - (c) *The subject 'Approval to Commence Development' did not commence and subsequently expired.*

*In the circumstance where the owner(s)/ applicant has elected clause (2)(a) and there has been no submission or approval of the design for art work within six (6) months from the date of issue of the Building Licence, the Town may claim the monies assured to them in the above bond or bank guarantee without further notice to the owner(s)/ applicant for the provisions of art works in the Town.*

*The Town's Community Development Services have the discretion to extend the six (6) month deadline that applies to clause (2) (a) under this condition of approval if:*

- (aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*
  - (bb) *the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s)/applicant to provide the art work;*
- (f) *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;*
  - (g) *prior to the first occupation of the development, one (1) class three bicycle parking facility shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
  - (h) *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;*
  - (i) *the maximum total gross floor area of the shop component shall be limited to 113 square metres;*

- (j) *prior to the first occupation of the development, the car parking spaces, provided for the the development shall be clearly marked and signposted;*
- (k) *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;*
- (l) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (m) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Parry Street, Lord Street and Dameny Street verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (n) *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;*
- (o) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (p) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report; and*
- (q) *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).*

**Modified Engineering Specific Requirement (4)**

- (4) *Reinstatement of the verge with brick paving to match in with existing verge paving, is to be carried out at the developer's cost. A bond is to be calculated based on revised drawings and must be paid prior to the issue of a Building Licence.*



**COUNCIL DECISION ITEM 10.1.9**

**Moved Cr Farrell, Seconded Cr Maier**

*That the recommendation be adopted.*

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

**(Cr Ker on approved leave of absence.)**

<b>Landowner:</b>	Caltex Oil Aust Pty Ltd
<b>Applicant:</b>	Caltex Australia Petroleum Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
<b>Existing Land Use:</b>	Service Station
<b>Use Class:</b>	Service Station
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	1674 square metres
<b>Access to Right of Way</b>	Not Applicable

**BACKGROUND:**

12 February 2008      The Town under delegated authority from Council approved the demolition of existing service station and construction of a service station and ancillary shop, car wash facility and signage, subject to several conditions, including the following conditions:

*"(i) the non-compliant signs as shown on the approved plans do not form part of this approval;*

*(ii) prior to the issue of a Sign Licence revised plans shall be submitted and approved demonstrating the deletion of the non-compliant signs.*

*The revised plans shall not result in any greater variation to the requirements of the Town Policies."*

11 March 2008      The applicant lodged an appeal to SAT to review conditions (i) and (ii) applied by the Town on 12 February 2008.

28 March 2008      Directions Hearing at SAT. SAT Orders stated:

*"1. Pursuant to s 31(1) of the State Administrative Act 2004 (WA) the respondent is invited to reconsider its decision at the Council meeting on 27 May 2008."*

23 April 2008      Mediation at SAT.

14 May 2008      Applicant submitted revised plans as per the request at the Mediation held on 23 April 2008.

**DETAILS:**

This proposal involves the proposed deletion and reconsideration of conditions (i) and (ii) of the Planning Approval and condition (4) of the Engineering Specific Requirements that were attached to the approval granted on 12 February 2008 for proposed demolition of existing service station and construction of a service station and ancillary shop, car wash facility and signage.

As a result of the SAT Mediation and Section 31 of the State Administrative Tribunal Act 2004, this Agenda Report has not been prepared as a “*Confidential Report*”.

Further to this, the applicant submitted amended plans stamp dated 14 May 2008 as requested at the SAT Mediation held on 23 April 2008. These amendments are as follows:

- A new monolith sign; and
- A new product display sign.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Created Roof Sign	Maximum Area= 3 square metres  Not be within 500 millimetres of either end of the fascia, roof or parapet of the building to which it is attached.	Area= 3.192 square metres  15 centimetres above the fascia.	Supported- refer to 'Comments' below.
Note: All other variations have been addressed by the Town under delegated authority.			
<b>Consultation Submissions</b>			
This matter was not advertised as the application was previously advertised and no objections were received relating to the proposal.			
<b>Other Implications</b>			
Legal/Policy			TPS 1 and associated Policies.
Strategic Implications			Nil
Financial/Budget Implications			The Town's Planning Consultant, Simon Bain is representing the Town.

**COMMENTS:**

**State Administrative Tribunal Act 2004**

Section 31 states as follows:

*“31. Tribunal may invite decision-maker to reconsider*

- (1) At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*

- (2) *Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may –*
- (a) *affirm the decision;*
  - (b) *vary the decision; or*
  - (c) *set aside the decision and substitute its new decision.*
- (3) *If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision.”*

Under Section 31 of the SAT Act 2004, the Town has been invited to determine the subject application; (that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision.). After the Ordinary Meeting of Council to be held on the 27 May 2008, the Town's Officers will convey the decision to SAT. SAT will then decide whether to have a Direction or Mediation hearing.

### **Officer's Comments**

#### Monolith Sign

The applicant submitted amended plan showing the new monolith sign with a height of 6 metres and width of 1.4 metres. The proposed new sign complies with the Town's Signs and Advertising Policy and therefore it is recommended for approval.

The applicant has provided this additional information:

*“It is noted that Policy 3.5.2 stipulates that a Monolith Sign is to limited to no more than one Monolith Sign per lot in relation to a business, shop or premises unless it is a corner lot where one sign per lot frontage may be permitted. As such three (3) Monolith Signs may be approved on the subject site ‘in principle’, given three (3) roads, being Dalmeny, Lord and Parry Streets, bound the subject site.”*

The plans submitted for Planning Approval issued on 12 February 2008 did not show three monolith signs; however, if the new signs are compliant with the Town's Signs and Advertising Policy, a new planning application would not need to be submitted to and approved by the Town.

#### Product Display Sign

Applicant submitted amended plan showing the new product display sign with a height of 1.785 metres and width of 1.3 metres. The proposed new sign complies with the Town's Signs and Advertising Policy and therefore it is recommended for approval.

#### Created Roof Sign

The applicant has not changed the refused non-compliant created roof sign, and is seeking the Council's discretion to approve the sign.

The following justification is provided:

*“The proposed sign is only 6.4% greater than the maximum sign area allowable under the provisions of Policy 3.5.2;*

*A Created Roof Sign measuring 2.0 (w) x 1.5 (h) metres results in a sign area of 3.0 m<sup>2</sup>, being in compliance with the provisions of Policy 3.5.2. The proposed StartMart sign measures 2.1 (w) x 1.52 (h) metres in dimension, which exceeds the maximum permitted by only 0.002 m<sup>2</sup> (an area measuring only 0.1 (w) x 0.02 (h) metres in dimension);*

*The 15 cm projection will hardly be visible from most surrounding areas given its minor projection from the top of the shop. It is noted that the approved fuel bowser canopy and car wash facility structure (including associated signage) are greater in height and scale than the minor projection of the StarMart sign.*

*The 15 cm projection is a corporate standard that is utilised and approved at numerous Caltex service station sites on a national basis.”*

The main issue on which the created sign was refused was the signage area. Given that the monolith sign and the product display sign did not comply with the required signage areas, it was considered that also a variation to the area of the created roof sign would have an overall undue impact on the amenity of the surrounding area. Given that the new monolith sign and product display sign will comply with the required areas, and the minor scale and nature of the variation to the area of the created roof sign, the created roof sign will not have an undue impact on the amenity of the area. Therefore, it is recommended that the created roof sign be approved.

Engineering Specific Requirement:

*“(4) Existing crossover to Lord Street which is proposed to remain must be reduced in width to a maximum of 7.5m, moving it further away from the Parry Street intersection. Reinstatement of the verge with brick paving to match in with existing verge paving, is to be carried out at the developer's cost. A bond is to be calculated based on revised drawings and must be paid prior to the issue of a building licence.”*

A further analysis of the site has been carried out and the Town's Technical Services are agreeable that this requirement can be modified to read as follows:

*“4. Reinstatement of the verge with brick paving to match in with existing verge paving, is to be carried out at the developer's cost. A bond is to be calculated based on revised drawings and must be paid prior to the issue of a Building Licence.’*

In light of the above, it is recommended that the Council approves the proposed development, subject to standard and appropriate conditions with the deletion of previous planning conditions (i) and (ii), the amendment of previous Engineering Specific Requirement (4) and the revised plans.

**10.1.10 No. 9 (Lot 16 D/P: 953) Bruce Street, Leederville - Proposed Partial Demolition of, and Alterations and Two Storey Addition to Existing Single House and Additional One (1) Two-Storey Grouped Dwelling**

<b>Ward:</b>	South	<b>Date:</b>	20 May 2008
<b>Precinct:</b>	Leederville; P03	<b>File Ref:</b>	PRO1160; 5.2007.401.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Kendall		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by E Y Wong on behalf of the owner Y C & E Y Wong for Proposed Partial Demolition of, and Alterations and Two Storey Addition to Existing Single House and Additional One (1) Two-Storey Grouped Dwelling, at No. 9 (Lot 16 D/P: 953) Bruce Street, Leederville and as shown on plans stamp-dated 14 May 2008, subject to the following conditions:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *any new street/front wall, fence and gate between the Bruce Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
  - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
  - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (iii) *first obtaining the consent of the owners of Nos. 5 and 11 Bruce Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 5 and 11 Bruce Street in a good and clean condition;*

- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Bruce Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *prior to the issue of the Building Licence, revised plan shall be submitted and approved demonstrating the following:*
- (a) *the window to the dining room of Unit 2, within the 6.0 metre cone of vision to the western property boundary;*
  - (b) *the window to the study room of Unit 1, within the 6.0 metre cone of vision to the eastern property boundary; and*
  - (c) *the balcony of Unit 2, within the 7.5 metre cone of vision to the western property boundary;*

*being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 5 and 11 Bruce Street, stating no objection to the respective proposed privacy encroachments.*

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

- (vi) *the carport and garage doors facing Ragen Alley shall have a minimum visual permeability of 80 per cent.*

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**COUNCIL DECISION ITEM 10.1.10**

**Moved Cr Farrell, Seconded Cr Messina**

**Debate ensued.**

*That the recommendation be adopted.*

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Burns**

*That a new clause (vii) be added as follows:*

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

- (a) *the front two rooms of the existing dwelling, which fronts Bruce Street, inclusive of the façade detail, iron roof and weatherboard cladding shall be retained. Should the detail be required to be removed as a result of poor condition, the replacement detail shall be undertaken in a like for like manner.*

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

Debate ensued.

**AMENDMENT PUT AND LOST (2-6)**

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

(Cr Ker on approved leave of absence.)

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

(Cr Ker on approved leave of absence.)

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<b>Landowner:</b>	Y C & E Y Wong
<b>Applicant:</b>	E Y Wong
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	329 square metres
<b>Access to Right of Way</b>	South side, 10 metres wide, sealed, and privately owned.

**BACKGROUND:**

4 November 2003      The Council at its Ordinary Meeting recommended refusal to the Western Australian Planning Commission (WAPC) for a survey strata subdivision of No.9 Bruce Street, Leederville. The proposal sought to subdivide the property to create two vacant lots both with gazetted road frontages.

12 April 2005      The Council at its Ordinary Meeting reviewed an application to create two survey strata vacant lots on the subject site; one lot with gazetted road access to Bruce Street and the other with frontages to Ragen Alley, which is a 10 metre wide private right of way. The Council determined that the item be deferred to enable the applicant an opportunity to amend the plans lodged with the WAPC.

- 28 June 2005 The Council at its Ordinary Meeting recommended conditional approval to the WAPC for a revised survey strata subdivision of the subject site, which involved one lot with frontage to Bruce Street and the other a frontage to Ragen Alley. The subdivision required the demolition of the existing dwelling fronting Bruce Street.
- The revised plan included a 1.5 metre wide pedestrian access way/service corridor from the proposed strata lot fronting Ragen Alley to the Bruce Street frontage to enable pedestrian access and the utility agencies to provide services to the strata lot.
- 7 February 2006 The Town of Vincent received a letter from the WAPC advising that the above survey strata subdivision application, as reviewed at the Ordinary Meeting of Council held on 28 June 2005 had been refused.
- 21 June 2006 The Town's Draft Municipal Heritage Inventory (MHI) was released for owner and public consultation. The subject place was identified as having cultural heritage significance and was included on the Draft MHI.
- 28 June 2006 The Town received an application for demolition of the existing single storey house and associated outbuildings.
- 26 September 2006 Whilst the place was identified as having cultural heritage, which was strongly linked to its association with the remaining weatherboard cottages along the street, complexities regarding the previous management of the street, in terms of demolition, resulted in the Council at its Ordinary Meeting resolving to approve the demolition of the subject place, subject to standard conditions.
- At this meeting the Council also resolved the following Subsequent Motion in regard to this matter:
- "That the Town's Officers advise the applicant of the development potential, as well as the requirements/constraints on any redevelopment proposals on the subject site in light of clause (v) of Item 14.2."*

**DETAILS:**

The proposal involves the partial demolition and alterations and additions to the existing single-storey weatherboard dwelling and the addition of a two-storey grouped dwelling to the rear fronting Ragen Alley.

The subject application was received prior to the adoption of the Residential Design Elements Policy (RDE) and therefore an assessment has been made against the previous Policy requirements.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	1.8 dwellings	2 dwellings 9.4 % density bonus	Supported - refer to 'Comments' section.



Minimum Site Area Per Dwelling	160 metres square	Unit 1 – 190.7 square metres Unit 2 – 138.3 square metres Average – 164.5 square metres	Supported - refer to 'Comments' section.
Plot Ratio	N/A	N/A	Noted.
Open Space	45%	Unit 1 - 38 per cent	Supported - open space variation is not supportable under the Town's Non-Variation of Specific Development Standards and Requirements Policy. However, the subject site involves the retention of an existing dwelling which contributes to the amenity and character of the area. Furthermore, the proposal satisfies the Performance Criteria of the R Codes for Open Space, which requires sufficient open space around buildings to: <ul style="list-style-type: none"> <li>• to complement the building;</li> <li>• to allow attractive streetscapes; and</li> <li>• to suit the future needs of residents, having regard to the type and density of the dwelling.</li> </ul>
Outdoor Living Area	16 square metres with a minimum length and width 4 metres.	Unit 1 – 2 metres by 8 metres  Unit 2 – 4.085 metres by 3.867 metres	Supported - as the provision of a compliant living area is restricted by the small size of the lot and the existing structure and as there is a functional outdoor living area at the front of the dwelling.  Supported - as there is a surplus of 6 square metres outdoor living area and, as per the R Codes, the area is capable of use in conjunction with a habitable room of the dwelling.

<p>Building on Boundary</p>	<p>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 (17.45 metres)</p>	<p>Unit 1 - Eastern Boundary - Length - 6.39 metres Height - 4.887 metres</p> <p>Unit 2 - Western Boundary - Length - 8.7 metres Height - 5.037 metres</p>	<p>Supported - as no objections have been received from the adjacent affected neighbour and as the portion of wall is well setback from the street reducing any undue impact on the amenity of the area.</p> <p>Supported - whilst an objection has been received regarding this variation, it is considered acceptable as the wall abuts a portion of the adjacent property's garage, which is built on the boundary and as it complies with the overshadowing requirements. The applicant has also reduced the length of the building on boundary since advertising in an attempt to reduce the impact of the wall to the western neighbours.</p>
<p>Building Setbacks:</p> <p>Unit 1 - Ground floor to eastern side boundary</p> <p>Units 1 and 2 - Ground floor to western side boundary</p>	<p>1.5 metres</p> <p>1.5 metres</p>	<p>Nil – 1 metre</p> <p>Nil – 1.356 metres</p>	<p>Supported - as the ground floor building on boundary complies with the R Code requirements.</p> <p>Supported - as the ground floor building on boundary complies with the R Code requirements.</p>

Unit 2 - Ground floor to rear Ragen Alley	2.5 metres	0.5 metre	Supported - the proposed building is compatible with the bulk, scale and setbacks of the existing structures along the southern side of the right of way, which comprises solid garage doors to dwellings which front Richmond Street. The subject development proposes visually permeable garage and carport doors to Ragen Alley.
Unit 1 - Upper floor to eastern side boundary	5.5 metres	Nil – 0.8 metre	Supported - as no objections have been received from the adjacent affected neighbour, the variation complies with the overshadowing requirements and as the portion of wall is well setback from the street reducing any undue impact on the amenity of the area.
Upper floor to western side boundary	5.5 metres	Nil – 1.4 metres	Supported - whilst an objection has been received regarding this variation, it is considered acceptable as the wall abuts a portion of the adjacent property's garage, which is built on the boundary and as it complies with the overshadowing requirements. The applicant has also reduced the length of the building on boundary since advertising in an attempt to reduce the impact of the wall to the western neighbours.
Unit 2 - Upper floor to rear Ragen Alley	2.5 metres to main building line; 1.5 metres to balcony	3.468 metres to main building line; 0.5 metre to balcony	Supported - as the proposed development would provide a level of casual surveillance along Ragen Alley, which is dominated by garages.

Privacy Setbacks:			
Unit 1 - Balcony	7.5 metres or screening in accordance with the R Codes	To eastern boundary – 1 metres To western boundary – 1.4 metres	Supported - as the applicant has screened the western and eastern side of each dwelling's balcony to prevent direct overlooking onto the adjacent properties. The resultant privacy encroachments are supportable as per the Performance Criteria of the R Codes, which states there is a ' <i>lesser need to prevent overlooking of front gardens or areas visible from the street.</i> '
Unit 2 - Dining Room	6 metres or screening in accordance with the R Codes	To western boundary – 0.5 metre	Not supported - as undue impact on adjacent affected neighbour and conditioned to comply.
Unit 2 - Balcony	7.5 metres or screening in accordance with the R Codes	To eastern boundary – 2.966 metres To western boundary - 2.133 metres	Not supported - as undue impact on adjacent affected neighbours and conditioned to comply.
Essential Facilities	An enclosed lockable storage area with a minimum dimension of 1.5 metres and an internal area of 4 square metres.	Unit 2 - 1.25 metres by 3.2 metres - 4 square metres	Supported - as the proposal complies with the minimum square metre requirement and as per the R Codes the area is adequate to serve the needs of the residents in this instance.
<b>Consultation Submissions</b>			
Support	Nil		Noted.

Objection (1)	All the variations proposed will affect the western adjacent property.	Not supported - the applicant has reduced the length of the building on boundary wall since advertising in an attempt to reduce the impact of the wall to the western neighbour, as the building on boundary has been lined up with a portion of the adjacent property's garage, which is built on the boundary to reduce any undue impact and as it complies with the overshadowing requirements. Also refer to the Assessment Table.
<b>Other Implications</b>		
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 place at No. 9 Bruce Street, Leederville is not listed on the Town of Vincent's Municipal Heritage Inventory (MHI). However, the provision of a density bonus is not restricted to places that are on or meet the threshold for inclusion onto the MHI. As stipulated in the Richmond Locality Plan No.11 *'the character of existing housing (and of the Locality) is to be protected.'* The subject weatherboard and iron house at No.9 Bruce Street, Leederville was constructed circa 1914 in the Federation Georgian style of architecture.

The place is considered worthy of retention as it contributes to the evolution and pattern of the history of the Town of Vincent, with particular reference to the early part of the twentieth century following the Gold Rush period and as a representative example of the timber housing stock that was common to the Leederville locality during this time. In light of the above, it is considered that the subject dwelling is worthy of retention and the provision of a density bonus.

The applicant has liaised with the Town's Officers on numerous occasions in order to design an appropriate development, which is respectful of the existing streetscape and the various technical planning requirements. The proposed development is considered to be a good design response to the small site. In light of the above, it is recommended that the proposal be conditionally approved as per the Officer Recommendation.

**10.1.4 No. 7 (Lot: 15 D/P: 2411) Throssell Street, Perth – Proposed Partial Demolition of, and Additions and Alterations to Existing Single House and Additional Three-Storey Grouped Dwelling to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	16 May 2008
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO4170; 5.2008.135.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Narroo		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by B M Arnold on behalf of the owner P A Sucich for proposed Partial Demolition of, and Additions and Alterations to Existing Single House and Additional Three-Storey Grouped Dwelling to Existing Single House, at No.7 (Lot: 15 D/P: 2411) Throssell Street, Perth, and as shown on plans stamp-dated 26 March 2008, subject to the following conditions:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, 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) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Throssell Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) *prior to the issue of the Building Licence, revised plan shall be submitted to and be approved demonstrating the following:*
  - (a) *the opening of the outdoor covered area of the proposed dwelling on the eastern elevation, the terrace of the proposed dwelling on the eastern elevation, and the window to living room of the proposed dwelling on the northern elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002.*

*Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 5 and No. 9 Throssell Street, stating no objection to the respective proposed privacy encroachments;*

- (b) the proposed crossover for the existing building being a minimum distance of 0.5 metre from the existing verge tree;*
- (c) the eastern and southern walls of the outdoor covered area on the first floor being lowered to 1.6 metres above the finished first floor level;*
- (d) the maximum height of the proposed dwelling being 9 metres from the natural ground level;*
- (e) the uncovered area of the terrace being a minimum of 10.66 square metres;*
- (f) the building boundary wall along the southern boundary between the boundary wall of the adjoining garage and the boundary wall of the adjoining main dwelling on No. 5 Throssell Street, being setback to a minimum of 1 metre from the southern boundary; and*
- (g) the building boundary wall along the northern boundary (east of the adjoining shed) beyond the boundary wall of the adjoining shed on No. 9 Throssell Street being setback a minimum of 1 metre from the northern boundary.*

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

- (iv) first obtaining the consent of the owners of Nos. 5 and 9 Throssell Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of boundary (parapet) walls facing No. 5 and 9 Throssell Street in a good and clean condition;*
- (v) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vi) prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the existing dwelling property that the plot ratio of the existing building shall be restricted to 0.5. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development; and*
- (vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Throssell Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
  - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*

- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

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The Chief Executive Officer advised that Cr Burns had declared a financial interest in this Item. She did not speak or vote on the Item.

Cr Burns departed the Chamber at 6.52pm.

Moved Cr Farrell, Seconded Cr Doran-Wu

*That the recommendation be adopted.*

Debate ensued.

AMENDMENT 1

Moved Cr Farrell, Seconded Cr Doran-Wu

*That clause (iii)(c) be deleted.*

Debate ensued.

AMENDMENT 1 PUT AND LOST (3-4)

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

(Cr Ker on approved leave of absence and Cr Burns was absent from the Chamber and did not vote.)

AMENDMENT 2

Moved Cr Messina, Seconded Cr Farrell

*That clauses (iii)(f) and (g) be deleted.*

Debate ensued.

AMENDMENT 2 PUT AND CARRIED (4-3)



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

(Cr Ker on approved leave of absence and Cr Burns was absent from the Chamber and did not vote.)

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

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

(Cr Ker on approved leave of absence and Cr Burns was absent from the Chamber and did not vote.)

(Cr Burns returned to the Chamber at 7.04pm and the Presiding Member advised Cr Burns that the Item was carried with amendments.)

**COUNCIL DECISION ITEM 10.1.4**

*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 B M Arnold on behalf of the owner P A Sucich for proposed Partial Demolition of, and Additions and Alterations to Existing Single House and Additional Three-Storey Grouped Dwelling to Existing Single House, at No.7 (Lot: 15 D/P: 2411) Throssell Street, Perth, and as shown on plans stamp-dated 26 March 2008, subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, 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) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Throssell Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) prior to the issue of the Building Licence, revised plan shall be submitted to and be approved demonstrating the following:*
  - (a) the opening of the outdoor covered area of the proposed dwelling on the eastern elevation, the terrace of the proposed dwelling on the eastern elevation, and the window to living room of the proposed dwelling on the northern elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level.*

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

*Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 5 and No. 9 Throssell Street, stating no objection to the respective proposed privacy encroachments;*

- (b) the proposed crossover for the existing building being a minimum distance of 0.5 metre from the existing verge tree;*
- (c) the eastern and southern walls of the outdoor covered area on the first floor being lowered to 1.6 metres above the finished first floor level;*
- (d) the maximum height of the proposed dwelling being 9 metres from the natural ground level; and*
- (e) the uncovered area of the terrace being a minimum of 10.66 square metres.*

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

- (iv) first obtaining the consent of the owners of Nos. 5 and 9 Throssell Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of boundary (parapet) walls facing No. 5 and 9 Throssell Street in a good and clean condition;*
- (v) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vi) prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the existing dwelling property that the plot ratio of the existing building shall be restricted to 0.5. This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development; and*
- (vii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating any new street/front wall, fence and gate between the Throssell Street boundary and the main building, including along the side boundaries within this front setback area, complying with the following:*
  - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*

- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level.*

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

<b>Landowner:</b>	P A Sucich
<b>Applicant:</b>	B M Arnold
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	491 square metres
<b>Access to Right of Way</b>	West side, 5 metres wide, sealed, Town owned

**BACKGROUND:**

26 February 2008

The Council at its Ordinary Meeting resolved to refuse an application for proposed partial demolition of, and additions and alterations to existing single house and additional three-storey grouped dwelling to existing single house for the following reasons:

- “1. *The development is not consistent with the orderly and proper planning and preservation of the amenities of the locality.*
2. *The non-compliance with the building height requirements of the Town’s Policy relating to Robertson Locality Statement.*
3. *The non-compliance with plot ratio, building height, building setbacks, privacy and outdoor living area requirements of the Residential Design Codes.*
4. *The plot, ratio minimum outdoor living area and building height requirements proposed to be varied as is specified in the Town’s Policy Relating to the Non-variation of Specific Development Requirements and Standards.”*

22 April 2008

The subject application was referred to the Ordinary Meeting of Council; however, the item (10.1.3) was withdrawn at the request of the applicant.

**DETAILS:**

The proposal involves the partial demolition of, and additions and alterations to the existing single house and the construction of a three-storey grouped dwelling at the rear of the property.

There are no changes between the plans considered and refused at the Ordinary Meeting of Council held on 26 February 2008 and the plans submitted on 26 March 2008. The same proposal is again referred to the Council for its reconsideration and determination.

The proposal was not re-advertised for comments as the current proposal is the same as the previous plans advertised to the adjacent affected neighbours.

It is to be noted that this application was assessed under the same requirements as was applied to the previous application, and not under the Residential Design Elements Policy given that the plans have not changed.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	R80 which applies only for multiple dwellings  Given the proposed development is for grouped dwellings, therefore, R60 applies.  R60=2 dwellings	2 dwellings	Noted- no variation
Plot Ratio	Existing dwelling=0.65= 140.14 square metres  Proposed dwelling=0.65= 178.6 square metres  Overall plot ratio=0.65= 318.74 square metres	Existing dwelling= 0.5= 107.8 square metres  Proposed dwelling=1.2= 329.64 square metres  Overall plot ratio for the whole site= 0.89= 437.44 square metres	Supported-refer to 'Comments' below.
Building Setback: Ground Floor-  North -  Setback  Boundary Wall	1.7 metres  Average height of boundary wall= 3 metres	Nil  4.1 metres	Not supported in part-refer to 'Comments' below. Not supported in part- refer to 'Comments' below.

<p>South - Setback Boundary Wall  First Floor- North South  Second Floor - North South</p>	<p>Maximum height of boundary wall= 3.5 metres  Only on one side of boundary  1.7 metres  Average height of boundary wall= 3 metres  Maximum height of boundary wall= 3.5 metres  Only on one side of boundary  2.2 metres  2.2 metres  2.3 metres  2.1 metres</p>	<p>4.2 metres  On two side boundaries  Nil  4.2 metres  6.1 metres  On two side boundaries  1.5 metres  1.5 metres  1.5 metres  1.5 metres</p>	<p>Not supported in part- refer to 'Comments' below.  Not supported in part-refer to 'Comments' below.  Supported—the variation will not unduly impact on the adjoining affected property in terms of visual impact, ventilation and sunlight.  Supported—the variation will not unduly impact on the adjoining affected property in terms of visual impact, ventilation and sunlight.</p>
<p>Open Space</p>	<p>Proposed dwelling=45 per cent= 123.6 square metres  Existing dwelling=45 per cent= 97 square metres</p>	<p>Proposed dwelling=31.23 per cent=85.7 square metres  Existing dwelling=50 per cent= 108.47 square metres  Overall Open Space=39.5 per cent= 194.17 square metres</p>	<p>Not supported-undue impact on the existing and proposed development. However, if the walls of the outdoor covered area on the first floor are open on two sides with a 1.6 metre screen, then the open space for the proposed dwelling will be 38.2 per cent and the overall open space will be 43.5 per cent which can be supported. Therefore, if this application is supported, then the walls for the outdoor covered area should be lowered to 1.6 metres.</p>

Outdoor Living Area	Proposed Dwelling- 2/3 of the required area without permanent roof cover= 10.66 square metres  Existing dwelling- behind the street setback area	Area without permanent roof for the terrace= 8.75 square metres.  Within the street setback area	Not supported- undue impact on the occupiers of the proposed building. The terrace will be required to comply with the required uncovered area.  Supported- it will contribute to provide an attractive streetscape, will complement the existing building.
Car Parking	Two car parking spaces per dwelling	Existing dwelling= 1 car parking space	Supported- there are existing on-street car parking spaces along Throssell Avenue.
Pedestrian Access	1.5 metres wide	1.3 metres wide	Supported- there is the existing building and, therefore, the variation is supported.
Building Height	Two storeys  Height= 7 metres	Proposed dwelling= 3 storeys  Height= 9.5 metres	Supported- refer to 'Comments' below.
Privacy Setbacks	Outdoor Area= 7.5 metres  Terrace= 7.5 metres  Living room= 6 metres	3.3 metres to the southern property (eastern elevation)  7.1 metres to the southern property (eastern elevation)  7.2 metres to the northern property (eastern elevation)  1.5 metres to the northern property (northern elevation)	Not supported- undue impact on neighbouring property and opening required to be screened.  Not supported- undue impact on neighbouring properties and openings required to be screened.  Not supported- undue impact on neighbouring property and opening required to be screened.

**Consultation Submissions**

Support	Nil.	Noted.
Objection (3)- One additional objection is included as this objection was received on 26 February 2008 prior to the Council Meeting held on 26 February 2008.	<ul style="list-style-type: none"> <li>The plot ratio is too excessive.</li> <li>The proposed boundary walls are too high.</li> <li>Objection to the third storey.</li> <li>Loss of light.</li> <li>R60 standards should apply as the application is for a grouped dwelling.</li> </ul>	<ul style="list-style-type: none"> <li>See comments on 'Plot Ratio'.</li> <li>See comments on 'Boundary Walls'.</li> <li>See comments on 'Three-Storey Developments'.</li> <li>Not supported – the proposal is compliant with the overshadowing requirements of the R Codes.</li> <li>Supported – the R 60 standards have been applied when assessing the subject application; however, the Town has discretion to vary these requirements.</li> </ul>

	<ul style="list-style-type: none"> <li>• Overlooking to adjoining western property.</li> <li>• Noise from the entertainment area.</li> </ul>	<ul style="list-style-type: none"> <li>• Not supported- the plans comply with privacy requirements.</li> <li>• Not supported-owner will have to comply with the Noise Regulations.</li> </ul>
<b>Other Implications</b>		
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:**

**Plot Ratio**

The original application for the subject property indicated a plot ratio of 1.48 for the proposed rear dwelling. The applicant has since revised the plans, which now illustrate a plot ratio of 0.5 for the existing dwelling, 1.2 for the proposed dwelling, with an overall plot ratio of 0.89. Moreover, as explained in the open space section above, if the walls of the outdoor covered area is lowered to 1.6 metres, then the plot ratio for the proposed dwelling will be 1.14 and the overall plot ratio will be 0.85. This is not considered to have an undue impact on the amenity of the area, as the bulk and scale of the proposal is considered to be somewhat consistent with the area and the bulk of the building is located at the rear of the existing property.

However, there should be no further addition to the existing building as it would increase the overall plot ratio, which would unduly impact on the streetscape. Therefore, if this application is supported, it is suggested that Section 70A Notification be applied to the existing dwelling restricting the plot ratio to 0.5.

**Ground Floor Setbacks and Boundary Walls along the Southern and Northern Boundaries**

The initial proposal was for continuous solid boundary walls along the southern and northern boundaries up to the first floor. The applicant has since submitted revised plans to the Town that indicate small breaks in the boundary walls at the first floor level, as well a portion of the upper floor boundary wall being a height of 1.6 metres only. The applicant has also reduced the height of the boundary walls since the proposal was advertised.

Along the southern boundary, there are two existing boundary walls of single storey height on the adjoining property of a total length of 23.2 metres facing the subject property. However, the two boundary walls are separated by a distance of 6.5 metres, which provide ventilation and visual relief to the adjoining southern property. It is considered that the proposed boundary wall will impact on the ventilation and visual relief of the adjoining southern property. Therefore, if this application is approved, it is recommended that the proposed boundary wall between the boundary wall of the adjoining garage and the boundary wall of the main dwelling on No.5 Throssell Street being setback a minimum of 1 metre from this boundary.

Given that the existing adjoining boundary wall along the northern boundary is of a length of only 8.8 metres and height of a single storey, it is considered that the proposed boundary wall of length 18.6 metres with an average height of 4.1 metres on the subject property will unduly impact on the adjoining northern property in terms of ventilation and visual relief. Therefore, if this application is approved, it is suggested that the proposed boundary wall (east of the shed) beyond the adjoining shed on No. 9 Throssell Street being setback a minimum of 1 metre from the boundary.

### **Three-Storey Developments and Height**

The third storey of the proposed dwelling will be at the rear of the property and will not be visible from the street. Therefore, it is considered that the proposed dwelling will not unduly impact on the streetscape. The building height will be to a maximum height of 9.5 metres, and complies with the overshadowing requirements of the R Codes. It is considered that the building wall height can be reduced to a maximum height of 9 metres, which will make it less visually intrusive to the surrounding area. Therefore, if this application is supported, it is recommended that the maximum height of the building is to be reduced to 9 metres.

### **Summary**

In light of the above, the proposed partial demolition of, and additions and alterations to existing single house and an additional three-storey grouped dwelling are supported, subject to standard and appropriate conditions to address the above matters.



**10.1.3 No. 28 (Lot: 800 D/P: 37552) Knutsford Street, corner Blake Street and Little Walcott Street, North Perth - Proposed Four-Storey Mixed Use Development Comprising Twenty Five (25) Multiple Dwellings (Including 15 Single Bedroom Dwellings and 10 Two - Bedroom Dwellings), Four (4) Offices, One (1) Eating House and Associated Car Parking**

<b>Ward:</b>	North	<b>Date:</b>	20 May 2008
<b>Precinct:</b>	North Perth; P08	<b>File Ref:</b>	PRO4397; 5.2007.488.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Arcologic Design on behalf of the owners P J Mcgrath and Manjar Pty Ltd for proposed Four-Storey Mixed Use Development Comprising Twenty Five (25) Multiple Dwellings (Including 15 Single Bedroom Dwellings and 10 Two - Bedroom Dwellings), Four (4) Offices, One (1) Eating House and Associated Car Parking, at No.28 (Lot: 800 D/P: 37552) Knutsford Street, corner Blake Street and Little Walcott Street, North Perth, and as shown on revised plans stamp-dated 29 February 2008, and overshadowing plan dated 20 May 2008 , subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any proposed vehicular entry gates to the basement car parking area shall have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial 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;*
- (iii) within twenty-eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s), shall comply with the following requirements:*
  - (a) pay a cash in lieu public art contribution of \$35,729 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$3,572,900); OR*
  - (b) lodge an appropriate public art assurance bond/bank guarantee of a value of \$35,729 with the Town. The assurance bond/bank guarantee will only be released to the owner(s)/applicant in the following circumstances:*

- (1) *designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$3,572,900) have been submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or*
- (2) *a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development,' have been submitted to and approved by the Town; or*
- (3) *the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

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

- (aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*
  - (bb) *the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s) /applicant to provide the art work;*
- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
  - (v) *first obtaining the consent of the owners of No. 22 Knutsford 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 22. Knutsford Street in a good and clean condition;*
  - (vi) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
  - (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Knutsford Street, Blake Street and Little Walcott Street, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*

- (viii) *prior to the first occupation of the development, two (2) class one or two plus three (3) class three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (ix) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (x) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*

  - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities;*
  - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the units/tenancies. 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;*
  - (c) *a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time; and*
  - (d) *the floor plan layout for the single bedroom dwellings are 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;*

- (xi) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (xii) *doors, windows and adjacent floor areas of the offices and eating house fronting Blake Street and Little Walcott Street shall maintain an active and interactive relationship with these streets;*
- (xiii) *prior to the first occupation of the development, the car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors respectively, of the development;*
- (xiv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*

- (xv) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xvi) *the floor area for the non-residential component shall be limited as follows:*
- (a) *office- 271 square metres of gross floor area; and*
  - (b) *eating house- 58 square metres of area open to the public;*
- (xvii) *the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xviii) *any new street/front wall, fence and gate within the Knutsford Street, Little Walcott Street and Blake Street setback areas, including along the side boundaries within these street setback areas, shall comply with the following:*
- (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
  - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
  - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (xix) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
- (xx) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *both refuse bin areas (1 and 2) being completely covered and enclosed within a brick structure;*
  - (b) *the "courts" on the east elevation for units 1, 4, and 7 and on the west elevation for units 3 and 6 on the first floor, and the windows to bedrooms of units 18 and 19 on the east and west elevations respectively on the second floor, within the cone of vision of 7.5 metre and 4.5 metres respectively to the lot boundaries, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor levels;*

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

- (c) *a minimum of two significant appropriate design features being incorporated into the eastern elevation wall adjacent to units 1 and 16 and to the wall adjacent to the car bays along the Little Walcott 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;*

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

- (xxii) *the bin compound shall be constructed in accordance with the Town's Health Services Specifications, and divided into commercial and residential areas and sized to contain the following:*

- (a) *Residential-*  
*1 x mobile garbage bin per unit;*  
*1 x general recycle bin per 2 units; and*
- (b) *Commercial-*  
*1 x mobile garbage bin per unit*  
*1 x paper recycle bin per unit, or per 200 square metres of floor space; and*

- (xxiii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s).*

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**Moved Cr Farrell, Seconded Cr Maier**

**Cr Messina departed the Chamber at 7.05pm.**

*That the recommendation be adopted.*

**Debate ensued.**

(Cr Messina returned to the Chamber at 7.06pm.)

**AMENDMENT**

**Moved Cr Lake, Seconded Cr Messina**

*That a new clause (xxiv) be added as follows:*

*"(xxiv) the Knutsford Street/Blake Street intersection shall be modified at the applicant's/owner's expense to improve pedestrian safety by installing new kerbing and footpath as shown conceptually on the approved plans, subject to approval being obtained from the Town's Technical Services Division."*

Debate ensued.

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

(Cr Ker on approved leave of absence.)

Debate ensued.

**MOTION AS AMENDED PUT AND CARRIED  
BY AN ABSOLUTE MAJORITY (6-2)**

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

(Cr Ker on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1.3**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Arcologic Design on behalf of the owners P J Mcgrath and Manjar Pty Ltd for proposed Four-Storey Mixed Use Development Comprising Twenty Five (25) Multiple Dwellings (Including 15 Single Bedroom Dwellings and 10 Two - Bedroom Dwellings), Four (4) Offices, One (1) Eating House and Associated Car Parking, at No.28 (Lot: 800 D/P: 37552) Knutsford Street, corner Blake Street and Little Walcott Street, North Perth, and as shown on revised plans stamp-dated 29 February 2008, and overshadowing plan dated 20 May 2008 , subject to the following conditions:*

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

- (ii) *any proposed vehicular entry gates to the basement car parking area shall have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial 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;*
- (iii) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s), shall comply with the following requirements:*
- (a) *pay a cash in lieu public art contribution of \$35,729 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$3,572,900); OR*
- (b) *lodge an appropriate public art assurance bond/bank guarantee of a value of \$35,729 with the Town. The assurance bond/bank guarantee will only be released to the owner(s)/applicant in the following circumstances:*
- (1) *designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$3,572,900) have been submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or*
- (2) *a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development,' have been submitted to and approved by the Town; or*
- (3) *the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

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

- (aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*
- (bb) *the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s) /applicant to provide the art work;*

- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) *first obtaining the consent of the owners of No. 22 Knutsford 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 22. Knutsford Street in a good and clean condition;*
- (vi) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Knutsford Street, Blake Street and Little Walcott Street, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (viii) *prior to the first occupation of the development, two (2) class one or two plus three (3) class three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (ix) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (x) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
  - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities;*
  - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the units/tenancies. 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;*
  - (c) *a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time; and*
  - (d) *the floor plan layout for the single bedroom dwellings are 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;*



- (xi) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (xii) *doors, windows and adjacent floor areas of the offices and eating house fronting Blake Street and Little Walcott Street shall maintain an active and interactive relationship with these streets;*
- (xiii) *prior to the first occupation of the development, the car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents and visitors respectively, of the development;*
- (xiv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xv) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xvi) *the floor area for the non-residential component shall be limited as follows:*
  - (a) *office- 271 square metres of gross floor area; and*
  - (b) *eating house- 58 square metres of area open to the public;*
- (xvii) *the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xviii) *any new street/front wall, fence and gate within the Knutsford Street, Little Walcott Street and Blake Street setback areas, including along the side boundaries within these street setback areas, shall comply with the following:*
  - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
  - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*

- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (xix) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
- (xx) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *both refuse bin areas (1 and 2) being completely covered and enclosed within a brick structure;*
- (b) *the "courts" on the east elevation for units 1, 4, and 7 and on the west elevation for units 3 and 6 on the first floor, and the windows to bedrooms of units 18 and 19 on the east and west elevations respectively on the second floor, within the cone of vision of 7.5 metre and 4.5 metres respectively to the lot boundaries, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties along the southern side stating no objections to the respective proposed privacy encroachments; and*
- (c) *a minimum of two significant appropriate design features being incorporated into the eastern elevation wall adjacent to units 1 and 16 and to the wall adjacent to the car bays along the Little Walcott 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;*

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

*(xxii) the bin compound shall be constructed in accordance with the Town's Health Services Specifications, and divided into commercial and residential areas and sized to contain the following:*

- (a) Residential-  
1 x mobile garbage bin per unit;  
1 x general recycle bin per 2 units; and*
- (b) Commercial-  
1 x mobile garbage bin per unit  
1 x paper recycle bin per unit, or per 200 square metres of floor space;*

*(xxiii) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s); and*

*(xxiv) the Knutsford Street/Blake Street intersection shall be modified at the applicant's/owner's expense to improve pedestrian safety by installing new kerbing and footpath as shown conceptually on the approved plans, subject to approval being obtained from the Town's Technical Services Division.*

<b>Landowner:</b>	P J Mcgrath and Manjar Pty Ltd
<b>Applicant:</b>	Arcologic Design
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Local Centre
<b>Existing Land Use:</b>	Vacant site
<b>Use Class:</b>	Offices, Eating House and Multiple Dwelling
<b>Use Classification:</b>	"P", "AA" and "AA"
<b>Lot Area:</b>	2016 square metres
<b>Access to Right of Way</b>	Not applicable

#### **BACKGROUND:**

The site is the former Knutsford Arms Hotel site, which was demolished and later subdivided into 2 lots. One of the subdivided lots to the south of the subject site has since been developed for multiple dwellings.

#### **DETAILS:**

The proposal involves construction of four-storey mixed use development comprising twenty five (25) multiple dwellings (including 15 single bedroom dwellings and 10 two - bedroom dwellings), four (4) offices, and one (1) eating house and associated car parking. Access to the site is via Little Walcott Street. The applicant's comprehensive submission, including a response to the concerns raised during the advertising period is "*Laid on the Table*", and summarised as follows:

- On-site car bays provided, in addition to street parking. Additional verge car parking can be provided if required.
- Previous building on-site was a hotel and tavern which is considered to be more of an impact on safety, amenity and traffic.
- Some of the comments are personal opinions and expressions in terms of the built environment.

- The development has been designed with a blank wall to the south boundary to enhance privacy and reduce noise impact. The owners at No. 22 Knutsford Street have known that a building would be erected on the vacant site and any proposal will result in some form of overshadowing. Have tried to minimise overshadowing as much as possible which is less than that allowed by the R Codes.
- Visibility at intersections is good. Believe setbacks are appropriate.
- Believe pedestrian environment would be vastly improved with the footpaths upgraded, increased surveillance by nature of mixed-use scheme and window positions. Landscaping enhanced. Scale of building varies as to street it faces and believe it is a high quality façade and relevant to a neighbourhood centre. Building does not affect traffic speed.
- The bin areas could be covered.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	R 60 - 3.2 single bedrooms and 10 two-bedroom multiple dwellings	R 99.2 - 15 single bedrooms and 10 two-bedroom multiple dwellings - 78.37 per cent density bonus	Supported - as the development is consistent with the objectives of Clause 40 of TPS 1, in terms of enhancing the amenity of the area. The height and scale is considered compatible with the surrounding built form, especially the multi residential development on the adjacent lot to the south, which is demonstrated on the western and eastern elevations.
Plot Ratio	0.7 or 1411 square metres	0.89 or 1798 square metres	Supported - as the increased plot ratio is as a result of the increase in the proposed number of dwellings. The Town has considered higher plot ratios on other sites provided that the "total development" is compatible with the surrounding development and the likely benefits to be achieved by such integrated developments. This applies to the subject property.

No. of Storeys	3 storeys (including loft)	4 storeys	Supported - as the 4th storey is for only 4 of the multiple dwellings facing Blake Street. The proposed loft constitutes a 4th storey, as it does not fall within the scope of a loft as per the Town's Residential Design Elements Policy. The additional height is not considered to have an undue impact on the streetscape.
Privacy-arc	4.5 metres to bedroom	Less than 4.5 metres	Not supported - as undue impact on the privacy of the affected dwellings on the southern side of the adjacent lot. A condition has been imposed for compliance with the privacy requirements of the R Codes.
Car Parking	41 car bays	37 car bays	Not supported - as there is a shortage of car parking in the area as observed during the normal weekday, and the only available car parking within close proximity of the site is on-street car parking. As such, it is recommended that the floor area of the eating house open to the public is reduced from 85 square metres to 58 square metres, which will then result in the provision of adequate car parking for the development.
Bicycle Parking	Two (2) class one or two plus three (3) class three bicycle parking facilities.	Only class 3 facilities.	Not supported - so as to encourage more people to cycle to the site, rather than to use cars. A condition has been imposed for compliance with the Town's bicycle parking requirements.

Building Setbacks: Front-Blake Street-Primary Street-ground floor.	Nil to 1.5 metres	Nil	Supported - as the street setback is not considered to create an undue adverse effect on the existing streetscape.
Little Walcott Street-Secondary Street - ground floor-wall (1).	1.5 metres	Between 1 and 6.9 metres	Supported - as the street setback is not considered to create an undue adverse effect on the existing streetscape.
Little Walcott Street-Secondary Street - ground floor-wall (2).	1.5 metres	Between 0.3 metre and 2.4 metres	Supported - as above.
Little Walcott Street - Secondary Street- first and upper ground floor-wall (1).	1.5 metres	Between 1 to 6.9 metres	Supported - as above.
Little Walcott Street-Secondary Street- first and upper ground floor-wall (2).	1.5 metres	Between 0.3 metre to 2.4 metres	Supported - as above.
Knutsford Street-Secondary Street - ground floor.	2.9 metres	Nil, 1.48 metres to 4 metres	Supported - as above.
Knutsford Street-Secondary Street - first floor and upper ground floor.	2.9 metres	1.4 metres to balcony to 2.9 metres to 4 metres to main wall	Supported - as above.
Knutsford Street-Secondary Street - second floor.	2.9 metres	1.5 metres to balcony, 2.9 metres to 4 metres to main wall	Supported - as above.

South or Rear-basement.	1.5 metres	Between nil, 0.85 metre, 1.9 metres and 4.4 metres.	Supported - as the variation is considered not to have an undue impact on amenity of the adjoining lot.
South or Rear - first and upper ground floor.	2.5 metres	Between 1.7 metres to 6.2 metres	Supported - as above.
South or Rear -second floor.	3.8 metres	Between 1.3, 1.8, , 3, 4.2, 5 and 6.2 metres	Supported - as above.
<b>Consultation Submissions</b>			
Support (2)	No reason or justification provided.		Noted.
Objection (21)	The R99.2 density is too high.		Not supported- for the reasons stated in the Non-Compliant Assessment Table.
	Acute car parking problem in the area. There is no provision for visitor car parking.		Supported - and a condition has been imposed to reduce the public floor area of the eating house, so as to reduce the shortfall of car parking to "Nil", and therefore compliant.
	Three to four storey variance is too high.		Not supported- for the reasons stated in the Non-Compliant Assessment Table.
	Proposal should comply with the Town's requirements.		Not supported - as the variation needs to be considered in the context of the site and its likely impact. These variations have been individually addressed in the above Non-Compliant Assessment Table.
	Increase in traffic due to eatery and demand for car parking resulting in safety and amenity of residents.		Not supported – the surrounding road network is capable of supporting the anticipated increase in vehicular traffic. The proposal complies with the Town's car parking requirements.
	Development is " <i>contrary to the North Perth built environment</i> " and do not want a replica of multi storey development in Little Walcott and Little Russell Streets.		Not supported - as the above proposal has been considered on its merit and found not to result in an undue impact on the amenity of the area.

	<p>Residents at No. 22 Knutsford Street will face a brick wall. Significant impact on visual amenity and privacy.</p> <p>Living areas and courtyard facing north would be significantly affected. The misleading statement in the applicant's proposal that the existing town houses on the southern boundary do not have their outdoor entertainment areas on this adjoining boundary.</p>	<p>Not supported - as the development is compliant with the overshadowing and privacy requirements of the R Codes.</p> <p>The development has been designed in such a manner that it looks like a two and a half storey building, when viewed from the south side. The proposal is considered not to result in an undue visual impact on the adjoining southern property.</p>
	<p>Not sufficient bicycle parking facilities.</p>	<p>Supported - a condition has been imposed for this compliance.</p>
	<p>Non-compliant setbacks resulting in visibility and traffic hazards.</p>	<p>Not supported - as the Town's Technical Services has assessed the application and does not consider that the proposed building setbacks create a hazard.</p>
	<p>Development is too bulky.</p>	<p>Not supported - as the development is considered compatible in terms of bulk and scale, incorporates significant design features and the building is evenly spread out throughout the lot.</p>
	<p>Proposal does not comply with the Residential Design Elements (RDE's), in terms of not providing a safe pedestrian environment, would not contribute to reduction in speed and dominance of vehicular traffic, building height and bulk impact in terms of affecting the amenity, visual integrity and harmony within the existing streetscape.</p>	<p>Not supported - as the proposal provides for one entry and exit for vehicles, at a safe distance from the road intersection. Other matters have been addressed in the Non-Compliant Assessment Table.</p>
	<p>Refuse area No. 2 should be covered and located further away from the adjoining unit's outdoor area.</p>	<p>Supported - as this bin area should be covered to reduce any undue impact on the amenity of the adjoining residents. The applicant has agreed to this request, and has been conditioned appropriately</p>



	General comment that the height of the building may cause a problem to the mobile telephone tower.	Noted - as this is not a planning related issue associated with the nearby mobile telecommunication tower. Details of this proposal has been provided to the responsible agency managing the telecommunication tower site.
<b>Other Implications</b>		
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.

**Car and Bicycle Parking**

In accordance with the Residential Design Codes requirements for mixed-use development, on-site car parking requirements for multiple dwellings may be reduced to one car bay per dwelling where on-site parking required for other users is available outside normal business hours. A total of 25 car bays have been provided. The balance of car bays available for the commercial component in this instance is 12 car bays.

<b>Car Parking- Commercial Component</b>	
Car parking requirement (nearest whole number) Office: 1 car bay per 50 square metres gross office/administration floor area (proposed 271 square metres) = 5.42 car bays. Café/Eating House -1 space per 4.5 square metres of public area (reduced from 85 square metres to 58 square metres to address car parking shortfall) = 12.89 car bays. Total = 18.31 car bays	18 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.80 (development contains a mix of uses, where at least 45 per cent of the gross floor area is residential)</li> </ul>	(0.68)  12.24 car bays
Minus the car parking provided on-site for commercial component only	12 car bays
Minus the most recently approved on-site car parking shortfall	Not applicable as proposal is to redevelop a vacant lot
Resultant shortfall	0.24 bay.- no cash in-lieu is required for any shortfall less than or equal to 0.5 car bay
<b>Bicycle Parking Facilities</b>	
Offices <ul style="list-style-type: none"> <li>• 1 space per 200 (proposed 271) square metres gross floor area (class 1 or 2) - 1.36 spaces.</li> <li>• 1 space per 750 (proposed 271) square metres over 1000 square metres for visitors (class 3) - Not applicable.</li> </ul>	Class 3 facilities provided.

Eating house

- 1 space per 100 (proposed 58) square metres public area (class 1 or 2) - 0.58 space.
- 2 spaces plus 1 space per 100 (proposed 58) square metres of public area (class 3) - 2.58 spaces.

**COMMENTS:**

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

**10.1.17 No. 29 (Lot 139 D/P: 7489) Barnet Street, North Perth - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Grouped Dwellings**

<b>Ward:</b>	North	<b>Date:</b>	19 May 2008
<b>Precinct:</b>	Smith's Lake; P06	<b>File Ref:</b>	PRO4352; 5.2008.110.1
<b>Attachments:</b>	<a href="#">001</a> , <a href="#">002</a>		
<b>Reporting Officer(s):</b>	S Kendall		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

*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 Challenge Enterprises on behalf of the owner S P, N J & M E Debono for proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Grouped Dwellings, at No. 29 (Lot 139 D/P: 7489) Barnet Street, North Perth, and as shown on plans stamp-dated 11 March 2008, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality by virtue of the demolition of the existing building, which forms part of an intact and cohesive streetscape of post war detached dwellings;*
  - (b) *the non-compliance with the clause 6 (3) (c) - Objectives and Intentions under Town of Vincent Town Planning Scheme No.1 in terms of recognising the individual character and needs of localities within the Scheme zone area;*
  - (c) *the non-compliance with the building height, building setbacks, building on boundary, vehicular access and privacy requirements of the Residential Design Codes, and the Town's Policy relating to the Barnet Locality; and*
  - (d) *consideration of the objections received; and*
- (ii) *the applicant and landowners be advised that the Council is prepared to give consideration to a development proposal which includes the retention and upgrading of the existing dwelling on the site.*

**COUNCIL DECISION ITEM 10.1.17**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

Debate ensued.

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

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

(Cr Ker on approved leave of absence.)

**Reason:**

1. **Support from the Council for the demolition of the property and the subdivision, however, Council does not feel that the proposed development application meets the standards.**

**ALTERNATIVE RECOMMENDATION – COUNCIL DECISION ITEM 10.1.17**

**Moved Cr Messina, Seconded Cr Farrell**

*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 Challenge Enterprises on behalf of the owner S P & N J & M E Debono for proposed Demolition of Existing Building at No. 29 (Lot: 139 D/P: 7489) Barnet Street, North Perth, and as shown on revised plans stamp-dated 11 March 2008, subject to the following conditions:*
  - (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
  - (b) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
  - (c) *demolition of the existing building may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;*
  - (d) *support of the demolition application shall not be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property; and*
  - (e) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Planning Scheme No.1 and associated Policies; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Challenge Enterprises on behalf of the owner S P & N J & M E Debono for proposed Construction of Two (2) Two-Storey Grouped Dwellings at No. 29 (Lot: 139 D/P: 7489) Barnet Street, North Perth, and as shown on revised plans stamp-dated 11 March 2008, for the following reasons:*
  - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
  - (b) *the non-compliance with the building height, building setbacks, building on boundary, vehicular access and privacy requirements of the Residential Design Codes, and the Town's Policy relating to the Barnet Locality; and*
  - (c) *consideration of the objections received.*

Debate ensued.

**Moved Cr Lake, Seconded Cr Maier**

*That the following clause (b) be inserted;*

*“(b) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;”*

**AMENDMENT PUT AND LOST ON THE  
CASTING VOTE OF THE PRESIDING MEMBER (4-5)**

**For**

Cr Doran-Wu

Cr Lake

Cr Maier

Cr Youngman

**Against**

Mayor Catania (two votes – deliberative and casting vote)

Cr Burns

Cr Farrell

Cr Messina

(Cr Ker on approved leave of absence.)

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

(Cr Ker on approved leave of absence.)

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<b>Landowner:</b>	S P & N J & M E Debono
<b>Applicant:</b>	Challenge Enterprises
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Grouped Dwellings
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	906 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

25 October 2007

Conditional approval was granted by the Western Australian Planning Commission for the subdivision of the subject place into two lots in a side by side arrangement.

**DETAILS:**

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

In support of the proposed demolition, the applicant has provided a written submission for consideration by the Council, which is partly summarised below and is *"Laid on the Table"*.

- With regard to the street's rhythm the design has been undertaken in a manner to maintain the existing consistency and regularity with specific regard to the provision of wide eaves, verandah and balconies and street setback.
- There are other two-storey developments in close proximity to the subject place.
- The subject site is a triplex site yet only two dwellings are being proposed.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	3.02 dwellings	2 dwellings	Noted.
Plot Ratio	N/A	N/A	Noted.
Building Setbacks:			
House 1 - Ground floor to northern boundary.	1.5 metres	Nil – 3.91 metres	Not supported – refer to 'Comments' section.
House 2 - Ground floor to southern boundary.	1.5 metres	Nil – 1.52 metres	Not supported – refer to 'Comments' section.
Houses 1 and 2 - First Floor to front eastern boundary (Barnet Street)	6 metres	<ul style="list-style-type: none"> <li>• 5.2 metres to balcony</li> <li>• 6 metres to main building line</li> </ul>	Not supported – refer to 'Comments' section.
House 1 - First floor to northern boundary	2.7 metres	Nil – 2.715 metres	Not supported – refer to 'Comments' section.
House 2 – First floor to southern boundary	2.4 metres	Nil – 1.225 metres	Not supported – refer to 'Comments' section.
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. (30.2 metres)	<p>House 1 Length -</p> <ul style="list-style-type: none"> <li>• Ground floor – 13.77 metres</li> <li>• First floor – 3.39 metres</li> </ul> <p>Maximum height – 6.3 Average height – 4.3 metres</p> <p>House 2 Length -</p> <ul style="list-style-type: none"> <li>• Ground floor – 17.96 metres</li> <li>• First floor – 9.5 metres</li> </ul> <p>Maximum height – 6 metres Average height – 4.65 metres</p>	Not Supported – refer to comments section.

<p>Vehicular Access</p>	<p>Subject to a minimum width of 3 metres and not to occupy more than 40 per cent (3.6 metres) of street frontage.</p>	<p>House 1 – 4.2 metres House 2 – 4.01 metres</p>	<p>Not supported – as the driveway width are considered to have an undue impact on the amenity of the area. However, the variation can be conditioned to comply in the event of an approval.</p>
<p>Privacy Setbacks:</p> <p>House 1 - balcony to northern boundary</p> <p>House 2 - balcony to southern boundary</p>	<p>7.5 metres or screening in accordance with the R Codes</p> <p>7.5 metres or screening in accordance with the R Codes</p>	<p>4.8 metres</p> <p>1.5 metres</p>	<p>Supported - as the northern side of the balcony has been screened to prevent direct views from the balcony to the adjacent affect neighbour. The resultant privacy encroachments are supportable as per the Performance Criteria of the R Codes, which states there is a '<i>lesser need to prevent overlooking of front gardens or areas visible from the street.</i>'</p> <p>Not supported – as the privacy encroachment is considered to have an undue impact on the amenity of the adjacent affected neighbours. This privacy variation can be conditioned to comply in the event of an approval.</p>
<p>Building Height:</p> <p>House 1</p>	<p>7 metres to concealed roof</p>	<p>7.2 metres</p>	<p>Not supported – as the variation is considered to have an undue impact on the amenity of the area. However, the variation can be conditioned to comply in the event of an approval.</p>

<p>Policy No. 2.2.4 Verge treatments, Plantings and Beautification</p>	<p>No verge trees will be removed without written approval from the Manager Parks Services.</p>	<p>Removal and replacement of verge tree.</p>	<p>Not supported - as the existing Paper Bark (<i>Melaleuca linarifolia</i>) verge tree is in excellent condition with no visible signs of insect or pathogen decay evident and as there is ample opportunity to accommodate the retention of this tree. Parks Services would not support any request from the property owner/developer to have this street verge tree removed to accommodate a new vehicle crossover.</p>
<p><b>Consultation Submissions</b></p>			
<p>Support</p>	<p>Nil</p>	<p>Noted.</p>	
<p>Objection (2)</p>	<ul style="list-style-type: none"> <li>• Development will result in an undue impact in terms of privacy.</li>   <li>• The height variation will reduce views through to Charles Veryard Reserve from surrounding properties.</li>   <li>• The Building on Boundary variation to the northern property will result in a feeling of being "hemmed in", intimated and claustrophobic.</li>   <li>• Large windows for the stair wells will result in a loss of privacy.</li> </ul>	<p>Supported in part - as the direct privacy encroachment can be conditioned to comply in the event of an approval and as indirect encroachments are supportable as per the Performance Criteria of the R Codes, which states there is a '<i>lesser need to prevent overlooking of front gardens or areas visible from the street.</i>'</p> <p>Supported in part - as views are not a significant planning consideration. In the event of an approval, the height will be conditioned to comply.</p> <p>Supported - in the event of an approval, the relevant building on boundary component will be conditioned to comply.</p> <p>Not supported - the stair landing is a non-habitable room and as per the R Codes there are no requirements for screening.</p>	



	<ul style="list-style-type: none"> <li>When the existing rear garage was built there was an encroachment of twenty centimetres into the adjacent lot. All new development must not encroach onto the adjacent lot.</li> </ul>	Noted - this is a civil matter.
<b>Other Implications</b>		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

**COMMENTS:**

**Heritage**

A full heritage assessment is contained within the attachment to this report.

The subject brick and tile dwelling at No. 29 Barnet Street, North Perth was constructed circa 1964 in the post-war bungalow style of architecture. The subject dwelling contributes to the streetscape in terms of traditional setbacks, building style and proportion. However, the dwelling as a single entity is not rare, has little historic, scientific, aesthetic or social value. The place is not considered to meet the threshold for consideration of entry to the Town's Municipal Heritage Inventory (MHI).

**Redevelopment**

The application has not been assessed in accordance with the Residential Design Elements Policy as the applicant has provided written advice demonstrating that the design of the proposal had commenced prior to the adoption of the Policy on 18 December 2007.

As detailed above, a Heritage Assessment has been prepared which indicates that the house is low in cultural heritage significance; however, as indicated in the Heritage Assessment there are streetscape issues. The retention of the house is being pursued with a view to maintaining the continuity in the streetscape created by the twelve single detached residential houses fronting Barnet Street.

There are provisions under the Town's Town Planning Scheme No. 1 that enables the Council to refuse the demolition of a place, which is considered to be of value to the Town, whether individually or through their contribution to the streetscape. In this instance, the opportunity to retain the existing dwellings as part of the cohesive Barnet Street streetscape is considered consistent with the orderly and proper planning of the locality and the Barnet Locality Policy, which states:

*"The retention and restoration of established houses indicative of the era of development will be encouraged. New contemporary developments are encouraged provided that the design responds to the established character."*

Furthermore, the Barnet Locality Policy, states:

"ii) *Setbacks:*

*Maintaining existing front, side and rear setbacks is strongly encouraged.*

*Intact streetscapes are strongly encouraged to be maintained. As such, applications for demolitions are generally not supported in areas that have intact streetscapes."*

The dwellings along Barnet Street are similar in architectural style, general character, setbacks, age and materials. The dwellings respond to the natural topography of the land, which is particularly noticeable in the gradual variation of height and form of the dwellings, from single to split level with basement, as the land from Bourke Street to Kadina Street gradually inclines.

To issue demolition approval for the existing dwelling would result in a lost opportunity to retain an intact streetscape characteristic of the post war development in North Perth in the late 1960s. In addition to this, the proposed replacement development is not consistent with the intent of the Barnet Locality Policy, as it has the potential to significantly impact the visual amenity of the area, particularly in its two-storey nature which will create an imposing effect on the predominately single storey nature of this section of Barnet Street.

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

**10.1.16 No. 19 (Lot: 7 D/P: 1554) Lacey Street, Perth - Proposed Change of Use from Single House to Office Building (Conveyancing) and Associated Alterations and Additions**

<b>Ward:</b>	South	<b>Date:</b>	19 May 2008
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO3299; 5.2008.11.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	E Storm		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Arjai Designs on behalf of the owner First Choice Conveyancing for proposed Change of Use from Single House to Office Building(Conveyancing) and Associated Alterations and Additions, at No. 19 (Lot: 7 D/P: 1554) Lacey Street, Perth, and as shown on plans stamped 16 January 2008 , for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Town's Policies relating to Appendix No. 17 – Design Guidelines for Lacey Street, Perth, Beaufort Precinct and Parking and Access; and*
- (iii) approval of the proposed development would create an undesirable precedent for other similar wholly commercial use developments along Lacey Street.*

**COUNCIL DECISION ITEM 10.1.16**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND LOST (1-7)**

**For**

Cr Messina

**Against**

Mayor Catania  
Cr Burns  
Cr Doran-Wu  
Cr Farrell  
Cr Lake  
Cr Maier  
Cr Youngman

(Cr Ker on approved leave of absence.)

**Reasons:**

1. The street is 70% commercial;
2. The development is not inconsistent with existing use;
3. The development retains the current building; and
4. The development is low impact.

**ALTERNATIVE RECOMMENDATION – COUNCIL DECISION ITEM 10.1.16**

**Moved Cr Farrell, Seconded Cr Burns**

*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 Arjai Designs on behalf of the owner First Choice Conveyancing for proposed Change of Use from Single House to Office (Conveyancing) and Associated Alterations and Additions, at No. 19 (Lot: 7 D/P: 1554) Lacey Street, Perth, and as shown on plans stamped 16 January 2008 , subject to the following conditions:*

- (i) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ii) *the gross floor area of the proposed office building shall be limited to 152 square metres;*
- (iii) *the windows, doors and adjacent floor area facing Lacey Street shall maintain an active and interactive frontage to Lacey Street;*
- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Lacey Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *the hours of operation of the office building shall be limited to 8:30am to 5:00pm, Monday to Friday, inclusive;*
- (vi) *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;*

- (vii) *any new street/front wall, fence and gate within the Lacey Street setback area including along the side boundaries within this street setback area, shall comply with the following:*
- (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
  - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
  - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (viii) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the development complying with the requirements of the Building Code of Australia for a Class 5 (Office) building, in particular the requirements for fire safety, energy efficiency, and access and toilet facilities for people with disabilities. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (ix) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
- (a) *pay a cash-in-lieu contribution of \$5859 for the equivalent value of 2.17 car parking spaces, based on the cost of \$2,700 per bay as set out in the Town's 2007/2008 Budget; OR*
  - (b) *lodge an appropriate assurance bond/bank guarantee of a value of \$5859 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
    - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
    - (2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*

- (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

- (x) *prior to the first occupation of the development, one (1) class one or two bicycle parking facility shall be provided at a location convenient to the entrance of the proposed development. Details of the design and layout of the bicycle parking facility shall be submitted to and approved by the Town prior to the installation of such facility.*

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

**For**  
Mayor Catania  
Cr Burns  
Cr Doran-Wu  
Cr Farrell  
Cr Lake  
Cr Maier  
Cr Youngman

**Against**  
Cr Messina

(Cr Ker on approved leave of absence.)

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<b>Landowner:</b>	First Choice Conveyancing
<b>Applicant:</b>	Arjai Designs
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/ Commercial R 80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Office Building
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	303 square metres
<b>Access to Right of Way</b>	Not Applicable.

**BACKGROUND:**

20 October 2005      The Town under delegated authority from Council conditionally approved an application for alterations and additions to existing single house.

**DETAILS:**

The proposal involves the change of use from single house to office building (conveyancing) and associated alterations and additions at the subject site.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>	<b>Community Comments</b>
Plot Ratio	N/A	N/A	Noted
Boundary Setbacks: South - West	1.5 metres	0.75 metre (in line with existing house)	Supported – not considered to have an undue impact on adjoining neighbouring property.
Beaufort Precinct Policy	Developments are to contain a residential component of no less than 66 per cent of the existing or approved floor space.	No residential component proposed.	Not supported – see ‘Comments’ section.
Design Guidelines for Lacey Street	Encouraging the restoration of former residences and a residential population.  Ensure that buildings and extensions do not visually dominate the streetscape.	No residential component proposed.  Addition of loft and removal of fundamental aspects of character dwelling.	Not supported – see ‘Comments’ section.
<b>Consultation Submissions</b>			
Support (1)	<ul style="list-style-type: none"> <li>Request for landscaping of front setback of property to enhance appearance of dwelling from street.</li> </ul>		Noted.
	<ul style="list-style-type: none"> <li>In an inner city environment reductions to car parking requirements must be recognised and supported.</li> </ul>		Noted.
Objection (9)	<ul style="list-style-type: none"> <li>Bulk of the completed structure.</li> </ul>		Supported – see ‘Comments’ below.
	<ul style="list-style-type: none"> <li>Bulk exacerbated by reduced setback and height.</li> </ul>		Supported – see ‘Comments’ below.
	<ul style="list-style-type: none"> <li>Objection to the proposed car parking shortfall.</li> </ul>		Not supported – see ‘Comments’ below.
	<ul style="list-style-type: none"> <li>Applicant has not demonstrated the need to change the use of the property</li> </ul>		Not supported – the landowner is entitled to apply to change the use of their land provided that it complies with the Town’s Policies.

<b>Other Implications</b>	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Financial/Budget Implications	Nil
<b>Car Parking</b>	
Car parking requirement (nearest whole number): -Office: 1 car bay per 50 square metres of gross floor area (152 square metres) = 3.04 bays	3 car bays
Apply the adjustment factors <ul style="list-style-type: none"> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.85 (within 400 metres of one or more existing public car parking places with in excess of 75 car parking spaces)</li> </ul>	(0.7225)  2.17 bays
Minus car parking proposed on-site	0 car bays
Minus the most recently approved on-site parking shortfall after adjustment factors	Nil
Resultant shortfall	2.17 bays
<b>Bicycle Parking</b>	
Office Building – Class 1 or 2 – 1 space per 200 square metres of gross floor area = 0.76 space  = Class 1 or 2 = 0.76 space = 1 space required.	

\* 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 land is zoned Residential/Commercial R80 with the immediate area characterised by a mix of dwellings being used for both residential and commercial purposes. The Town's Policy relating to the Beaufort Precinct specifies that development is to incorporate a residential component of no less than 66 per cent of the existing or approved floor space. The Lacey Street Design Guidelines identify the intention to re-establish the former residential population along Lacey Street, and in examples such as the subject proposal, in order to satisfy both of the above requirements, land owners will need to operate a home business or occupation.

It is unlikely that the remainder of the street will convert to a predominantly residential use, as most of the existing commercial uses are established; however, approval of this application may in the long term result in an undesirable precedence for other change of use applications along Lacey Street.

Lacey Street is one of the few streets within the Town with an intact single storey streetscape. The cohesive streetscape is characterised by small dwellings, which have a two room presentation to the street and feature bullnose and skillion verandahs. The applicant has identified the need for the house to undergo restoration due to its age and state of disrepair and the Town encourages places of heritage significance to be restored; however, in this instance, the proposed alterations and additions do not consider the retention of fundamental aspects of the dwelling including the roof pitch, bullnose verandah and original chimney.



It is unfortunate that the proposal is wholly commercial because as the commercial use cannot be supported, the alterations and additions within the proposal also cannot be supported. The property will remain unoccupied and the required restoration works will not occur.

In an inner city environment, particularly on streets such as Lacey Street, the provision of on site car parking will be problematic for landowners and occupiers alike. It must be recognised that for any residential or commercial use at No. 19 Lacey Street, there will be a requirement for car parking. In addition, the resultant car parking requirement of 2.17 bays is similar to that required for a single house (2 bays).

The proposal is therefore considered unacceptable and is not supported by the Town's Officers.

**10.1.14 Nos. 394-398 (Lot: 123 D/P: 4069) Newcastle Street, West Perth - Proposed Demolition of Existing Warehouse and Construction of Five (5) Storey Office Building and Associated Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	20 May 2008
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO3657; 5.2008.36.1
<b>Attachments:</b>	<a href="#">001_002</a>		
<b>Reporting Officer(s):</b>	R Rasiah; S Kendall		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Meyer Shircore & Associates Architects on behalf of the owner Pippin Nominees Pty Ltd & others for proposed Demolition of Existing Warehouse and Construction of Five (5) Storey Office Building and Associated Car Parking, at Nos. 394-398 (Lot: 123 D/P: 4069) Newcastle Street, West Perth, and as shown on revised plans stamp-dated 8 May 2008, subject to the following conditions:*

- (i) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) *any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (iii) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s), shall comply with the following requirements:*
  - (a) *pay a cash in lieu public art contribution of \$60,000 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$6,000,000); OR*
  - (b) *lodge an appropriate public art assurance bond/bank guarantee of a value of \$60,000 with the Town. The assurance bond/bank guarantee will only be released to the owner(s)/applicant in the following circumstances:*
    - (1) *designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$6,000,000) have been submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or*

(2) *a Statutory Declaration of the prescribed form endorsed by the owner(s)/ applicant and stating that they will not proceed with the subject 'Approval to Commence Development,' have been submitted to and approved by the Town; or*

(3) *the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

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

(aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*

(bb) *the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s) /applicant to provide the art work;*

(iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*

(v) *first obtaining the consent of the owners of Nos. 406 Newcastle Street and No. 141 Fitzgerald 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. 406 Newcastle Street and No. 141 Fitzgerald Street in a good and clean condition;*

(vi) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*

(vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Newcastle Street and the side right-of-way (ROW), dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*

(viii) *prior to the first occupation of the development, twenty two (22) class one or two class plus four (4) class three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*

(ix) *prior to the commencement of the use of the fifth floor recreation area, a management plan shall be submitted to and approved by the Town, which includes addressing the following matters:*

(a) *noise management for on-site activities;*

- (b) the use shall be restricted only to employees of the office tenancies operating within the building, and shall not to be leased to the public; and*
  - (c) days and times of use;*
- (x) the use of the fifth floor shall be subject to the following time restrictions and use:*
  - (a) Monday to Friday, the indoor recreation area is not be used after 9 pm;*
  - (b) Saturday, Sunday and public holiday, the indoor recreation area is not be used after 6 pm;*
  - (c) Monday to Friday, the uncovered recreation area is not be used after 7 pm; and*
  - (d) Saturday, Sunday and public holiday, the uncovered recreation area is not be used after 5 pm;*
- (xi) doors, windows and adjacent floor areas of the office fronting Newcastle Street and the side right-of-way shall maintain an active and interactive relationship with this street and the side right-of-way;*
- (xii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xiii) 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;*
- (xiv) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xv) all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xvi) the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xvii) any new street/front wall, fence and gate within the Newcastle Street setback area including along the side boundaries within this street setback area, shall comply with the following:*
  - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
  - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*

- (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
  - (f) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (xviii) all car-parking bays shall be dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
- (xix) prior to the issue of a Building Licence, a legal right of access through the adjacent private right of way must be established and endorsed on the title of the development lot, to the satisfaction of the Town;*
- (xx) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) continuous and complementary awnings being provided over the Newcastle Street footpath and adjacent to the lift lobby, end of trip area and fire escape area, in accordance with the Town's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres from the kerb line of Newcastle Street ;*
  - (b) the provision of end of trip facilities for bicycle users in accordance with the Town's Policy relating to Parking and Access;*
  - (c) a bin compound being provided in accordance with the Town's Health Services Section's Specifications, based on 1 x mobile garbage bin per unit and 1 x paper recycle bin per unit, or per 200 square metres of floor space; and*
  - (d) the right-of-way being widened by a minimum of 1.5 metres, a 1.5 metres by 1.5 metres truncation being provided at the intersection of the right of way and Newcastle Street, and such land ceded to the Town at the applicant's/owner's expense.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (xxi) prior to the first occupation of the development, the street light located near the proposed vehicle access shall be relocated, with Western Powers consent, at the full expense of the applicant's/owners'; and*
- (xxii) the car park shall be used only by employees, tenants, and visitors directly associated with the development.*

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**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted together with a new clause (xxiii) as follows;*

*“(xxiii) vehicular access from Newcastle Street shall be restricted to left in, left out only, and that the existing median Island on Newcastle Street shall be extended to facilitate this restriction to the satisfaction of the Town's Technical Services, at the developer's/owner's expense.”*

Debate ensued.

Cr Youngman departed the Chamber at 7.38pm.

Debate ensued.

Cr Youngman returned to the Chamber at 7.43pm.

Debate ensued.

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

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

(Cr Ker on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1.14**

*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 Meyer Shircore & Associates Architects on behalf of the owner Pippin Nominees Pty Ltd & others for proposed Demolition of Existing Warehouse and Construction of Five (5) Storey Office Building and Associated Car Parking, at Nos. 394-398 (Lot: 123 D/P: 4069) Newcastle Street, West Perth, and as shown on revised plans stamp-dated 8 May 2008, subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*

- (iii) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s), shall comply with the following requirements:*
- (a) *pay a cash in lieu public art contribution of \$60,000 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$6,000,000); OR*
  - (b) *lodge an appropriate public art assurance bond/bank guarantee of a value of \$60,000 with the Town. The assurance bond/bank guarantee will only be released to the owner(s)/applicant in the following circumstances:*
    - (1) *designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$6,000,000) have been submitted to and approved by the Town. The art work(s) shall be in accordance with the Town's Policy relating to Percent for Art Scheme and be developed in full consultation with the Town's Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or*
    - (2) *a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development,' have been submitted to and approved by the Town; or*
    - (3) *the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

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

- (aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*
  - (bb) *the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s) /applicant to provide the art work;*
- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) *first obtaining the consent of the owners of Nos. 406 Newcastle Street and No. 141 Fitzgerald 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. 406 Newcastle Street and No. 141 Fitzgerald Street in a good and clean condition;*

- (vi) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Newcastle Street and the side right-of-way (ROW), dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (viii) *prior to the first occupation of the development, twenty two (22) class one or two class plus four (4) class three bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (ix) *prior to the commencement of the use of the fifth floor recreation area, a management plan shall be submitted to and approved by the Town, which includes addressing the following matters:*
  - (a) *noise management for on-site activities;*
  - (b) *the use shall be restricted only to employees of the office tenancies operating within the building, and shall not to be leased to the public; and*
  - (c) *days and times of use;*
- (x) *the use of the fifth floor shall be subject to the following time restrictions and use:*
  - (a) *Monday to Friday, the indoor recreation area is not be used after 9 pm;*
  - (b) *Saturday, Sunday and public holiday, the indoor recreation area is not be used after 6 pm;*
  - (c) *Monday to Friday, the uncovered recreation area is not be used after 7 pm; and*
  - (d) *Saturday, Sunday and public holiday, the uncovered recreation area is not be used after 5 pm;*
- (xi) *doors, windows and adjacent floor areas of the office fronting Newcastle Street and the side right-of-way shall maintain an active and interactive relationship with this street and the side right-of-way;*
- (xii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xiii) *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;*
- (xiv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*



- (xv) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xvi) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xvii) *any new street/front wall, fence and gate within the Newcastle Street setback area including along the side boundaries within this street setback area, shall comply with the following:*
- (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
  - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
  - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (xviii) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
- (xix) *prior to the issue of a Building Licence, a legal right of access through the adjacent private right of way must be established and endorsed on the title of the development lot, to the satisfaction of the Town;*
- (xx) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *continuous and complementary awnings being provided over the Newcastle Street footpath and adjacent to the lift lobby, end of trip area and fire escape area, in accordance with the Town's Local Laws relating to Verandahs and Awnings over Streets, with the awnings being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres from the kerb line of Newcastle Street ;*
  - (b) *the provision of end of trip facilities for bicycle users in accordance with the Town's Policy relating to Parking and Access;*

- (c) *a bin compound being provided in accordance with the Town's Health Services Section's Specifications, based on 1 x mobile garbage bin per unit and 1 x paper recycle bin per unit, or per 200 square metres of floor space; and*
- (d) *the right-of-way being widened by a minimum of 1.5 metres, a 1.5 metres by 1.5metres truncation being provided at the intersection of the right of way and Newcastle Street, and such land ceded to the Town at the applicant's/owner's expense.*

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

- (xxi) *prior to the first occupation of the development, the street light located near the proposed vehicle access shall be relocated, with Western Powers consent, at the full expense of the applicant's/owners';*
- (xxii) *the car park shall be used only by employees, tenants, and visitors directly associated with the development; and*
- (xxiii) *vehicular access from Newcastle Street shall be restricted to left in, left out only, and that the existing median Island on Newcastle Street shall be extended to facilitate this restriction to the satisfaction of the Town's Technical Services, at the developer's/owner's expense.*

**ADDITIONAL INFORMATION:**

Technical Services have advised that Newcastle Street is a District Distributor (A) road and therefore, has no objection for the volume of vehicles accessing into Newcastle Street; however, to ease any potential congestion at the Fitzgerald Street intersection, the above new condition (xxiii) is being proposed.

It is to be noted though that limited vehicular access will also be available from the Right-of-Way (ROW) into/onto Fitzgerald Street which has been assessed as acceptable, provided the legal right of access issue via this ROW is resolved.

<b>Landowner:</b>	Pippin Nominees Pty Ltd & Others
<b>Applicant:</b>	Meyer Shircore & Associates Architects
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
<b>Existing Land Use:</b>	Office/Warehouse
<b>Use Class:</b>	Office Building
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	3051 square metres
<b>Access to Right of Way</b>	East side, 3metres wide, unsealed and privately owned

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves the demolition of the existing office/warehouse and the construction of a five (5) storey office building with a 2 storey car park at the rear. Access to the site is via a side right of way (ROW) off Newcastle Street and a side ROW off Fitzgerald Street.

The applicant's submission, which also includes a comprehensive response to the concerns raised during the advertising period, is "*Laid on the Table*".

A summary of the response and details of the proposal are as follows:

- The 5th floor is only for staff recreation, and not visible from the rear residential development. At street level, the 5th floor frontage to Newcastle Street is glass balustrade, with the built form being about 10 metres from Newcastle Street frontage.
- The proposal complies with the Town's Non-Residential Development interface in terms of not creating any undue conflict with adjoining residential properties.
- Adequate car parking (133 car bays) has been provided, and no overshadowing into any residential property.
- Height and bulk will ultimately comply with other Newcastle Street development in the future, which is what "*makes the fabric of a cohesive street frontage interesting*".
- Rear car parking deck is 6.5 metres from the rear boundary.
- The views of the rear residential development will be improved due to the demolition of the existing 6.2 metres high boundary wall.
- Will have no impact of the historic house in the area.
- All rear car park and ramp walls will have a 1.6 metre high screen wall that will not allow for any visual link.
- The "bar" has been deleted from the proposal.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	1.0 or 3051 square metres  It is noted that there is no plot ratio requirements for commercial development, and that the plot ratio requirements in the Precinct Policy refer to residential development.	1.16 or 3564 square metres	Supported- as the increased plot ratio is as a result of the increase in number of floors. The increase in plot ratio would not result in an undue impact on the amenity of the street or area.
No. of Storeys	4 storeys (plus loft)	5 storeys	Supported- as the height and overall design of the proposal is considered not to create an unacceptable bulk and scale issue. Moreover, the bulk and scale has been designed to face Newcastle Street.

Non-Residential Adjacent to Residential Area	2 storeys	2 to 5 storeys	Supported- as the height and overall design of the proposal is considered not to create an unacceptable bulk and scale issue. Moreover, five storey elements is towards the Newcastle Street frontage, with 2 storey car park at the rear adjacent to the residential/commercial zoned land to the north and east of subject site.
Height of Boundary Wall and Length of Boundary Wall. Total Length of Boundary is 30.29 metres	Maximum 6 metres and 66.6 per cent or 20.18 metres of boundary length.	4 metres and 94.1 per cent or 29 metres in length.	Supported - as there is already an existing shorter but higher boundary wall at this location. The boundary wall is considered to increase the amenity of the adjoining lot to the north in providing an improved physical barrier separating both the multi-residential unit development and proposed commercial use.
Building Setbacks: Front  Rear-Ramp	Nil  6 metres	Nil to 1.5 metres  Nil	Supported – as the front setback is not considered to create an undue, adverse effect on the existing streetscape. Supported- as the rear setback is not considered to create an undue, adverse effect on the amenity of the adjoining multi - residential unit development.
<b>Consultation Submissions</b>			
Support (7)	Strongly in favour of development proposal as it will enhance the appeal and value of the area and encourage further appropriate development in the area.		Noted.

Objection (6)	The 5 storey height would block views which would result in lowering properties.	Noted - as there would be some form of loss of view, towards the City. It is to be noted that the City's skyscrapers due to their higher heights would still be visible. This is further demonstrated in the elevations when viewed from the residential unit development to the north of the subject site.
	Town's requirements should be complied with to preserve the amenity of the area, which also includes heritage properties.	Not supported - as amenity of the heritage properties will not be affected.
	The 5 storey height would significantly alter the streetscape and character of the locality and result in an "unfortunate precedent".	Not supported - as the Town is constantly growing and the proposed scale of development would complement the future streetscape and not unduly affect the existing streetscape.
	Impact negatively on houses built over 100 years ago, like ours.	Not supported, as there is no evidence supporting the claim. The houses built 100 years ago will still continue to be part of the Town's heritage history.
	Development will result in significant overshadowing on heritage listed houses along Harwood Place.	Not supported - as the houses along Harwood Place are on the western side of the subject site, and not affected by overshadowing as defined in the R Codes, which would fall on the Newcastle Street road reserve on the south side.
	Development over 3 storeys will compromise residential property privacy.	Not supported - as the 5 storey element is towards the front of the site and along the Newcastle Street frontage.

	<p>The proposed bar on the fifth floor is inappropriate based on the potential for unreasonable noise after 5pm. The justification that there are no bars nearby is considered "<i>ridiculous</i>" as the site is in close proximity to City of Perth for entertainment facilities.</p>	<p>Supported in part - as the bar area has been deleted. Time restrictions of use of the outdoor recreation area use have been proposed in the Officer Recommendation to ameliorate any potential impact of its use outside business hours.</p>
	<p>Concerned that there is insufficient parking as there is already a major problem associated with street parking along Harwood Place.</p>	<p>Not supported - as parking greater than required has been provided in terms of the Town's Parking and Access Policy.</p>
	<p>Impinge on visual privacy of adjoining residential unit to the north east, with views into master bedroom and lounge windows when a person stands in the first floor car park.</p>	<p>Not supported - as the applicant has demonstrated the privacy requirements of the R Codes have been complied with, by appropriate screening on the north east elevation and ground floor plan.</p>
	<p>Impinge on lighting and space as the drawing show awnings to an unspecified height on top of car park, close to adjacent unit's balcony and windows.</p>	<p>Not supported - as the proposal would not unduly affect the lighting and space of adjoining multi residential unit development to the north. This is further demonstrated in the elevations when viewed from the residential unit development to the north of the subject site. Shade cloth and not awnings is proposed over the car park.</p>
	<p>Insufficient landscaping sets a precedent and replacing the site with a built environment, which has an "<i>overall negative health and psychological effects on community.</i>"</p>	<p>Not supported - as landscaping of 14 per cent has been proposed, in lieu of 10 per cent.</p>
	<p>Prefer a mix of residential and commercial uses so as to maintain activity and live after business hours in each floor. This should be by way of not exclusively separating the uses within the building. Believe that Town of Vincent, West Perth and Perth would be enhanced by a higher density of mixed residential and business uses in the Newcastle Street precinct.</p>	<p>Noted - but there is no specific requirement that the development should be a mixed use residential development.</p>

<b>Other Implications</b>	
Legal/Policy	TPS 1 and associated Policies.
Strategic Implications	Nil
Financial/Budget Implications	Nil

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

<b>Car Parking- Commercial Component</b>	
Car parking requirement (nearest whole number) Office: 1 car bay per 50 square metres gross office floor area (proposed 4323 square metres) = 86.46 car bays.	86 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> <li>• 0.85 (within 400 metres of a bus stop)</li> <li>• 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces)</li> </ul>	(0.7225)  62.13 car bays
Minus the car parking provided on-site	133 car bays
Minus the most recently approved on-site car parking shortfall	Not applicable as proposal is to redevelop site.
Resultant surplus	70.87 car bays
<b>Bicycle Parking Facilities</b>	
<b>Offices</b> <ul style="list-style-type: none"> <li>• 1 space per 200 (proposed 4323) square metres gross floor area (class 1 or 2) - 21.62 spaces.</li> <li>• 1 space per 750 (proposed 4323) square metres over 1000 square metres for visitors (class 3) - 4.43 spaces.</li> </ul>	Only end of trip bicycle facilities provided.

## COMMENTS:

### Demolition

The Town's Heritage Officers have advised that when the building is viewed from the street, the existing development appears as a standard commercial building. However, when viewing the aerial photograph and the building from the side elevations, it is clear that the commercial premises has been built around the original dwelling which was constructed in 1897.

A full heritage assessment (attached) was undertaken for Nos. 394-398 Newcastle Street which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

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

### Technical Services

Technical Services have advised that the applicant's/owner's of the above site are aware that the subject site does not have a right of access over the adjacent right of way, and have engaged a private consultant with a view to secure an expressed access right to the right-of way. The applicant's/owner's consultant has advised the Town that they have successfully identified the executor of the estate of the deceased owner, and will make a formal application for the required expressed right of access. Similar situations have been dealt with in the same manner in the past, without any problem; however, it must be stressed that the Town will not be able to issue a Building Licence until the access right is secured. Hence, an appropriate condition to this effect has been recommended by the Officers.

**Conclusion**

The proposal is considered acceptable and would not result in any undue impact on the amenity of the surrounding area. The proposal is anticipated to be a positive catalyst for this part of Newcastle Street. The application is therefore supported, subject to standard and appropriate conditions to address the above matters, and the scale and nature of the development.



**10.1.11 No. 315 (Lot: 43 D/P: 1554) Pier Street, Perth - Proposed Three-Storey Mixed Use Development Comprising Two (2) Multiple Dwellings, One (1) Office and Basement Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	20 May 2008
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO0763; 5.2007.504.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	D Pirone		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Vertannes on behalf of the owner R D Schairer and SV Australia Pty Ltd for proposed Three-Storey Mixed Use Development Comprising Two (2) Multiple Dwellings, One (1) Office and Basement Car Parking, at No. 315 (Lot: 43 D/P: 1554) Pier Street, Perth, and as shown on plans stamp-dated 2 April 2008, subject to the following conditions:*

- (i) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (ii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) *prior to the issue of the Building Licence, revised plan shall be submitted and approved demonstrating a bin compound being provided in accordance with the Town's Health Services Specifications, divided into commercial and residential areas and sized to contain:*

*Residential*

- *1 x mobile garbage bin per unit; and*
- *1 x general recycle bin per 2 units; and*

*Commercial*

- *1 x mobile garbage bin per unit; and*
- *1 x paper recycle bin per unit, or per 200 square metres of floor space.*

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

- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*

- (v) *first obtaining the consent of the owners of Nos. 313 and 317-319 Pier Street and No. 16 Lacey Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 313 and 317-319 Pier Street and No. 16 Lacey Street in a good and clean condition;*
- (vi) *prior to the first occupation of the development, one (1) class one or two bicycle parking facility, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) *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;*
- (ix) *the doors, windows and adjacent floor areas on the ground floor and first floor fronting Pier Street shall maintain an active and interactive relationship with this street;*
- (x) *the maximum total gross floor area of the offices shall be limited to 203.5 square metres and shall be used by one (1) tenant only. Any increase in this floor area or number of tenants requires a new planning application shall be submitted to and approved by the Town;*
- (xi) *prior to the first occupation of the development, four (4) tandem 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;*
- (xii) *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;*
- (xiii) *the on-site car parking area for the offices/non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours;*
- (xiv) *the car parking area shown for the offices/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xv) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the multiple dwellings of the following:*
  - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities.*

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

- (xvi) the proposed vehicular entry gate adjacent to the car parking area and Pier Street shall either be 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;*
- (xvii) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (xviii) prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (xix) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
  - (a) windows to bedroom 2 of units 1 and 2 on the first floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the 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. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 313 and 317-319 Pier Street stating no objection to the respective proposed privacy encroachments;*
  - (b) the blank walls to the basement car park fronting Pier Street incorporating a minimum of two (2) appropriate significant design features; and*
  - (c) the building wall of the ground floor and first floor being setback a minimum of 1.3 metres from the western/rear boundary.*

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

- (xx) any new street/front wall, fence and gate within the Pier Street setback area including along the side boundaries within this street setback area, shall comply with the following:*
  - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
  - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*

- (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
  - (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (xxi) *prior to the issue of a Building Licence, a management plan addressing how a vehicle will enter/exit a tandem parking bay when there is a vehicle already parked at the rear or front parking bay, shall be submitted to and approved by the Town; and*
- (xxii) *a detailed landscaping plan, including a list of plants and the landscaping of the Pier Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

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**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted together with the following corrections;*

- “1. clause (xii) be deleted; and*
- 2. the remaining clauses be renumbered accordingly.”*

Debate ensued.

Cr Farrell departed the Chamber at 7.47pm.

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

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

(Cr Ker on approved leave of absence and Cr Farrell was absent from the Chamber and did not vote.)

Cr Farrell returned to the Chamber at 7.49pm.

**COUNCIL DECISION ITEM 10.1.11**

*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 Vertannes on behalf of the owner R D Schairer and SV Australia Pty Ltd for proposed Three-Storey Mixed Use Development Comprising Two (2) Multiple Dwellings, One (1) Office and Basement Car Parking, at No. 315 (Lot: 43 D/P: 1554) Pier Street, Perth, and as shown on plans stamp-dated 2 April 2008, subject to the following conditions:*

- (i) prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (ii) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (iii) prior to the issue of the Building Licence, revised plan shall be submitted and approved demonstrating a bin compound being provided in accordance with the Town's Health Services Specifications, divided into commercial and residential areas and sized to contain:*

*Residential*

- 1 x mobile garbage bin per unit; and*
- 1 x general recycle bin per 2 units; and*

*Commercial*

- 1 x mobile garbage bin per unit; and*
- 1 x paper recycle bin per unit, or per 200 square metres of floor space.*

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

- (iv) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) first obtaining the consent of the owners of Nos. 313 and 317-319 Pier Street and No. 16 Lacey Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 313 and 317-319 Pier Street and No. 16 Lacey Street in a good and clean condition;*
- (vi) prior to the first occupation of the development, one (1) class one or two bicycle parking facility, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*

- (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
  - (viii) *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;*
  - (ix) *the doors, windows and adjacent floor areas on the ground floor and first floor fronting Pier Street shall maintain an active and interactive relationship with this street;*
  - (x) *the maximum total gross floor area of the offices shall be limited to 203.5 square metres and shall be used by one (1) tenant only. Any increase in this floor area or number of tenants requires a new planning application shall be submitted to and approved by the Town;*
  - (xi) *prior to the first occupation of the development, four (4) tandem 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;*
  - (xii) *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;*
  - (xiii) *the car parking area shown for the offices/non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
  - (xiv) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the multiple dwellings of the following:*
    - (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (xv) *the proposed vehicular entry gate adjacent to the car parking area and Pier Street shall either be 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;*
  - (xvi) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services Section. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*

*(xvii) prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*

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

- (a) windows to bedroom 2 of units 1 and 2 on the first floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the 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. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 313 and 317-319 Pier Street stating no objection to the respective proposed privacy encroachments;*
- (b) the blank walls to the basement car park fronting Pier Street incorporating a minimum of two (2) appropriate significant design features; and*
- (c) the building wall of the ground floor and first floor being setback a minimum of 1.3 metres from the western/rear boundary.*

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

*(xix) any new street/front wall, fence and gate within the Pier Street setback area including along the side boundaries within this street setback area, shall comply with the following:*

- (a) the maximum height being 1.8 metres above the adjacent footpath level;*
- (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
- (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
- (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
- (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
- (f) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (xx) *prior to the issue of a Building Licence, a management plan addressing how a vehicle will enter/exit a tandem parking bay when there is a vehicle already parked at the rear or front parking bay, shall be submitted to and approved by the Town; and*
- (xxi) *a detailed landscaping plan, including a list of plants and the landscaping of the Pier Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

#### ADDITIONAL INFORMATION

Clause 7.2.1 of Residential Design Codes states that for a mixed use development the on-site car parking provided for the dwellings can be reduced to one per dwelling where on-site parking required for other users is available outside normal business hours.

The applicant has advised which car bays are for the exclusive use of each component of the development:

- Car bays 1 and 4 – Unit 1 (residential);
- Car bays 2 and 5 – Unit 2 (residential); and
- Car bays 3 and 6 and ‘disabled’ car bay – commercial tenancy.

In this instance, the development does not require the cars bays for the commercial component to be used for the dwellings outside normal business hours as the proposal indicates two tandem car bays for each dwelling. Therefore, clause/condition (xiii) of the Officer Recommendation is not required.

<b>Landowner:</b>	R D Schairer & SV Australia Pty Ltd
<b>Applicant:</b>	D Vertannes
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
<b>Existing Land Use:</b>	Vacant Land
<b>Use Class:</b>	Office Building and Multiple Dwelling
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	319 square metres
<b>Access to Right of Way</b>	Not Applicable

#### BACKGROUND:

- 9 December 1996                      The Council at its Ordinary Meeting conditionally approved an application for a two-storey single house and office at the subject lot.
- 22 February 1999                      The Council at its Ordinary Meeting conditionally approved an application for a three-storey single house at the subject lot.



- 10 May 1999                      The Council at its Ordinary Meeting approved amended plans to the Planning Approval granted on 22 February 1999.
- 26 April 2000                    The Council at its Ordinary Meeting conditionally approved an application for a three-storey single house at the subject lot.
- 25 July 2000                    The Council at its Ordinary Meeting conditionally approved an application for a front fence addition to the previously approved three-storey single house.

#### **DETAILS:**

The proposal involves the construction of a three-storey mixed use development comprising basement car parking, office on the ground floor and two multiple dwellings on the first floor.

In support of the application's variations, the applicant's submission is "*Laid on the Table*" and summarised below.

#### **Bulk and Scale**

- The car parking is proposed to be located underground at a sub-basement level to reduce the bulk and scale of the development and the amenity of the streetscape.
- To maximise the site's potential, it is necessary to locate the dwellings above the commercial component of the development.
- The proposed development does not appear to be out of context as a survey of the adjoining properties shows a mix of single storey and two-storey developments.

#### **Setbacks**

- The main front façade at the footpath level has a setback of 3 metres, with the commercial building being setback further to 4 metres.
- The upper floor balcony is above the ground floor at 4 metres and the main building line of the dwellings is setback 6.2 metres from Pier Street.
- These setbacks address the existing streetscape as they are closely aligning adjacent properties.
- The proposed nil setbacks to the side and rear are compliant with the Town's Beaufort Precinct Policy.

#### **Architectural Style**

- In keeping with the predominantly gabled facades of adjacent properties, the design features twin, glazed gables at a 35 degree roof pitch which will serve to continue the roofline of the street whilst providing natural light for residents.
- The front façade features two balconies with open pergolas and clear glass balustrading. This creates an interesting interface with the streetscape.
- The front setback area will be extensively landscaped to provide a further softening element to the development.
- The development utilises an interesting mix of materials including timber joinery, face and rendered brickwork, colourbond steel roofing and cladding.

**Commercial/Residential Mix**

- The proposal indicates a 50 per cent mix of residential, which is a variation to the required 66 per cent.
- The maximum dwelling density requirement is two, and has already been achieved.
- The immediate vicinity is currently outweighed by developments with 100 per cent commercial.
- Market research has indicated the demand for office sizes 200 square metres and above.
- In light of the increasing demand for office space in the area, the proposal responds by providing a workable solution within the constraints of a narrow site without comprising the spirit of the Town’s guidelines.

**Car Parking**

- Given the site’s proximity to the Perth Oval car parking facility and the availability of ticketed parking along Pier Street, the proposed number of car parking bays is acceptable.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density:	2.55 dwellings at R80 multiple dwelling requirements.	2 dwellings.	Noted – no variation.
Plot Ratio:	1.0 or 319 square metres	0.77 or 245.63 square metres	Noted – no variation.
Building Setbacks: Front Setback -East (Pier Street)	Buildings are to be setback from the street so that it is consistent with the building setback of neighbouring properties (Beaufort Precinct Policy).	Basement/Ground floor setback = 3 metres  First floor setback = 3 metres – 4 metres  Second floor setback = 4 metres to the terrace and 6.3 metres to the main building.	Supported – the proposed street setbacks on the ground floor illustrate consistency with the building setbacks of the neighbouring properties. The proposed first floor setbacks are set further back than the ground floor to allow for articulation and to reduce the building bulk from the street.

<p>Side Setbacks:</p> <p>-North and South</p>	<p>All other sides are not required to have a setback (Beaufort Precinct Policy).</p>	<p>Nil to the side boundaries.</p>	<p>Supported – the Non-Residential/Residential Development Interface Policy states that if the sides are abutting non-residential development, then reference is made to the Precinct Policy. In this instance, the Beaufort Precinct Policy states that buildings are not required to have any other setbacks.</p>
<p>Rear Setback:</p> <p>-West</p>	<p>Where a non-residential development abuts a residential area to the rear, the required rear setback is 6 metres (Residential/ Non-Residential Development Interface Policy).</p>	<p>Nil to the rear boundary.</p>	<p>Not supported in part – considered to have an undue impact on the neighbouring property. Due to the small size of the block and, in this instance, the Town’s Officers consider the 6 metre rear setback too excessive and very difficult to achieve. Due to this, a condition has been applied for the entire building to be setback 1.3 metres from the western boundary. This is the required setback outlined in Table 2a of the R Codes for the height and length of the building wall.</p>
<p>Building Height:</p>	<p>Residential areas generally impose a height limit of two storeys plus loft (Residential/ Non-Residential Development Interface Policy).</p>	<p>Three storeys.</p>	<p>Supported – the proposed development is considered to be a three-storey development, due to the basement being less than 50 per cent below the natural ground level. In this instance, the proposal is supportable as majority of the development is below the 9 metre height limit for a pitch roof. Also, a condition has been applied to the development for the building to be setback 1.3 metres from the rear boundary, to reduce the impact on the residential property behind.</p>

Beaufort Precinct Policy:	Developments comprising of residential and commercial uses are to contain a residential component of no less than 66 per cent.	50 per cent residential proposed.	Supported – see “Comments”
<b>Commercial Car Parking</b>			
Car parking requirement (nearest whole number) - Office – 203.5 square metres – requires 4.07 bays		= 4 car bays	
Apply the adjustment factors. <ul style="list-style-type: none"> <li>▪ 0.85 (within 800 metres of a rail station)</li> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.80 (contains a mix of uses with 45 per cent residential)</li> <li>▪ 0.80 (within 50 metres of a public car parking place with in excess of 50 car parking spaces)</li> </ul>		(0.4624)  = 1.85 car bays	
Minus the car parking provided on-site		2 tandem car bays and 1 ACROD car bay (for office use)	
Minus the most recently approved on-site car parking shortfall.		Nil	
Resultant surplus		1.15 car bays	
<b>Bicycle Parking</b>			
Bicycle parking requirement (nearest whole number):  <u>Office</u> (203.5 square metres of gross floor area) -1 space per 200 square metres of gross floor area for employee/resident (Class 1 or 2) = 1.0175 spaces		1 space (Class 1 or 2) required.	
<b>Consultation Submissions</b>			
Support	Nil.	Noted.	
Objection (5)	<ul style="list-style-type: none"> <li>• Insufficient side setbacks.</li> </ul>	<ul style="list-style-type: none"> <li>• Not supported – the Beaufort Precinct Policy states that all other setbacks of developments located in the Residential/Commercial zone are not required to be setback.</li> </ul>	

	<ul style="list-style-type: none"> <li>• A 6 metre setback should apply as the proposal abuts a residential area.</li> </ul>	<ul style="list-style-type: none"> <li>• Supported in part – due to the small size of the block and, in this instance, the Town’s Officers consider the 6 metre rear setback too excessive and very difficult to achieve. Due to this, a condition as been applied for the building to be setback at least 1.3 metres from the western boundary. This is the required setback outlined in Table 2a of the R Codes for the height and length of the building wall.</li> </ul>
	<ul style="list-style-type: none"> <li>• Boundary walls not compliant with the R Codes and the Town’s Policy relating to the Residential Design Elements.</li> </ul>	<ul style="list-style-type: none"> <li>• Supported in part – the Town’s Policy 3.2.1 Residential Design Elements does not apply as the proposal is for a mixed use development and is therefore not entirely residential. The Beaufort Precinct Policy is applied for the side setbacks and states that all other sides are not required to be setback. Furthermore, a condition has been applied for the building to be setback at least 1.3 metres from the western boundary.</li> </ul>
	<ul style="list-style-type: none"> <li>• The building design is inconsistent with those of Pier Street and Lacey Street and not keeping with existing residential character.</li> </ul>	<ul style="list-style-type: none"> <li>• Not supported – the design illustrates a consistent street setback and the incorporation of a pitch roof, gable walls and face brick work.</li> </ul>
	<ul style="list-style-type: none"> <li>• Two-storey building in a predominantly single storey streetscape.</li> </ul>	<ul style="list-style-type: none"> <li>• Not supported – the proposed development is within a Residential/Commercial zone in which two storeys are strongly encouraged.</li> </ul>
	<ul style="list-style-type: none"> <li>• No residential visitor car bay.</li> </ul>	<ul style="list-style-type: none"> <li>• Not supported – a residential visitor bay is not required as only two dwellings are proposed.</li> </ul>
	<ul style="list-style-type: none"> <li>• Landscaping.</li> </ul>	<ul style="list-style-type: none"> <li>• Supported – a detailed landscaping plan is required to be submitted to the Town prior to the issue of a Building Licence.</li> </ul>
	<ul style="list-style-type: none"> <li>• Proposal contains less than the required 66 per cent of residential.</li> </ul>	<ul style="list-style-type: none"> <li>• Not supported – see “Comments”</li> </ul>
	<ul style="list-style-type: none"> <li>• Overshadowing.</li> </ul>	<ul style="list-style-type: none"> <li>• Not supported – the subject lot is within a Residential/Commercial zone, therefore, overshadowing is not applicable in this instance.</li> </ul>

	<ul style="list-style-type: none"> <li>Bulk and scale.</li> </ul>	<ul style="list-style-type: none"> <li>Not supported – the proposed development is under the maximum plot ratio allowable plot ratio area for the area.</li> </ul>
	<ul style="list-style-type: none"> <li>Height.</li> </ul>	<ul style="list-style-type: none"> <li>Not supported – in this instance, the proposal is supportable as majority of the development is below the 9 metre height limit for a pitch roof. Also, a condition has been applied to the development for the building to be setback at least 1.3 metres from the rear boundary, to reduce the impact on the residential property behind.</li> </ul>
	<ul style="list-style-type: none"> <li>No provision for an on-site loading bay.</li> </ul>	<ul style="list-style-type: none"> <li>Not supported – a loading bay is not required in this instance due to the small scale and nature of the commercial component.</li> </ul>
	<ul style="list-style-type: none"> <li>Privacy and overlooking.</li> </ul>	<ul style="list-style-type: none"> <li>Supported – all non-compliant habitable major windows that overlook into the neighbouring properties will be conditioned to be screened.</li> </ul>
	<ul style="list-style-type: none"> <li>No access for people with disabilities.</li> </ul>	<ul style="list-style-type: none"> <li>Not supported – the proposal indicates a wheelchair lift for access into the office from the basement and footpath level. An ACROD bay has also been provided in the basement. It should also be noted that developments with a commercial component are to comply with the Building Codes of Australia requirements for access for people with disabilities.</li> </ul>
	<ul style="list-style-type: none"> <li>Fire rating for windows.</li> </ul>	<ul style="list-style-type: none"> <li>Supported – this is a requirement that is addressed at the Building Licence stage.</li> </ul>
	<ul style="list-style-type: none"> <li>Concerns with the excavation process.</li> </ul>	<ul style="list-style-type: none"> <li>Supported – this is a requirement that is addressed at the Building Licence stage.</li> </ul>

**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:**

### **Beaufort Precinct Policy**

The Beaufort Precinct Policy states that 66 per cent of the development is required to comprise a residential component. In this instance, the proposed 50 per cent is supportable due to the small size of the lot and the nature of the existing streetscape. The Beaufort Precinct Policy states the following with regard to the development containing 66 per cent residential:

*“The Town of Vincent may consider variation of the standards specified in this Precinct Policy to enable the development to conform to the historic character of the area, particularly with redevelopment on small lots.”*

The proposed development is considered to complement the existing streetscape in terms of its street setbacks and building design. The design incorporates horizontal and vertical articulation to reduce the impact of the building bulk on the streetscape and a “townhouse” look due to the two high pitch rooves proposed. The front façade of the office component of the development is designed in such a way that it looks like a ground floor of a residential dwelling. As a result of a site inspection, it is clearly evident that a large majority of the properties along Pier Street between Brisbane Street and Brewer Street are entirely commercial with most of the uses being office. Eleven of the properties have been converted into offices, whilst the remaining three properties are residential properties.

Furthermore, the applicant has submitted a revised set of plans from the original proposal to address the concerns of the Town’s Officers with regard to maintaining the integrity and scale of the existing streetscape and the character of the area. The amended plans addressed this through increased setbacks to the Pier Street boundary and vertical articulation from the ground floor to the upper floor.

### **Summary**

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

**10.1.13 Nos. 92-94 (Lot: 44 D/P: 2456) Edward Street, Perth - Proposed Change of Use from Single Houses to Offices and Associated Alterations (Reconsideration of Condition)**

<b>Ward:</b>	South	<b>Date:</b>	19 May 2008
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO0803; 5.2008.197.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	D Pirone		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by S Keogh on behalf of the owner A R & F H Keogh for proposed Change of Use from Single Houses to Offices and Associated Alterations (Reconsideration of Condition), at Nos. 92-98 (Lot: 44 D/P: 2456) Edward Street, Perth, and as shown on plans stamp-dated 28 April 2008, subject to the following conditions:*

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



- (iii) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the development complying with the requirements of the Building Code of Australia for a Class 5 (Office) building, in particular the requirements for fire safety, energy efficiency, and access and toilet facilities for people with disabilities. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (iv) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (v) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (vi) *the gross floor area of the offices shall be limited to a combined area of 184 square metres;*
- (vii) *the doors, windows and adjacent floor areas fronting Edward Street shall maintain an active and interactive relationship with this street;*
- (viii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Edward Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (ix) *prior to the first occupation of the development, one (1) class one or two bicycle parking facility shall be provided at a location convenient to the entrance of the proposed development. Details of the design and layout of the bicycle parking facility shall be submitted to and approved by the Town prior to the installation of such facility; and*
- (x) *the hours of operation of the offices shall be limited to the following times: 8:00am to 6:00pm on Monday to Friday, and 8:00am to 1:00pm on Saturdays, inclusive.*

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**COUNCIL DECISION ITEM 10.1.13**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

**Debate ensued.**

**Moved Cr Maier, Seconded Cr Burns**

*That clause (iii) be amended to read as follows;*

*“(iii) prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*

*(a) the development complying with the requirements of the Building Code of Australia for a Class 5 (Office) building, in particular the requirements for fire safety, energy efficiency, and access and toilet facilities for people with disabilities. The revised plans shall not result in any greater variation to the requirements of the Town's Policies; and*

*(b) the car parking bays within the street setback area adjacent to Edward Street and the existing crossovers to the site being removed, and the street verge adjacent to the subject site being reinstated.*

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

Debate ensued.

**AMENDMENT PUT AND LOST (2-6)**

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

(Cr Ker on approved leave of absence.)

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

(Cr Ker on approved leave of absence.)

<b>Landowner:</b>	A R & F H Keogh
<b>Applicant:</b>	S Keogh
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
<b>Existing Land Use:</b>	Single Houses
<b>Use Class:</b>	Office Building
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	407 square metres
<b>Access to Right of Way</b>	North side, 3 metres wide, unsealed, privately owned

**BACKGROUND:**

8 May 2006 The Town under delegated authority from Council approved an application for retrospective approval for alterations and additions to two existing single houses on the subject property.

9 January 2008 The Town cancelled an application for a change of use from single houses to consulting rooms at the subject property, due to insufficient information being provided.

26 February 2008 The Council at its Ordinary Meeting approved a change of use from single houses to offices and associated alterations, subject to several conditions, including the following condition:

*“(iii) prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*

*(b) the car parking bay within the street setback area adjacent to Edward Street not being used for car parking, the existing crossovers to the site being removed, and the street verge adjacent to the subject site being reinstated. All costs associated with the removal of the existing crossovers and reinstatement of the street verge is to be borne by the applicant/owner(s).*

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

**DETAILS:**

The proposal involves the reconsideration and proposed deletion of condition (iii)(b) that was placed on the approval dated 26 February 2008 for proposed change of use from single houses to offices and associated alterations at the subject property.

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

**ASSESSMENT:**

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

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Beaufort Precinct Policy:	Developments are to contain a residential component of no less than 66 per cent of the existing or approved floor space.	No residential component proposed.	Supported – see ‘Comments’ section.

	Car parks should not visually detract from the public environment or character of the area and, preferably, should not be visible from streets and public spaces.	One (1) car bay located in front setback area.	Supported – the site’s location in the block bounded by Thorley, Edward, Lord and Brewer Streets, means that access to the site from the rear right of way is not obvious to visitors, as access to the subject right of way is provided from Thorley and Brewer Streets. It is therefore considered unreasonable to expect all visitors to the site to utilise this right of way access, and given that Edward Street is dominated by on-street car parking with often poor availability and properties with car parking within the front setback, is considered acceptable in this instance.
<u>Landscaping</u>	<u>Car parking within the street setback area is not permitted except where a landscape buffer with a minimum width of 1.5 metres can be provided adjacent to the street frontage.</u>  <u>Ten per cent of the site area for non-residential development adjacent to residential areas is to be landscaped.</u>	<u>No on-site landscaping provided.</u>	<u>Supported – the proposed car bays are existing and is not considered to have an undue impact on the streetscape. The car bay within the streetscape area is required as it is the only possible space for an ACROD car bay without requiring major alterations to the building. There is an established commercial amenity surrounding the site.</u>
<b>Car Parking</b>			
<b>Requirements</b>		<b>Required</b>	
Car parking requirement (nearest whole number):		4 car bays	
<ul style="list-style-type: none"> <li>Office: 1 space per 50 square metres of gross floor area or part thereof (184 square metres (gross) proposed) = 3.68 car bays</li> </ul>			
Apply the parking adjustment factors.		(0.578)	
<ul style="list-style-type: none"> <li>0.80 (within 400 metres of a rail station)</li> <li>0.85 (within 400 metres of a bus stop/station)</li> <li>0.85 (within 400 metres of one or more existing public car parking places with excess of 75 car parking spaces)</li> </ul>		2.312 car bays	

Minus car parking provided on-site		5 car bays
Minus the most recently approved on-site car parking shortfall after applying adjustment factors.		Nil
Resultant surplus		2.688 car bays
<b>Bicycle Parking</b>		
Bicycle parking requirement (nearest whole number):  <u>Office</u> (184 square metres of gross floor area) -1 space per 200 square metres of gross floor area for employee/resident (Class 1 or 2) = 0.92 space		1 space (Class 1 or 2) required.
<b>Previous Consultation Submissions</b>		
Support (4)	No comments given.	Noted.
Objection	Nil	Noted.
<b>Other Implications</b>		
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.

### **Beaufort Precinct Policy**

The land is zoned Residential/Commercial R80 with the immediate area characterised by dwellings being used for commercial purposes. The Town's Policy relating to the Beaufort Precinct specifies that mixed residential/commercial development is to incorporate a residential component of no less than 66 per cent of the existing or approved floor space. It also specifies that the Town may consider variations of these standards to enable development to conform to the historic character of the area, particularly with redevelopment on small lots.

The subject site is situated along the portion of Edward Street between Thorley and Lord Streets, which comprises predominately single storey semi-detached dwellings, which were built at the turn of the twentieth century. Most of the original dwelling detail is still intact and the majority of residences exhibit characteristics of Federation style architecture. The place at Nos.92-94 Edward Street is considered an integral element within this streetscape.

In accordance with the Beaufort Precinct Policy, the subject development is considered to have merit and warrant such a variation as the residential character of the buildings is being retained and as it will ensure the streetscape is not compromised. Furthermore, the enforcement of a residential component on the subject site is not considered reasonable in this instance by virtue of the established commercial amenity immediately adjoining and surrounding the subject site.

It is noted that the Council has on numerous occasions, where considered appropriate, supported proposals which effectively do not meet the requirements for 66 per cent of the floor area to be residential in this zone, on the grounds that the mixed-use requirement may be more effective in the short term in streets and neighbourhoods where the predominant use is residential, rather than the higher yielding commercial uses. Further, it is unlikely that the remainder of the street will convert to a predominantly residential use, as most of the existing commercial uses are lawful and established.

### **Building Code of Australia Requirements**

The proposal does not comply with the requirements of the Building Code of Australia for a Class 5 (Office) building, particularly in respect of fire safety, energy efficiency, and access and toilet facilities for people with disabilities. As such, a condition has been recommended to be applied to the proposed development, requiring works to be completed to meet the requirements of the Building Code of Australia prior to the first occupation of the development.

### **Health Services Comments**

Health Services are of the opinion that use of the property for commercial purposes is likely to result in a longer term occupancy rate, than would be the case if used for residential purposes over the long term. This would in turn enhance the long term preservation of the building and protect the building against unauthorised use and degradation by squatters, during periods of vacancy. The owners of the building have communicated concerns regarding the difficulty in attracting suitable residential tenants to the property, citing the commercial surroundings, and a feeling of isolation outside of business hours, as being major determinants.

Health Services' intimate knowledge of derelict building issues within the locality, has formed the primary basis for supporting the application, of this otherwise, non-environmental health related matter.

### **Development Proposal**

Commercial uses dominate the immediate vicinity of the proposed development and range from two-storey office buildings to the use of single-storey residential buildings for accounting and financial services. The renovation and re-use of these buildings as offices is considered to encourage the retention of the existing building stock and the introduction of uses of a complementary nature and scale to existing and future residential development within the locality. No previous objections have been received to the proposal and several of the adjoining and adjacent properties consulted have indicated their previous support of the subject development.

### **Reconsideration of Condition**

The applicant wishes to reconsider and delete condition (iii) (b) as the car bay within the front setback is existing and will provide a greater amount of on-site car parking, which is beneficial for the area. Further to the above, the car bay proposed within the front setback is classed as ACROD car bay, which is a requirement of the Building Codes of Australia. It is not possible for the ACROD car bay to be placed at the rear of the property as there is insufficient access from the rear for people with disabilities. The Town's Planning Officers have no objection to the car bay proposed in the front setback, as the car bay is existing and not seen to have an undue impact on the streetscape as most properties along Edward Street have car parking at the front of their properties. Edward Street is a narrow street that is currently filled with cars parked along the sides; therefore, it is valuable to the streetscape and the safety of motorists and pedestrians that as much on-site car parking be provided as possible.

### **Summary**

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

**10.1.15 No. 261 (Lot: 16 D/P: 547) Bulwer Street, Perth - Proposed Change of Use from Single House to Office Building (Music Industry) and Associated Alterations and Signage Additions**

<b>Ward:</b>	South	<b>Date:</b>	16 May 2008
<b>Precinct:</b>	Hyde Park; P12	<b>File Ref:</b>	PRO4327; 5.2008.60.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	E Storm		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by D H Rata on behalf of the owner D H Rata and L D Gray for proposed Change of Use from Single House to Office Building (Music Industry) and Associated Alterations and Signage Additions, at No. 261 (Lot: 16 D/P: 547) Bulwer Street, Perth, and as shown on plans stamp-dated 14 February 2008, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Town's Policies relating to Non-Residential/Residential Development Interface, Signs and Advertising, and Parking and Access, and the objectives of the Town's Town Planning Scheme No.1 and the Town's Economic Development Strategy; and*
- (iii) approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas.*

**COUNCIL DECISION ITEM 10.1.15**

**Moved Cr Farrell, Seconded Cr Lake**

*That the recommendation be adopted.*

Debate ensued.

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

(Cr Ker on approved leave of absence.)

<b>Landowner:</b>	D H Rata & L D Gray
<b>Applicant:</b>	D H Rata
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R 80
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Office Building
<b>Use Classification:</b>	"SA"
<b>Lot Area:</b>	329 square metres
<b>Access to Right of Way</b>	North side, 3 metres wide, sealed, Town owned

**BACKGROUND:**

No specific background directly relates to the proposal.

**DETAILS:**

The proposal involves the change of use from single house to office building (music industry).

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted – no variation
Non- Residential/ Residential Development Interface Policy	Non- residential uses to be restricted to District or Local Centres.	Located within a Residential R 80 zone.	Not supported – see ‘Comments’ below.
Objective of Town Planning Scheme No.1	<i>‘To promote and safeguard the economic well-being and functions of the Town’.</i>	Non- residential use encroaching into a residential area.	Not supported – see ‘Comments’ below.
Town of Vincent – Economic Development Strategy	No requirement to add new commercial precincts or nodes as all Vincent’s residents live within 1 kilometre of a commercial centre.	Non- residential use encroaching into a residential area.	Not supported – see ‘Comments’ below.
Signs and Advertising Policy:  Residential Properties and Buildings	Not exceeding 0.2 square in area and only for the purpose of identifying the name of the dwelling and/or nature of an approved home occupation operating from the dwelling.	1.2 square metres. Identifying the business/office.	Not supported – considered to have an undue impact on amenity of streetscape and surrounding residential properties.



<b>Car Parking</b>		
Car parking requirement (nearest whole number) - Office Building – 1 space per 50 square metres of gross floor area . = 2.81 bays		= 3 car bays
Apply the adjustment factors. • 0.85 (within 400 metres of a bus stop)		(0.85) =2.55 car bays
Minus the car parking provided on-site		2 Bays
Minus the most recently approved on-site car parking shortfall.		Nil
Resultant shortfall		0.55 car bay
<b>Consultation Submissions</b>		
Support	Nil.	Noted.
Objection (2)	• Uncertain of accepting music/entertainment that will occur during work hours.	Noted – see ‘Comments’ below.
	• Loss of privacy as a result of noise generated by car parking area. Request for bollard/remote controlled cable wire running through right of way to limit thoroughfare.	Noted – see ‘Comments’ below.
	• Commercial operation within a residential zone.	Noted – see ‘Comments’ below.
	• Uncertain of activities operating from premises – potential brothel. Future sale of property with office/consultation room could also result into a Brothel.	Noted – see ‘Comments’ below.
<b>Other Implications</b>		
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 current use of the building is a residential use and is therefore a permitted use. Due to the nature of the proposed activities, the proposed office building (“SA” use) is not considered to be a part of the general fabric of the residential area, regardless of the scale and intensity of its operations. The proposal has the potential to undermine the amenity of the surrounding residential dwellings located along the subject portion of Bulwer Street and is inconsistent with the objectives of the Town of Vincent Town Planning Scheme No.1 and Economic Development Strategy. Approval of the proposed development would create an undesirable precedent for the encroachment of commercial uses into residential areas.

The proposal is therefore considered unacceptable and is not supported by the Town’s Officers.

**10.1.7 Nos. 17-23 (Lot: 33 D/P: 54789) Harwood Place, West Perth - Proposed Demolition of Existing Building and Construction of Four-Storey Development Comprising Twelve (12) Two Bedroom and Four (4) Single Bedroom Multiple Dwellings and Associated Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	19 May 2008
<b>Precinct:</b>	Beaufort; P13 -	<b>File Ref:</b>	PRO3547; 5.2008.42.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	R Rasiah; S Kendall		
<b>Checked/Endorsed by:</b>	D Abel; R Boardman	<b>Amended by:</b>	-

**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 McDonald Jones Architects on behalf of the owner Boldform Pty Ltd for proposed Demolition of Existing Building at Nos. 17-23 (Lot: 33 D/P: 54789) Harwood Place, West Perth, and as shown on revised plans stamp-dated 7 March 2008, subject to the following conditions:*
- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
  - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
  - (c) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
  - (d) *demolition of the existing building may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;*
  - (e) *support of the demolition application shall not be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property; and*
  - (f) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Planning Scheme No.1 and associated Policies; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by McDonald Jones Architects on behalf of the owner Boldform Pty Ltd for proposed Construction of Four-Storey Development Comprising Twelve (12) Two Bedroom and Four (4) Single Bedroom Multiple Dwellings and Associated Car Parking, at Nos. 17-23 (Lot: 33 D/P: 54789) Harwood Place, West Perth, and as shown on revised plans stamp-dated 7 March 2008, for the following reasons:*
- (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*

- (b) *the non-compliance with the density, plot ratio, building setbacks, stores, single bedroom dwelling plot ratio, communal open space, privacy, car parking, number of storeys and buildings height requirements of the Residential Design Codes and the Town's Policies;*
  - (c) *the development creates an undesirable precedent for similar scale and nature developments on other potential developments sites along Harwood Place; and*
  - (d) *consideration of the objections received.*
- 

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

Debate ensued.

The Presiding Member ruled that the recommendation be dealt with in two parts.

**PART (i)**

*That clause (i) of the recommendation be adopted.*

**PART (i) PUT AND CARRIED (8-0)**

(Cr Ker on approved leave of absence.)

**PART (ii)**

*That clause (ii) of the recommendation be adopted.*

Debate ensued.

**PART (ii) PUT AND LOST (3-5)**

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

(Cr Ker on approved leave of absence.)

**Reasons:**

1. **The area is conducive to higher rise precedents in the area and addresses the need for accommodation.**

**ALTERNATE RECOMMENDATION – COUNCIL DECISION ITEM 10.1.7**

**Moved Cr Farrell, Seconded Cr Burns**

*That;*

- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by McDonald Jones Architects on behalf of the owner Boldform Pty Ltd for proposed Construction of Four-Storey Development Comprising Twelve (12) Two Bedroom and Four (4) Single Bedroom Multiple Dwellings and Associated Car Parking, at Nos. 17-23 (Lot: 33 D/P: 54789) Harwood Place, West Perth, and as shown on revised plans stamp-dated 7 March 2008, subject to the following conditions:*
- (a) *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;*
  - (b) *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 the Town's specification. Mature trees shall also be included in the upgrade to the satisfaction of the Town's Manager Parks Services. A refundable footpath upgrading bond and/or bank guarantee of \$6,500 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
  - (c) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
    - (1) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial, non-residential activities;*
    - (2) *the Town of Vincent will not issue a visitor or residential car parking permit to any owner or occupier of the units. 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;*
    - (3) *a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time; and*
    - (4) *the floor plan layout for the single bedroom dwellings are 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;*

- (d) any new street/front wall, fence and gate within the Harwood Place setback area including along the side boundaries within this street setback area, shall comply with the following:*
  - (1) the maximum height being 1.8 metres above the adjacent footpath level;*
  - (2) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (3) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (4) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
  - (5) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
  - (6) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (e) 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;*
- (f) 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;*
- (g) the proposed vehicular gate for the car park shall be a minimum 50 percent visually permeable when viewed from the street;*
- (h) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the terraces on the northern, southern and western elevations, bedroom windows on the northern and southern elevations and kitchen windows on the western elevation within the cone of vision of 7.5 metre, 4.5 metres and 6 metres respectively to the lot boundaries, on the first, second and third floors, being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the respective finished floor levels, OR alternatively the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the*

*windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties along northern, southern and western sides, respectively, stating no objections to the respective proposed privacy encroachment.*

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

- (i) prior to the first occupation of the development, a public access easement in favour of the Town shall be granted over the car park entry driveway to provide reversing room for vehicles entering Harwood Place to exit in forward gear. The extent of the easement will be limited to sufficient room to reverse, in accordance with AS2890.1, and as determined by the Director, Technical Services;*
- (j) a bin compound shall be provided and constructed in accordance with the Town's Health Services Specifications and sized to contain 1 x mobile garbage bin per unit, and 1 x general recycle bin per 2 units; and*
- (k) the Western Power pole within the new crossover location shall be relocated at the applicant's/owner's cost.*

Debate ensued.

#### AMENDMENT

Moved Cr Doran-Wu, Seconded Cr Farrell

*That a new clause (c)(5) be inserted as follows:*

*“(c)(5) the floor area of units 1, 3, 8 and 13 be reduced to 70 square metres.”*

#### AMENDMENT PUT AND CARRIED (6-2)

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

(Cr Ker on approved leave of absence.)

#### ALTERNATIVE MOTION PUT AND CARRIED AS AMENDED BY AN ABSOLUTE MAJORITY (5-3)

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

(Cr Ker on approved leave of absence.)

**COUNCIL DECISION ITEM 10.1.7**

- (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 McDonald Jones Architects on behalf of the owner Boldform Pty Ltd for proposed Demolition of Existing Building at Nos. 17-23 (Lot: 33 D/P: 54789) Harwood Place, West Perth, and as shown on revised plans stamp-dated 7 March 2008, subject to the following conditions:*
- (a) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
  - (b) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
  - (c) *a development proposal for the redevelopment of the subject property shall be submitted to and approved by the Town prior to the issue of a Demolition Licence;*
  - (d) *demolition of the existing building may make the property ineligible for any development bonuses under the provisions of the Town of Vincent Town Planning Scheme No. 1 and associated Policies for the retention of existing buildings valued by the community;*
  - (e) *support of the demolition application shall not be construed as support of the Planning Approval/Building Licence application for the redevelopment proposal for the subject property; and*
  - (f) *any redevelopment on the site shall be sympathetic to the scale and rhythm of the streetscape in line with the provisions of the Town of Vincent Planning Scheme No.1 and associated Policies; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by McDonald Jones Architects on behalf of the owner Boldform Pty Ltd for proposed Construction of Four-Storey Development Comprising Twelve (12) Two Bedroom and Four (4) Single Bedroom Multiple Dwellings and Associated Car Parking, at Nos. 17-23 (Lot: 33 D/P: 54789) Harwood Place, West Perth, and as shown on revised plans stamp-dated 7 March 2008, subject to the following conditions:*
- (a) *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;*

- (b) *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 the Town's specification. Mature trees shall also be included in the upgrade to the satisfaction of the Town's Manager Parks Services. A refundable footpath upgrading bond and/or bank guarantee of \$6,500 shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (c) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (1) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial, non-residential activities;*
  - (2) *the Town of Vincent will not issue a visitor or residential car parking permit to any owner or occupier of the units. 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;*
  - (3) *a maximum of one (1) bedroom and two (2) occupants are permitted in each single bedroom dwelling at any one time; and*
  - (4) *the floor plan layout for the single bedroom dwellings are 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;*

- (d) *any new street/front wall, fence and gate within the Harwood Place setback area including along the side boundaries within this street setback area, shall comply with the following:*
- (1) *the maximum height being 1.8 metres above the adjacent footpath level;*
  - (2) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
  - (3) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
  - (4) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*



- (5) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
- (6) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (e) *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;*
- (f) *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;*
- (g) *the proposed vehicular gate for the car park shall be a minimum 50 percent visually permeable when viewed from the street;*
- (h) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the terraces on the northern, southern and western elevations, bedroom windows on the northern and southern elevations and kitchen windows on the western elevation within the cone of vision of 7.5 metre, 4.5 metres and 6 metres respectively to the lot boundaries, on the first, second and third floors, being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the respective finished floor levels, OR alternatively the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties along northern, southern and western sides, respectively, stating no objections to the respective proposed privacy encroachment.*

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

- (i) *prior to the first occupation of the development, a public access easement in favour of the Town shall be granted over the car park entry driveway to provide reversing room for vehicles entering Harwood Place to exit in forward gear. The extent of the easement will be limited to sufficient room to reverse, in accordance with AS2890.1, and as determined by the Director, Technical Services;*

- (j) *a bin compound shall be provided and constructed in accordance with the Town's Health Services Specifications and sized to contain 1 x mobile garbage bin per unit, and 1 x general recycle bin per 2 units;*
- (k) *the Western Power pole within the new crossover location shall be relocated at the applicant's/owner's cost; and*
- (l) *the floor area of units 1, 3, 8 and 13 be reduced to 70 square metres.*

**Cr Doran-Wu departed the meeting at approximately 8.20pm as she was feeling unwell. She did not return to the meeting.**

Landowner:	Boldform Pty Ltd
Applicant:	McDonald Jones Architects
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Vacant Motor Vehicles Repair Business
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	759 square metres
Access to Right of Way	Not applicable

**BACKGROUND:**

15 May 2007 A concept development proposal for the above site was presented to the Council Members Forum.

13 May 2008 The subject application was referred to the Ordinary Meeting of Council; however, the item (10.1.7) was withdrawn at the request of the applicant.

**DETAILS:**

The proposal involves demolition of the existing building and construction of four storey development comprising twelve (12) two bedroom and four (4) single bedroom multiple dwellings and associated car parking.

The applicant has also submitted a response to the matters raised in the public submissions, which is summarised as follows:

- The site is not in a location that can support a commercial development.
- Opportunity to provide affordable and rental accommodation close to amenities, with a mix of one and two bedroom dwellings.
- Appropriately scaled inner urban development that would encourage further similar style developments in the near derelict precinct.
- Four (4) of the 16 multiple dwellings are one bedroom dwellings. Many developments in East Perth Redevelopment Authority areas, City of Perth and Subiaco are being used successfully with the provision of 1 car bay per apartment. Additionally, more people are now using public transport, scooter and cycling as a mode of travel to work.
- Much needed reversing area within the site at the end of the cul-de-sac has been provided on-site for the benefit of the community.
- No overshadowing or privacy issues.
- A streetscape that will enhance the heritage values of houses in the street, similar to those along Newcastle Street.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	R 80 - 6.072 multiple dwellings	12 two bedroom and 4 single bedroom multiple dwellings- R192 (bonus of 119.6 per cent)	Not supported - as the increased density has resulted in unacceptable bulk and scale issues and excessive variations.
Plot Ratio	1.0 or 759 square metres	2.1 or 1593.9 square metres	Not supported - as the variation to the plot ratio is excessive, which will result in the building being bulky and will unduly impact on the streetscape and on the amenity of the surrounding area.
No. of Storeys	2 storeys (plus loft)	4 storeys	Not supported- as the height and overall design of the proposal creates an unacceptable bulk and scale issue, and is considered to unduly affect the streetscape of the area, which is predominantly single storey buildings on the eastern side of Harwood Place.
Single Bedroom Plot Ratio - Units 1,3,8 and 13	60 square metres	79.76 to 83.7 square metres.	Not supported - as there is scope to comply with this requirement to provide limited accommodation, suitable for one and two persons.  It is to be noted that in the Town's Single Bedroom Dwellings Policy No. 3.4.7, where it can be demonstrated that a high quality design outcome can be achieved, the Town may consider a density bonus for single bedroom dwellings with a maximum plot ratio floor area of up to 70 square metres.

Car Parking	29.5 car bays of which 3 bays to be visitor bays	18 car bays of which 2 bays to be visitor bays.	Not supported- as it will result in an undue impact on the amenity of the area, as on-street car parking is mainly utilised by the owners of the single houses on the eastern side of Harwood Place as they do not have any on-site car parking. The shortfall in car parking is likely to cause further pressure for the limited on-street car parking. The car parking impact is likely to be further exacerbated should the remaining non-residential lots along Harwood Place be also redeveloped for residential or alternative purposes.
Stores-Units 1, 3, 8 and 13-Single Bedroom Dwellings	1.5 metres dimension and 4 square metres in area.	Two (2) separate stores less than 4 square metres in area have been provided for units 3, 8 and 13.	Not supported - as its results in an undue impact on the amenity of the occupiers of the development and the area. There is scope to comply with 1 metre and an internal area of at least 2.5 square as per the Town's Single Bedroom Dwellings Policy No.3.4.7.
Communal Open Space	16 square metres each or 256 square metre in one area	32.7 square metres, with areas between 14.9 to 27.1 square metres for each multiple dwelling	Not supported - as it results in an undue impact on the occupiers' amenity, especially given the very high density proposed.
Privacy Setbacks: 1st, 2nd and 3rd floor- Balconies/terraces on west and south side, bedroom windows on north and south sides	7.5 metres setback for balconies/terraces and 6 metres for bedroom windows.	Less than 7.5 and 6 metres, respectively	Not supported - as it will result in undue impact on the amenity of the adjoining properties. This privacy impact can be addressed by way of an appropriate screening condition.

Building Setbacks:			
North Side-First floor-wall (1)	1.6 metres	Nil	Supported - as the adjoining property to the north has been developed with multiple dwellings, and the area closest to the common boundary is used for car parking purposes.
North Side-First floor-entire wall	5.3 metres	3.742 metres	Supported - as above
North Side-Second floor-wall (1)	1.9 metres	Nil	Not supported - as it results in an undue impact on the amenity of the area and in particular the adjoining lot to the north in terms of bulk, scale and visual impact.
North Side-Second floor-wall (2)	7.1 metres	3.742 metres	Supported - as the adjoining property to the north has been developed with multiple dwellings and the area closest to the common boundary is used for car parking purposes.
North Side-Third floor - wall (1)	2.8 metres	Nil	Not supported - as it results in an undue impact on the amenity of the area and in particular the adjoining lot to the north in terms of bulk, scale and visual impact.
North Side-Third floor - wall (2)	9.5 metres	3.742metres	Supported - as the adjoining property to the north has been developed with multiple dwellings and the area closest to the common boundary is used for car parking purposes.
West-Rear Side-First floor-entire wall	5.5 metres	1.9 to 2.5 metres	Supported - as the adjoining property to the west also has a high boundary wall.

West-Rear Side- First floor - wall (1)	1.5 metres	Nil	Supported - as the adjoining property to the west also has a high boundary wall.
West-Rear Side- First floor - wall (2)	1.5 metres	Nil	Supported - as above.
West-Rear Side- Second floor- entire wall	7.3 metres	1.9 to 2.5 metres	Supported - as the adjoining property to the west is zoned Commercial, and likely to be developed in the future, and considered not to have an undue impact on amenity of the area.
West-Rear Side- Second floor - wall (1)	1.6 metres	Nil	Not supported - as it results in an undue impact on the amenity of the area and in particular the adjoining lot to the west in terms of bulk, scale and visual impact.
West-Rear Side- Second floor - wall (2)	1.7 metres	Nil	Not supported - as above.
West-Rear Side- Third floor-entire wall	9.1 metres	1.9 to 2.5 metres	Not supported - as above.
West-Rear Side- Third floor - wall (1)	1.8 metres	Nil	Not supported - as above.
West-Rear Side- Third floor - wall (2)	1.9 metres	Nil	Not supported - as above.
South Side- Ground floor	1.5 metres	Nil	Supported - as the adjoining property to the south is zoned Commercial, and likely to be developed in the future, and considered not to have an undue impact on amenity of the area.
South Side-First floor - wall (1)	1.6 metres	Nil	Supported - as above.
South Side-First floor - wall (2)	3.6 metres	3 to 3.6 metres	Supported - as above.

South Side- Second floor - wall (1)	2.0 metres	Nil	Not supported - as it results in an undue impact on the amenity of the area and in particular the adjoining lot to the south in terms of bulk, scale and visual impact.
South Side- Second floor - wall (2)	5.2 metres	3 to 3.6 metres	Supported - as the adjoining property to the west is zoned Commercial, and likely to be developed in the future, and considered not to have an undue impact on amenity of the area.
South Side-Third floor - wall (1)	2.5 metres	Nil	Not supported - as it results in an undue impact on the amenity of the area and in particular the adjoining lot to the south in terms of bulk, scale and visual impact.
South Side-Third floor - wall (2)	7.0 metres	2 to 3.6 metres	Not supported - as above.
<b>Consultation Submissions</b>			
Support (6)	Content with a higher 7 to 8 storey building with adequate provision of car parking, as the car parking for the current development is "glaringly" inadequate.		<ul style="list-style-type: none"> <li>• Not supported - as the 7 to 8 storey height is inappropriate for Harwood Place.</li> <li>• Supported - there is a need for adequate car parking.</li> </ul>
	The Town would be enhanced by a higher density mixed residential and commercial use in this Newcastle Street precinct.		Not supported - as a mixed use development is noted, but not at the above scale as suggested above.
Objection (16)	In terms of density, the development is too dense, excessive and double allowed for the subject site, which is opposite single storey heritage homes.		Supported- refer to comments in the non-compliant requirements table, under the heading "Density".
	The plot ratio is excessive and double allowed for the site, which are opposite single storey heritage homes.		Supported- refer to comments in the non-compliant requirements table, under the heading "Plot Ratio".

	Development height and scale (4 storeys) is excessive and will dwarf all other houses in the street, although additional residential development to replace the current light industrial use is supported. Undesirable precedent for the area and future development, should the remaining commercial properties be also developed for residential use.	Supported- refer to comments in the non-compliant requirements table, under the heading "No. of Storeys".
	Suggest traffic report for peak times, as it is 'impossible' to get out from Harwood Place onto Newcastle Street.	Not supported - as the Town's Technical Services have advised that there is no need for a traffic report, based on the scale of the development and the likely number of trip generation.
	Non-compliant with the Town's requirement, due to development too intensive for the site.	Supported - as the comments are considered relevant in this particular instance.
	Development is too high and will overshadow the houses on the opposite side of Harwood Place. It will further remove afternoon sun to Nos. 18-26 Harwood Place.	Not supported - as the proposal complies with the overshadowing requirements of the R Codes.
	The development will unduly affect the streetscape in Harwood Place.	Supported - refer to comments in the "Non-Compliant Requirements" table.
	Privacy of properties on the other side of Harwood Place directly in front of subject site will be "severely" compromised by a development greater than 2 storeys high.	Not supported - as the proposal complies with the Privacy requirement of the R Codes.
	The need for a mixed use development consisting of residential and commercial for the site for better use of infrastructure.	Noted.
<b>Other Implications</b>		
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:**

### **Demolition**

The subject building at Nos. 17 - 23 Harwood Place, West Perth was constructed circa 1978. Harwood Place was developed at the end of the 19th century as part of an inner-city subdivision for worker's housing. The City of Perth Metropolitan Sewerage Map Plans for 1987 indicates that the western side of Harwood Place originally comprised a row of single storey dwellings similar to those existing on the eastern side of Harwood Place. The properties along the eastern side of Harwood Place, at Nos. 10-26 Harwood Place are on the Town's Municipal Heritage Inventory with a Category B - Conservation Recommended listing.

The subject building covers almost the entire site with the exception of a rectangular car parking area along its eastern boundary. The building has a gable roof, concrete block walls and its front façade comprises aluminium windows, two single doors and two large roller doors.

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

### **Summary**

The accumulation of variations to the density, plot ratio, number of storeys, building setbacks, building height, boundary walls, privacy, communal open space, car parking and stores requirements are considered excessive and will unduly impact on the amenity of the surrounding area. The proposal will also have a visual intrusion on the residential properties on the eastern side of Harwood Place.

Furthermore, the height, bulk and scale of the proposal will result in a dominating structure in this location along Harwood Place and not be compatible with the scale of development in the immediate area, and likely to create an unacceptable precedent along this street. The proposal is not supported for the above mentioned reasons.

**10.1.2 Nos. 179-183 (Lot: 102 D/P: 20762) Charles Street, Dual Frontage to Oak Lane, West Perth - Proposed Eight (8) Three-Storey Grouped Dwellings (Reconsideration of Condition) – State Administrative Tribunal (SAT) Review Matter No. DR 85 of 2008**

<b>Ward:</b>	South	<b>Date:</b>	19 May 2008
<b>Precinct:</b>	Cleaver; P5	<b>File Ref:</b>	PRO1118; 5.2008.21.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	D Pirone		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to Nos. 179-183 (Lot: 102 D/P: 20762) Charles Street, Dual Frontage to Oak Lane, West Perth – Proposed Eight (8) Three-Storey Grouped Dwellings (Reconsideration of Condition) – State Administrative Tribunal (SAT) Review Matter No. DR 85 of 2008; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY, as part of the State Administrative Tribunal Review Matter No. DR 85 of 2008, the application submitted by the owner Choice Constructions Pty Ltd for Proposed Eight (8) Three-Storey Grouped Dwellings (Reconsideration of Condition), at Nos. 179-183 (Lot: 102 D/P: 20762) Charles Street, Dual Frontage to Oak Lane, West Perth, and as shown on revised plans stamp-dated 10 April 2008 (floor plans A201 and A203) and 6 May 2008, subject to the following conditions:*
  - (a) *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;*
  - (b) *any new street/front wall, fence and gate between the Charles Street and Oak Lane boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
    - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
    - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
    - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
    - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*

- (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (6) *the solid portion adjacent to the Charles Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (c) *first obtaining the consent of the owners of No. 2A Janet Street and No. 1 Hammond 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. 2A Janet Street and No. 1 Hammond Street in a good and clean condition;*
- (d) *a detailed landscaping plan, including a list of plants and the landscaping of the Charles Street and Oak Lane verges adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (e) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the balcony of unit 2 on the western elevation being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level within the 7.5 metres cone of vision. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No.1 Hammond Street stating no objections to the proposed privacy encroachment. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (f) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (1) *a minimum of two (2) significant and appropriate design features being incorporated along the garage wall/door of units 1, 2 and 8 adjacent to Oak Lane to reduce its visual impact; and*

- (2) *all storerooms having a minimum dimension of 1.5 metres and area of 4 square metres.*

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

- (g) *prior to the issue of a Building Licence, the owners shall agree in writing to a notification being lodged under Section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following;*

*"The Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the 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."*

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**COUNCIL DECISION ITEM 10.1.2**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED**  
**BY AN ABSOLUTE MAJORITY (5-2)**

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

(Cr Ker on approved leave of absence and Cr Doran-Wu was an apology for the remainder of the meeting as she was unwell.)

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<b>Landowner:</b>	Choice Constructions Pty Ltd
<b>Applicant:</b>	Choice Constructions Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Grouped Dwelling
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	1000 square metres
<b>Access to Right of Way</b>	Not Applicable

**BACKGROUND:**

- 9 October 1995      The Council at its Ordinary Meeting approved the development of seven 2-storey grouped dwellings on Lot 102. This Planning Approval incorporated variations to the density, plot ratio, setbacks, total open space, private open space, car parking and storeroom requirements of the Residential Planning Codes (R-Codes) under the R80 standard. The majority of variations were approved under clause 48 of the previous Town of Vincent Town Planning Scheme (1985).
- 12 October 1995      Approval to Commence Development issued by the Town for seven 2-storey grouped dwellings, valid for two years from the date of issue.
- 18 January 2000      The Council at its Ordinary Meeting refused a proposal for eight 2-storey grouped dwellings for the following reasons:
1. *Plot ratio in excess of requirement.*
  2. *Number of dwellings and density in excess of requirement.*
  3. *Lack of visitor car parking bays on site.*
  4. *Lack of street car parking in area.*
  5. *Loft area is considered habitable space.*
  6. *Objections received.*
- 14 March 2000      Appeal to the Minister for Planning against the refusal for eight 2-storey grouped dwellings at the Ordinary Meeting of Council held on 18 January 2000 referred to the Town for response.
- 28 March 2000      The Council at its Ordinary Meeting refused a proposal for eight 2-storey grouped dwellings. This proposal was submitted by the same applicant/owner as the previous refusal and was predominantly the same, other than the following modifications:
1. Addition of two visitor car parking spaces;
  2. Deletion of the loft floor levels; and
  3. Deletion of the southern boundary wall.
- 27 April 2000      The applicant's further submission of revised plans to the Minister, received by the Town. Revisions included:
1. Addition of two visitor car parking spaces;
  2. Deletion of the loft floor levels; and
  3. Deletion of the southern boundary wall.
- 24 May 2000      Letter outlining the Minister's decision to uphold the appeal.
- 25 June 2002      The Council, at its Ordinary Meeting, recommended refusal to the Western Australian Planning Commission for the construction of eight (8), three storey grouped dwellings.
- 4 November 2002      Advice returned from the Western Australian Planning Commission advising that the Commission's determination of the application is not required as the affected property is located outside of, but adjacent to, the Planning Control Area (PCA) No. 54 for Charles Street.

- 17 December 2002 The Council at its Ordinary Meeting refused a proposal for eight 3-storey grouped dwellings.
- 14 February 2003 The Town received a copy of Notice of Appeal to the former Town Planning Appeal Tribunal against the Council's refusal.
- 14 March 2003 The Town received an amended copy of Notice of Appeal.
- 17 March 2003 The First Sitting of Appeal.
- 21 March 2003 The Town lodged its Respondent Statement to the former Town Planning Appeal Tribunal.
- 27 March 2003 Appeal Mediation held between the Town Officer's and the applicant.
- 8 May 2003 The Town received amended plans for proposed eight 3-storey grouped dwellings.
- 27 May 2003 The Council at its Ordinary Meeting refused a proposal for proposed eight (8) three-storey grouped dwellings.
- 26 June 2007 The Council at its Ordinary Meeting approved a proposal for proposed eight (8) three-storey grouped dwellings as follows:

*"That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES BY AN ABSOLUTE MAJORITY the application submitted by J Nardizzi on behalf of the owner Choice Constructions Pty Ltd for proposed Eight (8) Three-Storey Grouped Dwellings, at Nos. 179-183 (Lot 102 D/P: 20762) Charles Street, Dual Frontage to Oak Lane, West Perth, and as shown on plans stamp-dated 18 January 2007 and 19 June 2007 (overshadowing diagram), subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate between the Charles Street and Oak Lane boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
  - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*

- (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
  - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
  - (f) *the solid portion adjacent to the Charles Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres, provided that the fence and gate have at least two (2) significant appropriate design features to reduce the visual impact. Examples of design features may include significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (iii) *first obtaining the consent of the owners of No. 2A Janet Street and No. 1 Hammond 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. 2A Janet Street and No. 1 Hammond Street in a good and clean condition;*
  - (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Charles Street and Oak Lane 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);*
  - (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the balcony of unit 1 on the western elevation being screened with a permanent obscure material and be non openable to a minimum of 1.6 metres above the finished first floor level within the 7.5 metres cone of vision. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No.1 Hammond Street stating no objections to the proposed privacy encroachment. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*

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

(a) *a minimum of two (2) significant and appropriate design features being incorporated along the garage wall/door of units 1, 2 and 8 adjacent to Oak Lane to reduce its visual impact;*

(b) *all courtyards being a minimum dimension of 4.0 metres; and*

(c) *all storerooms having a minimum dimension of 1.5 metres and area of 4 square metres.*

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

(vii) *prior to the issue of a Building Licence, the owners shall agree in writing to a notification being lodged under Section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following;*

*"The Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the 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. "*

- 12 February 2008      The Council at its Ordinary Meeting refused an application for a Reconsideration of Condition (vi)(b) of the Planning Approval dated 26 June 2007, for the following reason:
1. *Extensive concessions have already been granted to the applicant.*
- 10 March 2008      The applicant lodged an appeal to SAT to review the decision made by the Council at its Ordinary Meeting held on 12 February 2008.
- 28 March 2008      Directions Hearing at SAT.
- 3 April 2008        Mediation at SAT.
- 10 April 2008      Applicant submitted revised plans as per the request at the mediation held on 3 April 2008.
- 13 May 2008        The subject application was referred to the Ordinary Meeting of Council; however, the item (10.1.2) was withdrawn at the request of the applicant. Due to this, the mediation was adjourned at SAT on 15 May 2008 for a date to be determined.



**DETAILS:**

This proposal involves the reconsideration and proposed deletion of condition (vi) (b) that was placed on the approval granted on 26 June 2007 for proposed eight (8) three-storey grouped dwellings at the subject property.

As a result from the mediation for Nos. 179-183 Charles Street, dual frontage to Oak Lane, under Section 31 of the State Administrative Tribunal Act 2004, hence the Agenda Report is not prepared as a “*Confidential Report*”.

Further to this, the applicant submitted amended plans dated 10 April 2008 as requested at the mediation at SAT held on 3 April 2008. These amendments are as follows:

- The size of the balcony of unit 2 has increased by extending out towards Oak Lane; therefore, proposed setback of the balcony is now 1 metre from Oak Lane. The previously approved setback is 2.78 metres. The balcony of Unit 2 now has 4 metres by 4.245 metres dimension and total area of 21.93 square metres.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Building Setbacks: -West (Oak Lane) Balcony to Unit 2	6 metres	1 metre	Supported – see ‘Comments’ below.
Privacy Setbacks: Balcony to Unit 2	7.5 metres	6.5 metres to the western property boundary.	Not supported - undue impact on western property, and condition applied to require appropriate screening.
Outdoor Living Area (Courtyard)	Each dwelling to be provided with a courtyard with a minimum area of 16 square metres and minimum dimensions of 4 metres.	Unit 1 – Dimensions = 3.76 metres by 4.5 metres. Total Area = 18.12 square metres  Unit 2 – Dimensions = 4 metres by 4.245 metres. Total Area = 21.93 square metres	Supported – see ‘Comment’s’ below.

		Therefore Units 2, 3, 4, 5, 6, 7 and 8 comply with the Outdoor Living Area requirements of the R Codes.	
Note: All other variations have been addressed in Item 10.1.10 to the Ordinary Meeting of Council held on 26 June 2007.			
<b>Consultation Submissions</b>			
This application was not advertised as a variation in the Outdoor Living Area requirements was advertised as part of the previous application.			
<b>Other Implications</b>			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Financial/Budget Implications		The Town's Planning Consultant, Simon Bain is representing the Town.	

**COMMENTS:**

**State Administrative Tribunal Act 2004**

Section 31 states as follows:

*"31. Tribunal may invite decision-maker to reconsider*

- (1) At any stage of a proceeding for the review of a reviewable decision, the Tribunal may invite the decision-maker to reconsider the decision.*
- (2) Upon being invited by the Tribunal to reconsider the reviewable decision, the decision-maker may –*
  - (a) affirm the decision;*
  - (b) vary the decision; or*
  - (c) set aside the decision and substitute its new decision.*
- (3) If the decision-maker varies the decision or sets it aside and substitutes a new decision, unless the proceeding for a review is withdrawn it is taken to be for the review of the decision as varied or the substituted decision."*

Under Section 31 of the SAT Act 2004, the Town has been invited to determine the subject application; that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision. After the Ordinary Meeting of Council to be held on the 27 May 2008, the Town's Officers and the applicant are to attend a further mediation at SAT. If the applicant is satisfied with the determination made by the Council at its Ordinary Meeting on 27 May 2008, the applicant will consider withdrawing their current Review application with the State Administrative Tribunal. As such, the Officer Recommendation has been changed to reflect a determination by the Town.

### **Planning Consultant's Comments**

Pursuant to Order 2 of the SAT Orders dated 4 April 2008; the Town is invited to consider a report submitted by the external independent planner who represented the respondent at the mediation.

In light of the above, Simon Bain's comments are detailed below:

*"This application was discussed at mediation at the State Administrative Tribunal (SAT) on 3 April 2008.*

*The Application for Review was concerning condition (vi) (b) on the approval issued in 26 June 2007. The condition required amended plans that showed:*

*"all courtyards being a minimum dimension of 4.0 metres."*

*This resulted in a new application being lodged on 18 January 2008 specifically seeking approval of the smaller balconies for units 1 and 2. This application was refused on 12 February 2008 on the grounds that:*

*"Extensive concessions have already been granted to the applicant"*

*At the mediation alternative plans and further justification were discussed; namely:*

#### Unit 1

- *The outdoor living area is above the minimum area of 16m<sup>2</sup>;*
- *The outdoor living area is slightly less than the minimum dimension of 4m;*
- *Widening the outdoor living area would reduce the size of the living/dining area, which is already very small and narrow; and*
- *The outdoor living area would satisfy the Performance Criteria under clause 3.4.2 of the R Codes, particularly the new criteria, which includes taking advantage of northern orientation.*

#### Unit 2

- *The outdoor living area can be widened so it achieves the minimum area of 16m<sup>2</sup>;*
- *The outdoor living area is a minimum dimension of 4m;*
- *Widening the outdoor living area would reduce the size of the living/dining area, which is already very small and narrow;*
- *The widened outdoor living area would satisfy the Performance Criteria under clause 3.4.2 of the R Codes, particularly the new criteria, which includes taking advantage of northern orientation; and*
- *The widening of the balcony is considered acceptable as Unit 2 is already 0.23m behind the alignment of unit 1. Furthermore it will align with the 1.0m setback of the building on the property to the north and the alignment of the units on the southern side of the property, which are aligned 1.7m further to the west. The balcony will be of glass construction and therefore not be imposing on the Rowley Mews streetscape.*

Accordingly SAT has ordered:

*“1. Pursuant to s 31(1) of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision at its meeting on 13 May 2008 in view of new information and a revised proposal submitted by the applicant.*

*2. The respondent is invited to consider a report submitted by the external independent planner who represented the respondent at the mediation.*

*3. The mediation is adjourned until 10.00am on Thursday 15 May 2008.”*

*The Applicant has submitted revised plans and further justification addressing the Performance Criteria of the Residential Design Codes, along the lines discussed at mediation (see attached). Accordingly it is recommended that Council re-consider the revised plans and issue a new approval deleting condition (vi) (b).*

*Clause 3.4.2 P2 of the R Codes states:*

*“An outdoor area capable of use in conjunction with a habitable room of the dwelling, and if possible, open to winter sun.”*

*Variation 1 to the R Codes also includes:*

*“An outdoor area that takes advantage of the northern aspect of the site.”*

*The proposed development as shown on the amended plans satisfies the existing and proposed Performance Criteria under clause 3.4.2. It is also noted that Variation 1 to the R Codes makes it clear that the correct implementation of the provisions of the R Codes is compliance with the objective, then the Performance Criteria and that the Acceptable development standards are just one example of how the Performance Criteria is met. Given this change and the proposed additional criteria under clause 3.4.2 of the Codes, which encourages northern aspect, which is achieved under the revised plan, it is recommended that the modified plan be accepted.*

*The outdoor living area for unit 2 measures 20.4m<sup>2</sup>. This is 4m<sup>2</sup> over the minimum required. If considered appropriate the area can be reduced in width so as to achieve the minimum area, resulting in less projection into the setback area. This can be dealt with as a condition of approval.*

*It is recommended that Council issue a new approval for the revised plans utilising the previous conditions on the approval of 26 June 2007 and deleting condition (vi) (b).”*

### **Officer's Comments**

The proposal involves the proposed reconsideration and deletion of the following condition that was placed on the approval granted on 26 June 2007.

*“(vi)(b) all courtyards being a minimum dimension of 4.0 metres;”*

This condition states that all courtyards are to have a minimum dimension of 4 metres. Part of the reasons why the Officer's Recommendation for the previous planning application was for refusal was because proposed courtyards for Units 1, 2, 5, 6, 7, and 8 had a dimension of less than 4 metres; therefore, all units were non-compliant with the outdoor living area requirements; hence, non-compliant with the Town's Policy relating to Non-Variation of Specific Development Standards and Requirements. Units 1 and 2 originally did not propose any outdoor living area, instead a sizeable balcony which overlooks Oak Lane.

It is essentially not possible for Units 1 and 2 to be able to comply with this condition at the Building Licence stage, without a total redesign of the units; hence, most likely resulting in a further planning application being submitted to the Town.

Subsequent to the proposal being granted conditional Planning Approval by the Council, the applicant has lodged a Building Licence application and complied with all other conditions placed on the approval. The subject plans differ from the approved plans in that the courtyards for Units 5, 6, 7 and 8 now have a dimension of 4 metres, hence compliant with the outdoor living area requirements of the R Codes. The balcony of Unit 1 is accessible from the dining room and lounge room and although the width of the balcony is 3.76 metres (required 4 metres), the total area of the balcony is 18.12 square metres, which is more than the required 16 square metres. Subsequent to the Mediation held at SAT on 3 April 2008, the applicant has submitted amended plans outlining the balcony of Unit 2 with dimensions of 4.245 metres by 4 metres, and a total area of 21.93 square metres, therefore, all units, except unit 1, are now compliant with the outdoor living area requirements of the R Codes. In light of this increase in balcony size, the applicant is requesting a building setback variation from Oak Lane, which should be supported by the Council due to the open space and nature of the subject balcony, and the undeveloped nature of the streetscape of Oak Lane. The only dwellings that have primary frontage to Oak Lane is the proposed units at the subject lot. There is a grouped dwelling development north and south of the subject lot each with an upper floor setback of 1.1 metres and 2.1 metres respectively to Oak Lane. The streetscape on the opposite side of Oak Lane is existing dwellings with nil to 1 metre setbacks to Oak Lane.

The applicant is therefore requesting that the Council reconsider and delete condition (vi) (b) for Unit 1 only as the current proposal demonstrates the courtyards for Units 2, 3, 4, 5, 6, 7 and 8 having a minimum length and width dimension of 4.0 metres with a minimum area of 16 square metres and supporting the proposed variation of the balcony setback to Oak Lane. Although Unit 1 is non-compliant with the outdoor living area Acceptable Development requirements of the R Codes, the Town's Officers have determined that the proposed courtyards for these units meets the Performance Criteria of the R Codes.

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

**10.1.1 Further Report – No. 87 (Lot: 39, Strata Lot: 1 STR: 11634) Walcott Street, Mount Lawley - Proposed Change of Use from Single House to Consulting Rooms (Medical Practitioners) and Associated Alterations and Additions**

<b>Ward:</b>	South	<b>Date:</b>	19 May 2008
<b>Precinct:</b>	Norfolk; P10	<b>File Ref:</b>	PRO4166; 5.2007.386.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	D Pirone		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owners B Zuppar & P Zuppar for proposed Change of Use from Single House to Consulting Rooms (Medical Practitioners) and Associated Alterations and Additions, at No. 87 (Lot: 39, Strata Lot: 1 STR: 11634) Walcott Street, Mount Lawley, and as shown on plans stamp-dated 11 January 2008, for the following reasons:*

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Town's Policies relating to Consulting Rooms and Non-Residential/Residential Interface, and the objectives of the Town's Town Planning Scheme No.1; and*
- (iii) approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas.*

**Moved Cr Youngman, Seconded Cr Farrell**

*That the recommendation be adopted.*

**MOTION PUT AND LOST (2-5)**

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

(Cr Ker on approved leave of absence and Cr Doran-Wu was an apology for the remainder of the meeting as she was unwell.)

**Moved Cr Lake, Seconded Cr Youngman**

*That the Alternative Recommendation be adopted.*

**ALTERNATE RECOMMENDATION – COUNCIL DECISION ITEM 10.1.1**

*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 owners B Zuppar & P Zuppar for proposed Change of Use from Single House to Consulting Rooms (Medical Practitioners) and Associated Alterations and Additions, at No. 87 (Lot: 39, Strata Lot: 1 STR: 11634) Walcott Street, Mount Lawley, and as shown on plans stamp-dated 11 January 2008, subject to the following conditions:*

- (i) a maximum of two (2) consulting rooms and two (2) practioners is permitted to operate at the property at any one time;*
- (ii) the windows, doors and adjacent floor area facing Walcott Street shall maintain an active and interactive frontage to Walcott Street;*
- (iii) this approval is for Consulting Rooms (Medical Practioners) use only. Any change of use from Consulting Rooms (Medical Practioners) shall require Planning Approval to be applied for and obtained from the Town prior to the commencement of such use;*
- (iv) the hours of operation of the Consulting Rooms (Medical Practioners) shall be limited to the following times: 9.00am to 6:00pm Monday to Friday and 9:00am to 1:00pm Saturday, and closed on Sundays and Public Holidays;*
- (v) the subject property is not to be used for massage activity of a sexual nature, prostitution, as a brothel business, as an agency business associated with prostitution, as an escort agency business, or the like;*
- (vi) any new street/front wall, fence and gate between the Walcott Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
  - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency;*
  - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*

- (f) *the solid portion adjacent to the Walcott Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres above adjacent footpath level provided that the wall or fence has at least two (2) significant appropriate design features (as determined by the Town of Vincent) to reduce the visual impact – for example, significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (vii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (viii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage; and*
- (ix) *prior to the first occupation of the development, one (1) class 3 bicycle parking facility shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to installation of such facility.*

**ALTERNATIVE MOTION PUT AND CARRIED (5-2)**

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

(Cr Ker on approved leave of absence and Cr Doran-Wu was an apology for the remainder of the meeting as she was unwell.)

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**FURTHER REPORT:**

The Council considered the matter at its Ordinary Meeting held on 13 May 2008 and resolved as follows:

*“That the item be DEFERRED for further consideration and discussions with the Applicant.”*

Due to the Officer’s Recommendation for refusal, the applicant has submitted a further submission which is “Laid on the Table” and is summarised below.

- This property is a strata title semi-detached 1920 house on an undivided piece of land. The other side of the semi-detached house was acquired by Allpike Motors 10 years ago.
- The precedent has already been set as Allpike Motors, after demolishing the dividing fences, has used it for many years as a commercial outlet selling car parts. This was demolished before the new approved commercial showroom construction incorporating the shared strata land.



- Match Developments has had approval from the Council and has built a mixed use development on the shared common land.
- The proposed consulting rooms use is desperately needed in this area to serve the day to day needs of the local residents and would be very beneficial to the large three-storey development adjacent to the subject property.
- There is considerable growth in the area and a lack of commercially available properties of this type.
- The rear right of way access does not interfere with the main traffic flow on Walcott Street.
- Consulting rooms will be a very desirable outcome to ease the congestion of the very high density large Match Development which will be occupied largely by night while the consulting rooms will be occupied by day and late afternoon.

The above comments are noted; however, given the Officer's comments contained in the previous Agenda Report, the previous Officer Recommendation remains unchanged.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 13 May 2008.

*“OFFICER RECOMMENDATION:*

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by the owners B Zuppar & P Zuppar for proposed Change of Use from Single House to Consulting Rooms (Medical Practitioners) and Associated Alterations and Additions, at No. 87 (Lot: 39, Strata Lot: 1 STR: 11634) Walcott Street, Mount Lawley, and as shown on plans stamp-dated 11 January 2008, for the following reasons:*

- the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- the non-compliance with the Town's Policies relating to Consulting Rooms and Non-Residential/Residential Interface, and the objectives of the Town's Town Planning Scheme No. 1; and*
- approval of the proposed development would create an undesirable precedent for other similar commercial use developments encroaching into established residential areas.*

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*COUNCIL DECISION ITEM 10.1.5*

*Cr Burns departed the chamber at 8.01pm.*

*Moved Cr Farrell, Seconded Cr Youngman*

*That the recommendation be adopted.*

*Debate ensued.*

*PROCEDURAL MOTION*

*Moved Cr Youngman, Seconded Cr Farrell*

*That the item be DEFERRED for further consideration and discussions with the Applicant.*

*PROCEDURAL MOTION PUT AND CARRIED (5-1)*

<i>For</i>	<i>Against</i>
<i>Mayor Catania</i>	<i>Cr Maier</i>
<i>Cr Farrell</i>	
<i>Cr Ker</i>	
<i>Cr Lake</i>	
<i>Cr Youngman</i>	

*(Crs Doran-Wu and Messina were apologies for the meeting. Cr Burns was absent from the Chamber and did not vote.)*

*Cr Burns returned to the Chamber at 8.04pm.*

<i>Landowner:</i>	<i>P Zuppar</i>
<i>Applicant:</i>	<i>B Zuppar &amp; P Zuppar</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Consulting Rooms</i>
<i>Use Classification:</i>	<i>"SA"</i>
<i>Lot Area:</i>	<i>435 square metres</i>
<i>Access to Right of Way</i>	<i>West side, 4 metres wide, sealed, Town owned</i>

**BACKGROUND:**

*No specific background directly relates to the proposal.*

**DETAILS:**

*The proposal involves the change of use from single house to consulting rooms (medical practitioner) and associated alterations and additions.*

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

**ASSESSMENT:**

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted – no variation.</i>
<i>Consulting Rooms Policy</i>	<i>Applications for Consulting Rooms in a Residential zone where the lot is within 200 metres of a Local Centre or District Centre zone is not favourable.</i>	<i>The subject lot is abutting a District Centre zone.</i>	<i>Not supported – see 'Comments' below.</i>

	<i>A minimum of 80 per cent of the total building area is to be dedicated for a residential use.</i>	<i>The use of the building is for the sole purpose of consulting rooms.</i>	
<i>Objective of Town Planning Scheme No. 1</i>	<i>'To promote and safeguard the economic well-being and functions of the Town'</i>	<i>Non-residential use encroaching into a residential area.</i>	<i>Not supported – see 'Comments' below.</i>
<i>Town of Vincent Economic Development Strategy</i>	<i>No requirement to add new commercial precincts or nodes as all Vincent's residents live within 1 kilometre of a commercial centre.</i>	<i>Commercial use in a residential zone.</i>	<i>Not supported – see 'Comments' below.</i>
<i>Non-Residential / Residential Development Interface Policy</i>	<i>Non-residential developments shall be restricted to District and Local Centre zones.</i>	<i>Commercial use in a residential zone.</i>	<i>Not supported – see 'Comments' below.</i>
<i>Car Parking</i>			
<i>Car parking requirement (nearest whole number)</i>			<i>= 6 car bays</i>
<i>- Consulting Rooms – 3 bays per Consulting Rooms – requires 6 bays</i>			
<i>Apply the adjustment factors.</i>			<i>(0.578)</i>
<ul style="list-style-type: none"> <li>▪ <i>0.85 (within 800 metres of a train station)</i></li> <li>▪ <i>0.85 (within 400 metres of a bus stop)</i></li> <li>▪ <i>0.80 (within 50 metres of a public car parking place with in excess of 50 car parking spaces)</i></li> </ul>			<i>= 3.468 car bays</i>
<i>Minus the car parking provided on-site</i>			<i>5 car bays</i>
<i>Minus the most recently approved on-site car parking shortfall.</i>			<i>Nil</i>
<i>Resultant surplus</i>			<i>1.532 car bays</i>
<i>Bicycle Parking</i>			
<i>Consulting Room – 2 practitioners</i>			
<i>Class 2 – 1 space per 8 practitioners = 0.25 space</i>			
<i>Class 3 – 1 space per 4 practitioners = 0.5 space</i>			
<i>= 1 x Class 3 space required</i>			
<i>Consultation Submissions</i>			
<i>Support</i>	<i>Nil.</i>	<i>Noted.</i>	
<i>Objection (2)</i>	<i>No specific comments provided.</i>	<i>Noted.</i>	
<i>Other Implications</i>			
<i>Legal/Policy</i>		<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>	
<i>Strategic Implications</i>		<i>Nil</i>	
<i>Financial/Budget Implications</i>		<i>Nil</i>	

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

*COMMENTS:*

*The current use of the building is a residential use and is therefore a permitted use. Due to the nature of the proposed activities, the proposed consulting rooms use (“SA” use) is not considered to be a part of the general fabric of the residential area, regardless of the scale and intensity of its operations and that it abuts a District Centre zone. Approval of the proposed development would create an undesirable precedent for the encroachment of commercial uses into residential areas. The proposed consulting rooms use is not considered to serve the day-to-day needs of local residents and is considered more appropriate in areas which have been appropriately zoned and developed for such uses, namely the Town’s commercial centres. Furthermore, the proposal is inconsistent with the objectives of the Town’s Economic Development Strategy, which aims to condense commercial type activities within Local Centres, District Centres or Commercial zoned areas in order to capitalise upon co-locational benefits and increase the viability of the Town’s commercial centres.*

*The proposal is therefore considered unacceptable and is not supported by the Town’s Officers.”*

**10.1.5 Nos. 100-102 (Lot: 46, Strata Lots: 1 and 2 STR: 8463) Edward Street, Perth - Proposed Change of Use from Grouped Dwelling and Office Building to Office Building and Associated Alterations and Additions (Reconsideration of Conditions)**

<b>Ward:</b>	South	<b>Date:</b>	19 May 2008
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO1908; 5.2008.188.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	D Pirone		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Civitella Holdings Pty Ltd on behalf of the owner V D Civitella & Civitella Holdings Pty Ltd for proposed Change of Use from Grouped Dwelling and Office Building to Office Building and Associated Alterations and Additions (Reconsideration of Condition), at Nos. 100-102 (Lot: 46, Strata Lots: 1 and 2 STR: 8463) Edward Street, Perth, and as shown on plans stamp-dated 21 April 2008, subject to the following conditions:*

- (i) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ii) prior to the first occupation of the development, one (1) class one or two bicycle parking facility shall be provided at a location convenient to the entrance of the proposed development. Details of the design and layout of the bicycle parking facility shall be submitted to and approved by the Town prior to the installation of such facility;*
- (iii) the gross floor area of the proposed office building shall be limited to 187 square metres;*
- (iv) the windows, doors and adjacent floor area facing Edward Street shall maintain an active and interactive frontage to Edward Street;*
- (v) a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Edward Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) the hours of operation of the office building shall be limited to 8:00am to 6:00pm, Monday to Saturday, inclusive;*

- (vii) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating compliance with the Building Code of Australia. The revised plans shall not result in any greater variation to the requirements of the Town's Policies;*
- (viii) *any new street/front wall, fence and gate between the Edward Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*

  - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
  - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (ix) *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;*
- (x) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, where vehicular access to the property is via a right of way and the right of way is not a public road, the applicant/owner(s) shall demonstrate (by submission of copies of the Certificate(s) of Title and Original Plan or Diagram of Survey or other documentation) that the owner(s) and occupier(s) of the property have a legal right to use the right of way, to the satisfaction of the Town;*
- (xi) *prior to the first occupation of the development, the two car parking bays adjacent to Edward Street shall be marked entirely within the property, and marked to state:*

*“Small vehicle parking only. If vehicles are parked over the footpath an infringement can be issued by the Town of Vincent Rangers”;*
- (xii) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating wheel stops for the two car bays adjacent to Edward Street to avoid vehicles colliding into the building; and*
- (xiii) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town.*

**COUNCIL DECISION ITEM 10.1.5**

**Moved Cr Messina, Seconded Cr Maier**

*That the recommendation be adopted.*

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Messina**

*That;*

1. *clause (xi) be deleted;*
2. *clauses (xii) and (xiii) be renumbered to (xi) and (xii); and*
3. *clause (xii) be amended to read as follows:*

*“(xii) prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating wheel stops for the two car bays adjacent to Edward Street to avoid vehicles colliding into the building; and the car parking bays within the street setback area adjacent to Edward Street and the existing crossovers to the site being removed, and the street verge adjacent to the subject site being reinstated. The revised plans shall not result in any greater variation to the requirements of the Town’s Policies; and”*

**Debate ensued**

**AMENDMENT PUT AND LOST (3-4)**

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

(Cr Ker on approved leave of absence and Cr Doran-Wu was an apology for the remainder of the meeting as she was unwell.)

**MOTION PUT AND CARRIED (6-1)**

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

(Cr Ker on approved leave of absence and Cr Doran-Wu was an apology for the remainder of the meeting as she was unwell.)

<b>Landowner:</b>	V D Civitella & Civitella Holdings Pty Ltd
<b>Applicant:</b>	Civitella Holdings Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
<b>Existing Land Use:</b>	Grouped Dwelling and Office Building
<b>Use Class:</b>	Office Building
<b>Use Classification:</b>	“AA”
<b>Lot Area:</b>	407 square metres
<b>Access to Right of Way</b>	North side, 3 metres wide, unsealed, privately owned

**BACKGROUND:**

The subject site has an extensive history relating to its previously approved remedial and stress massage clinic use, alleged unauthorised use, unauthorised patio additions and the most recently approved use as consulting rooms (massage); however, this was valid for a 12 month period only, therefore, the current use of the subject site is grouped dwelling and office.

The Minutes of the City of Perth Council Meeting held on 17 May 1993 indicates that Planning Approval was granted *‘for a period of 12 months ... to establish a remedial and stress massage clinic at Strata Lot 2 on Strata Plan 8463 Sub Lot 14 (No. 102) Edward Street, Perth, as shown on plans dated 7 April 1993’*.

The Minutes of the City of Perth Council Meeting held on 26 May 1994 indicates that Planning Approval was granted *‘for a period of 12 months ... for a remedial and stress massage clinic at Strata Lot 2 on Strata Plan 8463 Sub Lot 14 (No. 102) Edward Street, Perth, as shown on plans dated 7 April 1993.’*

The Town’s records indicate that no further Planning Approval was issued after the expiry date of 26 May 1995, and no Planning Approval was granted for consulting rooms at No. 100 Edward Street.

An application was then received for change of use from grouped dwelling and office building to consulting rooms (massage) on 24 May 2004; however, this application was subsequently withdrawn by the applicant.

The Council resolved the following at its Ordinary Meeting held on 24 August 2004 in relation to the unauthorised use:

- “(i) *ADVISES the owner and occupier of No(s). 100-102 (Lot(s) 46) Edward Street, Perth, that the unauthorised consulting room (massage) use of this property is to cease operation within 14 days of the date of notification by the Town;*
- “(ii) *AUTHORISES the Chief Executive Officer to investigate the alleged unauthorised use of this property, including liaising with the Western Australian Police Service, and DEFERS the instigation of any legal action until the Council further considers the matter;*
- “(iii) *WRITES to the Western Australian Government Premier and Minister for Police, Emergency Services; Justice; Community Safety seeking urgent introduction of relevant legislation to adequately address and control prostitution, brothels and massage parlours; and*



- (iv) *NOTES that a further report will be submitted to the Council after the investigations have been carried out.*

A retrospective application was received for change of use from grouped dwelling and office building to consulting rooms (massage) and was refused by the Council at its Ordinary Meeting held on 8 February 2005.

An application for a change of use from grouped dwelling and office building to office building and associated alterations and additions was approved by the Council at its Ordinary Meeting held on 26 February 2008, subject to the several conditions, including the following conditions:

- “(iii) *the gross floor area of the proposed office building shall be limited to 167 square metres*”; ...

- “(vii) *prior to the issue of a Building Licence or first occupation of the development, whichever occurs first, revised plans shall be submitted and approved demonstrating the following:*

- (a) *the car parking bays within the street setback area adjacent to Edward Street not being used for car parking, unless it can be demonstrated through revised plans that all car parking within the street setback area complies with the length and width requirements of the Town’s Policy relating to Parking and Access; and*
- (b) *compliance with the Building Code of Australia*”.

**DETAILS:**

The proposal involves the reconsideration of condition (iii) and proposed deletion of condition (vii)(a) that was placed on the approval dated 26 February 2008 for proposed change of use from grouped dwelling and office building to office building and associated alterations and additions at the subject property. Subsequent to the application being approved, the applicant noticed that the gross floor area of the proposed office building was in fact 187 square metres not 167 square metres as previously stated. After a re-calculation of the gross floor area of the proposed office building by the Planning Officer, this was proven to be correct.

The applicant’s submission is “*Laid on the Table*”.

**ASSESSMENT:**

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

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Plot Ratio	N/A	N/A	Noted.
Beaufort Precinct Policy	Developments are to contain a residential component of no less than 66 per cent of the existing or approved floor space.	No residential components proposed.	Supported – see ‘Comments’ section.

	Car parks should not visually detract from the public environment or character of the area and, preferably, should not be visible from streets and public spaces.	Two (2) car bay located in front setback area.	Supported – the site’s location in the block bounded by Thorley, Edward, Lord and Brewer Streets, means that access to the site from the rear right of way is not obvious to visitors, as access to the subject right of way is provided from Thorley and Brewer Streets. It is therefore considered unreasonable to expect all visitors to the site to utilize the right of way access, and given that Edward Street is dominated by on-street car parking with car parking within the front setback area, two car bays located within the front setback is considered acceptable in this instance.
<u>Landscaping:</u>	<u>Car parking within the street setback area is not permitted except where a landscape buffer with a minimum width of 1.5 metres can be provided adjacent to the street frontage.</u>  <u>Ten per cent of the site area for non-residential development adjacent to residential areas is to be landscaped.</u>	<u>14.43 square meters on 3.55 per cent of the site area of landscaping proposed with the front setback area.</u>	<u>Supported – the proposed car bays are existing, the amended plans illustrate an appropriate amount of landscaping within the front setback area, there is no undue impact on the streetscape, and there is an established commercial amenity surrounding the site.</u>
<b>Car Parking</b>			
Car parking requirement (nearest whole number): -Office: 1 car bay per 50 square metres of gross floor area (187 square metres) = 3.74 car bays			4 car bays
Apply the adjustment factors <ul style="list-style-type: none"> <li>▪ 0.80 (within 400 metres of a rail station)</li> <li>▪ 0.85 (within 400 metres of a bus stop)</li> <li>▪ 0.85 (within 400 metres of one or more existing public car parking places with in excess of 75 car parking spaces)</li> </ul>			(0.578)  2.312 car bays
Minus car parking proposed on-site			4 car bays

Minus the most recently approved on-site parking shortfall after adjustment factors	Nil
Resultant surplus	1.688 car bays
<b>Bicycle Parking</b>	
Bicycle parking requirement (nearest whole number):  <u>Office</u> (187 square metres of gross floor area) -1 space per 200 square metres of gross floor area for employee/resident (Class 1 or 2) = 0.935 space	1 space (Class 1 or 2) required.
<b>Previous Consultation Submissions</b>	
Support (4)	No comments given. Noted.
Objection	Nil. Noted.

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

## COMMENTS:

### Beaufort Precinct Policy

The land is zoned Residential/Commercial R80 with the immediate area characterised by dwellings being used for commercial purposes. The Town's Policy relating to the Beaufort Precinct specifies that mixed residential/commercial development is to incorporate a residential component of no less than 66 per cent of the existing or approved floor space. It also specifies that the Town may consider variations of these standards to enable development to conform to the historic character of the area, particularly with redevelopment on small lots.

The subject site is situated along the portion of Edward Street between Thorley and Lord Streets, which comprises predominately of single storey semi-detached dwellings, which were built at the turn of the twentieth century. Most of the original dwelling detail is still intact and the majority of residences exhibit characteristics of Federation style architecture. The place at Nos.100-102 Edward Street is considered an integral element within this streetscape.

In accordance with the Beaufort Precinct Policy, the subject development is considered to have merit and warrant such a variation as the residential character of the buildings is being retained and as it will ensure the streetscape is not compromised. Furthermore, the enforcement of a residential component on the subject site is not considered reasonable in this instance by virtue of the established commercial amenity immediately adjoining and surrounding the subject site.

The proposal does not involve additions or renovations to the front of the existing structure, and will ensure the retention of the building's residential presentation to the street. Furthermore, the dwellings have not been used for residential purposes for several years and will require extensive renovations to comply with the Building Code of Australia, as well as ensure a basic standard of living, if these dwellings were to be used for residential purposes.

It is noted that the Council has on numerous occasions, where considered appropriate, supported proposals which effectively do not meet the requirements for 66 per cent of the floor area to be residential in this zone, on the grounds that the mixed-use requirement may be more effective in the short term in streets and neighbourhoods where the predominant use is residential, rather than the higher yielding commercial uses. Further, it is unlikely that the remainder of the street will convert to a predominantly residential use, as most of the existing commercial uses are lawful and established.

### **Development Proposal**

Commercial uses dominate the immediate vicinity of the proposed development and range from two-storey office buildings to the use of single-storey residential buildings for accounting and financial services. The renovation and re-use of these buildings as offices is considered to encourage the retention of the existing building stock and the introduction of uses of a complementary nature and scale to existing and future residential development within the locality. No previous objections have been received to the proposal and several of the adjoining and adjacent properties consulted have indicated their previous support of the subject development.

### **Reconsideration of Conditions**

#### *Previous Condition (iii)*

The applicant wishes to amend previous condition (iii) from a total gross floor area of 167 square metres to 187 square metres as the gross floor area was calculated incorrectly. After a re-calculation of the gross floor area of the proposed office building by the Planning Officer, this was proven to be correct. The additional floor area is addressed in the above Car Parking table and condition (iii) of the Officer Recommendation.

#### *Previous Condition (vii)(a)*

The applicant wishes to reconsider and delete previous condition (vii)(a) as the car bays within the front setback are existing and will provide a greater amount of on-site car parking, which is beneficial for the area. The Town's Planning Officers have no objections to the car bays proposed in the front setback as they are existing and not seen to have an undue impact on the streetscape as most properties along Edward Street have car parking at the front of their properties. Edward Street is a narrow street that is currently filled with cars parked along the sides, therefore, it is valuable to the streetscape and the safety of motorists and pedestrians that as much on-site car parking be provided as possible.

In response to a Council Member's Request regarding the matter, the Town's Technical Services Officer provided the following comments on 28 April 2008:

*"In terms of the 2 existing parking bays in front of the property at Nos.100-102 Edward Street.*

*The Town's Technical Services have advised that the length of 4.91 metres is problematic as this is 90 millimetres shorter than the required 5 metres for a small parking bay as in AS 2890 and is equal in length to the 85% vehicle (which is used as the design vehicle for the standard parking bay.)*

*Technical Services is willing to accept them as 'small vehicle parking bays' under the following circumstances and conditions:*

- (i) The bays comply with AS2890;*
- (ii) The bays are surplus to the required number of bays;*
- (iii) The bays are required to be clearly marked as small vehicle bays and the bays clearly marked within the property line. The addition of wording to the effect that 'vehicles must be parked wholly in the bay' or 'vehicles parking over the footpath can be infringed' etc would also assist in achieving an outcome where vehicles are parking within the property); and*
- (iv) Physical modifications to be undertaken to ensure people park as close as possible to the building (for example, wheel stops so drivers are less concerned about running into the building and using the wheel stops to determine where to stop.)*

*A new planning application for re-consideration of this matter has been submitted and is anticipated to be presented to an OMC in May 2008 for determination.”*

**Summary**

In light of the above comments, an additional condition has been applied to the Officer Recommendation to ensure that the two bays at the front of the property are clearly marked as “*small vehicle bays*”. Further to this, it is recommended that the Council approve the proposal, subject to standard and appropriate conditions to address the above matters.

**10.1.12 Nos. 433-437 (Lots 12 and 15) William Street and No. 4 (Lots 13 and 14) Brisbane Place, Northbridge - Proposed Two-Storey Mixed Use Development Comprising Showrooms; Administration, Library and Office Associated with Adjacent Place of Public Worship, One (1) Multiple Dwelling, Three (3) Two-Storey Grouped Dwellings and Associated Car Parking**

<b>Ward:</b>	South	<b>Date:</b>	20 May 2008
<b>Precinct:</b>	Beaufort; P13 Hyde Park; P12	<b>File Ref:</b>	PRO0495; 5.2007.249.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	S Kendall		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council **APPROVES BY AN ABSOLUTE MAJORITY** the application submitted by J L Silbert on behalf of the owner Perth Mosque Inc for Proposed Two-Storey Mixed Use Development Comprising Showrooms; Administration, Library and Office Associated with Adjacent Place of Public Worship, One (1) Multiple Dwelling, Three (3) Two-Storey Grouped Dwellings and Associated Car Parking, at Nos. 433-437 (Lots 12 and 15) William Street and No. 4 (Lots 13 and 14) Brisbane Place, Northbridge, and as shown on plans stamp-dated 3 April 2008, subject to the following conditions:*

- (i) the subject property shall not be used as a Place of Public Worship;*
- (ii) within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
  - (a) pay a cash-in-lieu contribution of \$5,130 for the equivalent value of 1.9 car parking spaces, based on the cost of \$2,700 per bay as set out in the Town's 2007/2008 Budget; OR*
  - (b) lodge an appropriate assurance bond/ bank guarantee of a value of \$5,130 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:*
    - (1) to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
    - (2) to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
    - (3) to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired;*

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

- (a) *the width of the outdoor living area for Unit 4 being increased to a minimum of 1.5 metres;*
- (b) *a continuous awning being provided over the William Street footpath, with a minimum height of 2.75 metres from the William Street footpath level to the underside of the awning, and a minimum of 500 millimetres from the kerb line of William Street;*
- (c) *the width of the enclosed lockable storage areas for Units 1 and 2 being increased to a minimum dimension of 1.5 metres;*
- (d) *any new street/front wall, fence and gate between the Brisbane Place boundary, and the main building, including along the side boundaries within this front setback area, complying with the following:*
  - (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
  - (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (e) *the balcony to the living room of Unit 3 within the 7.5 metre cone of vision to the north east boundary being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 6 Brisbane Place, stating no objection to the respective proposed privacy encroachments.*

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

- (iv) *first obtaining the consent of the owners of Nos. 427 - 429 and No. 441 William Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 427 - 429 and No. 441 William Street in a good and clean condition;*
- (v) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (vi) *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;*
- (vii) *the doors, windows and adjacent floor areas on the ground floor fronting William Street shall maintain an active and interactive relationship with this street;*
- (viii) *the maximum total gross floor area of the showroom shall be limited to 278 square metres, and the administration, office, library and entry hall shall be limited to 227.43 square metres;*
- (ix) *prior to the first occupation of the development, seven (7) 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;*
- (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;*
- (xi) *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);*
- (xii) *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;*
- (xiii) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report; and*



- (xiv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xv) *prior to the first occupation of the development the power pole on Brisbane Place shall be relocated to accommodate the proposed crossover at the expense of the developer;*
- (xvi) *within twenty – eight (28) days of the issue date of this ‘Approval to Commence Development,’ the owner(s), or the applicant on behalf of the owner(s), shall comply with the following requirements:*
- (a) *pay a cash in lieu public art contribution of \$15,000 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$1,500,000); OR*
- (b) *lodge an appropriate public art assurance bond/ bank guarantee of a value of \$15,000 with the Town. The assurance bond / bank guarantee will only be released to the owner(s)/ applicant in the following circumstances:*
- (1) *designs for art work(s) valued at one per cent (1%) of the estimated total cost of the development (\$1,500,000) have been submitted to and approved by the Town. The art work(s) shall be in accordance with the Town’s Policy relating to Percent for Art Scheme and be developed in full consultation with the Town’s Community Development Services with reference to the Percent for Art Scheme Policy Guidelines for Developers. The art work(s) shall be installed prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s); or*
- (2) *a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject ‘Approval to Commence Development,’ have been submitted to and approved by the Town; or*
- (3) *the subject ‘Approval to Commence Development’ did not commence and subsequently expired.*

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

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

- (aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*
- (bb) *the Town’s Arts Officer is satisfied that significant negotiations have been entered into by the owner(s) /applicant to provide the art work;*

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

- (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
- (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the 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.*

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

(xviii) *the on-site car parking area for the non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours;*

(xix) *the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*

(xx) *the proposed vehicular entry to the car parking area from Brisbane Place shall either be open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the non-residential component 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;*

(xxi) *prior to the issue of a Building Licence, the subject plans shall be submitted to and approved by the Water Corporation and a copy of the Water Corporation's letter of endorsement and associated stamped plans shall be submitted to the Town. This shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*

(xxii) *prior to the first occupation of the development, one (1) class one or two bicycle parking facility plus four (4) class three bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities.*

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

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**Moved Cr Farrell, Seconded Cr Lake**

*That the recommendation be adopted.*

**MOTION PUT AND CARRIED**  
**BY AN ABSOLUTE MAJORITY (7-0)**

**(Cr Ker on approved leave of absence and Cr Doran-Wu was an apology for the remainder of the meeting as she was unwell.)**

**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 BY AN ABSOLUTE MAJORITY the application submitted by J L Silbert on behalf of the owner Perth Mosque Inc for Proposed Two-Storey Mixed Use Development Comprising Showrooms; Administration, Library and Office Associated with Adjacent Place of Public Worship, One (1) Multiple Dwelling, Three (3) Two-Storey Grouped Dwellings and Associated Car Parking, at Nos. 433-437 (Lots 12 and 15) William Street and No. 4 (Lots 13 and 14) Brisbane Place, Northbridge, and as shown on plans stamp-dated 3 April 2008, subject to the following conditions:*

- (i) the subject property shall not be used as a Place of Public Worship;*
- (ii) within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
  - (a) pay a cash-in-lieu contribution of \$5,130 for the equivalent value of 1.9 car parking spaces, based on the cost of \$2,700 per bay as set out in the Town's 2007/2008 Budget; OR*
  - (b) lodge an appropriate assurance bond/ bank guarantee of a value of \$5,130 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:*
    - (1) to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
    - (2) to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
    - (3) to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired;*
- (iii) prior to the issue of the Building Licence, revised plan shall be submitted and approved demonstrating the following:*
  - (a) the width of the outdoor living area for Unit 4 being increased to a minimum of 1.5 metres;*
  - (b) a continuous awning being provided over the William Street footpath, with a minimum height of 2.75 metres from the William Street footpath level to the underside of the awning, and a minimum of 500 millimetres from the kerb line of William Street;*
  - (c) the width of the enclosed lockable storage areas for Units 1 and 2 being increased to a minimum dimension of 1.5 metres;*

- (d) *any new street/front wall, fence and gate between the Brisbane Place boundary, and the main building, including along the side boundaries within this front setback area, complying with the following:*
- (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
  - (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
  - (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
  - (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
  - (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (e) *the balcony to the living room of Unit 3 within the 7.5 metre cone of vision to the north east boundary being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 6 Brisbane Place, stating no objection to the respective proposed privacy encroachments.*

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

- (iv) *first obtaining the consent of the owners of Nos. 427 - 429 and No. 441 William Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 427 - 429 and No. 441 William Street in a good and clean condition;*
- (v) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (vi) *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;*
- (vii) *the doors, windows and adjacent floor areas on the ground floor fronting William Street shall maintain an active and interactive relationship with this street;*

- (viii) *the maximum total gross floor area of the showroom shall be limited to 278 square metres, and the administration, office, library and entry hall shall be limited to 227.43 square metres;*
- (ix) *prior to the first occupation of the development, seven (7) 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;*
- (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;*
- (xi) *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);*
- (xii) *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;*
- (xiii) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report; and*
- (xiv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xv) *prior to the first occupation of the development the power pole on Brisbane Place shall be relocated to accommodate the proposed crossover at the expense of the developer;*
- (xvi) *within twenty – eight (28) days of the issue date of this 'Approval to Commence Development,' the owner(s), or the applicant on behalf of the owner(s), shall comply with the following requirements:*
  - (a) *pay a cash in lieu public art contribution of \$15,000 for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$1,500,000); OR*
  - (b) *lodge an appropriate public art assurance bond/bank guarantee of a value of \$15,000 with the Town. The assurance bond/bank guarantee will only be released to the owner(s)/ applicant in the following circumstances:*

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

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

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

- (aa) *a formal request has been submitted to the Town in writing for such an extension before the date of the six (6) month deadline; and*
  - (bb) *the Town's Arts Officer is satisfied that significant negotiations have been entered into by the owner(s) /applicant to provide the art work;*
- (xvii) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the dwellings of the following:*
- (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
  - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the 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.*

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

- (xviii) *the on-site car parking area for the non-residential component shall be available for the occupiers and visitors of the residential component outside normal business hours;*

- (xix) *the car parking area shown for the non-residential component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xx) *the proposed vehicular entry to the car parking area from Brisbane Place shall either be open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the non-residential component 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;*
- (xxi) *prior to the issue of a Building Licence, the subject plans shall be submitted to and approved by the Water Corporation and a copy of the Water Corporation's letter of endorsement and associated stamped plans shall be submitted to the Town. This shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (xxii) *prior to the first occupation of the development, one (1) class one or two bicycle parking facility plus four (4) class three bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities.*

**ADDITIONAL INFORMATION:**

Due to the complex nature of this mixed use development, which spans of two different precincts and two different density codings, an error was made in the calculation of the average site area. This has been re-calculated with a rationalised approach to the inclusion of common property and amended in the above amended Assessment Table.

In addition to the above, the Council is required to approve the application by an absolute majority under clause 40 of the Town's Town Planning Scheme No.1 as the minimum site area is non-compliant. A Corrected Recommendation has therefore been prepared to reflect this.

<b>Landowner:</b>	Perth Mosque Inc
<b>Applicant:</b>	John L Silbert and Associates Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Lots 12 and 15(fronting William Street): Commercial Lots 13 and 14 (fronting Brisbane Place): Residential R80
<b>Existing Land Use:</b>	Vacant
<b>Use Class:</b>	Lots 12 and 15 = Showrooms; Office Building (Administration, Library and Office Associated with Adjacent Place of Public Worship) and Multiple Dwelling Lots 13 and 14 = Grouped Dwellings
<b>Use Classification:</b>	Lots 12 and 15 = "P" - Showrooms; "P" - Office Building (Administration, Library and Office Associated with Adjacent Place of Public Worship); and "AA" - Multiple Dwelling Lots 13 and 14 = "P" - (Grouped Dwellings)
<b>Lot Area:</b>	Lot 12 - 253 square metres Lot 13 - 253 square metres Lot 14 - 254 square metres Lot 15 - 253 square metres Total Lot Area = 1013 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

- 25 September 2001 The Council conditionally approved the demolition of the existing buildings.
- 5 November 2002 The Council at its Ordinary Meeting conditionally approved an application for a three storey lodging house.
- 27 May 2003 The Council at its Ordinary Meeting conditionally approved an application for a three storey lodging house.
- 13 February 2007 The Council at its Ordinary Meeting refused an application for construction of four (4), single storey showrooms fronting William Street and 22 car parking bays with vehicle access from Brisbane Place on the subject property. The proposed car park was to be for use by the congregation of the Perth Mosque located on an adjoining property.

**DETAILS:**

The proposal involves the construction two-storey mixed use development comprising showrooms; administration, library and office associated with adjacent place of public worship, one (1) multiple dwelling, three (3) two-storey grouped dwellings and associated car parking.

**ASSESSMENT:**

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

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	5.6 grouped dwellings. This calculation is based on the area for the whole site based on R60 standards.	3 grouped dwellings and 1 multiple dwelling	Noted - no variation.
Minimum Site Area - Grouped Dwellings	160 square metres  Average - 180 square metres	Unit 1 - 122.7 square metres <del>Average 245.04 square metres</del>  Unit 2 - 117.71 square metres <del>Average 240.05 square metres</del>  Unit 3- 121.245 square metres <del>Average 243.79 square metres</del>  Average - 201.71 square metres	Supported - as the proposal satisfies the average site area requirements and as the proposal is not considered to be an over development of the site.



<p>Building Setbacks:</p> <p>Ground Floor:</p> <p>Units 1 - 3 to north-west boundary (Brisbane Place)</p> <p>Unit 1 to south-west boundary</p> <p>First Floor:</p> <p>Units 1 - 3 to north-west boundary (Brisbane Place)</p> <p>Unit 1 to south-west boundary</p>	<p>4.0 metres or consistent with existing streetscape</p> <p>1.5 metres</p> <p>6 metres</p> <p>2.4 metres</p>	<p>2.05 metres</p> <p>Nil</p> <p>1 metre to balcony 2.05 metres to main building line</p> <p>Nil</p>	<p>Supported - as the existing streetscape comprises dwellings with an average 2 metre street setback and as the Mosque along the south-west boundary has a nil setback to Brisbane Place.</p> <p>Supported - as the Mosque, which abuts the south-west boundary has a nil setback to Brisbane Place and as the proposal is not considered to have an undue impact on the Brisbane Place Streetscape.</p> <p>Supported - as the existing streetscape comprises dwellings with an average 2 metre street setback and as the Mosque abutting the south-west boundary has a nil setback to Brisbane Place. Whilst the two remaining dwellings in the street are single storey, the area is in transition and the promotion of reduced setbacks is appropriate given the inner city location.</p> <p>Supported - as the Mosque, which abuts the south-west boundary has a nil setback to Brisbane Place and as the proposal is not considered to have an undue impact on the Brisbane Place Streetscape.</p>
<p>Building on Boundary: Unit 1 to south-west boundary</p>	<p>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 (14.11 metres).</p>	<p>Length - 11 metres Height - 6.155 metres</p>	<p>Supported - as the Mosque, which abuts the south-west boundary has a nil setback to Brisbane Place and as the proposal is not considered to have an undue impact on the Brisbane Place Streetscape.</p>

Overshadowing	50 per cent of adjacent property site area.	55 per cent	Supported - as the adjacent site forms part of the larger Perth Mosque site and as the overshadowing complies with the requirements when based on the entire Perth Mosque site.
Driveways	No closer then 0.5 metre to boundary	Nil	Supported - as the variation is not considered to unduly impact on amenity of area.
Privacy Setbacks:  Unit 1 - Bedroom to south-west boundary	4.5 metres or screening in accordance with the R Codes	1.1 metres	Supported - as the adjacent affected property is the commercially zoned Perth Mosque and as there is no privacy requirements for commercial properties.
Unit 3 - Balcony to north-east boundary	7.5 metres or screening in accordance with the R Codes	5 metres	Not supported - as undue impact on adjacent affected neighbour and conditioned to comply.
Essential Facilities Units 1 and 2	An enclosed lockable storage area with a minimum dimension of 1.5 metres and an area of 4 square metres.	1.4 metres by 2.9 metres	Not supported - as the site is vacant and it is not supportable under the Town's Non-Variation of Specific Development Standards and Requirements Policy.
Residential Design Codes - Mixed Use Development Requirements  Unit 4:  Outdoor Living Area	A balcony not less than 1.5 metres and a minimum area of 4 square metres.	Unit 4 -1.4 metres by 8.5 metres adjacent to the entry of the unit.	Not supported - whilst the variation is minor, there is scope for compliance without impacting the overall development, and therefore has been conditioned to comply.
Primary Street Setback	4 metres	Nil	Supported - as per the Beaufort Precinct Policy, which requires a nil setback to William Street.
Building Boundary on	Walls on boundary for two-thirds of the boundary behind the street setback (14.1 metres) and up to 6 metres in height.	Length - 19.8 metres Height - 7.2 metres	Supported - not considered to have an undue impact on amenity of area or adjacent property, which is also zoned Commercial.

Beaufort Precinct Policy No. 3.1.13 - Weather Protection Southwest (William Street elevation)	Awning or verandah to be provided over footpath	None provided	Not supported - conditioned to comply, as considered not to be in accordance with the intent of the Precinct Policy which requires the provision of adequate shelter for pedestrians, especially given the recent upgrading works along William Street.
<b>Commercial Car Parking</b>			
Car parking requirement (nearest whole number)		8 car bays	
<ul style="list-style-type: none"> <li>Showroom - 3 spaces per the first 200 metres of gross floor area and 1 space thereafter per 100 square metres of gross floor area of part thereof (278 square metres) - 3.78 car bays</li> <li>Administration and Office - 1 space per 50 metres of gross floor area (212.5 square metres) - 4.25 car bays</li> <li>Library - 1 space per 50 metres of gross floor area (14.93 square metres) - 0.29 car bay</li> </ul>			
Apply the adjustment factors.		(0.614125)	
<ul style="list-style-type: none"> <li>0.85 (within 400 metres of a bus stop)</li> <li>0.85 (within 400 metres of public car park with in excess of 75 car parking bays)</li> <li>0.85 (within 800 metres of a railway station)</li> </ul>		4.91 car bays	
Minus the car parking provided on-site for commercial component		3 car bays	
Minus the most recently approved on-site car parking shortfall		Not applicable as proposal is to redevelop a vacant site.	
Resultant shortfall		1.9 car bays	
<b>Bicycle Parking</b>			
Requirements	Required	Provided	
Office/Administration			
<ul style="list-style-type: none"> <li>1 space per 200 (proposed 212.5) square metres gross floor area for employees (class 1 or 2).</li> </ul>	1.06 spaces	No bicycle spaces shown on plans. Condition applied for bicycle parking to be provided.	
<ul style="list-style-type: none"> <li>1 space per 750 square metres over 1000 square metres for visitors (class 3).</li> </ul>	N/A	Noted.	
Library			
<ul style="list-style-type: none"> <li>1 space per 500 square metres (proposed - 14.93 square metres) of gross floor area (class 1 or 2).</li> </ul>	0.02 space	Noted - as no spaces required if requirement is equal to or less than 0.5 spaces.	
<ul style="list-style-type: none"> <li>4 spaces plus 2 per 200 square metres of gross floor area. (Class 3)</li> </ul>	4.07 spaces	No bicycle spaces shown on plans. Condition applied for bicycle parking to be provided.	
Showroom - Nil requirements.	N/A	Noted	

<b>Consultation Submissions</b>		
Support	Nil	Noted.
Objection (4)	<ul style="list-style-type: none"> <li>• Lack of car parking on-site will clog an already stressed commercial/residential area.</li>   <li>• The façade of the building must not resemble the mosque next door.</li>   <li>• Need control of the building after it is built as there is concern it will be used as a mosque.</li> </ul>	<p>Not supported - the proposed car parking shortfall is minor, a condition of planning approval requires a 'cash in lieu' contribution for the shortfall, there is car parking spaces along William Street and the subject site is within 400 metres from a public car park.</p> <p>Not supported - as the Council at its Ordinary Meeting held on 13 February 2007 resolved that it supports in principle, an Islamic streetscape.</p> <p>Not supported - as any future use on-site must be in accordance with a Planning Approval, otherwise the land owner may be subject to prosecution under the Town' <i>Planning and Development Act 2005</i>, and a condition of approval pertains to the use of the proposed development.</p>
Department for Planning and Infrastructure (DPI)	The application was referred to DPI as the proposed development fronts William Street which is an Other Regional Road (ORR) Reservation.	DPI responded by stating that Lots 12 and 15 are not affected by the ORR reservation widening requirements for William Street.
<b>Other Implications</b>		
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 application is considered acceptable and would not result in an undue impact on the amenity of the surrounding area. The application is therefore supported, subject to standard and appropriate conditions to address the above matters.

**10.1.18 Further Report - Proposed Scheme Amendment No. 25 to the Town of Vincent Town Planning Scheme No.1 – Clause 20(4) Relating to No Multiple Dwellings; and Proposed Policy Amendment No. 53 - Draft Policy Relating to Multiple Dwellings**

<b>Ward:</b>	Both Wards	<b>Date:</b>	16 May 2008
<b>Precinct:</b>	Cleaver P5; Smith's Lake P6; Hyde Park P12; Norfolk P10; Banks P15	<b>File Ref:</b>	PLA0192; PLA0200
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	H Smith		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman,	<b>Amended by:</b>	-

***FURTHER OFFICER RECOMMENDATION:***

*That the Council;*

(i) *pursuant to Section 75 of the Planning and Development Act 2005, RESOLVES TO INITIATE AN AMENDMENT to the Town of Vincent Town Planning Scheme No. 1 by modifying the Scheme Text as follows:*

(a) *Replace clause 20 (4) (a) (i) -*

*“(a) Cleaver Precinct P5,*

*(i) Multiple dwellings are not permitted in this Precinct;”*

*with new clause 20 (4) (a) (i) -*

*“(a) Cleaver Precinct P5,*

*(i) Multiple dwellings will only be permitted in this precinct-where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings;”;*

(b) *Replace clause 20 (4) (b) -*

*“(b) Smith's Lake Precinct P6,*

*In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings are not permitted.”*

*with new clause 20 (4) (b) -*

*“(b) Smith's Lake Precinct P6,*

*In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings will only be permitted in this precinct where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings.”;*

(c) *Replace clause 20 (4) (e) (i) -*

*“(e) Hyde Park Precinct P12,*

*(i) Multiple dwellings are not permitted in this precinct;”*

*with new clause 20 (4) (e) (i) -*

*“(e) Hyde Park Precinct P12,*

*(i) Multiple dwellings will only be permitted in this precinct where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings;”;*

*(d) Replace clause 20 (4) (g) (i) -*

*“(g) Banks Precinct P15,*

*(i) Multiple dwellings are not permitted in this precinct ;”*

*with new clause 20 (4) (g) (i) -*

*“(g) Banks Precinct P15,*

*(i) Multiple dwellings will only be permitted in this precinct where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings;”;*

*(e) Replace clause 20 (4) (d) (i) -*

*“(d) Norfolk Precinct P10,*

*(i) Multiple dwellings are not permitted in areas coded R40;”*

*with new clause 20 (4) (d) (i) -*

*“(d) Norfolk Precinct P10,*

*(i) Multiple dwellings will only be permitted in areas coded R40 where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings;”;*

*(ii) ADVERTISES the Draft Policy relating to Multiple Dwellings 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*

*(iii) after the expiry of the period for submissions:*

*(a) REVIEWS the Draft Policy relating to Multiple Dwellings, having regard to any written submissions; and*

*(b) DETERMINES the Draft Policy relating to Multiple Dwellings, with or without amendment, to or not to proceed with it.*

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

Cr Messina departed the Chamber at 8.32pm.

**AMENDMENT 1**

**Moved Cr Maier, Seconded Cr Lake**

*That;*

1. *clauses (ii) and (iii) be renumbered to (iii) and (iv); and*
2. *a new clause (ii) be added as follows:*

*"(ii) AMENDS the Draft Policy relating to Multiple Dwellings as follows:*

- (a) *Policy Statement clause 11) Major Roads be amended to read as follows:*

*'11) Major Roads - ... multiple dwelling developments along major roads, which are not within a 'recognised streetscape' or opposite Hyde Park may be permitted ...*

*Where a development abuts single storey residential development to the side or rear, the respective building height of the new buildings are required to respond sensitively to the adjoining lower scale buildings that will remain in an area. ~~and up to 5 storeys within sites excluding major roads which are within 'recognised streetscapes' or opposite Hyde Park.~~'"*

Debate ensued.

**AMENDMENT 1 PUT AND CARRIED (6-0)**

(Cr Ker on approved leave of absence, Cr Doran-Wu was an apology for the remainder of the meeting as she was unwell and Cr Messina was absent from the Chamber and did not vote.)

**AMENDMENT 2**

**Moved Cr Maier, Seconded Cr Burns**

*That;*

1. *clauses (ii) and (iii) be renumbered to (iii) and (iv); and*
2. *a new clause (ii) be added as follows:*

*"(ii) AMENDS the draft Policy relating to Multiple Dwellings as follows:*

- (a) *Policy Statement clause 2) be amended to read as follows:*

- (2) *Multiple Dwelling developments are to have a minimum total lot area of 1000 square metres. Heights above two storeys will only be considered for lots with areas in excess of 3000 square metres.*"

Debate ensued.

Cr Messina returned to the Chamber at 8.36pm.

Debate ensued.

**AMENDMENT 2 PUT AND LOST (2-5)**

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

(Cr Ker on approved leave of absence and Cr Doran-Wu was an apology for the remainder of the meeting as she was unwell.)

**MOTION AS AMENDED PUT AND CARRIED (6-1)**

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

(Cr Ker on approved leave of absence and Cr Doran-Wu was an apology for the remainder of the meeting as she was unwell.)

**COUNCIL DECISION ITEM 10.1.18**

*That the Council;*

- (i) *pursuant to Section 75 of the Planning and Development Act 2005, RESOLVES TO INITIATE AN AMENDMENT to the Town of Vincent Town Planning Scheme No. 1 by modifying the Scheme Text as follows:*

- (a) *Replace clause 20 (4) (a) (i) -*

*“(a) Cleaver Precinct P5,*

- (i) Multiple dwellings are not permitted in this Precinct;”*

*with new clause 20 (4) (a) (i) -*

*“(a) Cleaver Precinct P5,*



- (i) *Multiple dwellings will only be permitted in this precinct-where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings;”;*
- (b) *Replace clause 20 (4) (b) -*
- “(b) *Smith’s Lake Precinct P6,*
- In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings are not permitted.”*
- with new clause 20 (4) (b) -*
- “(b) *Smith’s Lake Precinct P6,*
- In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings will only be permitted in this precinct where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings.”;*
- (c) *Replace clause 20 (4) (e) (i) –*
- “(e) *Hyde Park Precinct P12,*
- (i) *Multiple dwellings are not permitted in this precinct;”*
- with new clause 20 (4) (e) (i) -*
- “(e) *Hyde Park Precinct P12,*
- (i) *Multiple dwellings will only be permitted in this precinct where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings;”;*
- (d) *Replace clause 20 (4) (g) (i) –*
- “(g) *Banks Precinct P15,*
- (i) *Multiple dwellings are not permitted in this precinct ;”*
- with new clause 20 (4) (g) (i) -*
- “(g) *Banks Precinct P15,*
- (i) *Multiple dwellings will only be permitted in this precinct where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings;”;*
- (e) *Replace clause 20 (4) (d) (i) -*
- “(d) *Norfolk Precinct P10,*
- (i) *Multiple dwellings are not permitted in areas coded R40;”*
- with new clause 20 (4) (d) (i) -*
- “(d) *Norfolk Precinct P10,*

- (i) *Multiple dwellings will only be permitted in areas coded R40 where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings;*”
- “(ii) *AMENDS the Draft Policy relating to Multiple Dwellings as follows:*
- (a) *Policy Statement clause 11) Major Roads be amended to read as follows:*
- ‘11) *Major Roads - ... multiple dwelling developments along major roads, which are not within a ‘recognised streetscape’ or opposite Hyde Park may be permitted ...*
- Where a development abuts single storey residential development to the side or rear, the respective building height of the new buildings are required to respond sensitively to the adjoining lower scale buildings that will remain in an area, and up to 5 storeys within sites excluding major roads which are within ‘recognised streetscapes’ or opposite Hyde Park.’”*
- (iii) *ADVERTISES the Draft Policy relating to Multiple Dwellings for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
- (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
- (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
- (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
- (a) *REVIEWS the Draft Policy relating to Multiple Dwellings, having regard to any written submissions; and*
- (b) *DETERMINES the Draft Policy relating to Multiple Dwellings, with or without amendment, to or not to proceed with it.*

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#### **FURTHER REPORT:**

The Council considered the matter at its Ordinary Meeting held on 13 May 2008 and resolved as follows:

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

Accordingly, the Town’s Officers have reviewed comments made by Council Members at the Ordinary Meeting of the Council and have amended the draft Policy for Multiple Dwellings and the previous Officer Recommendation where considered appropriate. It is noted that reference to the Residential Design Elements (RDE’s) Policy in clause 20 of the Scheme Text, as suggested by a Council Member, is not considered necessary given the implied need to comply with such Planning Policies by virtue of Clause 38 (5) of Town Planning Scheme No.1 and clause 1) of the Policy Statement of the Draft Policy relating to Multiple Dwellings.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 13 May 2008.

*“OFFICER RECOMMENDATION:*

*That the Council;*

(i) *pursuant to Section 75 of the Planning and Development Act 2005, RESOLVES TO INITIATE AN AMENDMENT to the Town of Vincent Town Planning Scheme No. 1 by modifying the Scheme Text as follows:*

(a) *Replace clause 20 (4) (a) (i) -*

*“(a) Cleaver Precinct P5,*

*(i) Multiple dwellings are not permitted in this Precinct;”*

*with new clause 20 (4) (a) (i) -*

*“(a) Cleaver Precinct P5,*

*(i) Multiple dwellings are not permitted in this precinct; however, the Council may consider multiple dwellings where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings.”;*

(b) *Replace clause 20 (4) (b) (i) -*

*“(b) Smith’s Lake Precinct P6,*

*In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings are not permitted;”*

*with new clause 20 (4) (b) (i) -*

*“(b) Smith’s Lake Precinct P6,*

*In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings are not permitted; however the Council may consider multiple dwellings where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings.”;*

(c) *Replace clause 20 (4) (e) (i) -*

*“(e) Hyde Park Precinct P12,*

*(i) Multiple dwellings are not permitted in this precinct;”*

*with new clause 20 (4) (e) (i) -*

*“(e) Hyde Park Precinct P12,*

*(i) Multiple dwellings are not permitted in this precinct; however, the Council may consider multiple dwellings where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings.”; and*

(d) *Replace clause 20 (4) (g) (i) -*

*“(g) Banks Precinct P15,*

*(i) Multiple dwellings are not permitted in this precinct ;”*

*with new clause 20 (4) (g) (i) -*

*“(g) Banks Precinct P15,*

*(i) Multiple dwellings are not permitted in this precinct; however, the Council may consider multiple dwellings where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings.”;*

(e) *Replace clause 20 (4) (d) (i) -*

*“(d) Norfolk Precinct P10,*

*(i) Multiple dwellings are not permitted in areas coded R40;”*

*with new clause 20 (4) (d) (i) -*

*“(d) Norfolk Precinct P10,*

*(i) Multiple dwellings are not permitted in areas coded R40, however, the Council may consider multiple dwellings where the Council is satisfied that the development is consistent with the Town of Vincent Policy relating to Multiple Dwellings.”*

(ii) *ADOPTS the Draft Policy relating to Multiple Dwellings in the interim until the formal adoption of the Policy;*

(iii) *ADVERTISES the Draft Policy relating to Multiple Dwellings for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*

(a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*

(b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*

(c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*

(iv) *after the expiry of the period for submissions:*

(a) *REVIEWS the Draft Policy relating to Multiple Dwellings, having regard to any written submissions; and*

(b) *DETERMINES the Draft Policy relating to Multiple Dwellings, with or without amendment, to or not to proceed with it.*

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

COUNCIL DECISION ITEM 10.1.1

*Cr Youngman departed the Chamber at 7.46pm.*

*Moved Cr Farrell, Seconded Cr Ker*

*That the recommendation be adopted.*

*Debate ensued.*

*Cr Youngman returned to the Chamber at 7.47pm.*

AMENDMENT 1

*Moved Cr Ker, Seconded Cr Farrell*

*That clauses (i)(a) - (e) be amended to read as follows:*

(i) *pursuant to Section 75 of the Planning and Development Act 2005, RESOLVES TO INITIATE AN AMENDMENT to the Town of Vincent Town Planning Scheme No. 1 by modifying the Scheme Text as follows:*

(a) *Replace clause 20 (4) (a) (i) -*

*“(a) Cleaver Precinct P5,*

*(i) Multiple dwellings are not permitted in this Precinct;”*

*with new clause 20 (4) (a) (i) -*

*“(a) Cleaver Precinct P5,*

*(i) Multiple dwellings are not permitted in this precinct; however, the Council may consider multiple dwellings where the Council is satisfied that the development is consistent with the Town of Vincent ~~Policy~~Policies relating to Multiple Dwellings and residential design elements.”;*

(b) *Replace clause 20 (4) (b) -*

*“(b) Smith’s Lake Precinct P6,*

*In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings are not permitted;”*

*with new clause 20 (4) (b) -*

*“(b) Smith’s Lake Precinct P6,*

*In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings are not permitted; however the Council may consider multiple dwellings where the Council is satisfied that the development is consistent with the Town of Vincent ~~Policy~~Policies relating to Multiple Dwellings and residential design elements.”;*

(c) *Replace clause 20 (4) (e) (i) -*

*“(e) Hyde Park Precinct P12,*

*(i) Multiple dwellings are not permitted in this precinct;”*

*with new clause 20 (4) (e) (i) -*

*“(e) Hyde Park Precinct P12,*

*(i) Multiple dwellings are not permitted in this precinct; however, the Council may consider multiple dwellings where the Council is satisfied that the development is consistent with the Town of Vincent ~~Policy~~Policies relating to Multiple Dwellings and residential design elements.”*; and

(d) *Replace clause 20 (4) (g) (i) -*

*“(g) Banks Precinct P15,*

*(i) Multiple dwellings are not permitted in this precinct ;”*

*with new clause 20 (4) (g) (i) -*

*“(g) Banks Precinct P15,*

*(i) Multiple dwellings are not permitted in this precinct; however, the Council may consider multiple dwellings where the Council is satisfied that the development is consistent with the Town of Vincent ~~Policy~~Policies relating to Multiple Dwellings and residential design elements.”*;

(e) *Replace clause 20 (4) (d) (i) –*

*“(d) Norfolk Precinct P10,*

*(i) Multiple dwellings are not permitted in areas coded R40;”*

*with new clause 20 (4) (d) (i) -*

*“(d) Norfolk Precinct P10,*

*(i) Multiple dwellings are not permitted in areas coded R40, however, the Council may consider multiple dwellings where the Council is satisfied that the development is consistent with the Town of Vincent ~~Policy~~Policies relating to Multiple Dwellings and residential design elements.”*

AMENDMENT 1 PUT AND CARRIED (7-0)

*(Crs Doran-Wu and Messina were apologies for the meeting.)*

*Debate ensued.*

*Cr Farrell departed the Chamber at 7.52pm.*

AMENDMENT 2

*Moved Cr Lake, Seconded Cr Ker*

*That clause (ii) be deleted.*

*Cr Farrell returned to the Chamber at 7.53pm.*

AMENDMENT 2 PUT AND CARRIED (7-0)

*(Crs Doran-Wu and Messina were apologies for the meeting.)*

AMENDMENT 3

*Moved Cr Maier, Seconded Cr Ker*

*That clauses (i)(a), (b), (c), (d) and (e) be amended to read as follows;*

*“(i) pursuant to Section 75 of the Planning and Development Act 2005, RESOLVES TO INITIATE AN AMENDMENT to the Town of Vincent Town Planning Scheme No. 1 by modifying the Scheme Text as follows:*

*(a) Replace clause 20 (4) (a) (i) -*

*“(a) Cleaver Precinct P5,*

*(i) Multiple dwellings are not permitted in this Precinct;”*

*with new clause 20 (4) (a) (i) -*

*“(a) Cleaver Precinct P5,*

*(i) Multiple dwellings ~~are not~~ will only be permitted in this precinct; ~~however the Council may consider multiple dwellings~~ where the Council is satisfied that the development is consistent with the Town of Vincent Policies relating to Multiple Dwellings and residential design elements.”;*

*(b) Replace clause 20 (4) (b) -*

*“(b) Smith’s Lake Precinct P6,*

*In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings are not permitted;”*

*with new clause 20 (4) (b) -*

*“(b) Smith’s Lake Precinct P6,*

*In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings ~~are not~~ will only be permitted; ~~however the Council may consider multiple dwellings~~ where the Council is satisfied that the development is consistent with the Town of Vincent Policies relating to Multiple Dwellings and residential design elements.”;*

*(c) Replace clause 20 (4) (e) (i) -*

*“(e) Hyde Park Precinct P12,*

*(i) Multiple dwellings are not permitted in this precinct;”*

with new clause 20 (4) (e) (i) -

“(e) Hyde Park Precinct P12,

- (i) Multiple dwellings ~~are not~~ will only be permitted in this precinct; ~~however the Council may consider multiple dwellings~~ where the Council is satisfied that the development is consistent with the Town of Vincent Policies relating to Multiple Dwellings and residential design elements.”;

(d) Replace clause 20 (4) (g) (i) -

“(g) Banks Precinct P15,

- (i) Multiple dwellings are not permitted in this precinct;”

with new clause 20 (4) (g) (i) -

“(g) Banks Precinct P15,

- (i) Multiple dwellings ~~are not~~ will only be permitted in this precinct; ~~however the Council may consider multiple dwellings~~ where the Council is satisfied that the development is consistent with the Town of Vincent Policies relating to Multiple Dwellings and residential design elements.”;

(e) Replace clause 20 (4) (d) (i) -

“(d) Norfolk Precinct P10,

- (i) Multiple dwellings are not permitted in areas coded R40;”

with new clause 20 (4) (d) (i) -

“(d) Norfolk Precinct P10,

- (i) Multiple dwellings ~~are not~~ will only be permitted in areas coded R40, ~~however, the Council may consider multiple dwellings~~ where the Council is satisfied that the development is consistent with the Town of Vincent Policies relating to Multiple Dwellings and residential design elements.”

Debate ensued.

AMENDMENT 3 PUT AND CARRIED (7-0)

(Crs Doran-Wu and Messina were apologies for the meeting.)

AMENDMENT 4

Moved Cr Lake, Seconded Cr .....

That a new clause (ii) be inserted as follows:

“(ii) AMENDS the proposed Draft Policy relating to Multiple Dwellings subject to the Draft Policy being amended as follows:

- (a) Renumber the Policy clauses from OBJECTIVES 1), 2), 3), 4), 5); POLICY STATEMENT 1), 2), ... 13), to OBJECTIVES 1.1, 1.2, 1.3, 1.4, 1.5; POLICY STATEMENT 2.1, 2.2 ... 2.13;



(b) *Policy Statement clause 5) be amended to read as follows:*

*'5) ~~Multiple dwelling developments are to be robust, with well designed buildings facilitating a range of housing types.~~ Buildings should have a rich visual character with reference made to the local character and heritage.'*

(c) *Policy Statement clause 8) be amended to read as follows:*

*'8) Multiple dwelling developments are to be robust, with well-designed buildings facilitating a range of housing types. Multiple dwelling developments are to provide for a mix of dwelling types to accommodate a diverse range of household types and sizes.'*

(d) *Policy Statement clause 9) be amended to read as follows:*

*'9) For developments comprising of three or more multiple dwellings, applicants are required to submit an urban context report that documents the character elements of the streetblock (including both sides of the street) and identifies opportunities and constraints of the subject site. The purpose of the report is to justify location, height and setbacks of proposed multiple dwelling developments. The report will generally include an assessment of streetscape character and detailed information on the site and adjacent developments. ~~The purpose of the report is to justify location, height and setbacks of proposed multiple dwelling developments.'~~*

(e) *Policy Statement clause 11) be amended to read as follows:*

*'11) Major Roads - ....  
Where a development abuts single storey residential development to the side or rear, the respective building height of the new buildings are required to respond sensitively to the adjoining lower scale buildings that will remain in an area and up to 5 storeys within sites excluding major roads which are within 'recognised streetscapes' or opposite Hyde Park.*

*The Presiding Member ruled that he would not accept the amendment as clause (ii) had been previously deleted.*

#### *PROCEDURAL MOTION*

*Moved Cr Maier, Seconded Cr Farrell*

*That the item be DEFERRED to allow for further consideration.*

#### *PROCEDURAL MOTION PUT AND CARRIED (6-1)*

*For*

*Cr Burns*

*Cr Farrell*

*Cr Ker*

*Cr Lake*

*Cr Maier*

*Cr Youngman*

*Against*

*Mayor Catania*

*(Crs Doran-Wu and Messina were apologies for the meeting.)*

*ADDITIONAL INFORMATION:*

*It is noted that in preparing the Scheme Amendment and the repositioning of the matter to include all areas restricting 'multiple dwellings', the subject Norfolk Precinct clause was inadvertently omitted. Given the intention of the Scheme Amendment to facilitate multiple dwellings, particularly along major roads, within Precincts where they are currently not permitted, the Norfolk Precinct should also be included.*

---

*FURTHER REPORT:*

*The Council considered the matter at its Ordinary Meeting held on 26 February 2008 and resolved as follows:*

*"That the Item be DEFERRED to allow for further discussion within Council on this topic."*

*Accordingly, the Town's Officers have reviewed comments made by Council Members at the Ordinary Meeting of the Council and have prepared a draft Policy outlining design guidelines for the development of multiple dwellings for the entirety of the Town inclusive of the Precincts the subject of Scheme Amendment No. 25. The draft Policy aims to provide direction with respect to the design and development of multiple dwellings to ensure that they are of a high calibre and befitting of the land's urban context and character. The Policy also endeavour to consider 'recognised streetscapes' within the Town given that, on balance, the affected Precincts accommodate a greater number of 'recognised streetscapes'.*

*The effect of the proposed Scheme Amendment will be a significant increase in the number of dwellings permitted to be developed in the Precincts which currently prohibit multiple dwellings. The increase in the number of dwellings permitted however, will only affect those development sites which achieve a minimum land area of 1000 square metres.*

*Accordingly, the previous Officer Recommendation has changed to reflect the attached draft Policy relating to Multiple Dwellings.*

*The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 26 February 2008.*

*"OFFICER RECOMMENDATION:*

*That the Council pursuant to Section 75 of the Planning and Development Act 2005, RESOLVES TO INITIATE AN AMENDMENT to the Town of Vincent Town Planning Scheme No. 1 by modifying the Scheme Text as follows:*

*(i) Replace clause 20 (4) (a) (i) -*

*“(a) Cleaver Precinct P5,*

*(i) Multiple dwellings are not permitted in this Precinct;”*

*with new clause 20 (4) (a) (i)*

*“(a) Cleaver Precinct P5,*

*(i) Multiple dwellings are not permitted in this precinct; however, the Council may consider multiple dwellings along Loftus Street, Newcastle Street, Charles Street and Vincent Street where the Council is satisfied that the following criteria is met:*

*(a) a minimum total lot area of 1000 square metres; and*

(b) *new development is of a high quality, have a rich visual character and architecturally well-designed.*”

(ii) *Replace clause 20 (4) (b) (i) -*

“(b) *Smith’s Lake Precinct P6,*

*In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings are not permitted;”*

*with new clause 20 (4) (b) (i) -*

“(b) *Smith’s Lake Precinct P6,*

*In the area along Charles Street, between Emmerson and Albert Streets, coded R60, multiple dwellings are not permitted unless approved by the Council where the Council is satisfied that the following criteria is met:*

(a) *a minimum total lot area of 1000 square metres; and*

(b) *new development is of a high quality, have a rich visual character and architecturally well-designed.*”

(iii) *Replace clause 20 (4) (e) (i) -*

“(e) *Hyde Park Precinct P12,*

(i) *Multiple dwellings are not permitted in this precinct;”*

*with new clause 20 (4) (e) (i) -*

“(e) *Hyde Park Precinct P12,*

(i) *Multiple dwellings are not permitted in this precinct; however, the Council may consider multiple dwellings along Fitzgerald Street, William Street, Bulwer Street, Charles Street and Vincent Street where the Council is satisfied that the following criteria is met:*

(a) *a minimum total lot area of 1000 square metres; and*

(b) *new development is of a high quality, have a rich visual character and architecturally well-designed.*”

*and*

(iv) *Replace clause 20 (4) (g) (i) -*

“(g) *Banks Precinct P15,*

(i) *Multiple dwellings are not permitted in this precinct ;”*

*with new clause 20 (4) (g) (i) -*

“(g) *Banks Precinct P15,*

(i) *Multiple dwellings are not permitted in this precinct; however, the Council may consider multiple dwellings along East Parade, Guildford Road and Lord Street where the Council is satisfied that the following criteria is met:*

(a) *a minimum total lot area of 1000 square metres; and*

- (b) *new development is of a high quality, have a rich visual character and architecturally well-designed.*"
- 

COUNCIL DECISION ITEM 10.1.9

Moved Cr Farrell, Seconded Cr Doran-Wu

*That the recommendation be adopted.*

*Debate ensued.*

Moved Cr Doran-Wu, Seconded Cr Ker

*That the Item be DEFERRED to allow for further discussion within Council on this topic.*

*Journalist, Jacqui Bahr departed the Chamber at 9.25pm.*

**PURPOSE OF REPORT:**

*The purpose of this report is to initiate an amendment to the Town's Town Planning Scheme No. 1 (TPS No. 1), to modify provisions within Clause 20(4) relating to 'no multiple dwellings'.*

**BACKGROUND:**

*Since the gazettal of Town Planning Scheme No. 1 on 4 December 1998, the Town's Officers have periodically been questioned over the Town Planning Scheme No. 1 provision relating to 'no multiple dwellings' in the Precincts of Cleaver, Smith's Lake, Norfolk, Hyde Park, Forrest and Banks. In particular, questions have been raised as to the appropriateness of this provision in relation to higher density codings along major roads such as Loftus, Newcastle, Charles, and Vincent Streets in the Cleaver Precinct; Charles Street, between Emmerson and Albert Streets, in the Smith's Lake Precinct; Fitzgerald, William, Bulwer, Charles and Vincent Streets in the Hyde Park Precinct; and East Parade, Guildford Road and Lord Street in the Banks Precinct.*

*In this respect, recent examples of significant redevelopment proposals of merit that the Town has been unable to progress are as follows:*

- *The Council approved at the Ordinary Meeting of Council held on 12 February 2008 the demolition of the Norwood Hotel, which now facilitates significant redevelopment of the site. Council Members were briefed at a Forum on 13 November 2007 of a proposal to redevelop 3 separate sites adjacent to one another along Lord Street for multiple dwellings.*
- *The East Parade Regeneration Project which proposes, among other aspects, a range of building forms up to 4 storeys in height accommodating multiple dwellings.*
- *The Council received a petition lodged on 12 February 2007 by 15 landowners requesting it consider reviewing the zoning on the north side of Newcastle Street, between Loftus and Charles Street, West Perth from R80 to R160, to allow multiple dwellings and to allow a building height in the order of nine (9) storeys.*

*DETAILS:*

*The Council is requested to consider modifying Clause 20 (4) of the Town Planning Scheme No. 1 with respect to 'no multiple dwellings' along major roads. This will require an amendment to the Town Planning Scheme No. 1 Scheme Text which would allow the Council to consider multiple dwellings along major roads in the Precincts of Cleaver, Smith's Lake, Hyde Park and Banks which currently prohibits multiple dwellings.*

*CONSULTATION/ADVERTISING:*

*Any amendment to a local planning scheme prepared or adopted, by a local government, is to be advertised for public inspection for 42 days in accordance with the Town Planning Regulations 1967.*

*STRATEGIC IMPLICATIONS:*

*Strategic Plan 2006-2011 states:*

*"Strategic Objective 1 : Natural and Built Environment*

- 1.1 Improve and maintain environment and infrastructure...*
  - 1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.*
  - 1.1.3 Enhance and maintain the character and heritage of the Town.*
  - 1.1.4 Minimise negative impacts on the community and environment."*

*FINANCIAL/BUDGET IMPLICATIONS:*

*The current 2006/2007 Budget allocates \$60,000 for Town Planning Scheme Amendments and Policies.*

*LEGAL/POLICY:*

*Town Planning Scheme No. 1 and associated Policies, Planning and Development Act 2005 and Town Planning Regulations 1967.*

*COMMENTS:*

*The 'no multiple dwellings' provision originated from the former City of Perth City Planning Scheme which the Town inherited on its formation in July 1994. At that time, the provision related only to the area known as the 'Brisbane-Lake Street Precinct' with the express purpose of maintaining the low scale and residential character of that area and to preclude the development of 'flats'. The Town's Town Planning Scheme No. 1 however, also adopted this provision to protect a wider range of residential areas in the Precincts outlined above and inclusive of the major roads which traverse them. The restriction of multiple dwellings in predominately low scale residential areas is justified; however, along major roads, the rationalisation is somewhat questionable and unnecessarily restrictive given contemporary building forms. That is, the form of contemporary multiple dwelling developments can have a similar building bulk and form as that of grouped dwelling developments.*

*Removing the restriction on multiple dwellings along major roads will however, result in a minor development potential increase for affected lots. That is, to allow multiple dwellings on lots previously developable for single and grouped dwellings results in a slightly higher lot yield given the reduced minimum lot area for each multiple dwelling. Accordingly, it is considered appropriate to impose two criteria to encourage appropriate development of a high standard and design. The criteria relates to a minimum total land area of 1000 square metres being achieved and that new development should be of a high quality, have a rich visual character and architecturally well-designed, primarily to avoid piecemeal, speculative development.*

*It is worthy to note that multiple dwellings are a popular housing choice within inner-urban areas, they are commonly located along major roads where greater housing densities are generally accepted and are the preferred dwelling type for Network City's promoted 'transit-oriented developments'. Accordingly, given the Town's proximity to the Central Business District and its excellent access to public and private transport networks, retention of the prohibition of 'multiple dwellings' along major roads is considered to be contrary to contemporary planning direction in Western Australia.*

*Accordingly, it is considered appropriate that an amendment to Town Planning Scheme No. 1 Scheme Text be initiated which allows the Council to consider multiple dwellings along major roads in the Precincts of Cleaver, Smith's Lake, Hyde Park and Banks which currently prohibits multiple dwellings."*

**10.1.19 Amendment No.50 to Planning and Building Policies – Draft Policy Relating to Appendix No.18 - Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth**

Ward:	South	Date:	20 May 2008
Precinct:	Beaufort, P13	File Ref:	PLA0196
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	S O'Loughlin		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) *RECEIVES the Draft Policy relating to Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth, as shown in Attachment 10.1.19; subject to the Draft Policy being amended as follows:*

(a) *Site Planning i) Density and Mix Brisbane Street to Bulwer Street be amended to read as follows:*

'....

*Although the area currently The subject area contains a diversity of activities and although its the primary use should be residential is to be commercial, residential development is highly encouraged.*

...

*Mixed-use developments proposing the integration of (or close relationship between) work place and residence are to be favoured where acceptable levels of residential amenity can be maintained.*

*All existing non-conforming uses on the corner blocks north of Bulwer Street should revert to the Residential zoning as per the Town of Vincent Town Planning Scheme No. 1.;*

(b) *Site Planning iv) Architectural Style a) Colours and Materials be amended to read as follows:*

'...

*Existing styles within the area include, but are not limited to ~~Neo-Tusean~~ Inter-War Art Deco and Federation Art ~~Bouveau~~ Nouveau.; and*

(c) *Site Planning xii) Safer Design be amended to read as follows:*

*'The key principles of Crime Prevention through Environmental Design (CPTED) including the Office of Crime Prevention's 'Designing Out Crime' are to be employed in all new developments to reduce the opportunity for crime and to improve the ~~public's perception of safety in~~ within the area.'"*

(ii) *ADVERTISES the Draft Policy relating to Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth, 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*
- (iii) *after the expiry of the period for submissions:*
- (a) *reviews the Draft Policy relating to Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth, having regard to any written submissions; and*
  - (b) *determines the Draft Policy relating to Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth, with or without amendment, to or not to proceed with them.*

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

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**COUNCIL DECISION ITEM 10.1.19**

**Moved Cr Farrell, Seconded Cr Lake**

*That the recommendation be adopted.*

Debate ensued.

Cr Burns departed the Chamber at 8.42pm.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Youngman**

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

“(i) **RECEIVES** the Draft Policy relating to Design Guidelines for William Street, as shown in Attachment 10.1.19; subject to the Draft Policy being amended as follows:

(a) *clause 2) Context be amended to read as follows:*

*‘... In recent times development along this section of William Street has largely been ‘second placed’ to properties within the City of Perth south of Newcastle Street ~~which do not require car parking provision.~~’;*

(b) *Site Planning iii) Height and Massing Newcastle Street to Bulwer Street be amended to read as follows:*

*‘... The opportunity to create landmarks on corner sites will be encouraged and promoted, with development at greater heights being considered in these instances (see Figure 1 and 7). ~~Necessary~~’;*



(c) *Site Planning iv) b) Roof Forms be amended to read as follows:*

*'...Any buildings that have an existing façade that is deemed worthy of retention by the Town of Vincent are to be retained where possible and incorporated into redevelopment proposals. Such properties include:*

- *No.323 William Street (corner Newcastle Street) Northbridge;*
- *Nos.342 – 344 William Street, Perth;*
- *No.397 William Street, Perth;*
- *Nos.427-429 William Street, Perth;*
- *Nos.434 – 438 William Street, Perth; and*
- *~~Nos.452 – 460 William Street, Perth; and~~*
- *Nos.464-466 William Street, Perth.'; and*

(d) *Figure 7 Examples of Development Pattern Along William Street be amended to show Nos. 452- 460 William Street, as 3<sup>rd</sup> storey and not 4<sup>th</sup> storey."*

Debate ensued.

Cr Burns returned to the Chamber and Cr Farrell departed the Chamber at 8.43pm.

Cr Farrell returned to the Chamber at 8.45pm.

**AMENDMENT PUT AND CARRIED (7-0)**

(Cr Ker on approved leave of absence and Cr Doran-Wu was an apology for the remainder of the meeting as she was unwell.)

**PROCEDURAL MOTION**

**Moved Cr Lake, Seconded Cr Messina**

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

**PROCEDURAL MOTION PUT AND CARRIED (5-2)**

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

(Cr Ker on approved leave of absence and Cr Doran-Wu was an apology for the remainder of the meeting as she was unwell.)

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**PURPOSE OF REPORT:**

The purpose of this report is to present the draft new Policy relating to Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth and to seek the Council's approval to advertise the draft Policy.

**BACKGROUND:**

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

- (ii) *APPROVES of the Scope, Objectives and Indicative Timeline for the proposed Design Guidelines for William Street, between Brisbane and Newcastle Streets, Perth, as detailed in the report, subject to the following objective being added:*
- *To ensure the provision of awnings, along William Street in any new or redeveloped property; and*
- (iii) *extends the area to include up to Bulwer Street, including the north-east and west-corners of Bulwer Street”.*

**DETAILS:**

William Street provides primary access to the Northbridge entertainment area, the Perth Cultural Precinct and the Central Business District.

To date, this section of William Street has largely been ‘second place’ to properties within the central area south of Newcastle Street, which do not require car parking provision. As a result, development of this area has been frustrated, resulting in low scale uses, minimal investment and activity. William Street comprises single and two-storey buildings which are unassuming and largely unkempt. With the exception of buildings with cultural heritage significance, the majority of buildings lack architectural detail and contribute little to the streetscape. Those recently constructed have been setback in accordance with the former General Commercial C3 requirements imposed by the Perth City Council which, as a consequence, interrupt the rhythm and continuity of the street.

William Street is an Other Regional Road under the Metropolitan Region Scheme. With the exception of road widening to allow truncations at the intersection of William and Brisbane Streets, the current alignment of the road is not proposed to change.

The draft Policy relating to Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth has been prepared to provide applicants and developers with a set of concise guidelines and requirements for redevelopment within the subject area.

The draft Policy aims to achieve the following objectives:

- (i) To maximise the opportunities afforded by the area's proximity to the Perth Central Business District, major public transport routes, road networks and gateway to the Town of Vincent;
- (ii) To provide clear guidance to landowners and developers with respect to development requirements for William Street;
- (iii) To provide car parking requirements which are cognisant of the unique nature and range of uses existing and those attracted to the area;
- (iv) To give consideration to maximum building heights along William Street in view of the unique topography and uninterrupted vista to the Perth Central Business District;

- (v) To provide design responses to those places which have been identified as having cultural heritage value and are listed on the Town of Vincent Municipal Heritage Inventory/ Heritage List and the State Register of Heritage Places;
- (vi) To provide detailed building responses for those lots currently vacant along William Street;
- (vii) To maximise opportunities for redevelopment of undercapitalised/underdeveloped properties;
- (viii) To have regard to the Town's Affordable Housing Strategy;
- (ix) To encourage the principles of transit-oriented development (TOD), sustainability and 'green building' techniques;
- (x) To create premier examples of robust building forms of good quality and design, catering to a variety of uses within a unique inner-urban environment;
- (xi) To build on the sense of place evidenced by the area's history and cultural diversity; and
- (xii) To ensure the provision of awnings, along William Street in any new or redeveloped property.

#### **CONSULTATION/ADVERTISING:**

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

#### **LEGAL/POLICY:**

Town Planning Scheme No. 1 and associated Policies.

#### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2006-2011 states:

##### *" Natural and Built Environment*

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

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

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

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

#### **FINANCIAL/BUDGET IMPLICATIONS:**

The current 2007/2008 Budget allocates \$60,000 for Town Planning Scheme Amendments and Policies.

#### **COMMENTS:**

In light of the above, it is recommended that the Council adopts the draft Policy relating to Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth, and advertises the draft Policy in accordance with Clause 47 of the Town's Town Planning Scheme No. 1.

**10.1.20 Amendment No. 43 to Planning and Building Policies – Draft Policy Relating to Residential Streetscapes**

<b>Ward:</b>	Both Wards	<b>Date:</b>	21 May 2008
<b>Precinct:</b>	All Precincts	<b>File Ref:</b>	PLA0179
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	E Saraceni		
<b>Checked/Endorsed by:</b>	D Abel, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) *RECEIVES the Draft Policy relating to Residential Streetscapes, as shown in Attachment 10.1.20; subject to the Draft Policy being amended as follows:*

(a) *The list of recognised streetscapes be amended to read as follows:*

<i>'Category 1 Streetscapes</i>	<i>Category 2 Streetscapes</i>
<i>Leederville Anzac Road (between Loftus Street and Oxford Street); Salisbury Street; and Muriel Place (Note: separate Guidelines included as Appendix 6).</i>	<i>Leederville Bourke Street (between Oxford Street and Loftus Street); Byron Street; Franklin Street (between Shakespeare Street and Loftus Street); Galwey Street; Marian Street; Rae Street; and Shakespeare Street (between Bourke Street and Salisbury Street).</i>
<i>Mount Hawthorn Faraday Street; Harrow Street ; and Wilberforce Street .</i>	<i>Mount Hawthorn Anzac Road (between Loftus Street and Sasse Avenue); Birrell Street; Blackford Street; Buxton Street; Coogee Street; Dunedin Street; East Street; Edinboro Street; Egina Street; Ellesmere Street; Eucla Street; Fairfield Street; Federation Street; Flinders Street (between Anzac Road and Scarborough Beach Road); Kalgoorlie Street; Killarney Street; Lynton Street; Matlock Street; Milton Street ; Sasse Street;</i>
<i>Mount Lawley/Highgate Cantle Street, Perth; Chapman Street, Perth; Chertsey Street, Mount Lawley; Mary Street, Highgate; Pakenham Street, Perth; St Albans Ave, Highgate; Stanley Street, Mount Lawley; Vincent Street, North—Perth (between Norfolk Street and William Street); and West Parade, Perth.</i>	
<i>North Perth Alfonso Street; Alma Road; Burt Street; Camelia Street; Chamberlain Street; Commonwealth Avenue; Coronation Street; Daphne Street; Doris Street; Lawler Street;</i>	

<p><i>Pennant Street;</i> <i>Persimmon Street (Numbers 1-8 inclusive);</i> <i>Vine Street (Numbers 9-26 inclusive);</i> <i>Waugh Street; and</i> <i>Woodville Street.</i></p> <p><i>Perth</i> <i>Baker Avenue, Perth;</i> <i>Brisbane Street, Perth (between Palmerston Street and Lake Street);</i> <i>Bulwer Avenue, Highgate;</i> <i>Carr Street, North Perth (between Cleaver Street and Charles Street);</i> <i>Fitzroy Street, North Perth;</i> <i>Hammond Street, North Perth;</i> <i>Janet Street, North Perth;</i> <i>McCarthy Street, Highgate;</i> <i>Myrtle Street, Perth;</i> <i>Strathcona Street, West Perth;</i> <i>Stuart Street, Perth (Numbers 6-22, inclusive);</i> <i>Throssel Street; and</i> <i>Wade Street (Numbers 2-12, inclusive).</i></p>	<p><i>Seabrook Street;</i> <i>Shakespeare Street; and</i> <i>The Boulevarde .</i></p> <p><i>Mount Lawley/Highgate</i> <i>Cavendish Street, Highgate;</i> <i>Chatsworth Road, Highgate;</i> <i>Chelmsford Road, Mount Lawley;</i> <i>Gardiner Street, Perth;</i> <i>Grosvenor Road, Mount Lawley;</i> <i>Harley Street, Highgate;</i> <i>Harold Street, Mount Lawley (all single, terrace and grouped dwellings between Vincent Street and Lord Street);</i> <i>Hyde Street, North Perth;</i> <i>Raglan Road, Mount Lawley;</i> <i>Summers Street, Perth; and</i> <i>Wasley Street, North Perth (between William Street and Norfolk Streets).</i></p> <p><i>North Perth</i> <i>Albert Street (Numbers 16- 41, inclusive);</i> <i>Alma Road (Numbers 89-140, inclusive);</i> <i>Auckland Street;</i> <i>Barnet Street;</i> <i>Clieveden Street;</i> <i>Elizabeth Street;</i> <i>Ethel Street;</i> <i>Eton Street;</i> <i>Farmer Street;</i> <i>Forrest Street (Numbers 82-121, inclusive);</i> <i>Grosvenor Road (between Fitzgerald Street and Norfolk Street);</i> <i>Hobart Street;</i> <i>Knutsford Street;</i> <i>Mabel Street;</i> <i>Marmion Street (Numbers 1-41, inclusive);</i> <i>Monmouth Street (Numbers 90-103, inclusive);</i> <i>Namur Street;</i> <i>Paddington Street;</i> <i>Raglan Road (between Fitzgerald Street and Norfolk Streets);</i> <i>Richmond Street (Numbers 3-48, inclusive);</i> <i>Selkirk Street;</i> <i>Sydney Street;</i> <i>Venn Street (Numbers 18-49, inclusive);</i> <i>Vincent Street, (between Fitzgerald Street and Norfolk Street); and</i> <i>Vine Street (south of View Street).</i></p> <p><i>Perth</i> <i>Bulwer Street, North Perth (between Vincent Street and Fitzgerald Street);</i></p>
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	<p><i>Cleaver Street, <del>West Perth</del>; Florence Street, <del>North Perth</del>; Glendower Street, <del>Perth</del>; Grant Street, <del>Highgate</del>; Kingston Avenue, <del>West Perth</del>; Lane Street, <del>Perth</del>; Orange Avenue, <del>Perth</del>; and Palmerston Street, <del>Perth</del> (between Glendower Street and Stuart Street).”</i></p>
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- (ii) **ADVERTISES** the Draft Policy relating to Residential Streetscapes 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
- (iii) after the expiry of the period for submissions:
- (a) **REVIEWS** the Draft Policy relating to Residential Streetscapes, having regard to any written submissions; and
  - (b) **DETERMINES** the Draft Policy relating to Residential Streetscapes, with or without amendment, to or not to proceed with them.

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

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**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED (7-0)**

(Cr Ker on approved leave of absence and Cr Doran-Wu was an apology for the remainder of the meeting as she was unwell.)

**COUNCIL DECISION ITEM 10.1.20**

*That the Council;*

- (i) **RECEIVES** the Draft Policy relating to Residential Streetscapes, as shown in Attachment 10.1.20; subject to the Draft Policy being amended as follows:

(a) *The list of recognised streetscapes be amended to read as follows:*

<i>'Category 1 Streetscapes</i>	<i>Category 2 Streetscapes</i>
<p><i>Leederville</i> <i>Anzac Road (between Loftus Street and Oxford Street);</i> <i>Salisbury Street; and</i> <i>Muriel Place (Note: separate Guidelines included as Appendix 6).</i></p> <p><i>Mount Hawthorn</i> <i>Faraday Street;</i> <i>Harrow Street ; and</i> <i>Wilberforce Street .</i></p> <p><i>Mount Lawley/Highgate</i> <i>Cantle Street, Perth;</i> <i>Chapman Street, Perth;</i> <i>Chertsey Street, <del>Mount Lawley;</del></i> <i>Mary Street, Highgate;</i> <i>Pakenham Street, Perth;</i> <i>St Albans Ave, Highgate;</i> <i>Stanley Street, Mount Lawley;</i> <i>Vincent Street, <del>North Perth</del> (between Norfolk Street and William Street); and</i> <i>West Parade, Perth.</i></p> <p><i>North Perth</i> <i>Alfonso Street;</i> <i>Alma Road;</i> <i>Burt Street;</i> <i>Camelia Street;</i> <i>Chamberlain Street;</i> <i>Commonwealth Avenue;</i> <i>Coronation Street;</i> <i>Daphne Street;</i> <i>Doris Street;</i> <i>Lawler Street;</i> <i>Pennant Street;</i> <i>Persimmon Street (Numbers 1-8 inclusive);</i> <i>Vine Street (Numbers 9-26 inclusive);</i> <i>Waugh Street; and</i> <i>Woodville Street.</i></p> <p><i>Perth</i> <i>Baker Avenue, Perth;</i> <i>Brisbane Street, Perth (between Palmerston Street and Lake Street);</i> <i>Bulwer Avenue, Highgate;</i> <i>Carr Street, North Perth (between Cleaver Street and Charles Street);</i> <i>Fitzroy Street, North Perth;</i> <i>Hammond Street, North Perth;</i> <i>Janet Street, North Perth;</i></p>	<p><i>Leederville</i> <i>Bourke Street (between Oxford Street and Loftus Street);</i> <i>Byron Street;</i> <i>Franklin Street (between Shakespeare Street and Loftus Street);</i> <i>Galwey Street;</i> <i>Marian Street;</i> <i>Rae Street; and</i> <i>Shakespeare Street (between Bourke Street and Salisbury Street).</i></p> <p><i>Mount Hawthorn</i> <i>Anzac Road (between Loftus Street and Sasse Avenue);</i> <i>Birrell Street;</i> <i>Blackford Street;</i> <i>Buxton Street;</i> <i>Coogee Street;</i> <i>Dunedin Street;</i> <i>East Street;</i> <i>Edinboro Street;</i> <i>Egina Street;</i> <i>Ellesmere Street;</i> <i>Eucla Street;</i> <i>Fairfield Street;</i> <i>Federation Street;</i> <i>Flinders Street (between Anzac Road and Scarborough Beach Road);</i> <i>Kalgoorlie Street;</i> <i>Killarney Street;</i> <i>Lynton Street;</i> <i>Matlock Street;</i> <i>Milton Street ;</i> <i>Sasse Street;</i> <i>Seabrook Street;</i> <i>Shakespeare Street; and</i> <i>The Boulevarde .</i></p> <p><i>Mount Lawley/Highgate</i> <i>Cavendish Street, Highgate;</i> <i>Chatsworth Road, Highgate;</i> <i>Chelmsford Road, <del>Mount Lawley;</del></i> <i>Gardiner Street, Perth;</i> <i>Grosvenor Road, Mount Lawley;</i> <i>Harley Street, Highgate;</i> <i>Harold Street, Mount Lawley (all single, terrace and grouped dwellings between Vincent Street and Lord Street);</i> <i>Hyde Street, North Perth;</i> <i>Raglan Road, Mount Lawley;</i> <i>Summers Street, Perth; and</i></p>



<p><i>McCarthy Street, <del>Highgate</del>; Myrtle Street, <del>Perth</del>; Strathcona Street, <del>West Perth</del>; Stuart Street, <del>Perth</del> (Numbers 6-22, inclusive); Throssel Street; and Wade Street (Numbers 2-12, inclusive).</i></p>	<p><i>Wasley Street, <del>North Perth</del> (between William Street and Norfolk Streets).</i></p> <p><i>North Perth</i>  <i>Albert Street (Numbers 16- 41, inclusive); Alma Road (Numbers 89-140, inclusive); Auckland Street; Barnet Street; Clieveden Street; Elizabeth Street; Ethel Street; Eton Street; Farmer Street; Forrest Street (Numbers 82-121, inclusive); Grosvenor Road (between Fitzgerald Street and Norfolk Street); Hobart Street; Knutsford Street; Mabel Street; Marmion Street (Numbers 1-41, inclusive); Monmouth Street (Numbers 90-103, inclusive); Namur Street; Paddington Street; Raglan Road (between Fitzgerald Street and Norfolk Streets); Richmond Street (Numbers 3-48, inclusive); Selkirk Street; Sydney Street; Venn Street (Numbers 18-49, inclusive); Vincent Street, (between Fitzgerald Street and Norfolk Street); and Vine Street (south of View Street).</i></p> <p><i>Perth</i>  <i>Bulwer Street, <del>North Perth</del> (between Vincent Street and Fitzgerald Street); Cleaver Street, <del>West Perth</del>; Florence Street, <del>North Perth</del>; Glendower Street, <del>Perth</del>; Grant Street, <del>Highgate</del>; Kingston Avenue, <del>West Perth</del>; Lane Street, <del>Perth</del>; Orange Avenue, <del>Perth</del>; and Palmerston Street, <del>Perth</del> (between Glendower Street and Stuart Street).”</i></p>
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- (ii) **ADVERTISES** the Draft Policy relating to Residential Streetscapes 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*
- (iii) *after the expiry of the period for submissions:*
- (a) **REVIEWS** *the Draft Policy relating to Residential Streetscapes, having regard to any written submissions; and*
  - (b) **DETERMINES** *the Draft Policy relating to Residential Streetscapes, with or without amendment, to or not to proceed with them.*

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**PURPOSE OF REPORT:**

The purpose of this report is to present the Draft Policy relating to Residential Streetscapes and to seek the Council's approval to advertise the Draft Policy.

**BACKGROUND:**

- 23 January 2007            The Council at its Ordinary Meeting resolved the following:
- “...  
(ii) *ADOPTS the following actions in relation to the future development and progression of the draft Residential Design Elements Policy;*  
(c) *a new Policy relating to Streetscapes, independent but inherently linked to the draft Residential Design Elements Policy and future Town Planning Scheme, be prepared, and that a report and draft Policy be referred to the Council no later than February 2007;*  
...”
- 29 March 2007            Town Planning Scheme Review Committee Meeting considered and discussed residential streetscapes.
- 19 May 2007              Town Planning Scheme Review Elected Members Meeting considered and discussed residential streetscapes.
- 12 June 2007              The Council at its Ordinary Meeting resolved the following in relation to the proposed Residential Streetscapes Policy, Residential Subdivisions Policy and Single Bedroom Dwellings Policy:
- “That the Council RECEIVES Progress Report No. 1 - Proposed Residential Streetscapes Policy, Residential Subdivisions Policy, and Single Bedroom Dwellings Policy.”*
- 9 October 2007            The Council at its Ordinary Meeting resolved the following in relation to the proposed Draft Residential Streetscapes Policy:
- “That the Council RECEIVES Progress Report No. 2 – Amendment No. 43 to Planning and Building Policies – Draft Policy Relating to Residential Streetscapes.”*

12 February 2008      The Council at its Ordinary Meeting resolved the following in relation to the proposed Draft Residential Streetscapes Policy:

*“That the Council RECEIVES Progress Report No. 3 – Amendment No. 43 to Planning and Building Policies – Draft Policy Relating to Residential Streetscapes.”*

**DETAILS:**

The Town’s Officers have formulated a Residential Streetscapes Policy that it is consistent with the guiding principles of *Vincent Vision 2024* with respect to protecting the amenity of streetscapes deemed to be worthy of retention.

The work undertaken to prepare the Policy has included the following; the research and preparation detailed in Progress Report No. 3, presented to the Council on 12 February 2008 and detailed street surveys of the Townscapes identified by Hocking, Planning and Architectural Collaboration to determine whether those streets, recognised by Hocking but not included in the recognised streetscapes list for various reasons, should be included in the final draft list.

The streets identified by the Hocking report but not included in the Residential Streetscapes Policy are as follows:

- Angove Street;
- Broome Street;
- Bruce Street;
- Charles Street;
- Claverton Street;
- Dangan Street;
- Fairfield Street;
- Fitzgerald Street;
- Gallop Street;
- Green Street;
- Highlands Road;
- Hutt Street;
- Irene Street;
- Ivy Street;
- Lake Street;
- Leake Street;
- Lincoln Street;
- Lindsay Street;
- Money Street;
- Newcastle Street;
- Olive Street;
- Selden Street;
- Smith Street;
- Turner Street;
- View Street;
- Walcott Street;
- William Street ; and
- Wright Street.

After detailed surveys of the above streets were undertaken, the Town's Strategic Planning and Heritage Officers determined that on balance, the listed streets are consistently interrupted, and those isolated dwellings or buildings that exhibit significant character are not considered to adequately meet the criteria for a recognised streetscape. The majority of the buildings/dwellings that exhibit significant character are heritage listed and in most instances are subject to measures which aim to control any proposed redevelopment, which subsequently protects the character of such buildings/dwellings.

Furthermore, it was considered that the overall character of the above streetscapes were not significant and that the provisions of the Residential Design Elements Policy will address amenity issues in streets not included in the recognised streetscapes list.

Notwithstanding the above, the Town's Strategic Planning and Heritage Officers have reviewed the exclusion of certain streets from the previous proposed list of recognised streetscapes and have subsequently decided to include the following streetscapes in the final draft list of recognised streetscapes:

- Albert Street;
- Bulwer Street, between Vincent Street and Fitzgerald Street;
- Cleaver Street, between Nos. 41 and 45 (inclusive);
- Glendower Street, between Nos. 97 and 137 (inclusive);
- Mabel Street;
- Muriel Place;
- Stuart Street, between Nos. 6 and 22 (inclusive);
- Throssel Street;
- Wade Street, between Nos. 2 and 12 (inclusive); and
- Wasley Street, between William Street and Norfolk Street.

It is noted that as part of the Town Planning Scheme Review, the Town's Officers will consider the appropriateness of existing densities for these recognised streetscapes in terms of the implications of the Residential Streetscapes Policy on development potential.

#### **CONSULTATION/ADVERTISING:**

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

#### **LEGAL/POLICY:**

Town Planning Scheme No.1 and associated Policies.

#### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2006-2011 states:

##### *“Objective 1 : Natural and Built Environment*

- 1.1 *Improve and maintain environment and infrastructure*
  - 1.1.2 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision.*
  - 1.1.3 *Enhance and maintain the character and heritage of the Town.*
  - 1.1.4 *Minimise negative impacts on the community and environment.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

The current 2007/2008 Budget allocates \$60,000 for Town Planning Scheme Amendments and Policies.

**COMMENTS:**

In light of the above, the Draft Residential Streetscapes Policy is consistent with the intent of the Town's proposed Town Planning Scheme No.2 and *Vincent Vision 2024*. It is therefore recommended that the Council receives and advertises the Draft Policy in accordance with the Officer Recommendation.

**10.1.23 No. 459 (Lot 8) Fitzgerald Street, North Perth – Renewal of Ongoing Extended Trading Permit for the Rosemount Hotel**

<b>Ward:</b>	North	<b>Date:</b>	20 May 2008
<b>Precinct:</b>	North Perth Centre; P9	<b>File Ref:</b>	ENS0053
<b>Attachments:</b>	-		
<b>Reporting Officer(s):</b>	M Fallows, M Wood		
<b>Checked/Endorsed by:</b>	A Giles, R Boardman	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the report regarding the Rosemount Hotel's Extended Trading Permit Renewal Application with an extended trading period proposed for Thursday, Friday and Saturday nights from Midnight to 1:00am at No. 459 (Lot 8) Fitzgerald Street (Rosemount Hotel), North Perth;
- (ii) **SUPPORTS WITH CONDITIONS** the Extended Trading Permit Renewal Application for extended trading on Thursday, Friday and Saturday nights from Midnight to 1:00am:
  - (a) with consideration that zero(0) noise complaints have been received by the Town of Vincent in the past two years relating to the extended trading period;
  - (b) with consideration to the comments provided by Western Australian Police, who are not objecting to the renewal application;
  - (c) on the provision that Rosemount Hotel management continue to attend and abide by the principles and code of conduct of the Vincent Accord and Western Accord meetings; and
  - (d) subject to the premises having a "lockout" between the hours of midnight and 1:00am (close), whereby existing patrons are permitted to remain within the premises, but no additional patrons are permitted to enter the premises; and
- (iii) **ADVISES** the Department of Racing, Gaming and Liquor, WA Police and the proprietor of the Rosemount Hotel of its decision.

**COUNCIL DECISION ITEM 10.1.23**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED (7-0)**

(Cr Ker on approved leave of absence and Cr Doran-Wu was an apology for the remainder of the meeting as she was unwell.)

### **PURPOSE OF REPORT:**

The purpose of this report is to advise the Council that the Rosemount Hotel located at No. 459 (Lot 8) Fitzgerald Street, North Perth has reapplied to the Department of Racing, Gaming and Liquor (DRGL) to renew its existing ongoing Extended Trading Permit (Permit Number 26703) in relation to Thursday, Friday and Saturday nights from Midnight to 1:00am.

### **BACKGROUND:**

The Rosemount Hotel was granted an ongoing Extended Trading Permit (ETP) by DRGL on 17 July 2006 for Thursday, Friday and Saturday nights from Midnight to 1:00am. The expiry date of this ETP is 17 July 2008. The Rosemount Hotel was notified by DRGL that an application for a further ETP is required in order to continue extended trading.

### **DETAILS:**

The owner of the Rosemount Hotel (Alcalauren Pty Ltd) submitted an application to the Department of Racing, Gaming and Liquor on 16 April 2008 for a renewal to its existing Extended Trading Permit (Ongoing Extension of Hours) in accordance with the *Liquor Control Act 1988*. The Department of Racing, Gaming and Liquor (DRGL) invited comments from the Town in a letter received on 28 April 2008 requesting that any objections or interventions to the proposal be submitted by 20 May 2008 (an extension to 28 May 2008 has been applied for).

In addition to the application, DRGL has provided the Town with a copy of the Rosemount Hotel's Public Interest Assessment (PIA), which details the conceptual public benefits of having an ongoing Extended Trading Period. The PIA is "*Laid on the Table*".

The extended hours sought are for Thursday, Friday and Saturday nights from Midnight to 1:00am.

The Manager of the Rosemount Hotel has stated that "*The Rosemount Hotel has a proven record of being well run with very little social problems and has been trading until 1am for the past 2 years on Thursday, Friday and Saturday nights without problem.*"

The Town's Health Services have requested comment through community consultation, WA Police, and Ranger Services and Community Safety in relation to this application.

### **CONSULTATION/ADVERTISING:**

The Department of Racing, Gaming and Liquor has issued a General Notice that advertises the Rosemount Hotel's intention to reapply for an ongoing Extended Trading Permit. The Town of Vincent has received a formal letter from the Department of Racing, Gaming and Liquor requesting that any objections or interventions be submitted by 20 May 2008 (an extension to 28 May 2008 has been applied for).

### **Community Consultation**

The Town's Health Services have engaged in community consultation within a 200 metre radius of the Rosemount Hotel in accordance with Town of Vincent Policy 4.1.5. Three letters of support were received and four objections were received. It is noted that in the past, it has been rare for nearby owners and occupiers to submit letters of support for ongoing Extended Trading Permit applications in general.

The concerns raised by community members were:

1. That the area has been subjected to late night music noise;
2. Potential of noise and anti-social behaviour associated with patrons leaving the premises;
3. That there is an increased impact relating to higher density living in inner city areas; and
4. That patrons were parking on private property.

The main reasons to support this application were:

1. The benefits the Hotel plays in drawing a crowd to see local musicians;
2. Efforts on the Hotel's behalf to upgrade the premises including providing a meal service, landscaping and a repaint of the façade; and
3. The Rosemount Hotel is a welcoming place and is less likely to be the subject of anti-social behaviour.

### **Western Australian Police**

The Town of Vincent consulted Senior Sergeant Mike Green, Officer-in-Charge of Wembley Police Station on this application. In consultation with the Western Australian Police Alcohol & Drug Adviser, the following comments have been provided to the Town:

*'From our patrol perspective we do not have problems in or around the Rosemount. Certainly none that are a result of the extended trade hours already in place, which are the same as what the application renewal is for.'*

*The only incident of note, so far this year, was a robbery where I believe two patrons who had left and had walked home were robbed by some youths a couple of hundred metres away down Fitzgerald St. This can't be blamed on the hotel. We do not get many drink drivers from there, and I am not aware of any consistent anti-social behaviour issues associated with patrons from the hotel.'*

Further to the above, the Drug and Alcohol Office has been contacted and statistics show that there have been no assaults over a 12 month period attributed or emanating from this licensed premises.

### **Ranger and Community Safety Services**

Two concerns have been raised with the Safer Vincent Co-ordinator regarding the Rosemount Hotel in the past 12 months, as follows:

1. A proliferation of posters being stuck to poles, buildings and street signs in the vicinity of the hotel; and
2. The occurrence of graffiti vandalism in the area surrounding the Rosemount Hotel.

It is acknowledged that these concerns may not be deemed a basis to object to the ETP application; however, they have been identified as issues. The Rosemount Hotel has co-operated with Rangers, Safer Vincent Co-ordinator and other Officers of the Town in an attempt to combat problems. The venue management has commenced attending the Vincent Accord.

From a Safer Vincent Crime Prevention Perspective, given the above and the positive record on the Town's Complaints Register, it is difficult to identify a reason to refuse the ETP. Furthermore, WA Police statistics do not identify any particular issues arising from the previous ETP and they will not oppose the application (see above). Given the above, it is recommended that the Town does not oppose the application for the ETP.



### **Health Services**

One (1) noise complaint has been received by the Town's Health Services in the past two years. This complaint was received on 4 December 2007 and was regarding excessive noise in the external beer garden of the Hotel during daytime hours. This complaint is unrelated to the Hotel's application for an Extended Trading Permit, the Hotel's Management were co-operative and no similar complaints have been received.

In response to the abovementioned concerns, it is noted that no noise complaints have been received by the Town in the past two years in relation to night time hours including between midnight and 1:00am on Thursday, Friday or Saturday. Should a noise complaint have been received, the Town's Health Services would have had the opportunity to investigate the matter and to assess whether compliance with the *Environmental Protection (Noise) Regulations 1997* was achieved. Furthermore, when a noise complaint is received, it is standard practice to notify the management of the licensed premises of the complaint so that there is an opportunity for the licensed premises to respond and rectify the matter at hand.

The Rosemount Hotel has not been deemed to be in non-compliance with the *Environmental Protection (Noise) Regulations 1997* by the Town for noise during the applied extended trading period due to there being no complaints received. Health Services, therefore, does not have legislative grounds to recommend an objection to this application. Should any future noise complaints be received, Health Services can investigate the matter under the provisions of the *Environmental Protection (Noise) Regulations 1997*.

Whilst the premises does not have a known history of antisocial behaviour at this point, it is recommended that the premises be subject to a "lockout" between the hours of midnight and 1:00am (close), whereby existing patrons are permitted to remain within the premises, but no additional patrons are permitted to enter the premises. Any patron that exits the premises, after midnight is also not permitted to re-enter the venue, which assists in crowd dispersal prior to close. This has been encouraged by the WA Police, and successfully implemented at a number of premises over the past few years.

### **STRATEGIC IMPLICATIONS:**

Town of Vincent Strategic Plan 2006 – 2011 - *Natural and Built Environment – 1.1.4 Minimise negative impacts on the community and environment.*

### **LEGAL POLICY:**

- *Liquor Control Act 1988; and Environmental Protection (Noise) Regulations 1997.*

### **FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

### **COMMENTS:**

The Town's Administration recommends conditional support for this proposal with consideration of the above comments and that Western Australian Police Services will not be objecting to this application.

**10.2.4 Universally Accessible Facilities – Progress Report No. 1**

Ward:	Both	Date:	14 May 2008
Precinct:	All	File Ref:	CMS0067
Attachments:	<a href="#">001</a>		
Reporting Officer(s):	J van den Bok, K Steicke		
Checked/Endorsed by:	R Lotznicker	Amended by:	

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the progress report in relation to the provision of universal accessible facilities within the Town of Vincent;*
- (ii) *NOTES that the six (6) year Playground Upgrade Program adopted by Council on 11 July 2006, allows for the provision of rubber softfall surfacing and, where practicable, paths will be installed directly to the playground area and drinking fountains will be installed adjacent to playgrounds as part of the 2008/09 Parks Furniture budget allocation (refer appendix 10.2.4A);*
- (iii) *LISTS for consideration appropriate funding in future budgets for the installation of new water services and drinking fountains at various reserves; and*
- (iv) *CONTINUES to list appropriate funding in future budgets for specific maintenance to Town owned facilities to ensure they are progressively upgraded to comply with the appropriate universal access requirements (refer appendix 10.2.4B).*

**Moved Cr Youngman, Seconded Cr Maier**

*That the recommendation be adopted.*

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Burns**

*That clause (iv) be amended and clause (v) be inserted as follows:*

- (iv) ~~*CONTINUES to list appropriate funding in future budgets for specific maintenance to Town owned facilities to ensure they are progressively upgraded to comply with the appropriate universal access requirements (refer appendix 10.2.4B).*~~

*“(iv) REQUESTS the Chief Executive Officer to develop a plan which outlines indicative costs and planned year of implementation for the upgrading and prioritisation of works for the Town's buildings, based on the information included in appendix 10.2.4B; and*

- (v) *RECEIVES a further report and updated plan by August 2008.”*

**AMENDMENT PUT AND CARRIED (7-0)**

(Cr Ker on approved leave of absence and Cr Doran-Wu was an apology for the remainder of the meeting as she was unwell.)

**Debate ensued.**

**MOTION PUT AND CARRIED (7-0)**

(Cr Ker on approved leave of absence and Cr Doran-Wu was an apology for the remainder of the meeting as she was unwell.)

**MOTION PUT AND CARRIED (7-0)**

**COUNCIL DECISION ITEM 10.2.4**

*That the Council;*

- (i) *RECEIVES the progress report in relation to the provision of universal accessible facilities within the Town of Vincent;*
- (ii) *NOTES that the six (6) year Playground Upgrade Program adopted by Council on 11 July 2006, allows for the provision of rubber softfall surfacing and, where practicable, paths will be installed directly to the playground area and drinking fountains will be installed adjacent to playgrounds as part of the 2008/09 Parks Furniture budget allocation (refer appendix 10.2.4A);*
- (iii) *LISTS for consideration appropriate funding in future budgets for the installation of new water services and drinking fountains at various reserves;*
- (iv) *REQUESTS the Chief Executive Officer to develop a plan which outlines indicative costs and planned year of implementation for the upgrading and prioritisation of works for the Town's buildings, based on the information included in appendix 10.2.4B; and*
- (v) *RECEIVES a further report and updated plan by August 2008.*

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**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the progress of works associated with providing universal access to the Town's playgrounds and facilities.

**BACKGROUND:**

Over the years, numerous works have been undertaken in an effort to increase/improve access to Council owned facilities.

A progress report has been requested by the Chief Executive Officer in relation to the progress of works on the Town's playgrounds and facilities in providing universal access where practicable, in line with the Key Result Area One of Strategic Plan 2005-2010 – 1.1.5 *Enhance and maintain parks and community facilities.*

**DETAILS:**

**Playgrounds**

On 27 March 2001, the Council adopted a ten (10) year Playground Upgrade Program to ensure the Town's playgrounds were compliant with recently revised playground standards. In addition, it was decided that due to constant complaints regarding used syringes, glass and debris being deposited in sand pits, the majority of the traditional sand playground pits would be removed and a new rubberised surface installed in situ.

A further benefit of this alternative playground surface was that it would also allow easier access to equipment for persons with disabilities, and subsequently playground manufacturers have developed many new playground items and ramps where wheelchair bound persons can access a playground and use the equipment provided.

In 2006, following an audit of all playgrounds within the Town, the Playground Upgrade Program was updated/revised. The new program, which took into account further changes to the Australian Standards for playgrounds and playground surfacing, was subsequently adopted by Council on 11 July 2006.

The table attached at *appendix 10.2.4A* indicates the following:

- Accessibility of existing playgrounds due to the installation of rubber softfall and associated pathways within the Town
- Proximity of drinking fountains to the playground area
- Upgrade works listed for future budgets

The playground upgrade costs indicated are as listed in the six (6) year Playground Upgrade Program adopted by Council on 11 July 2006.

Note: The community associated with the Shakespeare Street Reserve playground development previously indicated they would like to retain the sand pit at the Shakespeare Street Reserve playground.

The majority of playgrounds are located within a large expanse of turfed area, however, where practicable the Town's staff have constructed a path to the playground from an existing footpath or dual use path, to improve access for wheel chairs etc into the actual playground. Of course in some areas this is just not cost effective or practicable due to the distance from existing paths.

Where possible paths will be provided and these are also listed in the attached table.

### **Buildings & Facilities**

An audit of all the Town's buildings was undertaken in 2000 by Ian Lush and Associates, Chartered Building Surveyors, particularly in regard to universal access.

Consideration was given in this survey to modifying existing facilities to provide compliant disability access. Where a new building is needed to be constructed, Architect Peter Jones was contracted to provide drawings for the construction of universal access facilities.

Following the audit, an action spreadsheet was prepared which outlined each facility and the works required such as ramps, doorway wheelchair access, circulation space, hand rails, baby change tables, ACROD parking bays and tactile paving.

The works were scheduled after consultation with the Town's Disability Services Officer on the basis of priority, and available budgeted funding.

Accessible facilities are revisited as to current compliance and alterations/upgrades performed to meet these requirements. To date, 42 out of the Town's 73 premises have disability access.

Works associated with the upgrade of facilities and buildings are listed on the spreadsheet at *appendix 10.2.4B*

**CONSULTATION/ADVERTISING:**

Where required, projects are advertised in the local papers and community consultation is undertaken.

**LEGAL/POLICY:**

All new or modification works within the Town are undertaken in accordance with the Town's Disability Access Inclusion Plan 2006-2011 and associated policies, which provides access to all users in accordance with the relevant standards and codes.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2005-2010 – 1.1.5 Enhance and maintain parks and community facilities “a) *Ensure all playgrounds and facilities are universally accessible where practicable.*”

**FINANCIAL/BUDGET IMPLICATIONS:**

Costs associated with the major upgrade of existing, or the construction of new, facilities are listed as separate items within the Town's Capital Works budget. The cost to upgrade the playgrounds (as shown on Appendix 10.2.4A) is \$782,500.

Minor items/projects such as the installation of pedestrian ramps, railings and tactile paving, are undertaken and charged against the various maintenance accounts where required.

In the 2008/09 draft budget, an allocation of \$48,000 has been made for the Parks furniture/facilities upgrade, which includes the installation of drinking fountains as listed in the attached table.

**COMMENTS:**

The Town has improved accessibility in a number of areas and from observations, is well in advance of other municipalities in terms of improving access to playgrounds and facilities.

Over the forthcoming years, additional areas will be improved to provide equitable access for all where practicable.

**10.2.6 Strategy for the Undergrounding of Power in the Town – Adoption of Policy**

<b>Ward:</b>	Both	<b>Date:</b>	20 May 2008
<b>Precinct:</b>	All	<b>File Ref:</b>	TES0313
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	C Wilson, R Lotznicker		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the report on Strategy for the Undergrounding of Power in the Town;
- (ii) **ADOPTS** Policy No. 2.2.12 “Undergrounding of Power” as shown in Appendix 10.2.6;
- (iii) **AUTHORISES** the Chief Executive Officer to:
  - (a) advertise the policy for a period of 21 days seeking public comment;
  - (b) report back to the Council with any public submissions received; and
  - (c) include the amended policies in the Town’s Policy manual if no public submissions are received; and
- (iv) **NOTES** that a further report on the matter will be submitted to the Council, if future submissions are called for the State Underground Power Program for both Major Residential Projects and Local Enhancement Projects.

**\*Note: A Correct Policy was tabled at the meeting.**

**Moved Cr Farrell, Seconded Cr Messina**

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT**

**Moved Cr Maier, Seconded Cr Messina**

Debate ensued.

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

- “(v) **REQUESTS** that the Chief Executive Officer provides a report by September 2008 indicating alternate funding models for underground power including, but not limited to, the model adopted by the City of Subiaco.”

**AMENDMENT PUT AND CARRIED (6-1)**

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

(Cr Ker on approved leave of absence and Cr Doran-Wu was an apology for the remainder of the meeting as she was unwell.)

**MOTION PUT AND CARRIED (7-0)**

(Cr Ker on approved leave of absence and Cr Doran-Wu was an apology for the remainder of the meeting as she was unwell.)

**COUNCIL DECISION ITEM 10.2.6**

*That the Council;*

- (i) *RECEIVES the report on Strategy for the Undergrounding of Power in the Town;*
- (ii) *ADOPTS the Corrected Policy No. 2.2.12 "Undergrounding of Power" as shown in Appendix 10.2.6;*
- (iii) *AUTHORISES the Chief Executive Officer to:*
  - (a) *advertise the policy for a period of 21 days seeking public comment;*
  - (b) *report back to the Council with any public submissions received; and*
  - (c) *include the amended policies in the Town's Policy manual if no public submissions are received; and*
- (iv) *NOTES that a further report on the matter will be submitted to the Council, if future submissions are called for the State Underground Power Program for both Major Residential Projects and Local Enhancement Projects; and*
- (v) *REQUESTS that the Chief Executive Officer provides a report by September 2008 indicating alternate funding models for underground power including, but not limited to, the model adopted by the City of Subiaco.*

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**PURPOSE OF REPORT**

The purpose of this report is to provide Council with an overview of future opportunities for small and large scale underground power projects within the Town and adopt a strategy, in line with the Key Result Area One of Strategic Plan KRA 1.1.6 (f) - "Determine a long term implementation strategy for under grounding power throughout the Town".

**BACKGROUND:**

Over the past 12 years the Office of Energy (OoE) has overseen the State Underground Power Program (SUPP) whereby successive State Governments have committed to ensuring that 50% of Perth metropolitan power supplies are underground by 2010. This is to be achieved by requiring that all new subdivisions have underground power and retro-fitting established areas.

Numerous reports have been presented to the Council on the SUPP since 1998, however, at its Ordinary meeting held on 11 February 2003 the Council set a direction to the Town's Administration where the following decision was made:

*"That the Council;*

- (i) receives the report on the current status of the State Underground Power Program;*
- (ii) endorses in principle the nine (9) areas, as shown on attached drawing 99070, being nominated for consideration as Major Residential Projects;*
- (iii) APPROVES the submission of an expression of interest, nominating all nine (9) areas to the Office of Energy for consideration for inclusion in Round Three (3) of the State Underground Power Program as shown on attached Plan No. 99070;*
- (iv) WILL FURTHER CONSIDER the Office of Energy prioritising the order of implementation of the nine (9) areas and endorses the Office of Energy's decision as to which, if any, area(s) are successful;*
- (v) receives a further report once expressions of interest for Round three (3) submissions for the State Underground Power Program have been assessed and the Town has been advised of the outcome;*
- (vi) if invited to proceed receives a further report on the implications to the Town; and*
- (vii) that two submissions be made to the Office of Energy, one of approximately 1250 lots and the other of approximately 800 lots."*

At the commencement of each funding round *{there have been four (4) to date}* the OoE has invited interested Local Governments to nominate suitable projects for inclusion in the SUPP funding round. To date, in accordance with the Council decision, the Town has made a submission for ALL funding rounds and has only been successful on two (2) occasions i.e. Mary Street Localised Enhancement Project (LEP) and Highgate East Major Residential Project (MRP)

As of last week, the OoE issued a press release advising that 47% of the metropolitan area was now serviced by underground power. It is expected that by the end of the Round 4 Projects in 2010 the 50% target will have been achieved. However, a majority of the uptake is attributed to new, rapidly expanding subdivisions in the outer suburbs and there are still some 400,000 properties, mainly in the older established areas, with an overhead power supply.

#### **DETAILS:**

##### **State Underground Power Program (SUPP)**

As previously reported to the Council, the SUPP supports two types of projects, MRP and LEP based upon a 50/50 State to Local Government funding split:

- MRPs are large scale projects, of typically 1,000 residential lots
- LEPs are smaller scale projects where the power is under-grounded in streets of significance, tourist precincts and regional Town's main streets.



The SUPP commenced in 1996 and to date more than \$185 million has been invested in the metropolitan and regional areas across the state on numerous MRPs and LEPs.

The Town of Vincent has in the past been successful in securing funding in both categories:

- The Mary Street LEP, Highgate in 2000 to preserve and protect the significant Ficus trees; and
- The current 850 lot (Round 3) SUPP Highgate East MRP, scheduled for completion by the end of June 2008.

Further, as reported to the Ordinary Meeting of Council of 22 April 2008, the Town is currently in discussions with the City of Stirling and Western Power Corporation about a possible LEP in Walcott Street, Coolbinia, Menora and Mt Lawley between Beaufort and Charles Streets.

#### Round 4 SUPP

In 2005/06 the Town applied for but was unsuccessful in securing a project in either category of Round 4 of the SUPP. At this time the State Government has only committed to funding up to the end of Round 4 of the SUPP in 2010.

#### Future SUPPs

The OoE, in consultation with the SUPP Steering Committee, is currently preparing a report to the State Government on the future of the program. The report, which will likely support the continuation of the program, albeit suggesting significantly different funding models, won't be release until 2009.

Therefore, the Town specifically, and Local Government in general, have no surety of future funding until the 2010 State budget as if the program is continued, Round 5 submissions, at the earliest, would not be called until the later part of 2009 or early 2010, suggesting the first project would not commence in 2010/11.

Note: The SUPP Steering Committee comprises representatives of the OoE, WALGA and Western Power.

#### **Town of Vincent Projects**

The Town has undertaken several small to medium scale underground power projects using its own resources such as:

- Angove Street – Woodville to Fitzgerald (a partial under-grounding only)
- Palmerston Street – Stuart to Newcastle Street
- Fitzgerald Street Upgrade Project (a partial under-grounding only)
- William Street Upgrade Project, Brisbane Street to Newcastle Street
- Mt Hawthorn Centre Precinct Upgrade (an upgrade of the existing underground power to accommodate the new streetlights).

In respect of costs, and as an indication of current trends, the William Street underground power costs were in the order of \$0.5 million, approximately 40% of the total project budget. Potentially the cost could have been in excess of 50% (of the project budget) but was capped at a fixed price only after the intervention of Western Power's Chief Executive Officer when the Town queried the escalating price.

### Officers' Comments

Since the Angove Street Upgrade Project in 2003/04, the Town has, as a matter of course, investigated either a full or partial undergrounding of the power lines and installation of new street lighting for all major streetscape upgrade projects.

Beaufort Street, Highgate, which is the last of the current Town Centre Upgrade Projects and which forms part of the SUPP Highgate East Project, is due for completion by mid June 2008. The scope of the SUPP Highgate East Project was in fact extended by the Town to take in the length of the Mt Lawley Centre Precinct to Broome Street.

### **Private Developments**

In respect of private developers, the Town requires the undergrounding of the power supply for large scale stand-alone developments, such as the 247 unit Beaufort Central development at 250 Beaufort Street, Perth, and the proposed Civic Theatre site at 378/384 Beaufort Street, Highgate.

The policy is also imposed upon those developments abutting the Town centre precincts with existing underground power such as 658 Newcastle Street, Leederville, within the Oxford Centre Precinct, which involves an extension of the underground power scheme by a single bay.

Note: A bay refers to the length of cables strung between two power poles.

In this instance there is a terminating pole, where the power transitions from above ground to below ground, on the western side of the site and a standard pole on the eastern side of the site. The developer is required to underground the power across the frontage of the development thereby relocating the terminating pole and eliminating a bay. It would follow that the same condition would be imposed on the adjoining property at 654/656 Newcastle Street if and when it is redeveloped, so that the underground power is gradually extended the length of the street.

In this particular case (658 Newcastle Street) the developer appealed the underground power condition, amongst others, in the State Administrative Tribunal (SAT). In its subsequent decision of 21 December 2006 SAT upheld the condition as being *reasonable and appropriate in the circumstances*.

However, there have been instances where this condition has not been imposed on small to medium size developments, isolated from Town centres, for technical reasons. An example is the proposed development at 257/261 Oxford Street, Leederville, corner of Bourke Street. The pole immediately adjacent the site is a four (4) way junction pole which also supports high voltage cables. Therefore, to remove the low voltage cables would require the powerlines to be removed on three (3) of the four (4) junctions of the intersection, while the high voltage cable would remain, as Western Power will not underground high voltage cables in isolation. With an estimated cost in excess of \$150,000, the net result is that development becomes unviable and the streetscape aesthetics are not significantly enhanced.

Note: Western Power will also impose an underground power condition on developments if balconies and openings encroach on power lines. As a result, developers are designing their projects accordingly so as to avoid the additional impost.

**Discussion:**

As a consequence of the above factors, the undergrounding of the power supply within the Town is both piecemeal and relatively slow. Further, in the current economic climate, the cost for underground power projects has increased dramatically as demonstrated by the Highgate East SUPP MRP. When initially considered by the Council in 2003, the estimated cost of the project was in the order of \$5 million. By the time it was adopted by Council in 2006 and works commenced in 2007, the cost had risen to \$7.5 million, an increase of \$2.5million in four (4) years.

Therefore, based upon today's prices, the cost to underground the remaining Town would be in the order of \$70 million.

The Town's Administration has followed the Council directive whereby when EOIs have been called by the Office of Energy, two (2) submissions have been made, one of approximately 1250 lots and the other of approximately 800 lots as shown on attached Plans No. 99070-1 and 99070-2 (see attachment 10.2.6A) and 99070-A1 and 99070-A2 - showing the new areas of the Town (see attachment 10.2.6B);

As there have been requests for a number of areas to be considered for underground power by various residents, Council considered that the best way forward would be to submit the entire Town and for the OoE to choose the most appropriate area for inclusion in the program. This was the case in the Highgate East project.

The Power network is a state owned asset and not a Local Government owned asset.

Any future 'wholesale' undergrounding of power within the Town will be dependant on:

- The SUPP being extended beyond 2010 by the State Government
- The cost of any individual project
- Resident support and their willingness to pay the ever increasing costs
- Whether the Town will contribute to the cost given the pressure to maintain its own asset base

It is considered that the Council should endorse the following strategy for progressing the Undergrounding of Power in the Town;

- (a) applies for ALL future rounds of the State Underground Power Program if and when the State Government commits to the program's continuation beyond 2010;
- (b) in accordance with clause (ii)(a), submits two (2) Expressions of Interest to the OoE for Major Residential projects (as previously approved by the Council at its Ordinary Meeting held on 11 February 2003), one of approximately 1250 lots and the other of approximately 800 lots as shown on attached Plans No. 99070-1 and 99070-2;
- (c) in accordance with clause (ii)(a), submits Expressions of Interest to the OoE for Localised Enhancement Projects e.g. Brookman/Moir heritage precinct, Lacy Street and similar locations as determined by the Council;
- (d) the funding model be based on 50% State Government and Western Power with the Town's 50% contribution to be recouped from property owners in the project area;
- (e) undergrounds the overhead power lines, where practicable, in all major streetscape improvements subject to appropriate funding being available; and
- (f) continues to impose 'underground power' conditions on significant stand-alone developments and those developments abutting Town centre precincts with existing underground power as an extension of the scheme.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

The State Administrative Tribunal decision in respect of 658 Newcastle Street, Leederville, while site specific, allows some confidence that if applied prudently, the Town is able to impose an underground power condition on new developments.

It is considered appropriate that the Council formulate its position into a Policy, which will form the basis of the Town's strategic direction in this matter.

**STRATEGIC IMPLICATIONS:**

In accordance with Key Result Area One of Strategic Plan 2006-2011 - 1.1.6 *Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. "j) Develop a strategy for the staged implementation of underground power throughout the Town."*

**FINANCIAL/BUDGET IMPLICATIONS:**

The funding model for any future SUPPs will be based on 50% State Government and Western Power with the Town's 50% contribution be recouped from property owners in the project area. There will, however, be other costs associated with administering any SUPP project such as staff time, etc.

**COMMENTS:**

The Town has always adopted a proactive role in the undergrounding of power in conjunction with the SUPP and, given the opportunity, will continue to do so in the future. However, as indicated in the main body of the report, there is some uncertainty as to the SUPP being extended beyond 2010.

Therefore, aside from putting the onus on developers and undergrounding the power as part of the Town's projects, there may be limited opportunity in the future to undertake large scale projects unless the Town takes the lead. In what form this takes will be the subject of considerable debate, including the priority of underground power over competing projects and services.

However, it is worth noting that some other Local Governments have raised either a special rate or increased rates, over a number of years, to specifically undertake major underground power projects.

If the SUPP is not extended, the Council may need to reassess its strategy with regard to the Undergrounding of Power in the Town.

**10.4.2 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	21 May 2008
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer(s):</b>	A Radici		
<b>Checked/Endorsed by:</b>	John Giorgi	<b>Amended by:</b>	-

**OFFICER RECOMMENDATION:**

*That the Information Bulletin dated 27 May 2008, as distributed with the Agenda, be received.*

**COUNCIL DECISION ITEM 10.4.2**

**Moved Cr Farrell, Seconded Cr Burns**

*That the recommendation be adopted.*

Debate ensued.

**MOTION PUT AND CARRIED (7-0)**

**(Cr Ker on approved leave of absence and Cr Doran-Wu was an apology for the remainder of the meeting as she was unwell.)**

**DETAILS:**

The items included in the Information Bulletin dated 27 May 2008 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Annual General Meeting of Electors held on 3 December 2007 – Response to Motion – Placing of Heritage Names on Bus Stops (PLA 0088)
IB02	Letter from Western Australian Planning Commission (WAPC) advising that the Minister for Planning and Infrastructure has granted final approval to the Town Planning Scheme No. 1, Amendment No. 24
IB03	Minutes of Safer Vincent Crime Prevention Partnership (SVCPP) Meeting held on 6 February 2008
IB04	Minutes of Safer Vincent Crime Prevention Partnership (SVCPP) Meeting held on 2 April 2008
IB05	Minutes of Vincent Accord Meeting held on 20 February 2008
IB06	Letter from Royal Life Saving regarding Swimming Pool Safety Assessment & Safety Improvement Plan dated 5 May 2008
IB07	Note of Appreciation from Sister C. O'Connor regarding the Carers' Recognition Luncheon on 16 May 2008
IB08	Letter from Healthway regarding Special Needs Learn to Swim Classes dated 22 April 2008

<b>ITEM</b>	<b>DESCRIPTION</b>
IB09	Letter of Appreciation from People With Disabilities (WA) Inc PWD (WA) regarding Hosting of Developing Active citizens Graduation on 2 May 2008
IB10	Letter to Mr James Taylor of Chelmsford Road, North Perth - Response to Question taken on Notice at the Council Meeting held on 13 May 2008
IB11	Letter to Mr Rick Aitkin of Cherstsey Street, Mount Lawley - Response to Question taken on Notice at the Council Meeting held on 13 May 2008
IB12	Letter to Ms Fran Tilley of Harold Street, Highgate - Response to Question taken on Notice at the Council Meeting held on 13 May 2008
IB13	Letter to Ms Merrian Styles of Harold Street, Highgate - Response to Questions taken on Notice at the Council Meeting held on 13 May 2008
IB14	Letter to Mr Maher Seyedi of Broome Street, Highgate - Response to Question taken on Notice at the Council Meeting held on 13 May 2008

## 11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

<b>11.1 Notice of Motion - Councillor Anka Burns - Proposed Review of Planning Policy – Appendix No. 16 – Design Guidelines for the Half Street Block Bounded by Fitzgerald, Newcastle (All lots Between Palmerston and Fitzgerald Streets) and Stuart Streets and Pental Lane, Perth</b>
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*That the Council;*

- (i) *AUTHORISES the Chief Executive Officer to review Planning Policy – Appendix No. 16 - Design Guidelines for the Half Street Block Bounded by Fitzgerald, Newcastle (all lots between Palmerston and Fitzgerald Streets) and Stuart Street and Pental Lane, Perth; and*
- (ii) *REQUESTS that a report be submitted at an Ordinary Meeting of Council in June 2008, addressing all relevant matters, and including but limited to the following;*
  - (a) *whether the current height provision, density and plot ratio is considered appropriate for the subject area or should it be varied/reduced;*
  - (b) *the potential for increased traffic along Fitzgerald Street and Pental Lane;*
  - (c) *communal open space requirements;*
  - (d) *car parking requirements; and*
  - (e) *the overall impact on the amenity and character of the area.*

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### **COUNCIL DECISION ITEM 11.1**

**Moved Cr Burns, Seconded Cr Farrell**

*That the motion be adopted.*

**Debate ensued.**

**MOTION PUT AND CARRIED (7-0)**

**(Cr Ker on approved leave of absence and Cr Doran-Wu was an apology for the remainder of the meeting as she was unwell.)**

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**12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

**14. CONFIDENTIAL REPORTS (Behind Closed Doors)**

Nil.

**15. CLOSURE**

**The Presiding Member, Mayor Catania, declared the meeting closed at 9.25pm with the following persons present:**

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Steed Farrell (Deputy Mayor)	North Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services

No members of the public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 27 May 2008.

Signed: .....Presiding Member  
Mayor Nick Catania, JP

Dated this ..... day of ..... 2008