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(14 MARCH 2006)**

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Minutes of the Ordinary Meeting of Council of the Town of Vincent held at the Administration and Civic Centre, 244 Vincent Street, Leederville, on Tuesday 14 March 2006, commencing at 6.05pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Chester may be late due to work commitments.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Simon Chester	North Ward (from 6.08pm)
Cr Helen Doran-Wu	North Ward (until 8.45pm)
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Maddalena Torre	South Ward (from 6.06pm until 8.40pm)
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager, Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary
Giovanni Torre	Journalist – Perth Voice (until 7.45pm)

Approximately 31 Members of the Public

(c) Members on Leave of Absence:

Nil.

Cr Torre entered the meeting at 6.06pm.

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

1. Mr Graham James of 3A Coogee Street, Mt Hawthorn – Item 10.1.15 - Stated that it is a request for reconsideration of front fence design. Objects to the recommendation as this option is the preferred option of the two neighbours who replied and no objections have been received. Stated that the fence allows permeability down to almost ground level for over half of the front elevation including to the front door and the remainder of the fence has large permeable areas. Advised that there a many house in the area that have front fences that deviate far more from the policy than what was proposed. Stated they are trying to comply with the intent of the policy.

Cr Chester entered the meeting at 6.08pm.

Cr Messina departed the Chamber at 6.09pm.

2. Ms Judy Burrows of 70 Auckland Street, North Perth – Item 10.1.18 – Stated that she supports Amendment No 22. Expressed appreciation to Council staff involved in this Amendment. Requested there be an additional provision to the recommendation to strongly request that the Minister and WAPC support and gazette final approval of Amendment 22 prior to the July deadline. Requested that Council support the Amendment.

Cr Messina returned to the Chamber at 6.12pm.

3. Ms Lorraine Vincensoni of 73 Sydney Street, North Perth – Item 10.1.18 – Strongly supports the officer's recommendation. Believes that the issue has been well canvassed and there is overwhelming support for the Amendment. Stated that the Town's Vincent Vision supports the R20 density in this locality. Stated that the retention of R20 will assist in removing uncertainty for adjoining owners who are the most affected by infill developments and will retain the amenity of the Eton Locality.
4. Mr Simon Anderson of 11 Baird Avenue, Nedlands – Item 10.1.6 – Stated that they have redesigned the houses on Hutt Street and provided a Model to be circulated to Elected Members. Further stated that they are happy with the officer's recommendation.
5. Mr Joe Chindarsi of 17A Alma Road, Mt Lawley – Item 10.1.8 – Stated that the property is not listed on the Municipal Heritage Inventory and has no community support for its inclusion. Advised that the application has conformed with all elements of process and met all requirements of various authorities. Stated that they have agreed to make amendments to the plans to ensure compliance applied by the Town. Advised that the amenity of the neighbours has been preserved through minimal over shadowing and no overlooking and privacy issues.
6. Mr Phillip Mcallister of 329 Murray Street, Perth – Item 10.1.14 – Stated that the basis of the proposal is to retain the house and add a second storey to it and develop three units at the rear. Advised that the design of the new units is based on passive solar design to minimise the environmental impact and incorporates stormwater harvesting and grey water recycling for reticulation. Requested Council's support.
7. Ms Jennifer Harrison of 73 Wasley Street, North Perth – No Item - St Michaels Nursing Home – Stated that the developer has not complied with conditions of approval with regards to parking. Believes that the Town has done nothing to ensure that the developer complied with these requirements. Stated that the parking problems in Wasley Street are quite outrageous and the situation is a disgrace. Requested that the problem be addressed now.

8. Mr Steve Lloyd of 16A Archibald Road, Balcatta –Item 10.1.1 - Believes a single car driveway would be a safety issue. Stated that the balcony would only have an overlooking view into the front yard of the neighbouring property on the south side and the balcony of the adjoining property on the northern side. Advised that there have been no objections received. Requested that Council grant a variance for the driveway to be 47% to accommodate a double car garage and also a variance for the upper floor balcony.
9. Mr Gary Deneulain of 6 Trafalgar Court, Lesmurdie – Item 10.1.4 – Stated that the awning is not an addition to the shop front and is crucial for the shop opening. Requested Council’s approval.
10. Mr Ken Adam of Broome Street, Cottesloe – Item 10.1.20 – Requested that condition (i)(b) be removed. Advised Council of the background relating to the wall. Stated that by providing full height semi-permeable fencing at that corner there is approximately three times as much permeability provided by what has been constructed than would a technically fully complying section of screen wall.
11. Mr Cosi Schirripa of 66 Auckland Street, North Perth – Item 10.1.18 – Congratulated the Officer on the very comprehensive report. Requested that Council support the officer’s recommendation and that a further condition be added to treat this as a matter of urgency and is conveyed to the WAPC and to the Minister. Further requested that progress reports be made to the Council and/or to the North Perth Precinct Group so that pressure can be maintained on the Commission and the Minister.

There being no further questions from the public, the Presiding Member, Mayor Nick Catania closed Public Question Time at 6.38pm.

(b) RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

4. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

5. THE RECEIVING OF PETITIONS, DEPUTATIONS AND MEMORIALS

5.1 The Chief Executive Officer advised that he had received a further petition with 83 signatures objecting to the proposed ChemMart Pharmacy to be located at 412-414 Fitzgerald Street, North Perth for the following reasons:

- North Perth Shopping Precinct is already adequately served by three pharmacies, which have provided services to the area for many years.
- The additional pharmacy will result in increased congestion in the area.

The Chief Executive Officer advised that the petition would be forwarded to the Executive Manager Environmental and Development Services and Executive Manager Technical Services for investigation and report.

Moved Cr Farrell, Seconded Cr Chester

That the petitions be received.

CARRIED (9-0)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Moved Cr Messina, Seconded Cr Doran-Wu

That the Minutes of the following meetings be confirmed as a true and correct record:

- 1. Special Meeting of Council held on 21 February 2006;*
- 2. Ordinary Meeting of Council held on 28 February 2006; and*
- 3. Special Meeting of Council held on 8 March 2006 subject to Page 21, the further point of order being amended to read as follows:*

“Cr Lake called a further point of order for a breach of clause 3.4.3.”

CARRIED (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Employee of the Month Award for the Town of Vincent for February 2006

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the Town. The recipients receive a \$75 voucher and a Certificate. Also their photograph is displayed in the Town's Administration Centre Foyer, in the Library and at Beatty Park Leisure Centre.

For February 2006, the award is presented to Anne Munyard, Engineering Technical Officer in the Town's Technical Services Section.

Anne was nominated for this Award as a result of a note of appreciation received from Mrs Tania Christie and family of Flinders Street, Mount Hawthorn, who wrote as follows;

"Thank you very much for the prompt clean up that you organised for the laneway between Flinders Street and Fairfield Street. I was delighted to see the large tree being pruned back to the fence, the graffiti removed and residents clearing away the rubble that had accumulated behind their properties. It looks much better now.

I was very impressed with how efficient the whole process was. Once again thank you!"

It is always a pleasure to receive positive comments relating to the Town and of course, the Town's employees. The acknowledgement afforded these employees reflects favourably upon them individually and also the Town of Vincent overall.

The Employee of the Month award is in recognition of Anne's exceptional service.

Well done Anne - Keep up the good work!!

Received with acclamation.

7.2 Employee of the Month Award for the Town of Vincent for March 2006

For March 2006, the award is jointly presented to;

Dale Morrissy - Assistant Manager - Aquatics and Operations
Jeff Fondacaro - Centre Supervisor
Andrew Brown - Centre Supervisor
Lisa Clare - Centre Supervisor; and
Robin Lee - Customer Service Officer (Bookings)

at the Beatty Park Leisure Centre.

Dale, Jeff, Andrew, Lisa and Robin were jointly nominated for this Award as a result of a letter of appreciation received from Tanya Mullaley of St Stephen's School (Duncraig and Carramar), who wrote as follows;

"Thank you all for your support and help in the lead up and on the day of our Primary Schools' Wet Carnival. You were very helpful and we want to thank you for the effort you put in to making our day such a success.

Special thanks to the Mangers and Lifeguards who were able to help with every request.

We look forward to coming back to Beatty Park in 2007."

The Employee of the Month award is in recognition of these employee's outstanding efforts.

Well done all - Keep up the good work!!

Received with acclamation.

7.3 Confidential Items - Council Minutes

The Department of Local Government (DLG) today verbally advised the Town that it has received a formal complaint about its Minutes from the Special Meeting of Council of 7 September 2005 and the Ordinary Meeting of Council of 20 December 2005, which relate to the Town's submission of a proposal to the Local Government Advisory Board.

Whilst the DLG has not disclosed the source of the complaint, the Town is aware that the City of Stirling has publicly announced that it would be submitting a complaint to the DLG and Minister for Local Government about the Town's proposal.

The complaint alleges that the Minutes available to the public do not record the reason for the Council proceeding "behind closed doors" and "the mover" and "the seconder".

The DLG has been advised that;

With respect to the Minutes of the Special Meeting of Council held on 7 September 2005, the reason for proceeding behind closed doors is recorded on Page 30, and states; *"this matter contains information with legal ramifications/impact on the Town"*.

The Mover was Cr Doran-Wu and the Seconder was Cr Farrell.

Ordinary Meeting of Council held on 20 December 2005

The reasons for the Council proceeding behind closed doors for this item is shown on Page 220, under the heading "Details" and states; *"this report is of a confidential nature as it contains legal and financial details."*

The Mover was Cr Farrell and the Seconder was Cr Ker.

In both cases, whilst preparing the public Minutes, the "Mover" and "Seconder" were inadvertently omitted.

It is most disappointing that such a frivolous and vexatious complaint has been made.

I am pleased that the DLG has advised the Town that it accepts the explanation provided by the Town's Chief Executive Officer and to finalise the matter it recommends that the Minutes disclose the "Mover" and "Seconder" and the reason for a closed meeting for the Ordinary Meeting of Council held on 20 December 2005.

Therefore, it should be moved and seconded that the Minutes of the Special Meeting of Council held on 7 September 2005 record the "Mover" as "Cr Doran-Wu" and "Seconder" as "Cr Farrell" and the Minutes of the Ordinary Meeting of Council held on 20 December 2005 record the "Mover" as "Cr Farrell"

and Seconder as "Cr Ker" and also that they clearly specify, in both cases, that the reason for proceeding behind closed doors was in accordance with the Local Government Act, Section 5.23(d), i.e. *"legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting."*

Moved Cr Doran-Wu, Seconded Cr Farrell

That;

- (i) ***Item 7.3 of the Minutes of the Special Meeting held on 7 September 2005 be amended as follows:***

- *Page 30*

“At 7.35pm Moved Cr Maier, Seconded Cr Lake

That the meeting proceed “behind closed doors” to debate and consider this matter as it contains information with legal ramifications/impact on the Town and also in accordance with the Local Government Act 1995, Section 5.23(d), contains legal advise obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

CARRIED (7-0)”

- *Page 31 - insert the following at the top of the page after the heading “Council Decision”*

“Moved Cr Doran-Wu, Seconded Cr Farrell”

(ii) *Item 14.3 at page 218 of the Minutes of the Ordinary Meeting held on 20 December 2005 be amended as follows:*

(a) “At 9.50pm Moved Cr Farrell, Seconded Cr Torre

That the meeting proceed “behind closed doors” to consider Item 14.3 - Submission - Local Government Reform in Western Australia - Ensuring Future Sustainability of Communities in accordance with the Local Government Act 1995, Section 5.23(d), contains legal advise obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting.

CARRIED (7-0)”

(b) *insert the following after the heading “Council Decision”*

“Moved Cr Farrell, Seconded Cr Ker”

CARRIED (9-0)

8. DECLARATION OF INTERESTS

- 8.1 Mayor Catania declared a financial interest in Item 10.1.17 – Draft Municipal Inventory – New Town Planning Scheme No 1 – Municipal Heritage Inventory Model. The nature of his interest being that he owns a property that may be considered for listing on the Municipal Heritage Inventory. *(Mayor Catania has Minister for Local Government approval to participate in debate and vote on this matter and to preside at Council meetings where the matter is discussed.)*

Cr Farrell departed the Chamber at 6.50pm.

- 8.2 Cr Chester declared a financial interest in Item 10.1.17 – Draft Municipal Inventory – New Town Planning Scheme No 1 – Municipal Heritage Inventory Model. The nature of his interest being that he is co-owner of a property that may be considered for listing on the Municipal Heritage Inventory. *(Cr Chester has Minister for Local Government approval to participate in debate and vote on this matter.)*
- 8.3 Cr Ker declared a financial interest in Item 10.1.17 – Draft Municipal Inventory – New Town Planning Scheme No 1 – Municipal Heritage Inventory Model. The nature of his interest being that he owns a property that is on the current Municipal Heritage Inventory. *(Cr Ker has Minister for Local Government approval to participate in debate and vote on this matter.)*
- 8.4 Cr Lake declared a financial interest in Item 10.1.17 – Draft Municipal Inventory – New Town Planning Scheme No 1 – Municipal Heritage Inventory Model. The nature of her interest being that she owns property listed on the Municipal Heritage Inventory. Cr Lake requested that she be permitted to remain in the Chamber during consideration of the Item but not participate in the debate or voting.

Cr Farrell returned to the Chamber at 6.52pm.

- 8.5 Cr Maier declared a financial interest in Item 10.1.17 – Draft Municipal Inventory – New Town Planning Scheme No 1 – Municipal Heritage Inventory Model. The nature of his interest being that he owns property listed on the Municipal Heritage Inventory. Cr Maier requested that he be permitted to remain in the Chamber during consideration of the Item but not participate in the debate or voting.
- 8.6 Cr Ker declared a financial interest in Item 10.2.1 – Main Roads WA East Parade / Guildford Road / Whatley Crescent – Planning and Traffic Study. The nature of his interest being that he is currently developing a transport strategy for the Eastern Metropolitan Regional Council which will include part of the location covered by this study.
- 8.7 Mayor Catania declared a financial interest in Item 10.3.1 – Investment Report as at 28 February 2006. The nature of his interest being that he is the Chairperson of the North Perth Community Bank.
- 8.8 Cr Messina declared a financial interest in Item 10.3.1 – Investment Report as at 28 February 2006. The nature of his interest being that he is a Director and shareholder of the North Perth Community Bank.
- 8.9 Cr Ker declared an interest affecting impartiality in Item 10.1.14 – No 77 (Lot 7) Wright Street, Highgate – Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House and an Additional Two (2) Three-Storey Multiple Dwellings and One (1) Three-Storey Grouped Dwelling. The nature of his interest being that he worked closely with the applicants on the redevelopment of Sacred Heart Primary School.

The Presiding Member advised that Crs Lake and Maier's request to remain in the Chamber during debate of Item 10.1.17 would be considered.

Crs Lake and Maier departed the Chamber at 6.55pm.

Moved Cr Doran-Wu, Seconded Cr Farrell

That Crs Lake and Maier be permitted to remain in the Chamber during consideration of Item 10.1.17 but not participate in the debate or voting.

LOST (2-5)

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

(Crs Lake and Maier were absent from the Chamber and did not vote.)

Crs Lake and Maier returned to the Chamber at 6.56pm.

The Presiding Member advised that their request had been declined.

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

Nil.

10. REPORTS

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

The Agenda Items were categorised as follows:

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

Items 10.1.15, 10.1.18, 10.1.6, 10.1.8, 10.1.14, 10.1.1, 10.1.4 and 10.1.20

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:

Nil.

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

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

Cr Farrell	Item 10.4.2
Cr Chester	Items 10.1.2, 10.1.5, 10.1.7 and 10.1.13
Cr Ker	Item 10.1.10
Cr Doran-Wu	Nil
Cr Torre	Nil
Cr Lake	Item 10.2.2
Cr Messina	Nil
Cr Maier	Items 10.1.9 and 10.1.19
Mayor Catania	Nil

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

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

Items 10.2.1, 10.3.1 and 10.1.17

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

Items 10.1.3, 10.1.11, 10.1.12, 10.1.16, 10.1.21 and 10.4.1

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

Item 14.1

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

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

Items 10.1.3, 10.1.11, 10.1.12, 10.1.16, 10.1.21 and 10.4.1

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

Items 10.1.15, 10.1.18, 10.1.6, 10.1.8, 10.1.14, 10.1.1, 10.1.4 and 10.1.20

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

Moved Cr Messina, Seconded Cr Chester

That the following unopposed items be moved en bloc;

Items 10.1.3, 10.1.11, 10.1.12, 10.1.16, 10.1.21 and 10.4.1

CARRIED (9-0)

**10.1.3 No. 28 (Lot: 120 D/P: 4576) Moir Street, Corner Robinson Avenue, Perth
- Proposed Carport Additions to Existing Single House**

Ward:	South	Date:	2 March 2006
Precinct:	Hyde Park, P12	File Ref:	PRO3421; 5.2005.3350.1
Attachments:	001		
Reporting Officer(s):	E Saraceni		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owner B Kazakov for proposed Carport Additions to Existing Single House, at No. 28 (Lot 120 D/P: 4576) Moir Street, corner Robinson Avenue, Perth, and as shown on plans stamp-dated 21 December 2005, 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 Moir Street boundary and the Robinson Avenue boundary and the main building, including along the side boundaries within this front setback area, shall comply with the Town's Policy relating to Appendix No. 6 Brookman and Moir Street Development Guidelines;*
- (iii) the finished floor level of the carport shall not be greater than 0.5 metre above the natural ground level;*
- (iv) the carport shall be one hundred (100) per cent open on the southern and western elevations at all times (open type gates/panels are permitted);*
- (v) the colour of the proposed roof sheeting shall match the colour of the existing roof covering of the main dwelling; and*
- (vi) if the existing roller door is to be replaced in the future, the new door on the Robinson Avenue/northern elevation of the carport shall incorporate significant design feature(s) to reduce the visual impact of the door. Details of the new door shall be submitted to and approved by the Town prior to the installation of the door.*

COUNCIL DECISION ITEM 10.1.3

Moved Cr Messina, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	B Kazakov
Applicant:	B Kazakov
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R25
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	304 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the construction of a carport at the rear of an existing roller door.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Carport Setback	All carports, garages, outbuildings and the like structures located adjacent to a secondary street are to be setback at or behind the line of the front main building wall of the nearest dwelling on the site, in this instance 1.5 metres.	1 metre and in front of the main building.	Supported- the roller door is existing and the addition of a roof will not have an undue impact on the Robinson Avenue streetscape. There are also 2 examples of carports/garages with a 1 metre setback from Robinson Avenue.
Consultation Submissions			
Consultation not required, the carport door is existing and the proposal is being referred to Council for its consideration and determination.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

The proposal is considered supportable, in light of the above and there are numerous examples of garages/carports with no street setback or in front of the main building line within the immediate vicinity of the proposed development.

10.1.11 No. 12 (Lot 216 D/P: 3002) Elizabeth Street, North Perth - Proposed Partial Demolition of and Alterations and Additions to Existing Single House

Ward:	North	Date:	7 March 2006
Precinct:	North Perth; P08	File Ref:	PRO3404; 5.2005.3316.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by D Cassettai on behalf of the owner A & D Moran for proposed Partial Demolition of and Alterations and Additions to Existing Single House, at No. 12 (Lot 216 D/P: 3002) Elizabeth Street, North Perth, and as shown on plans stamp-dated 7 March 2006, subject to the following conditions:

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

COUNCIL DECISION ITEM 10.1.11

Moved Cr Messina, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	A & D Moran
Applicant:	D Cassettai
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	495 square metres
Access to Right of Way	North side, 5 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves partial demolition of and alterations and additions to existing single house at the subject property.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Setbacks: West	5.4 metres	1.002 metres	Supported - not considered to have an undue impact on affected neighbour and additions follow the existing main building line.
East	4.5 metres	1.277 metres - 2.047 metres - 1.277 metres	Supported - not considered to have an undue impact on affected neighbour and no objection received from affected neighbour.

Consultation Submissions		
Support	Nil	Noted
Objection (1)	<ul style="list-style-type: none"> Retaining wall/dividing fence needs to be upgraded 	Noted - dividing fences are a civil matter and not a planning consideration.
	<ul style="list-style-type: none"> Storm water currently seeps/cascades through or under the existing dividing fence. 	Noted - it is a Technical Services specific requirement that all stormwater produced on the subject land shall be retained on-site. This will be addressed at the Building Licence stage.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

COMMENTS:

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

10.1.12 No. 179 (Lot 68 D/P: 1210) Loftus Street, Leederville- Proposed Home Occupation (Illustration and Graphic Design Business)

Ward:	North	Date:	7 March 2006
Precinct:	Leederville; P03	File Ref:	PRO3376; 5.2005.3271.1
Attachments:	001		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by L Dent on behalf of the owners D J Roylance & L Dent for proposed Home Occupation (Illustration and Graphic Design Business) at No. 179 (Lot 68 D/P: 1210) Loftus Street, Leederville, and as shown on plans stamp-dated 12 December 2005, subject to the following conditions:

- (i) prior to the first occupation of the development, the gate/wall in the car parking area shall be removed to allow for three tandem car parking bays;*
- (ii) the home occupation shall occupy a maximum area of twenty (20) square metres only, inclusive of all storage areas;*
- (iii) compliance with the provisions relating to home occupation under the Town of Vincent Town Planning Scheme No. 1;*
- (iv) the business shall entail the employment of a maximum of one person that is not a member of the occupier's household;*
- (v) the hours of operation shall be limited to 8am to 6pm Monday to Friday inclusive;*
- (vi) no clients are permitted to visit the premises;*
- (vii) retail sale or display of goods of any nature shall not occur on the subject property; and*
- (viii) this approval for a home occupation 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.*

COUNCIL DECISION ITEM 10.1.12

Moved Cr Messina, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	D J Roylance & L Dent
Applicant:	L Dent
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Residential
Use Class:	Home Occupation
Use Classification:	"P"
Lot Area:	607 square metres
Access to Right of Way	N/A

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal is for a home office for an illustration and graphic design business.

The applicant's submission is attached to this report.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
<u>Home Occupation-</u> Employees	Does not entail the employment of any other person not a member of the occupier's household.	The proposal entails the employment of two people, one employee not being a member of the occupier's household.	Supported- one non-household employee is considered acceptable as no customers are proposed and there is sufficient room for three (3) tandem car parking bays on-site. Although three car parking bays in a tandem situation is not normally considered acceptable, in this instance the car parking situation is considered suitable as the two employees of the business will park their vehicles on-site for the majority of the day, and the other residential vehicle will not be hemmed in. Accordingly, the proposal is recommended for approval, subject to

			appropriate conditions to ensure that there is only one employee that is not a member of the occupier's household, that no customers visit the business and that the fence/wall in the car parking area is removed to allow for three tandem car parking bays.
Consultation Submissions			
Support (1)	No comments provided		Noted
Objection (3)	No comments provided		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

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

10.1.16 No. 15B (Lot 37 Strata Lot 2 on Strata Plan: 11954) Harley Street, Highgate- Proposed Partial Demolition of and Alterations and Additions to Existing Grouped Dwelling

Ward:	South	Date:	7 March 2006
Precinct:	Hyde Park; P12	File Ref:	PRO2596; 5.2005.3205.1
Attachments:	001		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Beilby Design on behalf of the owner A & K Opie for proposed Partial Demolition of and Alterations and Additions to Existing Grouped Dwelling, at No. 15B (Lot 37 Strata Lot 2 on Strata Plan 11954) Harley Street, Highgate, and as shown on amended plans stamp-dated 26 January 2006, 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 boundary wall, visual truncation, car parking and setback requirements of the Residential Design Codes and the Town's Policies; and*
- (iii) consideration of the objections received.*

COUNCIL DECISION ITEM 10.1.16

Moved Cr Messina, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (9-0)

Landowner:	A & K Opie
Applicant:	Beilby Design
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	Lot 37- 350 square metres; Strata Lot 2- 138 square metres
Access to Right of Way	Western side, 3 metres wide, unsealed, privately owned.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the addition of an upper level deck and alterations to the existing carport.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Boundary Walls: North and south sides (ground floor)	One boundary wall is permitted, 2/3 the length of the common boundary and average height of 3 metres and maximum height of 3.5 metres.	Two boundary walls are proposed. Northern boundary wall exceeds acceptable length by 2.9 metres.	Not supported- the proposed boundary walls and solid screens are not considered to meet the relevant performance criteria, under Clause 3.3.2 P2 (Buildings on Boundary) of the Residential Design Codes (R-Codes) 2002, as the walls unduly impact on the amenity of the adjoining property by reducing the northern sunlight into the adjoining property's main outdoor living area. Additionally, the proposal is not supported due to the proposed bulk and scale, which does enhance the amenity of the development or the adjoining property.
Car Parking	2 Bays	1 Bay	Supported- although the dwelling currently provides two on-site car parking bays, the existing bays do not comply with the Residential Design Codes requirements in terms of the width of the car parking bays and the 6 metre maneuvering depth. Given this, one bay is considered acceptable as it is virtually the same as the existing car parking situation.

Plot Ratio	0.65	0.86	Supported- the existing dwellings plot ratio is currently 0.86 and the proposal does not increase the plot ratio as the louvred pergola over the deck could be conditioned to be uncovered and 100 per cent open at all times.
Setbacks: <u>Ground floor:</u> southern side <u>Upper Floor:</u> Northern side Southern side	1.5 metres 2.5 metres 2.5 metres	Nil 800 millimetres Nil	Not supported- the proposal does not meet the relevant performance criteria, under Clause 3.3.1 (Buildings Set Back from the Boundary) of the R Codes as the proposal does not provide adequate direct sunlight to the adjoining main outdoor living area and the proposal does not assist in ameliorating the impact of building bulk on the adjoining properties.
Visual truncations from car parking bay to right of way	1 metre x 1 metre	Nil	Not supported- the car parking facilities have not been designed to be safe in use as no visual sightlines have been provided.
Consultation Submissions			
Support	Nil		Noted
Objection (1)	<ul style="list-style-type: none"> • Overshadowing. • Height of structure creates a sense of confinement in the adjoining neighbour's courtyard area. • Car parking. 		<ul style="list-style-type: none"> • Supported- see comments above in setback variation section. • Supported- the proposal does not assist in ameliorating the impact of building bulk on the adjoining properties. • Not supported- see comments above.

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

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

COMMENTS:

In light of the above variations, the proposal is considered to create a significant undue impact on the amenity of the adjoining property, and refusal is therefore recommended.

10.1.21 LATE ITEM - Environmental Protection (Noise) Regulations 1997 – Application for Regulation 18 Non-conforming Event and Exemption - Innerscity Music Festival by The Deen Hotel, No. 84 Aberdeen Street, Northbridge

Ward:	South	Date:	10 March 2006
Precinct:	Hyde Park P12; Beaufort P13	File Ref:	ENS0031
Attachments:	001		
Reporting Officer(s):	A Bosworth		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATIONS:

That the Council;

- (i) *ADVISES the City of Perth that it DOES NOT SUPPORT the application for a Regulation 18 Non-conforming Event and Exemption, made under the Environmental Protection (Noise) Regulations 1997, for the Innerscity Music Festival proposed for Easter Sunday, 16 April 2006, between the hours of 2.00pm and midnight, made by The Deen Hotel, No. 84 Aberdeen Street, Northbridge and it should be REFUSED for the following reasons;*
- (a) *The event will have a major impact on the amenity of the Vincent residents;*
 - (b) *The location of the main stage in the Wilson Car Park area (which is closest to the Town of Vincent) will not be able adequately contain the sound to a acceptable level; and*
 - (c) *The duration of the event from 2pm to midnight on Sunday 16 April 2006, is considered excessive;*
- (ii) *in the event that the Council of the City of Perth APPROVES the event, the following conditions of approval be ADOPTED:*
- (a) *The duration of the event to be limited to a maximum of six (6) hours, with amplified music to cease by 10.00pm;*
 - (b) *Relocate the proposed event from the Wilson Car Park area to the front of the premises, that is, to Aberdeen Street, Perth, as per the “Parklife” concert conducted on Sunday, 25 September 2005;*
 - (c) *Limit the maximum decibel levels at the mixing desk located 30 metres from the stage to 95dB;*
 - (d) *Increase the letter drop within the Town of Vincent locality to ensure that all residents within the area bounded by Palmerston Street, Brisbane Street, and Lindsay Street, Perth are notified of the event a minimum of 14 days prior, and are provided with details of the event and event organisers, including the duration, a manned complaints hotline, another mobile contact number in the event that the complaints hotline is busy/jammed, and information regarding the noise monitoring programme;*
 - (e) *Ensure that an advertisement is placed in the local newspaper to advise all other residents of the event, a minimum of 14 days prior to the event;*

- (f) *The City of Perth Environmental Health Officers to investigate all noise complaints arising from Town of Vincent residents as a result of the event and a report provided to the Town of Vincent within 7 days of the event; and*
 - (g) *A report detailing the noise monitoring undertaken to be presented to the Town of Vincent in addition to the City of Perth within seven days of the event, and that a debriefing meeting be undertaken with all parties concerned.*
-

COUNCIL DECISION ITEM 10.1.21

Moved Cr Messina, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the Regulation 18 Non-conforming Event application under the Environmental Protection (Noise) Regulations 1997, by The Deen Hotel, No. 84 Aberdeen Street, Northbridge for the Innerscity Music Festival proposed for Easter Sunday, 16 April 2006 between the hours of 2.00pm and midnight.

BACKGROUND:

The City of Perth Approval Services Unit has sought comment from the Town of Vincent Health Services in relation to the application for Non-conforming Event under Regulation 18, submitted by The Deen Hotel for the Innerscity Music Festival. A Noise Management Plan prepared by Lloyd Acoustics accompanied this correspondence (see Appendix 10.1.21).

On Sunday, 25 September 2005, a Regulation 18 non-complying event was approved for the "Parklife" event held on Aberdeen Street, Perth, adjacent to The Deen Hotel, No. 84 Aberdeen Street, Perth, and this event was run successfully with the Town receiving no formal noise complaints in relation to the event, and one verbal comment from a resident that they had "heard something", but that it was not a disturbance.

This Regulation 18 however, differs greatly from the one approved for the "Parklife" event, and is likely to expose Town of Vincent residents to excessive noise levels, over a proposed 10 hour period, which Health Services has significant concerns about.

DETAIL:

The proposed event is to be held by The Deen Hotel, with the main stage set up in the Wilson Car Park, Aberdeen Street, Perth, to the rear of The Deen Hotel (that is; on the Town of Vincent side of the Hotel).

To attempt to minimise noise levels impacting on Town of Vincent residents, some sea containers will be placed on the northerly side of the car park, and the stage, speakers and PA systems will be facing east. Noise levels are to be monitored from the mixing desk located 30 metres from the stage, on a continual basis, and it is proposed that the levels are not to exceed 100dB(A) from this location, with an allowance of up to 30 occasions that the noise level exceeds by an additional 5db(A).

A letter drop is proposed to be undertaken within a 200 metre radius, with complaints regarding noise received from a residential premises being measured and included in a final report. The event is scheduled to run from 2.00pm to midnight.

COMMENT:

The proposed event is likely to impact heavily on Town of Vincent residents due to the location of the main stage area, the excessive decibel levels proposed, and the duration of the event, and as such, it is recommended that the Council does not support the proposed application.

However, should the event be supported by the Council of the City of Perth, strict conditions will need to be imposed to minimise the impact on residents, as detailed in the Officer Recommendation.

CONSULTATION/ADVERTISING:

The City of Perth has consulted with the Town of Vincent, as it is a requirement of the issue of an approval, to consult those Local Government Authorities in which noise emissions received from the event are likely to fail to comply with the requirements of regulation 7 of the Environmental Protection (Noise) Regulations 1997.

LEGAL/POLICY IMPLICATIONS:

Environmental Protection Act 1986 and the *Environmental Protection (Noise) Regulations 1997* (as amended).

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010, Key Result Area One: Environment and Infrastructure, 1.1 Protect and enhance the environment

FINANCIAL IMPLICATIONS:

Nil.

COMMENT:

It is recommended that the Regulation 18 Application for a Non-conforming Event be not be supported as the proposed event will not be of benefit to the wider community, and the proposed noise levels, and location of the main stage is likely to impact significantly on the amenity of the Town's residents.

10.4.1 Use of the Council's Common Seal

Ward:	-	Date:	8 March 2006
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council ENDORSES the use of the Council's Common Seal on the documents listed in the report.

COUNCIL DECISION ITEM 10.4.1

Moved Cr Messina, Seconded Cr Chester

That the recommendation be adopted.

CARRIED (9-0)

BACKGROUND:

The Chief Executive Officer is responsible for the day-to-day management of the Town and other responsibilities and functions in accordance with Section 5.41 of the Local Government Act. This includes the signing of documents and use of the Council's Common Seal for legal documents. The Town of Vincent Local Law relating to Standing Orders Clause 5.8 prescribes the use of the Council's Common Seal. The CEO is to record in a register and report to Council the details of the use of the Common Seal.

At the Ordinary Meeting of Council held on 14 May 2002, the Council authorised the Chief Executive Officer to use the Common Seal, in accordance with Clause 5.8 of the Town of Vincent Local Law relating to Standing Orders, subject to a report being submitted to Council each month (or bi-monthly if necessary) detailing the documents which have been affixed with the Council's Common Seal.

The Common Seal of the Town of Vincent has been affixed to the following documents:

Date	Document	No of copies	Details
9/02/06	Deed of Extension, Variation and Partial Surrender of Lease relating to Tamala Park, Marmion Avenue, Mindarie	9	Towns of Vincent, Cambridge, Victoria Park and Cities of Perth, Stirling, Joondalup and Wanneroo and Mindarie Regional Council of Tamala Park, Marmion Avenue, Mindarie re: Tamala Park, Lot 118 on Deposited Plan 28300
16/02/06	Deed of Covenant	5	Town of Vincent and AC Kelly and JT Dias and Western Australian Planning Commission - 329 Walcott Street, Coolbinia
20/02/06	Transfer of Land	1	Dedication of Little Parry Street (Lot 28) Northbridge
28/02/06	Lease	3	Town of Vincent and Mt Hawthorn Toy Library, Mt Hawthorn Community Centre, Mt Hawthorn
28/02/06	Lease	3	Town of Vincent and Mt Hawthorn Playgroup, PO Box 427, Mt Hawthorn

Date	Document	No of copies	Details
28/02/06	Deed of Covenant	1	Town of Vincent and D & M (Australia) Pty Ltd, 84-90 Scarborough Beach Road, Mt Hawthorn
01/03/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd - Glory Training 2, 7, 9 & 11 March 2006
01/03/06	Section 70A Notification Under Transfer of Land Act	1	Town of Vincent and Inspired Development Group Pty Ltd - Lot 30 Oxford Street, Leederville
01/03/06	Deed of Covenant	3	Town of Vincent and 17-19 Carr Street Pty Ltd and National Australia Bank Ltd - 15-19 Carr Street, West Perth
07/03/06	Notification under Section 70A	1	Town of Vincent and Inspired Development Group Pty Ltd of PO Box 436, Applecross re: No. 279 (Lot 30) Oxford Street, Leederville (Lot 30 on Deposited Plan 38107)
07/03/06	Development Agreement	4	Town of Vincent and L Kirou, A Spargo, c/o 8A Blake Street, North Perth - Development Agreement to retain existing house at No. 8A (Lot 43) Blake Street, North Perth
08/03/06	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta and Perth Glory Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta re: Perth Glory Testimonial Dinner - Glory Lounge and Gareth Naven Room - 10 March 2006

10.1.15 No. 126 (Lot 296 D/P: 2831) Dunedin Street, Mount Hawthorn- Proposed Front Fence Addition to Existing Single House

Ward:	North	Date:	7 March 2006
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3114; 5.2005.3348.1
Attachments:	001		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Esam Williams on behalf of the owner G W & K A James for proposed Front Fence Addition to Existing Single House, at No. 126 (Lot 296 D/P: 2831) Dunedin Street, Mount Hawthorn, and as shown on plans stamp-dated 20 December 2005 for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) the non-compliance with the Town's Street Walls and Fences Policy 3.2.5.*

COUNCIL DECISION ITEM 10.1.15

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

That the Item be DEFERRED for further consideration and examination.

CARRIED (8-1)

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

Against
Cr Chester

Landowner:	G W & K A James
Applicant:	Esam Williams
Zoning:	Metropolitan Region Scheme: Urban. Town Planning Scheme No.1 (TPS 1): Residential R30.
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	453 square metres
Access to Right of Way	Eastern side, 4 metres wide, sealed, dedicated road now.

BACKGROUND:

21 April 2005 An application for a two-storey single house was approved under delegated authority, subject to the proposed front fence complying with the Town's Street Walls and Fences Policy 3.2.5.

DETAILS:

The applicant has requested a reconsideration of condition (ii) (b) of the previous approval for a two-storey single house, as the applicant wishes to construct a front fence which does not comply with the Town's Street Walls and Fences Policy.

The applicants have submitted two options, however, 'Option A' is the preferred, non compliant option and 'Option' B is for comparative purposes only and is not the subject of this application.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Front Fence- Town's Policy 3.2.5 Street Walls and Fences.	The solid portion of the front fence, within the front setback area, to be 1.2 metres in height and the rest to be 50 per cent visually permeable to 1.8 metres in height. Decorative capping on pillars may extend to 2 metres.	Preferred Option A -solid portions of wall to 1.8 metres in height along the side boundaries within the front setback area, and timber infill panels less than fifty per cent open.	Not Supported- Option A is not considered acceptable for the following reasons: <ul style="list-style-type: none"> A large portion of the front fence does not comply with the Town's Policy 3.2.5, as portions of the fence along the side boundaries within the front setback area are solid to 1.8 metres in height, and the fence along the street front does not comply with the visual permeability requirements, as the timber infill panels are less than fifty per cent open 1.2 metres in height above the ground.

		<ul style="list-style-type: none"> • It is noted that the proposed fence will provide more privacy to the dwelling's main outdoor living area, however, this justification is not warranted as the dwelling has another private courtyard area, which is also open to northern sunlight. Furthermore, the main front courtyard (depicted as summer courtyard on previous plans) is setback 6 metres from the street and a solid fence to 1.8 metres is permitted alongside this courtyard area, thus allowing for some privacy to this outdoor living area. • The proposed fence is not in keeping with the majority of open style fences in the area, and will create an undue impact on the amenity of the streetscape. • The proposal will set a precedent for non compliant front fences in the locality, and the proposal is therefore not considered appropriate.
Consultation Submissions		
Support (2)	One supporter raised comments about the inconsistency in the community consultation process as neighbours were notified about the front fence application but not the proposed two-storey single dwelling.	Noted, however, the previous application for a two-storey single house was approved prior to the adoption of the Town's Community Consultation Policy. Given this, and that the proposed two-storey single house complied with the requirements of the Residential Design Codes and the Town's Policies, conditional approval was issued on 21 April 2005 under delegated authority.
Objection	Nil	Noted.
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/Budget Implications		Nil

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

COMMENTS:

In light of the above comments, the front fence is considered to have a significant undue impact on the amenity of the streetscape, and the adjoining properties and refusal is therefore recommended.

It is also noted that even if the fence was compliant along the front elevation, the solid portions of fence along the side boundaries within the front setback area are not considered acceptable for the reasons outlined above. Also, Option B can not be considered for approval as no side elevations have been provided to depict the visual permeability of the rest of the fence within the front setback area, and sufficient sightlines have also not been provided. Furthermore, a compliant front fence does not require the Town's approval.

10.1.18 Proposed Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1 - Relating to Land coded R20, within the Eton Locality Plan 7

Ward:	North	Date:	7 March 2006
Precinct:	North Perth, P8; Mount Hawthorn, P1	File Ref:	PLA 0101
Attachments:	001 ; 002		
Reporting Officer(s):	K Batina		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council:

- (i) **RESOLVES** pursuant to Town Planning Regulation 17 (1) to **RECEIVE** the 26 submissions of objection, 152 submissions of support and 3 submissions of no comment, as shown in Attachment 10.1.18;
- (ii) **RESOLVES** pursuant to Town Planning Regulation 17 (2), that Amendment No.22 to the Town of Vincent Town Planning Scheme No.1 be adopted for final approval, without modification;
- (iii) **AUTHORISES** the Mayor and Chief Executive Officer to execute and affix the Town of Vincent Common Seal to Amendment No.22 to the Town of Vincent Town Planning Scheme No.1 documents reflecting the Council's endorsement of final approval;
- (iv) **FORWARDS** the relevant executed documents to and **REQUESTS** the Honorable Minister for Planning and Infrastructure and Western Australian Planning Commission to adopt for final approval and gazettal, without modification, Amendment No.22 to the Town of Vincent Planning Scheme No.1; and
- (v) **ADVISES** the Environmental Protection Authority and those who made submissions of (i), (ii), (iii) and (iv) above.

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Farrell, Seconded Cr Chester

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

- “(vi) **WRITES** to the Minister for Planning and Infrastructure and the Western Australian Planning Commission to strongly request those parties treat Amendment No 22 as a matter of urgency and that they support and gazette Amendment No 22 prior to the 1 July 2006 deadline.”

Debate ensued.

AMENDMENT CARRIED (9-0)

Moved Cr Chester, Seconded Cr Ker

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

“(vii) RECEIVE monthly progress reports in the Information Bulletin as to the progress of Amendment No 22.”

AMENDMENT CARRIED (9-0)

MOTION AS AMENDED CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.18

That the Council:

- (i) RESOLVES pursuant to Town Planning Regulation 17 (1) to RECEIVE the 26 submissions of objection, 152 submissions of support and 3 submissions of no comment, as shown in Attachment 10.1.18;*
- (ii) RESOLVES pursuant to Town Planning Regulation 17 (2), that Amendment No.22 to the Town of Vincent Town Planning Scheme No.1 be adopted for final approval, without modification;*
- (iii) AUTHORIZES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent Common Seal to Amendment No.22 to the Town of Vincent Town Planning Scheme No.1 documents reflecting the Council’s endorsement of final approval;*
- (iv) FORWARDS the relevant executed documents to and REQUESTS the Honorable Minister for Planning and Infrastructure and Western Australian Planning Commission to adopt for final approval and gazettal, without modification, Amendment No.22 to the Town of Vincent Planning Scheme No.1;*
- (v) ADVISES the Environmental Protection Authority and those who made submissions of (i), (ii), (iii) and (iv) above;*
- (vi) WRITES to the Minister for Planning and Infrastructure and the Western Australian Planning Commission to strongly request those parties treat Amendment No 22 as a matter of urgency and that they support and gazette Amendment No 22 prior to the 1 July 2006 deadline; and*
- (vii) RECEIVE monthly progress reports in the Information Bulletin as to the progress of Amendment No 22.*

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the submissions received during the comment period relating to Scheme Amendment No.22 and to provide a recommendation to the Council to adopt for final approval, without modification, Amendment No.22 to delete clauses 20 (4) (c) (ii) and (4) (h) (i) from the Town’s Town Planning Scheme No.1 (TPS No.1).

BACKGROUND:

- 29 November 2001 The North Perth Precinct Group submitted a petition to the Town supporting a rezoning of the Eton Locality to Residential R20. The Group contacted 368 out of 479 (77 percent) of the residences in the Eton Locality through a door knocking exercise with 316 out of the 368 residences contacted (over 85 percent) supporting the down zoning.
- 18 December 2001 Council at its Ordinary Meeting resolved the following:
“That the Council;
- (i) receives and acknowledges the extensive work undertaken by the North Perth Precinct Group Inc. regarding the petition and accompanying documentation supporting an R20 density code for the Locality of Eton - North Perth Precinct;*
 - (ii) considers the review of the residential densities of Banks Precinct and the entire Town of Vincent as part of the Residential Densities Review for the Town, which is to be finalised following the adoption of the recommendations of the Municipal Heritage Inventory Review; and*
 - (iii) pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), RESOLVES to amend the Town of Vincent Town Planning Scheme No. 1 by initiating the rezoning of the land contained in the "Eton - Locality Plan 7" as identified in the Town of Vincent Policies relating to the Residential Design Guidelines - Locality Statements, from "Residential R60", "Residential R30/40" and "Residential R30", respectively, to "Residential R20".*
- 26 February 2002 Council at its Ordinary Meeting resolved to initiate Scheme Amendment No.11 to the TPS No.1 to rezone the “Eton - Locality Plan 7” as identified in the Town’s Policies relating to Residential Design Guidelines – Locality Statements from ‘Residential R30’ and ‘Residential R30/40’ to ‘Residential R20’.
- 12 March 2002 The Western Australian Planning Commission (WAPC) and the Environmental Protection Authority (EPA) were advised of the resolution to initiate Amendment No. 11.
- 26 March 2002 Correspondence received from the EPA stating that the proposed amendment does not require an environmental assessment.
- 19 April 2002 WAPC advise the Town that further information is required to support the Amendment in relation to a land use plan and existing and proposed development potential.
- 13 May 2002 The Town sent a response to WAPC.
- 11 September 2002 WAPC advises the Town that consent to advertise has been granted, subject to an alternate amendment being included in the proposal.

- 25 September 2002 The Town sends correspondence to WAPC seeking clarification on the WAPC's advice with regard to the alternate amendment and providing a simplified submission form.
- 22 October 2002 The Town received clarification from WAPC with regard to the alternate amendment and providing a simplified submission form.
- 30 October 2002 Servicing Authorities, affected Government Authorities, Local Authorities and property owners and occupiers, and Precinct Groups sent notice of the Amendment.
- 30 October 2002 Amendment advertised in 'The West Australian' newspaper.
- 2 November 2002 Amendment advertised in the 'Voice News' newspaper.
- 10 December 2002 Advertising period completed. 287 submissions lodged with the Town.
- 17 December 2002 The Council at its Ordinary Meeting resolved the following:
- “(i) resolves pursuant to Town Planning Regulation 17(1), to receive the three hundred and four (304) submissions and further resolve pursuant to Town Planning Regulation 17(2), that Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 be adopted for final approval, as per Option No.2 - Rezoning the land contained in the Eton - Locality Plan 7 from "Residential R30" and "Residential R30/40" to "Residential R20";*
 - (ii) authorises the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 documents reflecting the Council's endorsement of final approval; and*
 - (iii) advises the Hon. Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions as outlined in (i) above, and forwards the relevant executed documents to and requests the Hon. Minister and WAPC to adopt for final approval and Gazettal, Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1.”*
- 16 January 2003 The Town advised the WAPC of the above resolution.
- 8 April 2003 The Council at its Ordinary Meeting carried the following Notice of Motion unanimously:
- “That the Council authorises the Chief Executive Officer to write urgently by close of business 10 April 2003 to the Minister for Planning and Infrastructure and the Local Member for Yokine to reinforce the Council's strong support and, in turn, request their support for Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1, to reflect – Rezoning the land contained in the Eton – Locality Plan 7 from “Residential R30” and “Residential R30/40” to “Residential R20”.”*

- 10 April 2003 The Town wrote to both the Hon. Minister for Planning and Infrastructure and the Local Member of Yokine, advising of the above resolution and expressing community support for the amendment and concerns of the Elected Members regarding the delay in processing Amendment No. 11 by the WAPC.
- 27 May 2003 The Council at its Ordinary Meeting, inter alia, resolved to allocate \$40,000 in the 2003/4 Draft Budget for the purposes of 'Community Visioning'.
- 28 May 2003 Correspondence from the Hon. Minister for Planning and Infrastructure, noted that the WAPC recommended that the amendment documents be modified to replace the R30 code with R20/30 and to replace R30/40 with R20/40, to be further advertised and considered by Council Members.
- 20 June 2003 Meeting held with representatives of the Hon. Minister for Planning and Infrastructure, Department for Planning and Infrastructure and Town of Vincent Officers and Elected Members regarding Amendment No. 11 to TPS No. 1.
- 23 June 2003 Mayor Nick Catania wrote to the Hon Minister for Planning and Infrastructure, with respect to a partnership between the concerned parties, to approve Amendment No. 11 to down zone to R20 and the Town would proceed with the following:
- “1. *Identify sites and areas throughout the Town which are considered to be appropriate to accommodate higher densities, as part of the review of the Town of Vincent Town Planning Scheme No. 1.*
2. *Engage in consultation with the community/stakeholders and follow due process in the review of the Town of Vincent Town Planning Scheme No.1. If found to be appropriate through proper process, designate higher densities to the appropriate sites identified in 1 above.*
3. *Develop appropriate design guidelines, policies, structure plans, detailed area plans, and the like, to deliver social and environmental dividends to the Town's community and the broader community as part of the review of the Town of Vincent Town Planning Scheme No. 1.*
4. *Liaise and consult with the Department for Planning and Infrastructure and/or Western Australian Planning Commission in relation to 1. above.”*
- 24 June 2003 The Council at its Ordinary Meeting resolved the following:

“That the Council;

- (i) receives the report relating to the Review of the Town of Vincent Town Planning Scheme No. 1 - Scheme Examination Report and Community Visioning Process, and Appendices 10.1.17(a) and 10.1.17(b) relating to the Scheme Examination Report and Community Visioning, respectively;*
- (ii) receives and endorses the Scheme Examination Report on the operation of the Town of Vincent Town Planning Scheme No.1, as required by Section 7AA of the Town Planning and Development Act 1928 (as amended), as contained in Appendix 10.1.17 (a); and*
- (iii) pursuant to Section 7AA of the Town Planning and Development Act 1928 (as amended), forwards to the Western Australian Planning Commission (WAPC) and the Minister of Planning and Infrastructure the Scheme Examination Report on the operation of the Town of Vincent Town Planning Scheme No. 1, and requests the approval of the WAPC and the Minister of Planning and Infrastructure for the preparation of a new town planning scheme alongside a community visioning process.”*

11 July 2003

The Town sent a request to the WAPC for approval to commence preparation of a new Town of Vincent Town Planning Scheme, pursuant to section 7AA of the Town Planning and Development Act (as amended).

7 August 2003

The Hon. Minister for Planning and Infrastructure resolved to generally support the Council proposal to recode the Eton Locality to R20, subject to interim arrangement, that being July 2006, to allow the Town to conduct a review on housing and density across the entire Town so a holistic response to density can be developed.

26 August 2003

The Council at its Ordinary Meeting resolved the following:

“That the Council;

- (i) RECEIVES the decision from the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission, as contained in letter dated 12 August 2003, relating to the modifications required to Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1;*
- (ii) RESOLVES pursuant to Town Planning Regulations 21 (2) and 25 that Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1, with modifications as required by the Hon Minister for Planning and Infrastructure and the Western Australian Planning Commission, in accordance with its letter dated 12 August 2003 and accompanying Schedule of Modifications, as follows:*

"Schedule of Modifications Required by the Hon. Minister For Planning and Infrastructure to the Town of Vincent Amendment No. 11 to Town of Vincent Town Planning Scheme No. 1.

The Hon Minister requires that the Council modify the Amendment documents in the following manner before final approval is given:

1. *Modifying the amending plan to delete those areas denoted in cross-hatching on the attached plan from the amendment area, as little or no evidence of support for the change proposed is in evidence in those areas.*
2. *Modifying clause 20(4) of the Scheme to insert new provision as follows:*
 - a) *Inserting sub-clause 20(4)(c)(i) and (ii), as follows:*
 - (i) *Dual Coding: Within the area coded R30/40, the development will only be permitted to R40 standards where the existing house is retained and where criteria specified in the precinct document is satisfied.*
 - (ii) *After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct.*
 - b) *Inserting sub-clause 20(4)(h)(i), as follows:*
 - (h) *Mount Hawthorn Precinct P 1,*
 - (i) *After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct.";*

BE ADOPTED FOR FINAL APPROVAL;

- (iii) *AUTHORISES the Mayor and Chief Executive Officer to execute and affix the Town of Vincent common seal to Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1 modified amending documents reflecting the Council's endorsement of final approval;*
- (iv) *ADVISES the Hon Minister for Planning and Infrastructure, Western Australian Planning Commission (WAPC), Environmental Protection Authority, and those who made submissions as outlined in the Minutes of the Ordinary Meeting of Council held on 17 December 2002, of clauses (i), (ii) and (iii) above;*

- (v) *FORWARDS the relevant executed modified amending documents to and requests the Hon Minister and Western Australian Planning Commission to adopt for final approval and Gazettal, Amendment No. 11 to the Town of Vincent Town Planning Scheme No. 1; and*
- (vi) *REQUESTS from the Minister for Planning and Infrastructure detailed reasons for the exclusion of lots from Amendment No. 11 of the Town of Vincent Planning Scheme No. 1.”*
- 3 October 2003 The Hon Minister for Planning and Infrastructure formally approved Amendment No. 11 to TPS No.1.
- 7 October 2003 Amendment No. 11 was published in the Government Gazette on 7 October 2003.
- 19 February 2004 The Town received response from the Hon Minister for Planning and Infrastructure to its request for detailed reasons for the exclusion of lots from Amendment No. 11. The following was noted:
- “ . . . The ‘Regional Residential Density Guidelines for the Perth Metropolitan Region’ (RRDG) is listed as the strategic policy under SPP No.8 and was used to assess the amendment.*
- The RRDG provides guidelines for allocating residential densities in the Perth metropolitan area. In summary, it provides that low density areas (ie. R20) should be located on land that is either remote from reticulated sewerage, has environmental or topographical conditions that make higher densities unfeasible, or where the protection of heritage dwellings or streetscape is required and that medium density (ie. R30,40) coding should be applied carefully in existing areas where criteria specified in the RRDG are evident.*
- Our need to contain urban sprawl is critical and given the above policy there is a presumption against down coding in inner urban areas.*
- In my final determination on Amendment no. 11, I considered the submissions received in some depth. In my analysis, I considered the heritage issues, and the volume and content of the submissions received, including the property interests of those making submissions. Those areas where there appeared to be little or no support for down-zoning, I gave precedence to the general policy consideration.”*
- 24 September 2004 The Town sent further correspondence to the WAPC regarding the Town’s previous request to commence preparation of a new Town of Vincent Town Planning Scheme.
- 30 June 2005 A final Project Report of *Vincent Vision 2024* was delivered to the Town by the Project Consultant on 30 June 2005.

- 5 August 2005 The Town sent correspondence to the WAPC and the Hon Minister for Planning and Infrastructure regarding request to commence preparation of a new Town of Vincent Town Planning Scheme.
- 9 August 2005 The Town received acknowledgement from the Office of the Minister for Planning and Infrastructure regarding the above request.
- 17 August 2005 The North Perth Precinct Group wrote to the Town and expressed the following in regard to retention of the R20 code within the Eton Locality:
- “ . . . I am writing on behalf of the North Perth Precinct Group regarding the progress of the proposed residential density plan for the Town of Vincent. It is understood that this plan is prepared as part of the Town Planning Scheme Review process and will be presented in draft form to the Minister for Planning and Infrastructure in the near future.*
- Whilst we are fully aware that Council are supportive of the key objectives of the North Perth Precinct Group to retain an R20 density over most of the Eton Locality, we would appreciate the opportunity, if possible, to be involved in the proposed meeting with the Minister. We understand that the meeting with the Minister will deal with the whole Town, however it is felt that the Eton Locality as predominantly single residential resulted in it being rezoned R20. However, the North Perth Precinct Group understands the need for higher residential densities in appropriate locations, particularly in areas closer to commercial and community services. . . .”*
- 23 August 2005 The Council at it Ordinary Meeting resolved the following amongst other matters relating to *Vincent Vision 2024*:
- “That the Council:*
- (i) *RECEIVES* the Progress Report, Project Report, six (6) Vision Statements (*Vincent Vision 2024, Leederville/West Perth 2024, Mount Hawthorn 2024, North Perth 2024, Perth 2024 and Mount Lawley/Highgate 2024*) and associated documentation relating to the Community Visioning Project; . . .
- (iii) *ADVISES* the Western Australian Planning Commission that a final Project Report and six (6) vision statements relating to *Vincent Vision 2024* has been received and is in accordance with the Communities Program Project Funding Agreement, and *FORWARDS* a copy for its consideration;
- (iv) *ADOPTS* the community's vision statements and guiding principles of *Vincent Vision 2024* as contained in *Vincent Vision 2024, Leederville/West Perth 2024, Mount Hawthorn 2024, Perth 2024, North Perth 2024 and Mount Lawley/Highgate 2024*; . . . “

- 20 September 2005 The Council at its Ordinary Meeting resolved the following:
- “That the Council;*
- (i) *pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), RESOLVES to INITIATE an amendment to the Town of Vincent Town Planning Scheme No. 1 by deleting the following clauses;*
 - (a) *clause 20 (4) (c) (ii) “After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct”; and*
 - (b) *clause 20 (4) (h) (i) “After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct”;*
 - (ii) *REQUESTS the Minister for Planning and Infrastructure and the Western Australian Planning Commission to progress the above amendment as a matter of priority due to the implications of the confined timeframe of 1 July 2006; and*
 - (iii) *AUTHORISES the Chief Executive Officer to convene a meeting between the Hon. Minister for Planning and Infrastructure, the Mayor, North Ward Councillors, two (2) South Ward Councillors and representatives from the North Perth Precinct Group Inc, regarding the proposed Amendment No. 22 to the Town of Vincent Town Planning Scheme No. 1.”*
- 4 October 2005 Mayor Nick Catania wrote to the Office of the Minister for Planning and Infrastructure, requesting urgent attention and expedition of processing Amendment No.22 given the time constraints resulting from the 1 July 2006 deadline. In addition, the Mayor requested a meeting with the Hon Minister for Planning and Infrastructure, as stated in Item (iii) of the Council’s resolution of the 20 September 2005 Ordinary Meeting.
- 31 October 2005 An acknowledgement letter was received from the Office of the Minister for Planning and Infrastructure on 31 October 2005, advising the Town that the Hon Minister would take into consideration the time constraints associated with the Amendment at the time of final determination.
- 23 November 2005 The Mayor again wrote to the Hon Minister reiterating the need for an urgent meeting with respect to the Amendment. There has been no response from the Office of the Hon. Minister since this last correspondence from the Town.

DETAILS:

The purpose of Scheme Amendment No.22 is to delete reference to the following clauses within the Town of Vincent's Town Planning Scheme No.1 (TPS No.1) Scheme Text, relating predominantly to the Eton Locality:

- (i) 20) 4) c) ii) *"After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct"*; and
- (ii) 20) 4) h) i) *"After 1 July 2006 development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct"*.

Amendment No.11

The clauses proposed to be deleted as part of Scheme Amendment No.22 are directly associated with Scheme Amendment No. 11, which was promulgated on 7 October 2003. Amendment No.11 sought to down code the majority of properties within the Eton locality from a R30/R40 density to a R20 density. The premise of this down coding was based on the desire to retain the residential amenity within the area, and deter further subdivision of larger size lots, to the detriment of the character of the area and housing stock within the Eton Locality.

The clauses were imposed by the Honorable Minister for Planning and Infrastructure at the time of final adoption. Justification provided by the Hon Minister at the time of imposing these clauses was based on a number of representations made by affected property owners at the time of the Scheme Amendment being considered for final adoption and the State Government policy direction with respect to urban consolidation within the Perth Metropolitan area.

Amendment No.22

The primary reason for initiating Scheme Amendment No.22 to the Town's Town Planning Scheme No. 1 (TPS No.1) is to allow for continuation of appropriate, orderly and proper planning consideration to be given to the residential density requirements of the Eton Locality, during the Town's Town Planning Scheme Review.

The deletion of the clauses is reflective of the community's vision derived from the Town's community visioning project (*Vincent Vision 2024*), recently completed by the Town. This highlights the desire within the community for the retention of the existing density, character streetscapes and for dwellings with heritage and local character significance being retained, particularly in this locality. In light of these outcomes, it is considered that the deletion of the above noted clauses is reflective of the visions presented to the Town through the community visioning process.

Coupled with the above reason for the proposed Amendment, the Town has identified a conflict of timeframe between the review of TPS No.1 and the timing of the down-coded land to be reverted back to R30 and R30/40 on 1 July 2006. As part of the Town Planning Scheme Review, a Local Housing Strategy, which will involve the review of various matters relating to housing within the Town, including density, will be prepared. The expected date of completion of this Strategy is July 2006, which will coincide with the 1 July 2006 date stipulated in Clauses 20) 4) c) ii) and 20) 4) h) i).

The recommendations and outcomes of both the Town Planning Scheme Review and the Local Housing Strategy will ultimately influence what the appropriate densities should be for the various areas within the Town. With the absence of these recommendations prior to 1 July 2006, it would be negligent of the Town to allow the reversion of the density coding to R30 and R30/40 from R20, in case the recommendations, based on the *Vincent Vision 2024* outcomes and further research into housing density as part of the Strategy, were to maintain the R20 coding.

Given the above, it is considered that the Town has sufficient reason and evidence to delete clauses 20) 4) c) ii) and 20) 4) h) i), from TPS No.1, given the community's visions and the review of the Scheme.

CONSULTATION/ADVERTISING:

The proposed Scheme Amendment was advertised in both local newspapers (*The Guardian* and *The Voice*) and affected landowners notified, in accordance with the *Town Planning Regulations Act 1967*, Clause 15. During this period, a total of 181 submissions were received. 83 per cent of the submissions received (152 submissions) supported the proposed Scheme Amendment. A total of 132 of those submissions received in support of the proposed amendment were received as pro formas. 14 per cent of submissions received (26 submissions), objected to the proposed amendment, and 3 of the total submissions received stated no comment with regard to the proposed Scheme Amendment. A Schedule of Submissions has been prepared and is an attachment to this report (refer Attachment 10.1.18).

The volume of submissions received in support of Scheme Amendment No.22 reflects that the proposal to delete clauses 20 (4)(c)(ii) and (4)(h)(i) is generally accepted and supported by the community located within the Eton Locality. Those submissions received objecting to the proposed Scheme Amendment, while small in volume, expressed very strong opposition to the proposed Scheme Amendment.

For the purpose of this report, the main points raised in the submissions have been collated and grouped into issue areas. Provided below is a summary of the main concerns raised, and the Officer Comments in response to each of the matters.

Consultation Submissions		Officer Comments Pursuant to Clause 38(5) of TPS 1
Support (152)		Noted
Proformas (132)	<ul style="list-style-type: none"> “I agree with amendment No.22 and R20 to be retained”. 	Noted.
Strategically Appropriate	<ul style="list-style-type: none"> It will give the Town of Vincent more time to achieve the overall vision “<i>to preserve the characteristic residential feeling and to place high density development strategically</i>”. 	Noted. The Town of Vincent is currently undergoing a review of the Town Planning Scheme and associated documents. It is anticipated that the new Scheme will provide further guidance with regard to residential development and densities within the Town, based on the <i>Vincent Vision 2024</i> outcomes.
Preservation of Amenity	<ul style="list-style-type: none"> Allowing more housing will be at the expense of safety, noise, traffic, loss of streetscape appeal, privacy and amenity 	Noted. This comment cannot, however, be qualified as it is not the case at present.

	<ul style="list-style-type: none"> • There will be an increase in crime through more rentals. 	Noted. This is an assertion and not based on fact.
	<ul style="list-style-type: none"> • R30/40 development abutting R20 single dwellings attracts a whole host of issues that include: <ul style="list-style-type: none"> – Overlooking and loss of privacy – Overshadowing – Extra cars – Additional on street parking – Driveways servicing multiple garages located immediately adjacent to existing dwellings – Loss of trees – Bulk and scale being inconsistent with existing dwellings – Unacceptable streetscape impact – Loss of younger families to the area – Reduction in the use of services and facilities. 	Noted. The objectives of both the Residential Design Codes and the Town's Residential Design Guidelines is to protect the amenity of adjoining properties while not disallowing further development to occur. Some requirements are generally more restrictive as the density increases.
Preservation of Aesthetic Value	<ul style="list-style-type: none"> • Urban infill significantly affects the aesthetic integrity of the neighbourhood in a negative way. • Increased strain on existing local services as a result of the increased number of houses. • The blanket density of R30/40 and R30 has resulting in ad hoc and unsuitable development, often incompatible with adjoining dwellings and results in stress and uncertainty to adjoining landowners. 	<p>Noted. Dependant on the manner in which urban infill is done, the amenity of an area/neighbourhood can be negatively affected.</p> <p>Noted. As above.</p> <p>Noted and agreed to a certain extent. Refer to 'Comments' section of report for further information.</p>
Limiting the Number of Two Storey Developments	<ul style="list-style-type: none"> • The increase in density will increase the number of two storey houses and subsequently impact on the privacy of adjoining properties. 	Noted. Smaller size lots usually result in two storey buildings, to maximise the amount of living space on site and to satisfy the Residential Design Codes requirements.

	<ul style="list-style-type: none"> • The <i>Vincent Vision</i> for Eton Locality does not exclude infill development altogether, however, requires it to be more controlled and strategically located as opposed to being ad hoc and unsuitable. • The Amendment is not inconsistent with the <i>WA State Planning Strategy</i> that strongly embraces sustainable residential growth. Also the cornerstone of the State Government’s Draft Network City that proposes outward expansion of the Perth Metropolitan Area. • TPS Review will ensure strategically located high densities to be primarily located in well serviced areas. Melbourne 2030 initiative proposed “lumpier” rather than “thicker” suburbs intensifying parts of the city whilst protecting the suburbs from wholesale transformation. This should be used as a model for the Town of Vincent. • There are more appropriate locations for medium to high densities, but it should occur in “Greenfield” locations where similar forms of housing are provided over a large area, rather than ad hoc infill development occurring on individual lots. 	<p>However, applications for two storey developments within an R20 coded area would still be acceptable, provided the development complies with the Town’s Residential Design Guidelines and Eton Locality Statement.</p> <p>Noted and confirmed.</p> <p>Noted.</p> <p>Noted. The Town Planning Scheme Review will have a strong alignment and reference to the <i>Vincent Vision 2024</i> Final Report and outcomes. Consideration will also be given to <i>Melbourne 2030</i> as suggested.</p> <p>Noted. Refer to ‘Comments’ section of report for further information and discussion.</p>
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	<ul style="list-style-type: none"> If Amendment No.22 is not supported by the Council, WAPC and Minister, <i>Vincent Vision 2024</i> process for Eton Locality and TPS Review will be undermined, as infill development will progress rapidly in Eton Locality. The TPS Review, through preparation of the Local Planning Strategy, will require extensive review of the Town's residential densities. 	<p>Noted. As part of the Town Planning Scheme Review, there will be the preparation of a Local Housing Strategy for the Town. As part of this Strategy, a review of the Town's residential densities will be undertaken. The outcome of Amendment No.22 either way will not undermine the TPS Review or Eton Locality.</p>
Objections (26)		<p>Noted</p>
<p>Planned to Subdivide and Develop to Raise Finances</p>	<ul style="list-style-type: none"> It is in the best interest to retain the R30 density coding for the area, as the intention has always been to leave the property to the children, to subdivide. Intention was to sell property to finance for the future. Without the ability to develop the property, it will not be improved and investment will be lost. The cost will be incurred by the Council. A landowner should be able to develop if they want to. 	<p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p>
<p>Justification is Not Valid</p>	<ul style="list-style-type: none"> There is no justification provided for the amendment – there exists no difference between the Eton Locality and North Perth. 	<p>Noted. Justification was provided with respect to the reason for the proposed amendment in the Scheme Amendment Report documentation made available to the public and in the Summary Report enclosed as part of the letters distributed.</p>
<p>R20 Density was only ever Temporary</p>	<ul style="list-style-type: none"> The proposed modification to Amendment No.11, to introduce a sunset clause in TPS No.1 requiring that the land zoned R20 was on the basis that it would revert back to R30/40 on 1 July 2006. The proposed R20 was in effect an interim measure to satisfy immediate public concerns about redevelopment in the area. Therefore, it was not considered for long term planning for the locality. 	<p>Noted. The proposed modification to Amendment No.11 was instigated by the Minister at the time of final adoption of the Scheme Amendment. Refer to 'Details' section of this report under Amendment No.11 for further background information.</p>

Amendment is Inequitable	<ul style="list-style-type: none"> Amendment No.22 is inequitable, as some landowners have been able to subdivide and redevelop their properties, while others who did not act on the R30/40 and R30 density earlier will be denied the opportunity to capitalise on their home and assets. 	Noted. Amendment No.22 has been initiated in order to remove confusion and inequity between landowners while the Town Planning Scheme Review is being undertaken. By removing the ability to subdivide properties, in the interim period during the Scheme review, will deter opportunist developments that may be contrary to the final adopted Town Planning Scheme, occurring.
Advice Contrary to what Amendment is Proposing	We were advised at the time of purchasing our property in writing, that there were no intentions of retracting Clauses 20 (4) (c) (ii) and (4)(h)(i).	Refer to “Comments” Section.
Did not Object to Amendment No.11 because of the Sunset Clause	We bought our property with the intention to subdivide. We did not object to the down coding in 2003 because the down coding was only for a set period being until 1 July 2006.	Noted.
Negative Financial Impact	The Amendment does not take into account the financial impact of this amendment on existing residents, and those who have bought into the area with the intention to subdivide post 1 July 2006.	Noted. The financial impact of the proposed amendment is no able to be quantified.
Legal Action seeking Compensation	<p>Legal action to recover compensations costs will be launched.</p> <p>Subdivision applications and house designs have already been prepared in anticipation of the 1 July 2006 changeover. Subdivision application has already been submitted.</p>	<p>Refer to “Comments” Section.</p> <p>Noted. Any subdivision application submitted to the WAPC prior to 1 July 2006 or the final decision being made in relation to Scheme Amendment No.22 will be considered under the current R20 coding.</p>
Contrary to State Government Policy	<ul style="list-style-type: none"> It is against State Government Policy, as the State Government is trying to make inner city a higher density zoning. 	Noted. This is not the case. The State Government Policy does not preclude lower density development within close proximity to the Perth CBD.

	<ul style="list-style-type: none"> Amendment No.22 is contrary to WAPC's <i>Network City Community Planning Strategy for Perth and Peel Regions</i>. In particular, Priority Strategy 3, which requires 60% of new dwellings to be accommodated in existing urban areas. Further Section 8 of <i>Planning for a Liveable City</i> indicates increased housing diversity and residential densities. The guiding principles for housing density and urban design in <i>Vincent Vision 2024</i> for North Perth and Mount Hawthorn are inconsistent with the principles of <i>Network City</i> to accommodate new dwellings in existing urban areas (refer to Guiding Principles 3 and 4). 	<p>Noted. Amendment No.22 is not contrary to <i>Network City</i>. Priority Strategy 3 refers to all existing urban areas within the Perth Metropolitan Area, not just inner urban areas, such as the Town of Vincent. As part of the Scheme Review, five town centres have been identified, which will include provision of additional residential dwellings.</p> <p>Noted. <i>Vincent Vision 2024</i> purposefully embraced the principles of <i>Network City</i>, as part of the Community Visioning process that will ultimately feed into Town Planning Scheme Review. Upon undertaking the Scheme Review, further correlation and reference to State Government Planning Policies will be made and included as part of the Scheme document.</p>
<p>Vincent Vision 2024 is not Consistent with State Government Policy</p>	<ul style="list-style-type: none"> <i>Vincent Vision 2024</i> does not address State Planning Policy and therefore should not be relied on as the definitive planning tool for decision making. <i>Vincent Vision 2024</i> should encourage and support diverse lifestyles. 	<p>Refer to comments above.</p> <p>Noted.</p>
<p>Contrary to Eton Locality Statement Plan</p>	<ul style="list-style-type: none"> Eton Locality Plan Policy Statement encourages infill development in the form of splitting wider frontage lots down the middle. 	<p>Noted. Included as part of the Scheme Review, the Residential Locality Policies will also be reviewed. This Policy Statement may not be applicable at the time of adoption of the final Town Planning Scheme.</p>
<p>Higher Density Allows for Quality and Innovative Design</p>	<ul style="list-style-type: none"> Higher density means higher quality residential development, which addresses both the streetscape and adjoining development. 	<p>Noted.</p>

	<ul style="list-style-type: none"> • The higher R30/40 density does not necessarily mean the demolition of character dwellings. • Surrounding localities with some higher densities give a good mix to the area. • Heritage and local character will not be protected by retaining the existing zoning. • Older style dwellings should be kept, but subdivision and development on rear of lots should be permitted. • Higher density gives people more choice. 	<p>Noted. The intention behind the R30/40 density was to provide an incentive to landowners and developers to retain existing character dwellings by enabling them to reduce the minimum lot area requirement to accommodate the retention.</p> <p>Noted.</p> <p>Noted. The Town's Residential Design Guidelines Policies facilitate this protection, not the density.</p> <p>Noted.</p> <p>Noted.</p>
<p>Low Density is Inappropriate for Area so Close to Perth CBD</p>	<ul style="list-style-type: none"> • Mount Hawthorn is only 4kms to the Central Post Office. The R30 density is not too dense in any other city. • No where else has an R20 density been applied within 5kms of the CBD. 	<p>Noted.</p> <p>Noted.</p>
<p>Restrict Development only to Duplex Development</p>	<ul style="list-style-type: none"> • Smaller lots should be permitted to be developed but restrict to duplex development only and set building requirements through restrictive covenants. 	<p>Noted.</p>
<p>Planning Policies should Facilitate the Protection of Amenity of Adjoining Properties</p>	<ul style="list-style-type: none"> • Council should be able to retreat from their role of controlling and managing urban change by opting for the status quo approach, which minimises conflict scenarios. 	<p>Noted and agreed. The retention of R20 coding would further ensure the protection of amenity, by limiting development.</p>

<p>Ratepayer Funds should not be used for this Project</p>	<ul style="list-style-type: none"> Object to the Town of Vincent using ratepayer funds to revisit this issue on request of a minority self interest group. 	<p>Noted. As part of the <i>Town Planning Regulations Act 1967</i>, the Town is obliged to consider any applications made to the Town in regard to rezoning or matters of community importance. The matter is considered to be both of community and strategic importance and for this reason the Scheme Amendment has been initiated.</p>
<p>Request for Exemptions</p>	<ul style="list-style-type: none"> Property owners at No.40 Sydney Street, and No. 48 Sydney Street, seek exemption from the amendment, as the majority of that section of street has been or is being developed with duplex and triplex developments. Shakespeare Street and Dunedin Street should be deleted from Eton Locality, as Eton is in North Perth, not Mount Hawthorn. 	<p>Noted. The majority of properties located on the eastern side of Sydney Street, bound by Haynes Street to the south and Hobart Street to the north, are already developed at a higher density than the R20 density proposed as part of this Amendment. Applying an R30/40 density to this portion of Sydney Street is considered to have some merit, and will be further considered as part of the formal Town Planning Scheme Review.</p> <p>Noted. Same as above, these areas will be considered as part of the Town's Town Planning Scheme Review.</p>

STRATEGIC IMPLICATIONS:

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

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

Background

Since the promulgation of the Town Planning Scheme No.1 (TPS No.1) on 4 December 1998, issues relating to the "split/dual" density codes have arisen. Issues were raised in relation to whether or not the split coding actually achieves its intention, which is to encourage the existing dwelling, to be retained by providing an incentive of a smaller lot size requirement than if the dwelling was to be demolished. These issues relating to areas of "split/dual" density codes arose in certain areas of the North Perth Precinct area where the density code was R30/40. The criteria for the higher density code, being R40, was originally outlined in clause 20(4)(c)(i) of the TPS No.1 as follows:

- “(c) *North Perth Precinct P8,*
(i) *Dual Coding: Within the area coded R30/40, development will only be permitted to R40 standards, where the existing house is retained and where criteria specified in the precinct document is satisfied.*”

The criteria outlined in Clause 3) iv) of the Town’s Policy relating to ‘Eton – Locality Plan 7’ previously stated as follows:

“iv) *Density*

In areas of split coding, where an established dwelling which contributes to the identifiable character of the Eton Locality is to be retained and/or restored, infill development to the rear of the lot may be permitted at the standards consistent with a higher density code subject to the development meeting the following criteria:

- a) *no unreasonable significant adverse impact on adjacent residences in terms of privacy and amenity;*
- b) *no unreasonable loss of healthy, mature trees; and*
- c) *the design complementing the design and character of the existing dwelling on the lot and the streetscape in general.*”

Public concern was raised over the ambiguity in interpretation of these provisions and the subsequent loss of amenity that was resulting from character dwellings being demolished to make way for higher density development, which was of an increased bulk and scale. In relation to the Eton Locality, this confusion in interpretation and the impact infill development was having on adjoining properties within the Eton Locality, were the primary instigators behind the initiation and final adoption of Scheme Amendment No.11, which saw the down coding of an areas within the Eton Locality from R30 and R30/40 to R20.

As has been mentioned previously in this report, the Honorable Minister for Planning and Infrastructure’s decision in relation to Scheme Amendment No.11 was to adopt Amendment No. 11 on the condition that the Scheme Text and Maps be modified to include what is referred to as a sunset clause for the affected areas that stated the following:

“20 (c) *North Perth Precinct P8*

.....

- (ii) *After 1 July 2006, development and subdivision of land coded R20 will be determined in accordance with the R30/40 code and shall be subject to all provisions relevant to that coding in the North Perth Precinct.*

(h) *Mount Hawthorn Precinct P1*

- (ii) *After 1 July 2006, development and subdivision of land coded R20 will be determined in accordance with the R30 code and shall be subject to all provisions relevant to that coding in the Mount Hawthorn Precinct.*”

The imposition of these clauses by the Honorable Minister were not supported by the Town’s Officers, however, the Scheme Text and Maps were modified to include these clauses, to enable the Scheme Amendment to be finally adopted.

Eton Locality

This area has, generally, one dwelling per lot, however, some infill development has occurred in the area, due to subdivision approvals granted under the previous density coding and prior to the final adoption and subsequent down coding of the area to R20. A number of such properties that have already been subdivided exist along the southern portion of Sydney Street, between Haynes Street and Scarborough Beach Road.

Usually the Town does not support spot rezoning, as it is contrary to the orderly and proper planning of the Town. Furthermore, the Town is presently undertaking a review of the Town Planning Scheme, which will include a review of the Scheme Text, Maps and all associated Policies relating to planning. In light of the review taking place, it is considered more appropriate to maintain the current density of R20 for the interim period while the Scheme Review is finalised.

At this stage, it would be premature to support any change in density to the current R20 density, until the outcomes of this strategically important document, are finalised and can be taken into account. In addition, it is evident from the consultation and advertising to the local and affected residents within the area that the most desired view is to retain the current density of R20.

Alternative Options for Residents Wishing to Subdivide

A number of the submissions received objecting to the proposal to retain the R20 coding raised the concern that the removal of the option to subdivide properties at R30/40 density would deny the option of subdividing and developing properties, as was the original intention when the properties in the area were purchased.

Clause 20 of the TPS No.1 provides for an increase in density, up to a maximum of 50 percent, at the discretion of the Council in certain instances. Clause 27 of the TPS No. 1 provides for variations to Scheme provisions for heritage places. Clause 40 of the TPS No. 1 also allows the Council to approve an application that does not comply with a standard or requirement.

These clauses still provide some, although not all, property owners within the Eton Locality subject of this Scheme Amendment, with the option to apply to subdivide properties up to an additional 50 percent of the prescribed density, on the basis of the proposed development complying with one of the sub-clauses outlined in Clause 20 (2). Notably, historically, this clause has been reluctantly applied by the Council.

Claims for Compensation

A number of the objections received stated that if the amendment was to be adopted and R20 retained, legal action will be taken to seek compensation from the Town for 'Injurious Affection'. In addition, some of the objectors noted in submissions that properties were purchased in the area on the premise that the properties were subdivisible post-July 2006 and that the Town advised that there were no changes in zoning proposed, at the time of enquiries.

Legal advice has been sought with respect to both of these matters from the Town's solicitors. In summary, the following advice was provided:

Injurious Affection

Section 12(2) of the Town Planning and Development Act (TPDA) states:

*"12. Compensation not recoverable in certain cases
.....*

(2) *Land or property shall not be deemed to be injuriously affected by reason of the making of any provisions inserted in a town planning scheme which, with a view to securing the amenity, health or convenience of the area included in the scheme, or any part thereof, prescribed the space about, or limit the number of, or prescribe the height, location, purpose, dimensions, or general character of buildings, or any sanitary conditions in connection with buildings.....”*

The intention of Scheme Amendment No.22 is to preserve the amenity of the Eton Locality by restricting the number of dwellings within the Locality, by maintaining the R20 density coding. Section 12 (2), clearly states that in this context, whereby ‘*a town planning scheme...with a view of securing the amenity....limit[s] the number ofbuildings*’ is excluded from any claims for compensation and is, therefore, not deemed to be injurious affection.

Furthermore, Section 12 (2a) (b) of the TPDA regards any land affected by any provision of a Scheme, which deals with matters listed in Clause 10 of the First Schedule to the TPDA, as not amounting to injurious affection. Clause 10 relates to the ‘classification or zoning’, which is the subject matter of Amendment No.22 that is the downcoding of zoning. This confirms further, that the argument for compensation would not be payable.

Representations

The second matter addressed in the legal advice received from the Town’s solicitors was in respect to ratepayers who suggest that they specifically purchased in the Eton Locality for one of the two following reasons:

- (i) the wording of the existing Scheme (containing the sunset clause of July 2006 on the R20 zoning); or
- (ii) representations made by the Town about the continuation of the current Scheme wording (that is, that the sunset clause would be implemented).

Those ratepayers, who solely relied on the wording of the existing Scheme when making a purchase, would not have sufficient grounds to warrant a claim for compensation under the TPDA (Injurious Affection) nor at Common Law.

Those ratepayers who relied on correspondence provided by the Town about the continuation of the current Scheme wording *may* be able to make a claim at Common Law based on the *Trade Practices Act* or *Misrepresentation* (negligence). However, the merits of the claims would require further information being provided to the Town’s solicitors for further investigation.

If a claim was made under the circumstances suggested above, it would need to be referred to the Town’s Insurer pursuant of the Town’s insurance arrangements. The Town’s Insurer (subject to indemnity issues) would manage and pay such a claim in any event.

In summary, even if the Town has breached the TPDA or unintentionally misrepresented the situation to prospective purchasers, it is not appropriate to take into account these sorts of matters when dealing with planning matters. It cannot be argued that these legal matters go towards proper and orderly planning. Although regarded as potentially serious in isolation, the threat of litigation is not a proper matter to have regard to in proceeding (or not) with this Amendment.

In light of the above, it is recommended that the Council adopt for final approval, without modification, Amendment No.22 to Town Planning Scheme No.1, in accordance with the Officer Recommendation.

10.1.6 No. 25 (Lots 20 and 23 D/P: 32574) Alma Road, corner Hutt Street, Mount Lawley - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses

Ward:	South	Date:	3 March 2006
Precinct:	Norfolk;P10	File Ref:	PRO3271; 5.2005.3344.1
Attachments:	001		
Reporting Officer(s):	L Mach, S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners S J Gauntlett & M M Dillon for the proposed Demolition of Existing Single House and Construction of Two (2)Two-Storey Single Houses, at No. 25 (Lots 20 and 23 D/P: 32574) Alma Road, corner Hutt Street, Mount Lawley, and as shown on plans stamped 19 December 2005, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Lot 20 Alma Street and Lot 23 Alma Street in a good and clean condition;*
- (iv) any new street/front wall, fence and gate between the Alma Street boundary and the Hutt Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*

- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (v) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the overall height of the dwelling on Lot 23 being a maximum of 7.0 metres as measured from the natural ground level;*
- (b) *the driveway width of Lot 23 being a maximum of 40 per cent of the frontage of the property and setback a minimum of 0.5 metre from the northern boundary; and*
- (e c) *major openings/windows being incorporated on the ~~eastern~~ western elevation of bedroom two on Lot ~~23~~ 20 which encourages an improved active and interactive relationship with Hutt Street.*

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) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Alma Road and Hutt Street verges 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).*

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

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.6

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by the owners S J Gauntlett & M M Dillon for the proposed Demolition of Existing Single House and Construction of Two (2)Two-Storey Single Houses, at No. 25 (Lots 20 and 23 D/P: 32574) Alma Road, corner Hutt Street, Mount Lawley, and as shown on plans stamp-dated 19 December 2005, subject to the following conditions:

- (i) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) *an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) *the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Lot 20 Alma Street and Lot 23 Alma Street in a good and clean condition;*
- (iv) *any new street/front wall, fence and gate between the Alma Street boundary and the Hutt Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (v) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the overall height of the dwelling on Lot 23 being a maximum of 7.0 metres as measured from the natural ground level;*
 - (b) *the driveway width of Lot 23 being a maximum of 40 per cent of the frontage of the property and setback a minimum of 0.5 metre from the northern boundary; and*
 - (c) *major openings/windows being incorporated on the western elevation of bedroom two on Lot 20 which encourages an improved active and interactive relationship with Hutt Street.*

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) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Alma Road and Hutt Street verges 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).*

Landowner:	S J Gauntlett & M M Dillon
Applicant:	S J Gauntlett & M M Dillon
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R 40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	Lot 20: 204 square metres; Lot 23: 207 square metres
Access to Right of Way	N/A

BACKGROUND:

The Council at its Ordinary Meeting held on 8 November 2005 resolved to refuse an application for the proposed demolition of existing single house and construction of two (2) two-storey single houses on Lots 20 and 23 for the following reason:

- "1. *Non-compliance with the Town's Alma Locality Policy, especially with regards to the streetscape in Hutt Street.*"

DETAILS:

The proposal involves demolition of existing single house and construction of two (2) two-storey single houses at the subject property. The main amendments made to the proposal from the previous plans considered by the Council are as follows:

- new window additions to the dwelling on Lot 23 on the Hutt Street elevation ;
- privacy variations addressed; and
- increased window openings to the dwelling on Lot 20 on the Hutt Street elevation and a sunshade addition over the front door to define the entry point.

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 strikethrough, italic font and underline*

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	Noted - a single house on each existing lot.
Plot Ratio	N/A	N/A	Noted.

Lot 23 (Hutt Street)			
<u>Setbacks</u>			
Ground Floor - North	1.0 metre	Nil	Supported- refer to 'Buildings on Boundary'.
First Floor - North	1.2 metres	Nil	Supported- refer to 'Buildings on Boundary'.
- West/Hutt Street	6.0 metres	3.0 metres (terrace)-4.0 metres (main building).	Supported – in this instance, behind secondary street side setback to proposed new house on Lot 20, and in keeping with reduced ground floor front setbacks along the street.
Driveways	-No closer than 0.5 metre to side boundary. -Not to occupy more than 40 per cent of the frontage.	-Driveway is 0.18 metre from the side boundary. -41 per cent	Not supported- can comply and has been conditioned to comply.
Buildings on Boundaries	One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres.	Northern boundary wall has height of 7.0 metres.	Supported- abuts another proposed boundary wall and no undue impact on streetscape or neighbour.
Privacy Setbacks	Habitable rooms other than bedrooms - 6.0 metres Outdoor habitable spaces- 7.5 metres	Living is 1.5 metres to the south boundary. Dining is 4.3 metres to the north boundary. Terrace is 1.0 metre to north boundary.	Supported- subject window has 20 degree awning and is obscure glazed, therefore, no opportunity for undue overlooking. Supported- applicant is owner of affected property. Supported- as above.
Overall Height	7.0 metres	Up to 7.1 metres	Not supported- can comply and has been condition to comply.

Lot 20 (corner Alma Road and Hutt Street)			
<u>Setbacks</u>			
Ground Floor - North/ Alma Road	4.0 metres	3.0-4.0 metres	Supported - in line with existing setbacks of adjoining properties and maintaining streetscape. Supported- refer to 'Buildings on Boundary'.
- South	1.0 metre	Nil	
First Floor - North/Alma Road	6.0 metres	4.0-5.0 metres	Supported – in this instance, the first floor to be setback 2 metres behind proposed ground floor setback and the terrace to be setback 1 metre behind proposed ground floor setback, which is in keeping with the intention of Town's Policy and the existing streetscape, with no undue impact on adjoining properties. Furthermore, the dwelling on No. 1 Alma Road has a first floor setback of 3.9 metres and 3 metres setback to its balcony. Supported- refer to 'Buildings on Boundary'
- South	1.2 metres	Nil	
Buildings on Boundaries	One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres.	Southern boundary wall has height of 7.0 metres.	Not s Supported- abuts another proposed boundary wall and no undue impact on streetscape or neighbour.
Consultation Submissions			
Support	Nil		Noted
Objection (2)	<ul style="list-style-type: none"> Building on Boundary 		Not s Supported- refer to above.
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:

Heritage Assessment

A detailed Heritage Assessment has been included as an attachment to this report.

The subject dwelling at No. 25 Alma Road, North Perth is a single storey rendered brick and tile dwelling constructed c1909 during the Gold Boom period of development in Perth. The original form and structure of the place has been largely diminished due to alterations to the external and internal fabric.

The place is not rare and is considered to be of little aesthetic, historic, scientific and social value. The subject dwelling contributes to the streetscape in terms of traditional setbacks but it is not a unique, endangered or an outstanding example of its type, and no links of historical importance have been established. The place is not considered to meet the threshold for entry in the Municipal Heritage Inventory and it is recommended that the application to demolish the place be approved, subject to standard conditions.

Redevelopment

Whilst the proposal has for the most part adequately addressed the previous reason for refusal, it is considered that there may be an opportunity for the provision of a more active and interactive relationship between Hutt Street and the ground floor bedroom two. Accordingly, this has been conditioned in the Officer Recommendation.

With the above in mind, it the proposal is recommended for approval, subject to standard and appropriate conditions and to address the above matters.

10.1.8 No.166 (Lot 2 D/P: 26693) Anzac Road, Mount Hawthorn- Proposed Demolition of Single House and Construction of Two (2) Two- Storey Single Houses

Ward:	North	Date:	7 March 2006
Precinct:	Mount Hawthorn;P1	File Ref:	PRO1359; 5.2005.3283.1
Attachments:	001		
Reporting Officer(s):	L Mach, A du Boulay		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by J R Chindarsi on behalf of the owner K E & J T McNamara & Ginly Pty Ltd for proposed Demolition of Single House and Construction of Two (2) Two- Storey Single Houses, at No. 166 (Lot 2 D/P: 26693) Anzac Road, Mount Hawthorn, and as shown on plans stamp-dated 18 November 2005, subject to the following conditions:

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) first obtaining the consent of the owners of No. 18 Buxton Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 18 Buxton Street in a good and clean condition;*
- (iv) any new street/front wall, fence and gate between the Anzac Road boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*

- (v) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the northern boundary wall height being a maximum average height of 3.0 metres and maximum height of 3.5 metres as measured from the natural ground level; and*
- (b) *the driveway width being a maximum of 40 per cent of the frontage of each dwellings site.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (vii) *the study structure shall not be used for industrial or commercial purposes, and shall only be used for the personal use of the inhabitants of the main dwelling on proposed Lot 304;*
- (viii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Anzac Road 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); and*
- (ix) *no plumbing or sanitary facilities or fixtures shall be provided to or within the subject approved study structure without the prior approval of such by the Town.*

COUNCIL DECISION ITEM 10.1.8

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Messina, Seconded Cr Lake

That the Item be DEFERRED to enable additional plans to be assessed by Elected Members and for the applicant to further consider Council's concerns.

CARRIED (8-1)

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

Landowner:	K E & J T McNamara & Ginly Pty Ltd
Applicant:	J R Chindarsi
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	764 square metres
Access to Right of Way	N/A

BACKGROUND:

- 8 February 2000 The Council at its Ordinary Meeting resolved to refuse an application for the proposed demolition of existing dwelling and development of a new two-storey dwelling at the subject property.
- 9 May 2000 The Council at its Ordinary Meeting resolved not to list the place on the MHI because the dwelling did not meet the threshold for inclusion onto the MHI and there was lack of community support for its retention.
- 12 September 2000 The Council at its Ordinary Meeting resolved to approve the demolition of the existing dwelling, and development of a new two-storey single house.
- 19 July 2005 The Western Australian Planning Commission conditionally approved an application for the subdivision of the subject lot.

DETAILS:

The proposal involves demolition of single house and construction of two (2) two-storey single houses at the subject property. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	2 dwellings R 30	2 dwellings R 26	Supported- no variation.
Plot Ratio	N/A	N/A	Noted.
Setbacks Proposed Lot 303: Ground Floor - East First Floor - East	1.5 metres 2.0 metres	Nil Nil	Supported- refer to 'Buildings on Boundary'.
Proposed Lot 304: Ground Floor - West First Floor - West	1.5 metres 2.0 metres	Nil Nil	

Buildings on Boundaries	One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6% length of boundary.	Proposed Lot 303- Eastern boundary wall has a height of 2.9-6.3 metres (length and number of walls compliant). Proposed Lot 304- Two external boundary walls proposed:	Supported- abuts another proposed boundary wall and no undue impact on streetscape or neighbour.
		Western boundary wall has a height of 2.9-6.3 metres for 78 % of boundary. Northern boundary wall has a height of 3.1 metres.	Supported- dwelling wall abuts another proposed boundary wall and no undue impact on streetscape or neighbour. Supported in part- no undue impact and has been conditioned to comply with relevant height requirements.
Driveways	Not to occupy more than 40 per cent of property's frontage.	50 per cent	Not supported- undue impact and has been conditioned to comply.
Consultation Submissions			
Support	Nil		Noted.
Objection (2)	<ul style="list-style-type: none"> • Privacy • Request replacement of verge tree • Materials and roof pitch not in keeping with character of area • Driveway 		<p>Not supported- compliant with R-Codes.</p> <p>Supported- addressed via standard Technical Services requirements.</p> <p>Not supported- proposal not considered to have undue impact on area.</p> <p>Supported- has been conditioned to comply.</p>
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:

Heritage Assessment

A Heritage Assessment for the place at No.166 Anzac Road was undertaken by the Town's Officers in 2000, as part of a planning application for its demolition. The Heritage Assessment is included as an attachment to this report.

The dwelling at No.166 Anzac Road is a single storey brick and asbestos dwelling, which was constructed circa 1960, in the Post-War Regional style of International Modernist architecture. The dwelling adjacent to the subject place, at No.168 Anzac Road is almost identical to the subject place in terms of style, roof line, brickwork and fenestration.

Based on the results of the Heritage Assessment, the subject place has been found to have local cultural heritage significance for the following reasons:

The place has *some aesthetic value* as it is an example of an uncommon and intact example of the Post-War Regional style of International Modernist architecture. It is both well designed and well built.

The place has *some aesthetic significance* as it makes a positive contribution to an eclectic, but harmonious, streetscape, which reflects changes in domestic architecture over time.

The place has *some historic significance* as it is an example of the Post War phase of development in Perth. The place is characteristic of an era distinguished by growing economic prosperity during which Perth sought recognition as a modern international city. As such, the place contributes to the pattern and evolution of the history of the Town of Vincent.

The place has *some scientific value* in the innovative use of timber as a ceiling material, in the quality of built furniture and its deployment of room screens and dividers.

The place has *some rarity value* as it is an uncommon and intact example of the Post-War Regional style of International Modernist architecture within the Town of Vincent.

The Council at its Ordinary Meeting held on 8 February 2000 refused the proposed demolition of the subject dwelling on the grounds of cultural heritage significance. It was also a determination of the Council that the place, in conjunction with the place at No.168 Anzac Road, Mount Hawthorn be nominated for entry onto the Municipal Heritage Inventory (MHI).

The Council at its Ordinary Meeting held on 9 May 2000 resolved not to list the place on the MHI because the dwelling did not meet the threshold for inclusion onto the MHI and there was lack of community support for its retention. The Council at its Ordinary Meeting on 12 September 2000 resolved to approve the demolition of the subject dwelling.

On the basis that the Council subsequently approved the demolition of the subject dwelling, the Officer Recommendation reflects the previous decision of the Council. It is still the opinion of the Town's Heritage Officers that the place, along with the dwelling at No.168 Anzac Road, Mount Hawthorn is of cultural heritage significance and meets the threshold for inclusion onto the MHI.

Redevelopment

With the above in mind, the proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.1.14 No.66 (Lot 7 D/P: 4802) Wright Street, Highgate - Proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House and an Additional Two(2) Three-Storey Multiple Dwellings and One (1) Three-Storey Grouped Dwelling

Ward:	South	Date:	1 March 2006
Precinct:	Forrest; P14	File Ref:	PRO3077; 5.2005.3066.1
Attachments:	001		
Reporting Officer(s):	L Mach		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council REFUSES the application submitted by Phillip McAllister Architect on behalf of the owners R D & L M Downie & M M Haydon & P C McAllister for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House and an Additional Two (2) Three-Storey Multiple Dwellings and One (1) Three-Storey Grouped Dwelling, at No. 66 (Lot 7 D/P: 4802) Wright Street, Highgate, and as shown on plans stamp-dated 22 February 2006, 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 setback and number of storeys requirements of the Residential Design Codes, and the Town's Policies relating to Brigatti Locality, respectively; and*
- (iii) consideration of the objections received.*

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

LOST (1-8)

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

Reasons:

1. **Retention of the existing dwelling.**
2. **Not using the front setback for car parking**
3. **In accordance with the Council's previous decisions to offer bonuses for the retention of buildings considered worthy of retention.**

ALTERNATIVE RECOMMENDATION

Moved Cr Chester, Seconded Cr Ker

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 Phillip Mcallister Architect on behalf of the owners R D & L M Downie & M M Haydon & P C McAllister for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House and an Additional Two (2) Three-Storey Multiple Dwellings and One (1) Three-Storey Grouped Dwelling, at No. 66 (Lot 7 D/P: 4802) Wright Street, Highgate, and as shown on plans stamp-dated 22 February 2006, subject to the following conditions:

- (i) *prior to the issue of a Building Licence, revised plans and documentation shall be submitted and approved demonstrating the following:*
 - (a) *the overall height of the dwellings being a maximum of 9.0 metres as measured from the natural ground level;*
 - (b) *all balconies and terraces being fully open on at least 2 sides. Where screening is required for privacy reasons, permanent obscure glazing at a height of 1.6 metres may be considered as an open side; and*
 - (c) *the window to bedroom of Unit 1 on the western elevation, on the first floor, 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 window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject window not exceeding one square metre in aggregate in the respective subject walls, so that it is not considered to be a major opening as defined in the Residential Design Codes 2002;*

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

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

- (iii) *any new street/front wall, fence and gate between the Wright 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;*
- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Wright Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *first obtaining the consent of the owners of No. 64 Wright Street and No. 68 Wright Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing of No. 64 Wright Street and No. 68 Wright Street in a good and clean condition;*
- (vi) *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; and*
- (vii) *the olive tree on the site adjacent to the southern boundary shall be retained and protected.*

Debate ensued.

Moved Cr Ker, Seconded Cr Lake

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

“(vii) the applicant being encouraged to retain the olive tree on the site adjacent to the southern boundary shall be retained and protected.”

AMENDMENT CARRIED (9-0)

Moved Cr Ker, Seconded Cr Lake

That clause (i)(c) be deleted.

Debate ensued.

AMENDMENT CARRIED (8-1)

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

Moved Cr Torre, Seconded Cr Messina

That clause (i)(a) be deleted.

Debate ensued.

AMENDMENT LOST (2-7)

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

MOTION AS AMENDED CARRIED (8-1)

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

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 Phillip Mcallister Architect on behalf of the owners R D & L M Downie & M M Haydon & P C McAllister for proposed Partial Demolition of and Alterations and Two-Storey Additions to Existing Single House and an Additional Two (2) Three-Storey Multiple Dwellings and One (1) Three-Storey Grouped Dwelling, at No. 66 (Lot 7 D/P: 4802) Wright Street, Highgate, and as shown on plans stamp-dated 22 February 2006, subject to the following conditions:

- (i) prior to the issue of a Building Licence, revised plans and documentation shall be submitted and approved demonstrating the following:*
 - (a) the overall height of the dwellings being a maximum of 9.0 metres as measured from the natural ground level; and*
 - (b) all balconies and terraces being fully open on at least 2 sides. Where screening is required for privacy reasons, permanent obscure glazing at a height of 1.6 metres may be considered as an open side; and*

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

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

- (iv) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation of the Wright Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) *first obtaining the consent of the owners of No. 64 Wright Street and No. 68 Wright Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing of No. 64 Wright Street and No. 68 Wright Street in a good and clean condition;*
- (vi) *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; and*
- (vii) *the applicant being encouraged to retain the olive tree on the site adjacent to the southern boundary.*

Landowner:	R D & L M Downie & M M Haydon & P C McAllister
Applicant:	Phillip Mcallister Architect
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Multiple Dwelling ,Grouped Dwelling
Use Classification:	"P", "P"
Lot Area:	860 square metres
Access to Right of Way	N/A

BACKGROUND:

The subject proposal was presented to Elected Members at an Elected Member Forum held on 15 November 2005.

DETAILS:

The proposal involves partial demolition of and alterations and two-storey additions to existing single house and an additional two (2) three-storey multiple dwellings and one (1) three-storey grouped dwelling. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	4.77 grouped dwellings or 6.88 multiple dwellings R 80	3 multiple dwellings and 1 grouped dwelling R 46.5	Supported- no variation.

Plot Ratio	<p><u>Units 1-3</u> 1.0 - 614 square metres</p> <p><u>Unit 4</u> 0.65 - 160 square metres</p>	<p><u>Units 1-3</u> 0.79-483 square metres</p> <p><u>Unit 4</u> 0.65 - 159 square metres</p> <p>-excludes balconies/terraces which are open on two sides or should be conditioned to be open on two sides in event of approval (privacy screens which are 1.6 metres high and of obscure glazing are considered to be open)</p>	Supported- no variation.
Setbacks:			
<u>Ground Floor</u>			
- South (Units 1 & 2)	1.5 metres	Nil -1.0 metre	Supported- no undue impact, minor variation in this instance, existing dwelling's wall and refer to 'Buildings on Boundary'.
- South (Unit 3)	1.5 metres	1.0 -1.7 metres	Supported- minor variation and no undue impact.
<u>First Floor</u>			
- North (Units 1 stairs, bedroom 3 and terrace)	3.7 metres (or 1.6 metres if screened to full height)	2.55-3.3 metres	Supported- minor variation in the instance, no undue impact on neighbour and screening to full height would increase bulk of building.
- North (Unit 3)	3.8 metres (or 1.8 metres if screened to full height)	3.5-4.8 metres	Supported- as above.
- North (Unit 4 pool and terrace)	1.5 metres	0.75-2.11 metres	Supported- no undue impact on neighbour due to the ground level of affected property being significantly higher and refer to 'Buildings on Boundary'.
- South (Units 1 & 2)	2.7 metres	0.6 -1.5 metres	Not supported - undue impact on neighbour.
- South (Unit 3)	1.8 metres	1.0-1.65 metres	Supported- no undue impact on neighbour.

<u>Second Floor</u> - South (Unit 3)	1.9 metres	1.5 -3.5 metres	Supported- staggering of setbacks and no undue impact on neighbour.
Street Walls and Fences	Front walls and fences within the primary street setback area to be visually permeable 1.2 metres above natural ground level and a maximum height of 1.8 metres.	Solid wall up to 1.3 metres	Supported- existing wall.
Open Space	<u>Unit 1-3</u> 60 per cent <u>Unit 4</u> 45 per cent <u>Overall</u> 55.7 per cent	<u>Unit 1-3</u> 49 per cent (or 55.7 per cent if front setback terrace is included) <u>Unit 4</u> 69 per cent <u>Overall</u> 54.7 per cent (or 59.4 per cent if front setback terrace is included) -includes balconies/terraces which are open on two sides or should be conditioned to be open on two sides in event of approval (privacy screens which are 1.6 metres high and of obscure glazing are considered to be open)	Supported- front terrace area to be included as open space is considered supportable due it being open and significant slope in land. Open space variation therefore considered acceptable as compliant overall and due to site constraints relating to retention of existing dwelling and olive tree.
Communal Open Space	64 square metres	None indicated on plans.	Supported- adequate functional private open space has been provided for each dwelling.
Driveway	3.0 metres	2.55 metres	Supported- Technical Services has advised that this variation is not supported. However, due to site constraints, compliance with this matter would require demolition of existing dwelling. Noted that a 2.42 metres wide driveway (Nos.134-136

			Summers Street) has been previously approved in a similar situation.
Communal Accessway	To be no closer than 3.0 metres to a wall with a major opening	Communal accessway 2.55 metres from major openings.	Supported- minor variation, no undue impact and as above.
Wall Height (Unit 1 - two storeys)	6.0 metres	Up to approx. 7.38 metres	Supported in part-compliance with this matter would require demolition of existing dwelling, recommended that first floor to be conditioned to have minimum floor to ceiling height in event of approval.
Overall Building Height (Unit 1 - two storeys)	9.0 metres	Up to approx. 9.3 metres	Supported in part- as above.
Privacy Setbacks	Balconies/terraces- 7.5 metres Bedroom- 4.5 metres	<u>Unit 1</u> - ground floor terrace 3.0 metres to north boundary. - west side of first floor terrace 3.6 metres to north boundary. - west window of first floor bedroom is 2.5 metres to south boundary.	Supported- overlooking is to front setback area of neighbouring property. Supported- above. Not supported- undue impact, to be conditioned to comply in event of approval.
Buildings on Boundary	One boundary wall is permitted with an average height of 3 metres and a maximum height of 3.5 metres, for 66.6% length of boundary.	Two external boundary walls proposed: Southern boundary wall is compliant in terms of height and length. Northern boundary wall has an average height of 3.3 metres (length and maximum height compliant).	Supported- site constraints, minor variation in this instance and no undue impact on neighbour.
Building Height	2 storeys	3 storeys	Not supported- undue impact on neighbours and streetscape.

Consultation Submissions		
Support (2)	<ul style="list-style-type: none"> • Consents to proposal • Proposal is aesthetically pleasing and exciting addition to neighborhood • Pleased with retention of house 	Noted
Objection (3)	<ul style="list-style-type: none"> • Privacy • Overshadowing • Height ,bulk and scale of development, visual impact • Streetscape and character of the locality 	<p>Not supported- refer to above and all other major openings have been screened in accordance with R-Codes.</p> <p>Not supported-compliant with R-Codes.</p> <p>Supported- undue impact on neighbours and streetscape.</p> <p>Supported- as above.</p>
	<ul style="list-style-type: none"> • Car parking and traffic 	Not supported- adequate car parking has been provided in accordance with the R-Codes and proposal not considered to have undue impact in terms of traffic.
	<ul style="list-style-type: none"> • Southern boundary wall and setbacks 	Not supported - refer to above.
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:

While the variations sought by the applicant are generally acceptable due to the retention of the existing olive tree and dwelling, the variation sought to the setbacks and number of storeys is considered to have an undue impact on the streetscape and neighbours. In light of this, the planning application is recommended for refusal.

10.1.1 No. 20 (Lot 301 D/P: 45142) Lynton Street, Mount Hawthorn - Proposed Two (2) Storey Single House

Ward:	North	Date:	2 March 2006
Precinct:	Mount Hawthorn; P01	File Ref:	PRO2822; 5.2005.3304.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Majestic Building Company Pty Ltd on behalf of the owner S Lloyd & B Lloyd for proposed Two (2) Storey Single House, at No. 20 (Lot 301 D/P: 45142) Lynton Street, Mount Hawthorn, and as shown on floor plans, elevations plans and overshadowing plan stamp-dated 29 November 2005 and site plan stamp-dated 29 January 2006, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the driveway occupying a maximum of 40 per cent of the frontage of the property. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iii) first obtaining the consent of the owners of No. 18 Lynton Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 18 Lynton Street in a good and clean condition;*
- (iv) any new street/front wall, fence and gate between the Lynton Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*

- (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the window to bedroom 2 on the southern elevation on the first floor, 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 window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject wall, so it is not considered to be a major opening as defined in the Residential Design Codes 2002. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

Moved Cr Torre, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Torre, Seconded Cr Doran-Wu

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

- “(ii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the driveway occupying a maximum of ~~40~~ 47 per cent of the frontage of the property. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*”

Debate ensued.

AMENDMENT CARRIED (5-4)

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

Moved Cr Ker, Seconded Cr Messina

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

- “(ii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the driveway occupying a maximum of 47 per cent and the crossover width being limited to 40 per cent of the frontage of the property. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*”

AMENDMENT CARRIED (6-3)

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

Moved Cr Torre, Seconded Cr Farrell

That clause (v) be deleted.

AMENDMENT LOST (4-5)

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

MOTION AS AMENDED CARRIED (9-0)

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 Majestic Building Company Pty Ltd on behalf of the owner S Lloyd & B Lloyd for proposed Two (2) Storey Single House, at No. 20 (Lot 301 D/P: 45142) Lynton Street, Mount Hawthorn, and as shown on floor plans, elevations plans and overshadowing plan stamp-dated 29 November 2005 and site plan stamp-dated 29 January 2006, subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the driveway occupying a maximum of 47 per cent and the crossover width being limited to 40 per cent of the frontage of the property. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (iii) first obtaining the consent of the owners of No. 18 Lynton Street for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 18 Lynton Street in a good and clean condition;*

- (iv) *any new street/front wall, fence and gate between the Lynton Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (v) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the window to bedroom 2 on the southern elevation on the first floor, 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 window can be top hinged and the obscure portion of the window openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject wall, so it is not considered to be a major opening as defined in the Residential Design Codes 2002. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*

Landowner:	S Lloyd & B Lloyd
Applicant:	Majestic Building Company Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30
Existing Land Use:	Vacant
Use Class:	Single House
Use Classification:	"P"
Lot Area:	330 square metres
Access to Right of Way	N/A

BACKGROUND:

26 July 2004

The Town granted conditional Planning Approval under delegated authority from the Council for demolition of existing single house and construction of two (2) two storey single houses on Lots 300 and 301 (proposed at the time).

DETAILS:

The proposal involves the construction of a two (2) storey single house.

A planning application for proposed two storey single house at No. 20 A (Lot 300) Lynton Street is currently in progress with the Town. The two properties at No.20 and No. 20 A Lynton Street are under different ownership.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Vehicular Access - Driveway Width	Driveways not to occupy more than 40 per cent of the frontage of a property	47 per cent	Not supported - considered to have an undue impact on streetscape and is addressed in the Officer Recommendation.
Privacy: Upper Floor North (Balcony)	7.5 metres	4.271 metres to northern boundary	Supported - no undue impact on affected neighbour as overlooking is to adjacent neighbours' proposed balcony, is not considered to have an undue impact on affected neighbour and no objection received from affected neighbour.
South (Balcony)	7.5 metres	2.2 metres to southern boundary	Supported - no undue impact on affected neighbour as overlooking is into adjacent neighbours' front garden and no objection was received from the affected neighbour.
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> One submission was received in support of the proposal; however, did not include the name of the person who made the submission. 		Noted
Objection	Nil		Noted

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

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

COMMENTS:

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

10.1.4 No. 40 (Lots 1 and 2 D/P: 2028) Angove Street, Corner Woodville Street, North Perth - Proposed Awning Addition to Existing Shop

Ward:	North	Date:	3 March 2006
Precinct:	North Perth Centre; P09	File Ref:	PRO0152; 5.2006.53.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by M Rolle on behalf of the owner D, D, G & L Christou for proposed Awning Addition to Existing Shop, at No. 40 (Lots 1 and 2 D/P: 2028) Angove Street, corner Woodville Street, North Perth, and as shown on plans stamp-dated 9 February 2006, 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 Sign Licence application being submitted and approved prior to the erection of the signage;*
- (ii) doors, windows and adjacent floor areas fronting Angove Street shall maintain an active and interactive relationship with this street; and*
- (iii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) the minimum height clearance from the footpath level to the underside of the awning being 2.75 metres; and*
 - (b) the awning being a minimum of 600 millimetres from the kerb line of Angove Street.*

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

Moved Cr Chester, Seconded Cr Doran-Wu

That the recommendation be adopted subject the recommendation being numbered clause (i) and a new clause (ii) added as follows:

- “(ii) the Council ADVISES the applicant that it would encourage the reinstatement of the cantilever verandah as demonstrated at No. 32 Angove Street (Milkd coffee shop) to encourage alfresco dining and a more activated shopping strip on Angove Street.”*

Debate ensued.

Journalist Giovanni Torre left the meeting at 7.45pm.

CARRIED (9-0)

COUNCIL DECISION ITEM 10.1.4

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 M Rolle on behalf of the owner D, D, G & L Christou for proposed Awning Addition to Existing Shop, at No. 40 (Lots 1 and 2 D/P: 2028) Angove Street, corner Woodville Street, North Perth, and as shown on plans stamp-dated 9 February 2006, subject to the following conditions:*
- (a) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a Sign Licence application being submitted and approved prior to the erection of the signage;*
- (b) *doors, windows and adjacent floor areas fronting Angove Street shall maintain an active and interactive relationship with this street; and*
- (c) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (1) *the minimum height clearance from the footpath level to the underside of the awning being 2.75 metres; and*
- (2) *the awning being a minimum of 600 millimetres from the kerb line of Angove Street.*
- The revised plans shall not result in any greater variation to the requirements of the Town's Policies; and*
- (ii) *the Council ADVISES the applicant that it would encourage the reinstatement of the cantilever verandah as demonstrated at No. 32 Angove Street (Milkd coffee shop) to encourage alfresco dining and a more activated shopping strip on Angove Street.*

Landowner:	D , D, G & L Christou
Applicant:	M Rolle
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Shop
Use Class:	Shop
Use Classification:	"P"
Lot Area:	Total - 789 square metres
Access to Right of Way	East side, 3 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves an awning addition to existing shop.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Local Government (Miscellaneous Provisions) Act 1960, Division 8, Section 400, Part (2)(a)	A person with the permission of the local government and in accordance with plans and specifications settled and approved by the local government may - (a) place in front of the building, an awning or verandah, at least 2.75 metres above the footpath in a street, way or other public place.	Proposed awning is 2.3 metres above footpath.	Not supported - the Town has no discretion to issue a Building Licence for an awning with a minimum clearance of less than 2.75 metres, therefore, this is addressed in the Officer Recommendation.
Local Law relating to Verandahs and Awnings over Streets.	No part of any awning shall be less than 2.4 meters above the footpath.	Proposed awning is 2.3 metres above footpath.	Not supported - refer to above comments.
Canvas Awnings	The awning is to be of no greater width than 900 millimetres.	2 metres wide.	Supported - <ul style="list-style-type: none"> • The awning is required to have a minimum clearance from the footpath of 2.75 metres, therefore the awning needs to be wider than the permitted 900 millimetres to provide shade for the shop front; and • not considered to have an undue impact on streetscape as neighbouring properties have awnings of varied widths.
Consultation Submissions			
No consultation/advertising required as the property awning is not considered to unduly impact on neighbouring properties and is being referred to Council for its consideration and determination.			

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

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

COMMENTS:

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

10.1.20 No. 37 (Lot 3 D/P: 28798) Paddington Street, corner Hunter Street, North Perth- Proposed Front Fence Addition to Existing Single House (Application for Retrospective Approval)

Ward:	North	Date:	8 March 2006
Precinct:	North Perth; P08	File Ref:	PRO1998; 5.2006.9.1
Attachments:	001		
Reporting Officer(s):	J Barton, D Abel		
Checked/Endorsed by:	R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by K A Adam & Associates on behalf of the owner D K Majteles for proposed Front Fence Addition to Existing Single House (application for Retrospective Approval), at No. 37 (Lot 3 D/P: 28798) Paddington Street, corner Hunter Street, North Perth, and as shown on plans stamp-dated 10 January 2006, 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; and*
 - (b) *the grilles on the new wall perpendicular to Paddington Street shall be extended for a minimum length of four (4) metres from Paddington Street. These additional grilles shall be installed within 60 days of this Planning Approval notification; and*
- (ii) *the Council ADVISES the applicant and owners that the above works that form part of clause (i)(b) above shall be completed within sixty (60) days of notification, and the Council AUTHORIZES the Chief Executive Officer to continue legal proceedings should the above works not be completed within this sixty (60) days period.*

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Cr Torre departed the Chamber at 7.53pm.

Debate ensued.

Moved Cr Messina, Seconded Cr Farrell

That clauses (i)(b) and (ii) be deleted.

Debate ensued.

The Presiding Member advised that he would like to speak on the amendment.

Moved Cr Ker, Seconded Cr Farrell

That the Presiding Member be permitted to speak on the amendment.

CARRIED (8-0)

(Cr Torre was absent from the Chamber and did not vote.)

Cr Torre returned to the Chamber at 7.57pm.

AMENDMENT CARRIED (7-2)

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

MOTION AS AMENDED CARRIED (7-2)

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

COUNCIL DECISION ITEM 10.1.20

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 K A Adam & Associates on behalf of the owner D K Majteles for proposed Front Fence Addition to Existing Single House (application for Retrospective Approval), at No. 37 (Lot 3 D/P: 28798) Paddington Street, corner Hunter Street, North Perth, and as shown on plans stamp-dated 10 January 2006, subject to the following condition:

- (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;*

Landowner:	D K Majteles
Applicant:	K A Adam & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R30/ 40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	539 square metres
Access to Right of Way	N/A

BACKGROUND:

- 8 April 2003 The Council approved a Planning Application (00/33/1535) for the demolition of the existing dwelling subject to standard conditions.
- 5 September 2003 The Council approved a Planning Application (00/33/1704) for a two-storey single house with basement and undercroft car parking under delegated authority, subject to standard conditions which included the standard fence condition.
- 28 January 2004 The Council approved a Building Licence (20/2344) for a two-storey single house with basement and undercroft car parking, subject to standard conditions which also included the standard fence condition.
- 11 May 2005 The Town's Development Compliance Officer advised the owners of the subject land that the front fence had been built in contravention of the Planning Approval and Building Licence, and requested that an application for retrospective approval be submitted for consideration.
- 2 September 2005 Written Direction was served on the owners of the subject land.
- 30 September 2005 The owners lodged an appeal with the State Administrative Tribunal in terms of the Written Direction.
- 8 February 2006 A Directions Hearing was held and a date was set for mediation (16 March 2006).
- 10 February 2006 The unauthorised fence was advertised to the adjoining neighbours for 14 days, from 10 February 2006 to 23 February 2006.

DETAILS:

The applicant wishes to obtain retrospective planning approval for an unauthorised front fence. The majority of the front fence was a pre-existing fence and the two minor areas of non-compliance, which are the subject of this application, are as follows:

- Additional rendered brickwork to the section of wall facing Hunter Street. Approximately 1.5 metres (in length) of this wall has been raised by two brick courses (172 millimetres), and 2.5 metres (in length) of the wall has been raised by one brick course (86 millimetres) to even out the height of the previous fence.

- New wall added in front of the alfresco area, which is mostly situated perpendicular from Paddington Street, towards the eastern side of the entry to the dwelling, within the 4 metre front setback area. The wall is almost 50 per cent visually permeable to 1.8 metres in height for approximately 1.3 metres in length and solid to 1.8 metres in height within the remainder of the 4 metre front setback area. This wall also includes a small return (1.3 metres of the wall) along Paddington Street facing north, which is also visually permeable (almost 50 per cent) to 1.8 metres in height.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Street Walls and Fences-Town's Policy 3.2.5.	No fence shall exceed a maximum of 1.8 metres above the ground level. Decorative capping on top of posts and piers may extend up to a maximum height of 2.0 metres. The solid portion of any new front fences and gates adjacent to Paddington Street shall be a maximum height of 1.2 metres above the adjacent footpath level, with the upper portion of the front fences and gates being visually permeable, with a minimum 50 per cent transparency.	Small portions of the new front fence are not visually permeable above 1.2 metres in height, and portions of the fence exceed 1.8 metres in height from natural ground level.	The non-complying front fence is considered acceptable for the following reasons: <ul style="list-style-type: none"> • There are only two minor areas of non compliance (highlighted above and circled on the plans) with the Town's Street Walls and Fences Policy 3.2.5. The remainder of the fence is an existing fence which has been rendered and painted (see attached photographs of the previous fence). • The addition of the additional brickwork along Hunter Street is minor in nature and the colours and materials used for the new fence are considered to complement the dwelling and enhance the amenity of the streetscape. The site also slopes down along Hunter Street. • The additional wall around the courtyard area is more open than the previous fence, as large sections of the previous brick wall have been removed around the front entrance to the dwelling, which enables greater surveillance of the street and an entrance which is more clearly

			identifiable from the street. Nevertheless, the grilles should be extended for a minimum length of four (4) metres from Paddington Street, to reduce the visual impact of this wall.
			<ul style="list-style-type: none"> • The new fence is more visually permeable than the previous fence. • The new fence is more appealing from a streetscape perspective than the previous fence. • No comments were received during the notification period which demonstrates that some of the adjoining and surrounding property owners do not object to the minor modifications to the previous unattractive, high, solid, red brick fence.
Consultation Submissions			
Support	Nil		Noted
Objection	Nil		Noted
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

In light of the above comments, the minor additions to the fence are considered to enhance the amenity of the streetscape, and the adjoining properties, and approval is recommended, subject to standard and appropriate conditions to address the above matters.

10.1.2 No. 21 (Lot 221 D/P: 2001) Pakenham Street, Mount Lawley - Proposed Partial Demolition of and Alterations and Additions to Existing Single House

Ward:	South	Date:	8 March 2006
Precinct:	Banks; P15	File Ref:	PRO3412; 5.2005.3332.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by A & S King on behalf of the owner B Sheedy for proposed Partial Demolition of and Alterations and Additions to Existing Single House, at No. 21 (Lot 221 D/P: 2001) Pakenham Street, Mount Lawley, and as shown on site plan stamp-dated 27 February 2006 and floor plans and elevations plan stamp-dated 12 December 2005 (A2, A3, A4) and 27 February 2006 (A1), 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 Pakenham Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*

- (iii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the southern and northern sides of the balcony/deck on the ground/upper floor, and the windows to the living and meals rooms on the northern elevation on the ground/upper floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished ground/upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole 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. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies.*
-

Cr Messina departed the Chamber at 8.05pm.

COUNCIL DECISION ITEM 10.1.2

Moved Cr Chester, Seconded Cr Maier

That the recommendation be adopted.

Moved Cr Chester, Seconded Cr Farrell

That;

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

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

(a) the southern and northern sides of the balcony/deck on the ground/upper floor, and the windows to the living and meals rooms on the northern elevation on the ground/upper floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished ground/upper floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2002; and

(b) the stairs providing access from the ground floor to the upper floor being located within the living room, and having no direct external access.

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

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

"(iv) the entire development shall be used as one single house only."

Debate ensued.

Cr Messina returned to the Chamber at 8.07pm.

AMENDMENT CARRIED (8-1)

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

MOTION AS AMENDED LOST (2-7)

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

Reason:

1. Concerns that it will function as a multiple dwelling which cannot be approved in this Precinct.

Cr Farrell departed the Chamber at 8.13pm.

Landowner:	B Sheedy
Applicant:	A & S King
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R20
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	626 square metres
Access to Right of Way	West side, 4.02 metres wide, unsealed, privately owned.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves partial demolition of and alterations and additions to existing single house at the subject property.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Setbacks: Under-croft Floor- South	1.5 metres	1.44 metres - 3.33 metres	Supported - variation is considered minor, does not have an undue impact on affected neighbour and affected neighbour has stated no objection.
North	1.5 metres	0.5 metre - 1 metre - 2.48 metres	Supported - as above.
Ground/Upper Floor- South	1.8 metres	1.44 metres - 3.33 metres	Supported - variation is considered minor, does not have an undue impact on affected neighbour and affected neighbour has stated no objection.
North	4.8 metres	1 metre - 2.48 metres - 3.44 metres	Supported - as above.
Privacy: Ground/Upper Floor- West Balcony/Deck	7.5 metres	4 metres to southern boundary	Supported - <ul style="list-style-type: none"> • no undue impact on affected neighbour as screening is provided by mature trees and bushes; and • neighbour has stated no objection.

	7.5 metres	5 metres to northern boundary	Supported - <ul style="list-style-type: none"> no undue impact on affected neighbour as screening is provided by mature trees and bushes; and neighbour has stated no objection.
Consultation Submissions			
Support (2)	<ul style="list-style-type: none"> No objection to proposed development as indicated on plans. 		Noted
Objection	Nil		Noted
Comments	<ul style="list-style-type: none"> Neighbour has requested screening on windows to the proposed living area and meals on the upper floor on the northern elevation. 		Noted - plans indicate <i>screen in accordance with Part 5 of the R Codes (not shown in full) over windows</i> and has been addressed in the Officer Recommendation.
	<ul style="list-style-type: none"> Neighbour has indicated that screening to the proposed kitchen on the upper floor on the northern elevation is not necessary. Would like the boundary fence restored during development. Concern excavation work will affect the foundations of the existing building on the neighbouring property. 		<p>Noted - plans indicate <i>screen in accordance with Part 5 of the R codes (not shown in full over windows)</i>.</p> <p>Not supported - dividing fences are a civil matter and not a planning consideration.</p> <p>Noted - addressed at the Building Licence stage.</p>
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

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

10.1.5 No. 75 (Lot 88) Palmerston Street, Perth - Proposed Green Title/Freehold Subdivision

Ward:	South	Date:	8 March 2006
Precinct:	Hyde Park, P12	File Ref:	130292; 7.2006.9.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission of the application submitted by Greg Rowe & Associates on behalf of the owner Oceanbird Holdings Pty Ltd for the proposed subdivision of No. 75 (Lot 88) Palmerston Street, Perth, and as shown on plans stamp-dated 17 January 2006 (subdivision 130292), subject to the following conditions:

- (i) *all ground disturbing works within the site being in accordance with the relevant conditions as outlined in the Minister for Aboriginal Affairs Section 18 Approval under the Aboriginal Heritage Act 1972;*
- (ii) *those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Town the cost of such works as estimated by the Town, subject to the Town giving an assurance to the Commission that the works will be completed within a reasonable period acceptable to the Commission;*
- (iii) *the cul-de-sac heads being designed to the satisfaction of the Town;*
- (iv) *the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost. The maximum permitted amount of fill and height of associated retaining walls is 15.3 AHD for proposed Lots 1 to 9, inclusive, and 16.0 AHD for proposed Lots 10 to 17, inclusive. No additional landfill is permitted on the site when vacant or with any future development on the site, without the prior Planning Approval being applied to and obtained from the Town of Vincent. This fill limit reflects the Planning Approval granted for landfill on the subject property on 22 July 2003 and issued on 28 July 2003; and*
- (v) *all development on the proposed lots shall comply with the Town's Policy relating to Appendix No.7 Design Guidelines for the "Old Bottleyard".*

Moved Cr Maier, **Seconded** Cr Ker

That the recommendation be adopted.

Cr Farrell returned to the Chamber at 8.15pm.

Moved Cr Maier, Seconded Cr Ker

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

"(ii) those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost. ~~As an alternative, the Western Australian Planning Commission is prepared to accept the subdivider paying to the Town the cost of such works as estimated by the Town, subject to the Town giving an assurance to the Commission that the works will be completed within a reasonable period acceptable to the Commission;~~"

AMENDMENT CARRIED (9-0)

Debate ensued.

Moved Cr Lake, Seconded Cr Messina

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

"(vi) an environmental report prepared by a qualified consultant being submitted to and approved by the Department of Environment/Environmental Protection Authority, in consultation with the Town, prior to the commencement of subdivisional works at the subdivider's cost; and

(vii) the recommended measures of the environmental report being implemented and certification from an environmental consultant that the measures have been undertaken being submitted, prior to the clearance of the diagram of survey for the proposed lots at the subdivider's cost."

Debate ensued.

AMENDMENT CARRIED (9-0)

Moved Cr Maier, Seconded Cr Ker

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

"(vi) an environmental report addressing soil quality issues prepared by a qualified consultant being submitted to and approved by the Department of Environment/Environmental Protection Authority, in consultation with the Town, prior to the commencement of subdivisional works at the subdivider's cost; and"

Debate ensued.

AMENDMENT LOST (4-5)

For

Cr Chester
Cr Ker
Cr Lake
Cr Maier

Against

Mayor Catania
Cr Doran-Wu
Cr Farrell
Cr Messina
Cr Torre

Moved Cr Farrell, Seconded Cr Messina

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

“(vi) an environmental report specifically addressing potential soil contamination prepared by a qualified consultant being submitted to and approved by the Department of Environment/Environmental Protection Authority, in consultation with the Town, prior to the commencement of subdivisional works at the subdivider’s cost; and”

AMENDMENT CARRIED (9-0)

Moved Cr Lake, Seconded Cr Chester

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

“(vi) an environmental report specifically addressing potential soil contamination and suitability for the proposed use prepared by a qualified consultant being submitted to and approved by the Department of Environment/Environmental Protection Authority, in consultation with the Town, prior to the commencement of subdivisional works at the subdivider’s cost; and”

AMENDMENT CARRIED (7-2)

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

MOTION AS AMENDED CARRIED (8-1)

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

COUNCIL DECISION ITEM 10.1.5

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Residential Design Codes, the Council RECOMMENDS APPROVAL to the Western Australian Planning Commission of the application submitted by Greg Rowe & Associates on behalf of the owner Oceanbird Holdings Pty Ltd for the proposed subdivision of No. 75 (Lot 88) Palmerston Street, Perth, and as shown on plans stamp-dated 17 January 2006 (subdivision 130292), subject to the following conditions:

- (i) *all ground disturbing works within the site being in accordance with the relevant conditions as outlined in the Minister for Aboriginal Affairs Section 18 Approval under the Aboriginal Heritage Act 1972;*
- (ii) *those lots not fronting an existing road being provided with frontage to a constructed subdivisional road connected by a constructed subdivisional road(s) to the local road system and such subdivisional road(s) being constructed and drained at the subdivider's cost.*
- (iii) *the cul-de-sac heads being designed to the satisfaction of the Town;*
- (iv) *the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost. The maximum permitted amount of fill and height of associated retaining walls is 15.3 AHD for proposed Lots 1 to 9, inclusive, and 16.0 AHD for proposed Lots 10 to 17, inclusive. No additional landfill is permitted on the site when vacant or with any future development on the site, without the prior Planning Approval being applied to and obtained from the Town of Vincent. This fill limit reflects the Planning Approval granted for landfill on the subject property on 22 July 2003 and issued on 28 July 2003; and*
- (v) *all development on the proposed lots shall comply with the Town's Policy relating to Appendix No.7 Design Guidelines for the "Old Bottleyard";*
- (vi) *an environmental report specifically addressing potential soil contamination and suitability for the proposed use prepared by a qualified consultant being submitted to and approved by the Department of Environment/Environmental Protection Authority, in consultation with the Town, prior to the commencement of subdivisional works at the subdivider's cost; and*
- (vii) *the recommended measures of the environmental report being implemented and certification from an environmental consultant that the measures have been undertaken being submitted, prior to the clearance of the diagram of survey for the proposed lots at the subdivider's cost.*

ADDITIONAL INFORMATION:

Geotechnical Report

A Geotechnical Report was previously prepared for the "Old Bottleyard" site when the lots were Lots 1, 2 and 3 (refer attached). The previous Lot 3 and the eastern part of Lot 2 now comprises the new subject Lot 88 Palmerston Street.

The Geotechnical Report stated that "*lot 3 may be left as a Class A site with minimal preparation. Conventional foundation design as per Class A site may be undertaken in lot 3*" (that is, slab on ground construction).

The lot that required "*special construction consideration*" was Lot 1, which now comprises the Robertson Park Wetland and to a lesser extent Lot 2.

It was considered at that time that the eastern portion of Lot 2, which now comprises part of Lot 88, would require only "*minimal preparation*".

In addition, Lot 88 Palmerston Street will be filled with clean fill sand to AHD 15.3 metres and 16 metres respectively. This will raise the level of the site to over 1.0 metre in places. The lots will be connected to soak wells with a maximum of 0.6 metre in depth and the road system will be connected via minimal drainage works to the existing connection point provided at the southern side of Lot 88, as with any future sewerage works.

The dual use path on the perimeter of Lot 88 Palmerston Street was constructed and filled to match the proposed Lot 88 levels which range between AHD 15.3 metres and 16 metres.

Recent Assessment - Wetland Area (Former Lot 1)

Following concerns with the stunted chlorotic growth of plants in certain areas around the Robertson Park wetland, a Soil Management Consultant was engaged by the Town of Vincent to investigate this matter. The report identified that there were levels of lead and selenium within the soil that were most likely affecting the growth and condition of some of the plant species.

This report was forwarded to the Senior Toxicologist at the Western Australia Department of Health, who advised that the levels on the subject site were within acceptable levels, as long as people working in the soil took precautions (that is, wearing of gloves and washing hands afterwards).

It was also decided to involve an environmental consultant to undertake a more thorough investigation, and the consultant's report included several recommendations specific to the Wetland. These are currently being assessed and funds have been included in the 2006/2007 Draft Budget to carryout a more comprehensive sampling program (as recommended).

Landowner:	Oceanbird Holdings Pty Ltd
Applicant:	Greg Rowe & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R80
Existing Land Use:	Vacant Land
Use Class:	Single House
Use Classification:	"P"
Lot Area:	3999 square metres
Access to Right of Way	Not applicable.

BACKGROUND:

The site is the "Old Bottleyard" site.

- 23 October 2001 Conditional approval granted by the Western Australian Planning Commission (WAPC) for the subdivision of the above site into 17 green title/freehold lots (ref: 116843, dated 12 June 2001, attached). The three (3) year approval period has since expired.
- 9 April 2002 The Council at its Ordinary Meeting resolved to proceed with the amended subdivision plan for the small lot and super lot subdivision of the "Old Bottleyard" site.
- 31 May 2002 The WAPC approves the revised subdivision plan stamp dated 24 April 2002 (attached), as part of the 23 October 2001 approval.
- 22 July 2003 The Council at its Ordinary Meeting resolved to conditionally approve an application for land fill at the subject property.

DETAILS:

The applicant seeks to subdivide the existing vacant single lot into seventeen (17) single green titled /freehold lots in accordance with the Residential R80 density code.

The applicant is proposing six (6) lots to front Palmerston Street and the remaining eleven (11) lots being serviced by a new dedicated public road off Palmerston Street.

In support of the application, the applicant has provided a submission, which is summarised as follows:

- The subject land was purchased from the Town of Vincent, with a subdivision in place (Ref: 116843), allowing 17 lots ranging from 165.4 square metres to 235.9 square metres, which has since expired.
- The current proposal, which is essentially a request for renewal, is similar to the previous approved subdivision application by the Town of Vincent for 17 single lots.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R80	R80	Supported- no variation.
Plot Ratio	N/A	N/A	Noted
Consultation Submissions			
The proposal did not require advertising.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

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

COMMENTS:

The proposed green title lot subdivision complies with the provisions of the Residential R80 density code in relation to lot size requirements. The R80 code permits a minimum lot size of 160 square metres with an average lot size of 180 square metres. The proposed lot sizes range between 167 square metres and 246 square metres, with an average lot size of 180.7 square metres.

Residential Design Guidelines

The WAPC subdivision conditional approval, dated 23 October 2001, applied the following condition:

"Detailed Residential Design Guidelines for the subdivisional area being submitted to the WAPC for approval and adopted by the Town of Vincent pursuant to Clause 47 of the Town of Vincent Town Planning Scheme to address such issues as building orientation, site coverage, setbacks, the location and width of driveway crossovers, location of party walls, common fencing and parking."

The Town has already adopted the Town's Policy relating to "*Appendix No.7 Design Guidelines for the Old Bottleyard*", applying to the above site.

For any lot less than 350 square metres, a development application is required to be submitted and approved prior to the lots been created so as to ensure that the lots created can be adequately developed for residential dwellings. It is considered that there is no need for Planning Approval to be granted prior to the clearance of individual lots in this instance, even though all the proposed lots are less than 350 square metres in area, as the "*Design Guidelines for the Old Bottleyard*" are considered adequate to provide guidance and certainty to future landowners if the lots were sold and developed individually.

Public Open Space

Under the WAPC's requirement for contribution of Public Open Space (POS), the owner is required to provide 10 per cent of the gross subdividable area for POS purposes.

In the previous approved subdivision (ref: 116843), the WAPC advised that it was prepared to support the required public open space being held in freehold by the Town, provided that the required land component was held in freehold by the Town, and subject to the land being rezoned to "Parks and Recreation". The affected land rezoning has occurred, and the land now forms part of the recently upgraded Robertson Park. On the above basis, there is no further need for the provision of POS for the above proposed subdivision.

Soil and Land Fill

In the application form for subdivision to the WAPC, the applicant has indicated that there is no evidence of a significant risk of disturbing acid sulphate soils at the subject site.

The maximum amount of land fill has been conditioned in accordance with the conditional approval granted for land fill by the Council at its Ordinary Meeting held on 22 July 2003.

The proposal is in accordance with the current density code and is therefore supported, subject to standard and appropriate conditions to address the above matters.

10.1.7 No. 16 (Lot 28) Brentham Street, Leederville - Proposed Partial Demolition of and Additions and Alterations to Existing Six (6) Multiple Dwellings, and Construction of Additional Nineteen (19) Two-Storey Grouped Dwellings

Ward:	North	Date:	8 March 2006
Precinct:	Leederville; P3	File Ref:	PRO2703; 5.2005.3326.1
Attachments:	001		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by R.J Knott - P.T Ker & Associates on behalf of the owner Baymoon Holdings Pty Ltd for proposed Partial Demolition of and Additions and Alterations to Existing Six (6) Multiple Dwellings, and Construction of Additional Nineteen (19) Two-Storey Grouped Dwellings, at No. 16 (Lot 28) Brentham Street, Leederville, and as shown on plans stamp-dated 7 December 2005, 20 December 2005, 25 January 2006 and 1 February 2006 , subject to the following conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) a detailed landscaping plan, including a list of plants, planting of mature trees, and the landscaping and reticulation of the Brentham Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (iii) any new street/front wall, fence and gate along the southern and eastern boundaries, and between the Brentham 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, or 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;*
- (iv) first obtaining the consent of the owners of No. 20 (Lot 100) Brentham 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.20 (Lot 100) Brentham Street in a good and clean condition;*
- (v) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
 - (a) the provision of significant design features to the brick wall of Unit (lot) 11 adjacent to the northern boundary;*
 - (b) noise attenuation measures, such as double glazing of all openings on the northern elevation of the dwellings facing the northern boundary of the subject site;*
 - (c) the preferred option in terms of site remediation being Option (1)/(A), and the level of fill to comply with the Department of Environment's recommendation as stated in its letter dated 27 September 2004, which is a minimum of 1 metre over open areas and 0.5 metre beneath hard stand areas;*
 - (d) the spa being setback a minimum of 1.5 metres from the northern boundary;*
 - (e) landscaping being provided within a landscaping strip of a minimum width of 1 metre along the entire northern edge of the common outdoor/communal area, excluding the store areas; and*
 - (f) provision of 7 car bays for the multiple dwellings.*

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

- (vi) all signage that does not comply with the Town's Policies relating to signs and advertising shall be subject to a separate Planning Application and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (vii) prior to the first occupation of the development, the applicant/owner(s) shall, in at least 12-point size writing, advise (prospective) purchasers of the residential units/dwellings that:*

"the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development";
- (viii) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (ix) an archival documented record of the places (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;*

- (x) *prior to the issue of a Building Licence, Management Plans addressing restriction in the use of ground water, monitoring of ground water quality and any other appropriate matters identified in the Department of Environment (DoE) letter dated 27 September 2004, shall be submitted to and approved by the Town and the DoE, and rules and regulations including signage relating to appropriate behaviour and use of the common outdoor/communal area. All such works and rules and regulations relating to the use of the communal areas shall be in the Strata Management Plan for the development, and undertaken and maintained thereafter by the owner(s)/occupier (s) in accordance with the approved Management Plans;*
- (xi) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Brentham Street, dust, safety and any other appropriate matters, shall be submitted to and approved by the Town;*
- (xii) *prior to the ground floor footings and slab being poured, the applicant/owner shall submit documentary evidence from a Licensed Land Surveyor to the satisfaction of the Town that the amount of fill is in accordance with the fill levels recommended by the Department of Environment and as approved in this approval;*
- (xiii) *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 non-residential activities (primary school); and*
 - (b) *the area was previously used as a dumping ground for refuse, and there are restrictions in the use of ground water, monitoring of ground water quality and other appropriate matters identified by the Department of Environment.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development; and*
- (xiv) *prior to the issue of a Building Licence, a Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations for the development, taking into account the geo-technical composition of the soil and the history of the area, shall be submitted to and approved by the Town.*

Moved Cr Doran-Wu, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Doran-Wu, Seconded Cr Messina

That clause (v)(d) be deleted and a new clause (v)(d) added as follows:

- “(v) (d) *the common area, spa and gazebo being moved to the southern side of the development site;*

AMENDMENT CARRIED (8-1)

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

Moved Cr Messina, Seconded Cr Doran-Wu

That;

1. *clause (v)(c) be amended to read as follows:*

"(v) (c) the preferred option in terms of site remediation being Option (1)/(A), and the level of fill to comply with the Department of Environment's recommendation as stated in its letter dated 27 September 2004, which is a minimum of 1 metre over open areas and 0.5 metre beneath hard stand areas; the whole subject site being excavated and filled with one (1) metre deep clean fill;"

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

"(xv) the removal of any asbestos from the subject site shall be undertaken during non-school hours or during school holidays."

3. *the existing recommendation be numbered as clause (i)(a) to (n); and*

4. *a new clause (ii) be added as follows:*

"(ii) the Council ADVISES the applicant and owner of the subject property that the site shall be made secure with perimeter fencing within 14 days of notification."

Debate ensued.

The Presiding Member advised that each part of the amendment would be considered individually.

Part 1 was put.

AMENDMENT (Part 1) LOST (0-9)

Part 2 was put.

AMENDMENT (Part 2) CARRIED (9-0)

Parts 3 and 4 were put.

AMENDMENT (Parts 3 and 4) CARRIED (9-0)

Moved Cr Farrell, Seconded Cr Messina

That clause (e)(3) be amended to read as follows:

"(e) (3) ~~the preferred option in terms of site remediation being Option (1)/(A), and the level of fill to comply with the Department of Environment's recommendation as stated in its letter dated 27 September 2004, which is a minimum of 1 metre over open areas and 0.5 metre beneath hard stand areas; the whole subject site being filled with one (1) metre deep clean fill;~~"

AMENDMENT CARRIED
ON THE CASTING VOTE OF THE MAYOR (5-4)

Debate ensued.

Cr Torre left the meeting at 8.40pm and did not return.

<u>For</u>	<u>Against</u>
Mayor Catania (2 votes)	Cr Chester
Cr Doran-Wu	Cr Ker
Cr Farrell	Cr Lake
Cr Messina	Cr Maier

Moved Cr Lake, Seconded Cr Maier

That;

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

"(i) (b) a detailed landscaping plan, including a list of plants, planting of mature trees, and the landscaping and reticulation of the Brentham Street verge adjacent to and within 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);"

2. *clause (m) be amended to read as follows:*

"(m) 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 non-residential activities (primary school); ~~and~~*
- (3) the area was previously used as a dumping ground for refuse, and there are restrictions in the use of ground water, monitoring of ground water quality and other appropriate matters identified by the Department of Environment; and*

(3) 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.

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

3. *clause (g) be deleted and the remaining clauses renumbered.*

AMENDMENT CARRIED (8-0)

(Cr Torre had left the meeting.)

Moved Cr Chester, **Seconded** Cr Lake

That new clauses (i)(o) and (p) be added as follows:

“(o) the dwellings facing the northern boundary shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant and report are to be at the applicant’s/owner(s)’ costs; and

(p) 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.”

AMENDMENT CARRIED (8-0)

(Cr Torre had left the meeting.)

MOTION AS AMENDED CARRIED (7-1)

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

(Cr Torre had left the meeting.)

COUNCIL DECISION ITEM 10.1.7

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 R.J Knott - P.T Ker & Associates on behalf of the owner Baymoon Holdings Pty Ltd for proposed Partial Demolition of and Additions and Alterations to Existing Six (6) Multiple Dwellings, and Construction of Additional Nineteen (19) Two-Storey Grouped Dwellings, at No. 16 (Lot 28) Brentham Street, Leederville, and as shown on plans stamp-dated 7 December 2005, 20 December 2005, 25 January 2006 and 1 February 2006 , 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) *a detailed landscaping plan, including a list of plants, planting of mature trees, and the landscaping and reticulation of the Brentham Street verge adjacent to and within 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);*
- (c) *any new street/front wall, fence and gate along the southern and eastern boundaries, and between the Brentham Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (1) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
- (2) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
- (3) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
- (4) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
- (5) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way, or 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;*
- (d) *first obtaining the consent of the owners of No. 20 (Lot 100) Brentham 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.20 (Lot 100) Brentham Street in a good and clean condition;*

- (e) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating:*
- (1) *the provision of significant design features to the brick wall of Unit (lot) 11 adjacent to the northern boundary;*
 - (2) *noise attenuation measures, such as double glazing of all openings on the northern elevation of the dwellings facing the northern boundary of the subject site;*
 - (3) *the whole subject site being filled with one (1) metre deep clean fill;*
 - (4) *the common area, spa and gazebo being moved to the southern side of the development site;*
 - (5) *landscaping being provided within a landscaping strip of a minimum width of 1 metre along the entire northern edge of the common outdoor/communal area, excluding the store areas; and*
 - (6) *provision of 7 car bays for the multiple dwellings.*
- The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (f) *all signage that does not comply with the Town's Policies relating to signs and advertising shall be subject to a separate Planning Application and all signage shall be subject to a Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (g) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on site;*
- (h) *an archival documented record of the places (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;*
- (i) *prior to the issue of a Building Licence, Management Plans addressing restriction in the use of ground water, monitoring of ground water quality and any other appropriate matters identified in the Department of Environment (DoE) letter dated 27 September 2004, shall be submitted to and approved by the Town and the DoE, and rules and regulations including signage relating to appropriate behaviour and use of the common outdoor/communal area. All such works and rules and regulations relating to the use of the communal areas shall be in the Strata Management Plan for the development, and undertaken and maintained thereafter by the owner(s)/occupier (s) in accordance with the approved Management Plans;*
- (j) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction and traffic access via Brentham Street, dust, safety and any other appropriate matters, shall be submitted to and approved by the Town;*
- (k) *prior to the ground floor footings and slab being poured, the applicant/owner shall submit documentary evidence from a Licensed Land Surveyor to the satisfaction of the Town that the amount of fill is in accordance with the fill levels recommended by the Department of Environment and as approved in this approval;*

- (l) *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 non-residential activities (primary school);*
 - (3) *the area was previously used as a dumping ground for refuse, and there are restrictions in the use of ground water, monitoring of ground water quality and other appropriate matters identified by the Department of Environment; and*
 - (3) *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.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the development;*
- (m) *prior to the issue of a Building Licence, a Certified Practising Consulting Engineer's certification as to the capability of the subject site and adequacy of the proposed foundations for the development, taking into account the geo-technical composition of the soil and the history of the area, shall be submitted to and approved by the Town;*
 - (n) *the removal of any asbestos from the subject site shall be undertaken during non-school hours or during school holidays;*
 - (o) *the dwellings facing the northern boundary shall be adequately sound insulated prior to the first occupation of the development. The necessary sound insulation shall be in accordance with the recommendations, developed in consultation with the Town, of an acoustic consultant registered to conduct noise surveys and assessments in accordance with the Environmental Protection Act 1986. The sound insulation recommendations shall be submitted and approved prior to the issue of a Building Licence. The engagement of and the implementation of the recommendations of this acoustic consultant and report are to be at the applicant's/owner(s) costs;*
 - (p) *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*
- (ii) *the Council ADVISES the applicant and owner of the subject property that the site shall be made secure with perimeter fencing within 14 days of notification.*
-

Landowner:	Baymoon Holdings Pty Ltd
Applicant:	R.J Knott – P.T Ker & Associates
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R60
Existing Land Use:	Institutional Building (demolished) and Multiple Dwelling
Use Class:	Multiple Dwelling & Grouped Dwelling
Use Classification:	"P"
Lot Area:	5150 square metres
Access to Right of Way	Not applicable

BACKGROUND:

- 27 September 2004 Letter from the Department for Environment relating to contamination and acid sulphate soil.
- 7 December 2004 The Council at its Ordinary Meeting recommended that the item be "*DEFERRED for the applicant to consider moving the spa and barbecue outdoor area*".
- 21 December 2004 The Council at its Ordinary Meeting approved the part Demolition of Existing Institutional Building, Alterations and Additions to Existing Six (6) Multiple Dwellings, and Construction of Additional Six (6) Multiple Dwellings, and construction of Nineteen (19) Three-Storey Grouped Dwellings.

DETAILS:

The site is the former premises of the WA Deaf Society. The institutional building has been demolished. The remaining six (6) multiple dwellings are to be partly demolished (minor in nature), with alterations and additions to these dwellings and construction of an additional nineteen (19) two-storey grouped dwellings. The site is bounded by Aranmore Primary School to the north and parkland to the south and eastern sides. Due to the previous use of the site as a rubbish dump, a geotechnical report including an environmental assessment of the site has been submitted with the previous application approved by the Council at its Ordinary Meeting held on 21 December 2004.

The applicant has advised that both the geotechnical report and environmental assessment indicate that the soil under the site are of concern with regard to stability and level of contaminations, and recommended strongly that the site be treated in one of two options, as below:

- "(i) The site to be filled with clean fill to a height of approximately 1 m.*
- (ii) The site to be excavated approx 1 m then backfilled with clean fill."*

The Department of Environment has previously advised that an asbestos warning barrier is a physical barrier of plastic or geotextile fabric, which would warn any persons who may excavate the site to stop digging and investigate further.

The applicant has submitted the following information (attached), which is summarised as follows:

- The fill proposed is approximately 500 millimetres.
- The current proposal is a reduction of six (6) multiple dwellings from the previous approval.

- The overall plot ratio has been reduced from 0.664 to 0.618.
- Major change is the removal of the loft space from the two-storey grouped dwellings.
- The revised proposal has resulted in a better development, with a lower density, reduced bulk, increased open space and an overall balanced design.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R60 -29 dwellings (19 grouped dwellings and 10 multiple dwellings).	R48-25 dwellings (19 grouped dwellings and 6 multiple dwellings).	Supported-no variation.
Plot Ratio for Grouped Dwellings	0.65	0.68	Supported- the increase in the plot ratio is considered minor in the context of the lot area of 5150 square metres. The bulk and scale have been evenly distributed and does not reflect an overdevelopment of the site. The allowed maximum plot ratio for the whole site is 0.664 (provided is 0.618).
Open Space for Grouped Dwellings	45 per cent	41.24 to 55.25 per cent	Supported- the increase in site cover is compensated by the surrounding open space to the east and south of the subject site. The required minimum open space for the whole site is 45 percent (provided is 47.22 per cent).
Car Parking for Multiple Dwellings	7 car bays	6 car bays	Not supported-as there is opportunity to provide an extra car bay for the multiple dwellings, a condition has been recommended to that effect.
Balcony (Existing for Multiple Dwellings)	10 square metres	9.2 squares metres	Supported-as the subject balconies are existing.

Pedestrian Path.	1.2 metres wide	Nil	Supported-as contrasting paved area of 1.2 metres in width has been provided within the driveway, resulting in more efficient use of site.
Setback-Ground Floor-west elevation-main building facing Brentham Street.	4 metres	3 metres to 7.8 metres	Supported- the adjoining lot to the north is the Aranmore Primary School and to the south is a park. The reduced setback will not unduly impact the streetscape.
Setback-First Floor-west elevation-main building facing Brentham St.	6 metres	4.5 metres to 7.8 metres	Supported-as above.
Setback-First Floor-east elevation facing park.	6.3 metres	1.7 metres to 2.1 metres	Supported- as the adjoining property is a park, and will not unduly impact on the amenity of the area. The reduced setback will contribute to interaction between the development and the park.
Setback-Ground Floor-south elevation-Wall 1 facing park.	1.5 metres	1.195 to 2.68 metres	Supported-as above.
Setback-Ground Floor-south elevation-Wall 2 facing park.	1.5 metres	1.286 to 2.586 metres	Supported-as above.
Setback-First Floor-south elevation-Wall 1 facing park.	6.6 metres	1.2 to 3.3 metres	Supported-as above.
Setback-First Floor-south elevation-Wall 2 facing park.	4.4 metres	1.286 to 2.586 metres	Supported-as above.

Setback-Ground Floor-north elevation-Wall 1 facing school.	1.0 metre	Nil	Supported- as the reduced setback will not unduly affect the amenity of the adjoining lot, which is the Aranmore Primary School. All privacy related issues comply with the R Codes.
Setback-Ground Floor-north elevation-Wall 2 facing school.	1.0 metre	Nil	Supported-as above.
Setback-Ground Floor-north elevation-Wall 3 facing school.	1.0 metre	Nil	Supported-as above.
Setback-Ground Floor-north elevation-Wall 4 facing school.	1.0 metre	Nil	Supported-as above.
Setback-Ground Floor-north elevation-Wall 7 facing school.	1.5 metres	Nil	Supported-as above.
Setback-First Floor-north elevation-existing wall 6 facing school.	5.8 metres	4.3 metres	Supported-as above.
Setback-First Floor-north elevation-Units 7 to 10 facing school.	6.6 metres	5.037 metres	Supported-as above.
Setback-First Floor-north elevation-Units 7 to 11 facing school.	1.6 metres	Nil	Supported-as above.
Privacy Setback-east and south sides.	7.5 metres	Less than 7.5 metres	Supported- as the balconies look into the park area to the east and south sides of the above site.

Privacy setback-east side-bedroom window for unit (lot) 11.	4.5 metres	Less than 4.5 metres	Supported-as it overlooks rear corner of Aranmore Primary School, and adjoining park.
Height of Wall-south elevation.	6 metres	6.5 metres	Supported- as the proposed fill has been reduced to 0.5 metres, resulting in the overall development height being within 9 metres as required in the R Codes.
Height of Wall-north elevation.	6 metres	6.5 metres	Supported-as above.
Consultation Submissions			
Support (1)	No comments provided.		Noted.
General Comments	<ul style="list-style-type: none"> Extra traffic in area which is already saturated with vehicles coming to and going from Aranmore Primary School, additional vehicles during construction period, and parking on verges by trade persons and cars of new residents. 		Noted- the applicants/owners will be required to submit a management plan addressing these issues.
	<ul style="list-style-type: none"> Increase in traffic along Brentham Street including what measures are being taken to ensure safety and security of residents, school children, and young people playing sport during the week-ends, and speeding during late nights and early mornings? 		Noted- Brentham Street is regarded as a Local Distributor Road (capable of up to 6000 vehicles per day).The traffic volumes along Brentham Street as a result of the above development will be less than 6000 vehicles per day. No additional traffic management features are planned for Brentham Street as there are already speed humps in the vicinity of the Aranmore Primary School. Speeding is a Police matter and requires a separate follow-up by residents.
	<ul style="list-style-type: none"> Removal of trees from site. 		Noted- a professional Aboriculturist has advised that the previous trees on the subject site were not worthy of retention and removal of the trees would have been warranted due to the trees not being structurally sound and unsafe.

<p>Objection (3)</p>	<ul style="list-style-type: none"> Variation to open space not supported, as there is not enough open space for the development. Proposal will make street parking an issue. 	<p>Not supported-as for the reasons stated in the Assessment Table.</p> <p>Not supported- as the Town's Rangers will enforce parking restrictions applying to the area.</p>
	<ul style="list-style-type: none"> No footpath along the verge abutting the subject site. 	<p>Noted-there is a footpath directly adjacent to the subject site, however, there is no footpath on the western side of Brentham Street, directly opposite the subject site, and there no plans for a footpath at this point in time.</p>
	<ul style="list-style-type: none"> Aranmore Catholic School Board is disgusted and disappointed with the "surreptitious" manner the developers have gone about with the proposal. The site is unsecured, where vagrants and graffiti have taken up residence. 	<p>Noted.</p>
	<ul style="list-style-type: none"> Objection based on previous grounds for objection to the original plans, and strongly oppose to the granting of further concession, as part of this development, which are as follows: <p><i>"Aranmore School Board has raised concern regarding bulk and scale of development.</i></p> <p><i>May be conflict between potential buyers and school in the future.</i></p> <p><i>Possibility of Year 4 students whose class room is located adjacent to spa and barbecue area being exposed to noise and inappropriate language.</i></p> <p><i>Difficulties during construction time for school community in terms of traffic, safety to children, noise and dust.</i></p>	<p>Not supported--previous Officer comments are reiterated as follows:</p> <p><i>"Not Supported-as the height of the overall building and plot ratio complies with the R Codes.</i></p> <p><i>Not Supported-as the issue is not planning related.</i></p> <p><i>Not Supported-as the issue is not planning related.</i></p> <p><i>Noted- the applicants/owners will be required to submit a Management plan relating to the issues raised.</i></p>

	<p><i>Lack of enforcement by Town in terms of parking restrictions associated with previous development in the area."</i></p>	<p><i>Not Supported- for past development, the Town's Rangers did enforce parking restrictions, including the issue of infringements. Parking restrictions will also be enforced for the proposed development."</i></p>
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Schedule of Submissions
(only detailed where permission has been granted for public release by author)

Author Name	Affected Property	Date Received	Submission Type
Chairperson Aranmore Catholic Primary School Board	No.20 Brentham Street, Leederville (Aranmore Catholic Primary School)	23 February 2006	Submission form and non-form submission.
Adwan Edel	Unit 8/9 Brentham Street, Leederville	23 February 2006	Submission form.

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

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

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

COMMENTS:

The previous comments from the Department of Environment (DOE) still apply to the above site, as reported to the Ordinary Meetings of Council held on 7 December 2004 and 21 December 2004, which is verbatim as follows:

"The Department of Environment (DOE) has advised that the environmental and geotechnical reports "suggest that retention of the fill material on site would not pose significant risk to ground water quality." The DoE also agreed with Option (i), as the preferred management choice of the site. Retention of fill will require a minimum of 1 metre clean soil over open areas and 0.5 metre over hardstand areas, with an appropriate asbestos warning barrier installed. It is further recommended that groundwater monitoring be carried out on an annual basis to ensure water quality and integrity of the underground infrastructure. If Option (i) is to be undertaken, upon the proclamation of the Contaminated Sites Act 2003, the site is likely to be classified as "Remediated for restricted use". A memorial would be placed on the title and deeds to the above effect."

Geotechnical Report

The previous comments from Technical Services still apply to the above site, as reported to the Ordinary Meetings of Council held on 7 December 2004 and 21 December 2004, which is verbatim as follows:

“The Town's Technical Officers have recommended that Option (i) would be the preferred option for the site. The Town's Environmental Health Officers have advised support of the recommendations of the DoE. The proposed fill has been reduced to approximately 500 millimetres and is within the prescribed range recommended by the DoE for hard stand areas.”

Partial Demolition

The above site is not on the Town's Municipal Heritage Inventory or Interim Heritage Database, and there is no objection to the part minor demolition of the six (6) multiple dwellings.

The variations sought are considered to not unduly affect the amenity of the area. The proposal is recommended for approval, subject to standard and appropriate conditions to address the above matters.

10.1.9 No. 15 (Lot 27 D/P: 2861) Chelmsford Road, Mount Lawley- Proposed Partial Demolition of and Alterations and Additions to Existing Single House

Ward:	South	Date:	7 March 2006
Precinct:	Norfolk; P10	File Ref:	PRO341; 5.2005.3317.1
Attachments:	001		
Reporting Officer(s):	J Barton		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by G & T Palmieri on behalf of the owner L Martinelli & F Perrella for proposed Partial Demolition of and Alterations and Additions to Existing Single House at No. 15 (Lot 27 D/P: 2861) Chelmsford Road, Mount Lawley, and as shown on amended plans stamp-dated 24 January 2006 , subject to the following conditions:

- (i) *any new street/front wall, fence and gate between the Chelmsford Road boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
 - (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *first obtaining the consent of the owners of No. 17 (Lot 26) Chelmsford Road, for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 17 (Lot 26) Chelmsford Road, in a good and clean condition;*

- (iv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the two (2) windows to the family room on the western elevation shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002; and*
- (v) *Prior to the issue of a Building Licence, revised plans shall be submitted and approved depicting a 1.5 metres by x 1.5 metres visual truncation where the vehicles access intersects with the right of way. The revised plans shall not result in any greater variations to the requirements of the Residential Design Codes and the Town's Policies.*

Cr Doran-Wu left the meeting at 8.45pm due to another commitment and did not return.

Moved Cr Maier, Seconded Cr Messina

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

- "(v) *Prior to the issue of a Building Licence, revised plans shall be submitted and approved depicting ~~a 1.5 metres by x 1.5 metres visual truncation where the vehicles access intersects with the right of way.~~ 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 the right of way. 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 right of way level. The revised plans shall not result in any greater variations to the requirements of the Residential Design Codes and the Town's Policies."*

CARRIED (7-0)

(Crs Torre and Doran-Wu had left the meeting.)

COUNCIL DECISION ITEM 10.1.9

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by G & T Palmieri on behalf of the owner L Martinelli & F Perrella for proposed Partial Demolition of and Alterations and Additions to Existing Single House at No. 15 (Lot 27 D/P: 2861) Chelmsford Road, Mount Lawley, and as shown on amended plans stamp-dated 24 January 2006, subject to the following conditions:

- (i) *any new street/front wall, fence and gate between the Chelmsford Road boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (ii) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iii) *first obtaining the consent of the owners of No. 17 (Lot 26) Chelmsford Road, for entry onto their land the owners of the subject land shall finish and maintain the surface of the boundary (parapet) wall facing No. 17 (Lot 26) Chelmsford Road, in a good and clean condition;*
- (iv) *to protect the reasonable privacy of the adjacent residents, prior to the first occupation of the development the two (2) windows to the family room on the western elevation shall be screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2002; and*
- (v) *Prior to the issue of a Building Licence, revised plans shall be submitted and approved depicting 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 the right of way. 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 right of way level. The revised plans shall not result in any greater variations to the requirements of the Residential Design Codes and the Town's Policies.*

Landowner:	L Martinelli & F Perrella
Applicant:	G Palmieri
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	453 square metres
Access to Right of Way	South side, 5.01 metres wide, sealed, Town owned.

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
<u>Setbacks:</u> East side	2 metres (as the wall height is over 3.5 metres from natural ground level)	1.26 metres	Supported- the proposed setbacks to the eastern and western sides are in keeping with the setbacks to the existing dwelling, and the wall is only single storey and does not create an undue impact on the amenity of the adjoining properties, in terms of overshadowing and visual bulk and scale. Additionally, no objections were received from the adjoining neighbours on the eastern and western sides.
West side	2 metres (as the wall height is over 3.5 metres from natural ground level)	1.43 metres	

<p><u>Privacy:</u> Dining room- south facing doors overlook the eastern neighbours.</p>	<p>6 metres</p>	<p>4.5 metres</p>	<p>Supported- the cone of vision encroachment from the south facing dining room doors is minor and the room mainly overlooks the adjoining properties carport. Also, the finished floor level of the dining room is restricted by the finished floor level of the existing dwelling and it is considered onerous to request doors to be screened. Additionally, the affected neighbour did not raise any privacy concerns.</p>
<p>Family room/ kitchen- two west facing windows overlook western neighbours</p>	<p>6 metres</p>	<p>1.435 metres</p>	<p>Not supported- although the affected neighbours did not object to overlooking, it is considered appropriate to protect the privacy of future property owners, as the two windows to the family room/ have the potential to overlook the adjoining neighbour's rear outdoor living area. Accordingly, a condition has been recommended to ensure that the above windows are appropriately screened.</p>
<p>Buildings on Boundaries</p>	<p>2/3 length of common boundary and 3 metres average and 3.5 metres maximum height.</p>	<p>Average height is 3.190 metres from natural ground level.</p>	<p>Supported- the height exceeded is minor and it does not create an undue impact on the amenity of the adjoining property as there is no undue overshadowing and the structure is single storey and not visually bulky as it is within the required length for building on boundaries.</p>

Consultation Submissions		
Support (Nil)	Nil	Noted
<p>Objections (5)-four (4) of the objection letters are from the same family who own two properties directly across the right of way.</p>	<ul style="list-style-type: none"> • Setbacks • Overshadowing. • Requests compliance with Town Planning Scheme and Residential Design Codes. Unacceptable to set a precedent that leads to lowering of standards. • Little room to manoeuvre. • Noise from alfresco area. • Roof bulky, reduce pitch to lower height and use non-reflective materials. 	<ul style="list-style-type: none"> • Not supported- see comments above. Also, the objectors are all situated across the right of way and are not directly affected by the setback variations. • Not supported- the proposal complies with the Residential Design Codes 2002 overshadowing requirements. • Not supported- the Residential Design Codes (R-Codes) are performance based and do not set mandatory requirements. Each application is assessed on its individual merits. • Not supported-the proposal provides sufficient room for manoeuvring as 6 metres is required and 8.3 metres has been provided. • Not supported- the alfresco area is not raised over 500 millimetres from natural ground level and the residents are allowed to use the residential property for residential purposes. Furthermore, the alfresco area is setback over 19 metres from the rear objector's properties. • Not supported- the building height is considered acceptable as 9 metres is permitted for two storey dwellings. Also, the design and the pitch of the roof are not considered to have an undue impact on the amenity of the properties at the rear, and the roofing materials are assessed further at the Building Licence stage.

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

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

COMMENTS:

In light of the above, the proposal is not considered to create an undue impact on the amenity of the adjoining properties or the streetscape. Approval is therefore recommended, subject to standard and appropriate conditions to address the above matters.

10.1.10 No. 197 (Lot 1 D/P: 9766) Oxford Street, Leederville - Proposed Demolition of Existing Garage and Shed and Part of Existing Single House, and Change of Use from Single House to Office Building and Associated Additions and Alterations

Ward:	South	Date:	7 March 2006
Precinct:	Oxford Centre; P04	File Ref:	PRO3178; 5.2005.3245.1
Attachments:	001		
Reporting Officer(s):	B McKean		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, the Council APPROVES the application submitted by Overman & Zuideveld Pty Ltd on behalf of the owner R McKinley for proposed Demolition of Existing Garage and Shed and Part of Existing Single House and Change of Use from Single House to Office Building and Associated Additions and Alterations, at No. 197 (Lot 1 D/P: 9766) Oxford Street, Leederville, and as shown on amended plans stamp dated 2 March 2006 (site plan and floor plan) and plan stamp-dated 15 December 2005 (elevation plan), 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 Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ii) *a detailed landscaping plan, including a list of plants, ~~the landscaping and reticulation of the Oxford Street verge adjacent to the subject property~~ and the provision of a minimum of one tree per 4 car parking spaces in the car parking area, shall be submitted and approved by the Town. 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 a Building Licence, revised plans shall be submitted and approved demonstrating a 2.4 metres high brick wall or lower height brick wall if agreeable with the owner of No.1 Melrose Street; being provided along the western boundary of No. 197 Oxford Street, abutting No. 1 Melrose Street. The revised plans shall not result in any greater variation to the requirements of the Town's Policies. The wall shall be erected prior to the first occupation of the development;*
- (iv) *the gross floor area of the office building shall be limited to 168 square metres. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (v) *prior to the first occupation of the development, one (1) class 1 or 2 bicycle parking facilities shall be provided at a location convenient to the entrance of 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;*

- (vi) *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;*
- (vii) *doors, windows and adjacent floor areas fronting Oxford Street shall maintain an active and interactive relationship with this street;*
- (viii) *any new street/front wall, fence and gate between the Oxford Street boundary and the main building, including along the side boundaries within this front setback area, shall comply with the following:*
- (a) *the maximum height of posts and piers being 1.8 metres above the adjacent footpath level;*
 - (b) *decorative capping on top of posts and piers may extend the total maximum height of the posts and piers to 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum width, depth and diameter of posts and piers being 350 millimetres;*
 - (d) *the maximum height of the solid portion being 1.2 metres above the adjacent footpath level, and the section above this solid portion being visually permeable, with a minimum 50 per cent transparency; and*
 - (e) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (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.*

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

COUNCIL DECISION ITEM 10.1.10

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Moved Cr Messina, Seconded Cr Ker

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

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

(a) a 2.4 metres high brick wall or lower height brick wall if agreeable with the owner of No.1 Melrose Street; being provided along the western boundary of No. 197 Oxford Street, abutting No. 1 Melrose Street; and

(b) the eastern feature/sign wall being setback a minimum of 1.5 metres from the eastern/Oxford Street boundary, and having a maximum width of 2 metres.

The revised plans shall not result in any greater variation to the requirements of the Town's Policies. The wall the subject of clause (iii) (a) above shall be erected prior to the first occupation of the development;"

Debate ensued.

AMENDMENT CARRIED (5-2)

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

(Crs Doran-Wu and Torre had left the meeting.)

Moved Cr Maier Seconded Cr Ker

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

"(viii) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the ~~any~~ new street/front wall, fence and gate, including the feature/sign wall, between the Oxford 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;*

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

AMENDMENT CARRIED (5-2)

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

(Crs Doran-Wu and Torre had left the meeting.)

Debate ensued.

MOTION AS AMENDED LOST (3-4)

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

(Crs Doran-Wu and Torre had left the meeting.)

Reason:

1. Lack of interaction with the streetscape.

Landowner:	R McKinley
Applicant:	Overman & Zuideveld Pty Ltd
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Residential
Use Class:	Office Building
Use Classification:	"AA"
Lot Area:	574 square metres
Access to Right of Way	North side, 3.4 metres wide, unsealed, privately owned

BACKGROUND:

12 July 2005 The Council at its Ordinary Meeting granted conditional approval for the change of use from single house to office building and associated alterations at No. 197 Oxford Street.

DETAILS:

The proposal involves the demolition of existing garage and shed and part demolition of the existing single house, and change of use from single house to office building and associated additions and alterations at the subject property.

The proposal mainly differs from the conditional Planning Approval granted by the Council at its Ordinary Meeting held on 12 July 2005 as the verandah is proposed to be enclosed and used as office, the garage and shed are proposed to be demolished and the construction of a new entry and feature wall are proposed.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted
Consultation Submissions			
Support	Nil		Noted
Objection (3)	<ul style="list-style-type: none"> Unfair on nearby residents. Request western boundary wall of No.197 Oxford Street be increased to 2.4 metres. The fence will shield noise and vehicle fumes from rear car park and also ensure privacy is maintained. Traffic using the right of way is unsafe - would prefer a second entry and exit to Oxford Street. 		<p>Not supported - proposal is compliant with the Town's Policies relating to Non-Residential/Residential Development Interface, the Oxford Centre Precinct, and Parking and Access.</p> <p>Supported - addressed in Officer Recommendation.</p> <p>Not supported - car parking is compliant with the Town's Policy relating to Parking and Access and is therefore considered acceptable.</p>
	<ul style="list-style-type: none"> Any damage to the adjoining lot to be rectified by developer. 		Noted - this is a civil matter to be resolved by affected landowners if the problem occurs.
	<ul style="list-style-type: none"> Concern for entry to property via right of way. 		Not supported - access appears to be allowed and stated on the certificates of title for both Nos. 197 and 199 Oxford Street.

Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	
Car parking		
Requirements	Required No. of Car bays	
Office: 1 car bay per 50 square metres gross floor area (proposed 168 square metres).	3.36 car bays	
Total car parking required before adjustment factor (nearest whole number)	3 car bays	
Apply the parking adjustment factors. <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.85 (within 800 metres of a train station) ▪ 0.85 (within 400 metres of a public car park in excess of 75 car bays) 	(0.6141) 1.84 car bays	
Car parking provided on-site	7 car bays	
Resultant surplus	5.16 car bays	
Bicycle Parking		
Requirements	Required	Provided
Retail 1 per 200 (proposed 168) square metres of gross floor area for employees (class 1 or 2).	1 space	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 proposed new entry and feature wall are compliant with the Towns Policies relating to Non-Residential/Residential Development Interface and Oxford Centre Precinct.

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

10.1.13 No. 131 (Lot 101 D/P: 82816) Scarborough Beach Road, Mount Hawthorn - Municipal Heritage Inventory - Application for Amendment to Management Category

Ward:	North	Date:	7 March 2006
Precinct:	Mount Hawthorn Centre; P02	File Ref:	PRO3416
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That;

the Council APPROVES the amendment to the Management Category of the place at No. 131 (Lot 101 D/P: 82816) Scarborough Beach Road, Mount Hawthorn from Category B - Conservation Recommended to Category D - Recording Required, on the Municipal Heritage Inventory, subject to the following:

- (i) *in the event of the subject place being approved for demolition, a plaque or an alternative form of interpretation that recognises the historic, social and scientific values of the place at No. 131 Scarborough Beach Road, be incorporated into any future redevelopment of the site, and details shall be submitted to and approved by the Town at the development approval stage.*

COUNCIL DECISION ITEM 10.1.13

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Messina

That the Item be DEFERRED until the Municipal Heritage Inventory is determined

CARRIED (7-0)

(Crs Doran-Wu and Torre had left the meeting.)

PURPOSE OF REPORT:

To amend the Management Category listing of the place at No.131 Scarborough Beach Road, Mount Hawthorn from Category B - Conservation Recommended to Category D - Recording Required, on the Municipal Heritage Inventory, in accordance with the Town's Heritage Management Policy No.3.6.5.

Landowner:	A M & J E & M E Sangster
Applicant:	J E Sangster
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No.1 (TPS 1): Commercial
Existing Land Use:	Office Building
Use Class:	Office Building

Use Classification:	"P"
Lot Area:	737 square metres
Access to Right of Way	South side, 5 metres wide, sealed, Town owned

BACKGROUND:

1995 The place at No.131 Scarborough Beach Road was nominated for inclusion onto the Town's Municipal Heritage Inventory (MHI). At this time, the owners of the place objected to this proposal and the place was not included onto the Inventory.

22 December 1997 In 1997, the owners of the subject property resolved to support the nomination of the subject place onto the MHI. The inclusion of the place at No.131 Scarborough Beach Road onto the MHI was considered and approved by the Council at its Ordinary Meeting held on 22 December 1997.

23 November 2005 The Town's Heritage Officer received a letter and an *Application for Deletion Form* from the owner of the subject property requesting that the place be deleted from the MHI, on the basis that the extensive alteration and additions undertaken to the place have eroded its cultural heritage significance. The owners also suggested that the significance of the place is no longer reflected directly in the buildings structure or physical appearance.

The Town's Heritage Officers advised the owner that there may be an opportunity, under the Town's Heritage Management Policy No.3.6.5, to amend the Management Category of the subject place from Category B - Conservation Recommended to Category D - Recording Required.

27 February 2006 The Town received an *Application for Amendment to Management Category Form* from the owner of the subject place.

DETAILS:

In response to the initial request from the owner to delete the place at No.131 Scarborough Beach Road, from the MHI, a detailed Heritage Assessment was undertaken, by the Town's Officers to review the place's current status of significance.

In accordance with the Heritage Management Policy No.3.6.2, a place will be considered to be significant to the locality and worthy of inclusion into the Town's MHI if one or more of the criteria are found to have at least some significance under the headings Aesthetic, Historic, Scientific/Research or Social Values. The Heritage Assessment found the place to be of significance for the following reasons:

The place has *some historic value* for its association with architect Harold Boas, who is a renowned architect, town planner and Jewish community leader in Western Australia.

The place has *little to some historic value* for its association with several doctors who practised in the Mount Hawthorn area, in particular Dr Harold Nash, who had the place constructed in 1935, Dr Hames Hannibal Young and Dr Malcolm Ross Milne, who became second in charge of the Anaesthetic Department at Royal Perth Hospital.

The place has *little to some social value* as servicing the Mount Hawthorn community as a prominent doctor's surgery from 1935 to 1969.

As seen above, the Heritage Assessment has found the place to be of *some historic significance*, which meets the threshold for entry onto the MHI according to Heritage Management - Assessment Policy No.3.6.2. However, the Assessment revealed that the subject place has had significant alterations and additions over the years to accommodate changes of use. The alterations include: the removal of the original front verandah and the construction of two storey replacement; the original garage has been enclosed and is now used as a room; the original floor plan has been obscured by the removal of the majority of the internal walls; the internal fixtures and fitting have been removed. These alterations have distorted and obscured the significance of the place and have adversely affected its authenticity.

The subject property is considered to have *some historic cultural heritage values*, which is not reflected directly in the building's structure or physical appearance. The Heritage Management - Interpretative Signage Policy No.3.6.4 provides a procedure to recognise buildings approved to be demolished within the Town of Vincent, which are considered to hold historic and/or social cultural heritage values not reflected directly in the building's structure, style or physical appearance. In accordance with this Policy, if a building is approved to be demolished the applicant and/ or owner of the building are to be notified that a plaque or an alternative form of interpretation is to be displayed on the site of the existing building.

COMMENTS:

A detailed Heritage Assessment for the place at No.131 Scarborough Beach Road, Mount Hawthorn and a copy of the *Application for Amendment to Management Category Form* are contained in an attachment to this report.

In light of the above, it is recommended that the Council amend the Management Category listing of the subject place on the MHI from Category B - Conservation Recommended to Category D - Recording Required, in accordance with the Officer Recommendation, and that in the event of a development application for demolition being received by the Town, the requirements of the Heritage Management - Interpretative Signage Policy No.3.6.4 be applied.

The Presiding Member advised that Crs Lake and Maier had declared a financial interest in this Item. Crs Lake and Maier departed the Chamber at 8.53pm.

10.1.17 Draft Municipal Heritage Inventory – New Town Planning Scheme No. 1 - Municipal Heritage Inventory Model

Ward:	Both Wards	Date:	3 March 2006
Precinct:	All Precincts	File Ref:	PLA0098
Attachments:	001 002		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES this report relating to the Draft Municipal Heritage Inventory - New Town Planning Scheme No.1 - Municipal Heritage Inventory (MHI) Model, as shown in Attachment 10.1.17; and*
- (ii) *ADOPTS the New Town Planning Scheme No.1 - Municipal Heritage Inventory (MHI) Model, as shown in Attachment 10.1.17.*

Moved Cr Chester, Seconded Cr Farrell

That the recommendation be adopted subject to new clauses (iii) and (iv) being added as follows:

- "(iii) AUTHORISES the Chief Executive Officer to undertake a full review of all places classified as Management Category C on the existing Municipal Heritage Inventory in accordance with the Town's Policy No. 3.6.5 Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI); and*
- (iv) AUTHORISES the Chief Executive Officer to identify funds in the 2005/2006 Budget to extend the contract of a Temporary Heritage Officer position for an additional 8 week period at an amount of \$8,000."*

CARRIED (5-0)

(Crs Doran-Wu and Torre had left the meeting. Crs Lake and Maier were absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 10.1.17

That the Council;

- (i) *RECEIVES this report relating to the Draft Municipal Heritage Inventory - New Town Planning Scheme No.1 - Municipal Heritage Inventory (MHI) Model, as shown in Attachment 10.1.17;*
- (ii) *ADOPTS the New Town Planning Scheme No.1 - Municipal Heritage Inventory (MHI) Model, as shown in Attachment 10.1.17;*

- (iii) *AUTHORISES the Chief Executive Officer to undertake a full review of all places classified as Management Category C on the existing Municipal Heritage Inventory in accordance with the Town's Policy No. 3.6.5 Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI); and*
- (iv) *AUTHORISES the Chief Executive Officer to identify funds in the 2005/2006 Budget to extend the contract of a Temporary Heritage Officer position for an additional 8 week period at an amount of \$8,000.*

ADDITIONAL INFORMATION:

Currently, there are 31 places listed as Management Category C on the existing MHI, with the addition of the Backyard Toilets having been categorised by the consultants Hocking Planning and Architecture as both Management Categories C and D. Under the proposed new Model, only those Backyard Toilets within the curtilage of a place that has been classified as Management Categories A or B will be protected by the Town's Town Planning Scheme No.1.

In accordance with the Town's Policy No. 3.6.5 Heritage Management - Adding/Deleting/Amending Places on the Municipal Heritage Inventory (MHI), Clause 2 (iii) (b), a Heritage Assessment is to be prepared for each place prior to a report being presented to the Council for consideration of the proposed amendments to Management Categories.

In order to complete the 31 heritage assessments within the current workload, it would be necessary to extend the contract of a Temporary Heritage Officer position for an additional 8 weeks from 31 March 2006 to 26 May 2006, inclusive, at an estimated amount of \$8,000. This would be factored into the indicative timeline and budget requirements to be presented to the Ordinary Meeting of Council to be held on 28 March 2006.

PURPOSE OF REPORT:

The purpose of this report is to adopt the Town Planning Scheme No.1 - Municipal Heritage Inventory (MHI) Model that is included as an Attachment to this report.

BACKGROUND:

It is a requirement of all local governments in Western Australia to adopt and maintain a Municipal Heritage Inventory (MHI) under the Heritage of Western Australia Act (1990). The Town of Vincent first adopted its MHI in 1995.

There are no specific guidelines as to how an MHI should be compiled or presented, other than providing support documentation of a '*thematic history*' and '*thematic framework*' in which to contextualise the places identified as being significant for the locality.

Part 7 of The Model Scheme Text (MST) is dedicated to Heritage Protection. Clause 7.1 of the MST outlines the following information on the relationship between the Municipal Heritage Inventory and the Town Planning Scheme;

- A local government is to establish and maintain a Heritage List of those places of local heritage significance worthy of conservation to be protected under the scheme.
- The Heritage List is not the Municipal Heritage Inventory but can be prepared from the Municipal Heritage Inventory.

- Municipal Heritage Inventories can include a range of places some of which may not require protection through certain statutory controls.
- The inclusion of a place on a Heritage List carries with it certain statutory controls.
- The Heritage List is established and maintained under the provisions of the scheme but does not form part of the scheme to avoid frequent amendments to the scheme to include or delete places from the Heritage List.
- Where a place is proposed for inclusion on the Heritage List, the local government is required to give notice in writing to the owner and occupier, providing a description and reasons for the proposed entry, and to carry out such other consultations as it thinks appropriate.
- The local government must consider any submissions prior to proceeding to enter the place on the Heritage List or to remove or modify an entry on the Heritage List.
- The Heritage List must be kept available with the planning scheme for public inspection.

Since the initial adoption of the Municipal Heritage Inventory in 1995, the Town of Vincent has taken the following approach to the management of the MHI;

- The MHI is used as both a planning tool and a historical record of the places within the Town of Vincent which have significant heritage value to the locality.
- All places on the Municipal Heritage Inventory form the Heritage List and thus are provided statutory protection under the Town Planning Scheme No. 1.
- Currently 177 places are listed on the Municipal Heritage Inventory and thus all provided statutory protection under the Town Planning Scheme No.1.
- The existing Policies relating to Heritage Management, the Heritage Incentives Pack and other related documents support the Municipal Heritage Inventory as the Heritage List.

The following clause of the Town Planning Scheme No. 1 prescribes the statutory requirements regarding places listed on the Town of Vincent Municipal Heritage Inventory.

'23 Heritage List

- (1) *The Council shall establish and maintain a Heritage List of places considered by the Council to be of heritage significance and worthy of conservation.*
- (2) *For the purpose of this Clause, the Heritage List, means the Municipal Heritage Inventory, as amended from time to time, prepared by the Council pursuant to section 45 of the Heritage of Western Australia Act 1990 (as amended), or such parts thereof as described in the Municipal Heritage Inventory.*
- (3) *The Council shall keep copies of the Heritage List with the Scheme documents for public inspection during normal office hours.'*

At the Elected Members Workshop held on Monday 20 February 2006, it was suggested that an amended version of the existing Town Planning Scheme No. 1 - MHI Model be adopted. The following approach was suggested:

- The Municipal Heritage Inventory is to be viewed principally as a planning tool.
- The Municipal Heritage Inventory continues to be the Heritage List.
- Only those places that have been classified as Management Category A and Management Category B will form the Municipal Heritage Inventory (The Heritage List) and thus provided statutory protection under the Town Planning Scheme No. 1.

- Those places within the Draft Municipal Heritage Inventory (Existing + New List) that were classified as Management Category C (69 Places), Management Category D (4 Places) and Category E (2 Places) will no longer form part of the Municipal Heritage Inventory and are to be removed and entered on the individual property files (and in the Local Studies collection) as a point of reference.

DETAILS:

As a result of the proposed alternative Town Planning Scheme No. 1 - MHI Model, the following actions are required:

- Policy No. 3.6.1 *Heritage Management - Development Guidelines* to be amended.
- A new Policy to be created specific to financial and non-financial incentives and bonuses to owners of places on the Municipal Heritage Inventory (the Heritage List).
- All owners of places on the existing MHI that have been categorised as Management Category C are to be notified during the general consultation of the Draft MHI that in light of a new Model adopted by the Council there places no longer meets the threshold for entry onto the Municipal Heritage Inventory.
- All Category C, D and E places that are on the new MHI list will be removed from the database by the Town's Officers and entered on the individual property file and Local Studies collection as a point of reference.
- An information sheet to be inserted into the Municipal Heritage Inventory outlining the new Model and a clear overview of Management Category A and Management Category B, which is also to be made available on the dedicated Town of Vincent Heritage Webpage www.vincentheritage.com.au.
- A Revised Timeline to be presented for adoption by the Council at the Ordinary Meeting of Council to be held on 28 March 2006 to guide the release of the Draft Municipal Heritage Inventory.
- The amended Policies and new draft Policy to be presented for Council consideration at the Ordinary Meeting of Council to be held on 28 March 2006.

CONSULTATION/ADVERTISING:

No consultation/advertising required.

LEGAL/POLICY:

Section 45 of the Heritage of Western Australia Act (1990) states that each local government shall compile and maintain a Municipal Inventory of Heritage Places and that this inventory is updated annually and reviewed every four years after compilation. A copy of the Inventory is also to be given to the Heritage Council of Western Australia.

STRATEGIC IMPLICATIONS:

Strategic Plan 2005-2010:

Key Result Area 1.2 *"Recognise the value of heritage in providing a sense of place and identity"*.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

This report and its recommendations reflect the discussion outcomes of the Elected Members Workshop that was conducted on Monday 20 February 2006. The outcomes of the Workshop considered that an alternative Model to manage the Municipal Heritage Inventory be formalised, a Policy to streamline financial and non-financial incentives and bonuses specific to those owners who have places on the Heritage List be developed and necessary changes to the related documentation and the communication strategy in support of the new Model be undertaken prior to the release of the Draft Municipal Heritage Inventory for community consultation.

In light of the above, it is recommended that the Council approves the adoption of the new Model in accordance with the Officer Recommendation so that a Revised Timeline can be prepared for the Ordinary Meeting of Council to be held on 28 March 2006 to guide the proposed release of the Draft Municipal Heritage Inventory for community consultation.

Crs Lake and Maier returned to the Chamber at 8.55pm.

10.1.19 Amendment No. 35 to Planning and Building Policies - Draft Policy Relating to Property Numbering and Addressing

Ward:	Both Wards	Date:	8 March 2006
Precinct:	All Precincts	File Ref:	PLA 0172
Attachments:	001		
Reporting Officer:	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Draft Policy relating to Property Numbering and Addressing, as shown in Attachment 10.1.19;*
- (ii) *ADOPTS the Draft Policy relating to Property Numbering and Addressing, to be applied in the interim until the formal adoption of the Draft Policy;*
- (iii) *ADVERTISES the Draft Policy relating to Property Numbering and Addressing, 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 Property Numbering and Addressing, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Policy relating to Property Numbering and Addressing, with or without amendment, to or not to proceed with them.*

Moved Cr Maier, Seconded Cr Ker

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

- “(ii) *ADOPTS the Draft Policy relating to Property Numbering and Addressing, to be applied in the interim until the formal adoption of the Draft Policy, subject to the Policy being amended as follows:*
 - (a) *clause 1 be amended to read as follows:*
 - “1) *Determining the Property Number*

The main access from a road to a property determines the correct address and number of a property. It is essential that the letterbox is located on the front boundary of the subject property, close to the main access with the property number clearly displayed. Non-residential properties without a letterbox must have the property number clearly displayed and visible from the street. Properties must have the property number clearly displayed and visible from the street. This is in accordance with the Department of Land Information (DLI) guidelines and the requirements of the Fire and Emergency Services Authority of Western Australia (FESA)."

CARRIED (7-0)

(Crs Doran-Wu and Torre had left the meeting.)

COUNCIL DECISION ITEM 10.1.19

That the Council;

- (ii) *RECEIVES the Draft Policy relating to Property Numbering and Addressing, as shown in Attachment 10.1.19;*
- (ii) *ADOPTS the Draft Policy relating to Property Numbering and Addressing, to be applied in the interim until the formal adoption of the Draft Policy, subject to the Policy being amended as follows;*

(a) *clause 1 be amended to read as follows:*

"1) Determining the Property Number

The main access from a road to a property determines the correct address and number of a property. It is essential that the letterbox is located on the front boundary of the subject property, close to the main access with the property number clearly displayed. Non-residential properties without a letterbox must have the property number clearly displayed and visible from the street. Properties must have the property number clearly displayed and visible from the street. This is in accordance with the Department of Land Information (DLI) guidelines and the requirements of the Fire and Emergency Services Authority of Western Australia (FESA);

- (iii) *ADVERTISES the Draft Policy relating to Property Numbering and Addressing, 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 Property Numbering and Addressing, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Policy relating to Property Numbering and Addressing, with or without amendment, to or not to proceed with them.*
-

PURPOSE OF REPORT:

The purpose of this report is to present to the Council the Draft Policy relating to Property Numbering and Addressing, and to seek approval for interim application and advertising of the subject Policy.

BACKGROUND:

- 14 September 1998 The Council at its Ordinary Meeting resolved to make the Local Law Relating to Property Numbers.
- 27 March 2001 The Council at its Ordinary Meeting resolved to adopt the Planning and Building Policy Manual dated 2001 with some amendments.

DETAILS:

The Policy provides a strategy for dealing with the numbering of new subdivision and developments and the renumbering of existing properties within the Town. Specifically, its objectives are;

- To ensure the correct addressing and clear identification of all properties within the Town of Vincent.
- To allocate property numbers and addresses that are clear, logical and unambiguous.
- To outline the process and procedure of numbering and renumbering properties within the Town of Vincent.

This Draft Policy has been instigated because a number of applications for the subdivision and development of existing lots along Woodstock Street, Mount Hawthorn have recently been submitted to the Town. This has caused difficulties for the Town because of the manner in which the property numbering was allocated in the past along Woodstock Street, particularly in relation to No. 98 Flinders Street, corner of Woodstock Street. This site now requires the reallocation of new property numbers to existing properties to cater for the proposed new development and subdivision.

In light of the potential for other streets and properties in the Town to be similarly affected, a Policy has been initiated to prescribe provisions for the Town to manage the way properties are numbered.

CONSULTATION/ADVERTISING:

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

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

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

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

The Draft Policy relating to Property Numbering and Addressing has been modelled on the City of Stirling Street Addressing Policy and the Town's Local Law relating to Property Numbers, with further augmentation to make it relevant to the local context and subsequent property numbering related issues being encountered by the Town. The Draft Policy has also been prepared with input from the Town's Customer Service Centre.

It is therefore recommended that the Council receives, applies in the interim and advertises the new Policy, in line with the Officer Recommendation.

The Presiding Member advised that Cr Ker had declared a financial interest in this Item. Cr Ker departed the Chamber at 8.56pm and did not speak or vote on the matter.

10.2.1 Main Roads WA East Parade / Guildford Road / Whatley Crescent - Planning and Traffic Study

Ward:	South	Date:	7 March 2006
Precinct:	Banks; P15	File Ref:	TES0295; TES0303
Attachments:	001;		
Reporting Officer(s):	R Lotznicher		
Checked/Endorsed by:		Amended by:	-

OFFICER RECOMENDATION:

That the Council;

- (i) *RECEIVES the further report on Main Roads WA East Parade / Guildford Road / Whatley Crescent - Planning and Traffic Study;*
- (ii) *ENDORSES Main Roads WA recommendations to be presented to the Honourable Minister for Planning and Infrastructure (as listed in the body of the report) that Option 1 - North of Westralia Street only (as shown on the attached plans and as laid on the table) be adopted as the long term planning option for the East Parade / Whatley Crescent / Guildford Road intersection and surrounding area (refer attached Power Point Presentation hand out);*
- (iii) *REQUESTS that Main Roads WA install a concrete median ('back to back' kerb) in East Parade, which will perform the same function as a "seagull" island (as previously requested) at the intersection of Gardiner Street and East Parade, and that Main Roads WA proceed with these works once they have provided confirmation of broad community support for this interim measure;*
- (iv) *NOTES that traffic signals at the intersection of Westralia Street are no longer the preferred option and that other measures to the improve crossing of and access to East Parade (as outlined in the report) are being further explored; and*
- (v) *RECEIVES a further report on the possible installation of Traffic Signals at the intersection of Bramall Street and East Parade in the context of the proposed East Perth Railway Platform modifications and the East Perth Redevelopment Authority's revised East Perth Power Station Master Plan proposal*

COUNCIL DECISION ITEM 10.2.1

Moved Cr Messina, Seconded Cr Maier

That the recommendation be adopted.

CARRIED (6-0)

(Crs Doran-Wu and Torre had left the meeting. Cr Ker was absent from the Chamber and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is to provide Council with an update as to Main Roads WA's (MRWA) current position in respect to East Parade and request that the Council endorse Option 1 of the proposal.

BACKGROUND:

Special Meeting of Council held on 15 October 2002

Representatives from MRWA made a presentation to the Mayor and Councillors on the proposed changes to East Parade. MRWA advised that several studies had been carried out over a number of years, examining possible improvements in the level of service of the Guildford Road / East Parade intersection prior to and after the opening of the Graham Farmer Freeway.

Three (3) options were presented via a power point presentation and the Council referred the proposal to the Town's Local Area Traffic Management Advisory Group for consideration.

Ordinary Meeting of Council held on 3 December 2002

The Council considered a further report which outlined the scope of the project, heritage issues, information on the road network usage and the three (3) options presented to the public by MRWA, listing the perceived advantages and disadvantages of each. The report also included comments from the Town's Local Area Traffic Management Advisory Group, Banks Precinct Action Group and interested residents.

It was decided that Heritage assessments should be undertaken of the buildings proposed to be demolished and such heritage assessments should assess the buildings not only at the state level but also the local level in terms of the Town's Policies relating to Heritage Assessment and Heritage Management - Municipal Heritage Inventory.

Ordinary Meeting of Council held on 23 September 2003

The Council was advised that the results of the public consultation phase, as provided by MRWA, indicated that "Option 1" received the support of approximately 75% of the respondents, and was the preferred option to be recommended to the Minister.

The Council decided to DEFER its decision until MRWA furnished the previously requested documentation for the heritage assessments for the buildings proposed for demolition in East Parade, including an archival documented record of the place (with photographs, floor plans and elevations) for the Town's Historical Archive Collection.

The abovementioned "Heritage Assessments" were provided to the Town's Heritage Officer via the Town's Technical Services division. At that time, the documentation was not considered to comply with the specifications outlined at the Ordinary Meetings of Council held on 3 December 2002 and 25 September 2003.

Ordinary Meeting of Council held on 16 December 2003

Council considered the proposed demolition of several buildings along East Parade and resolved to recommend *refusal* to Western Australian Planning Commission (WAPC) for the proposed demolition of several of the buildings and further resolved to defer the consideration of the remaining properties until such time as the Town had received the previously requested heritage documentation.

Ordinary Meeting of Council held on 23 August 2005

The Council was advised that since the Ordinary Meeting of Council held on 16 December 2003, additional heritage documentation had been commissioned by MR WA in accordance with the Town's requirements. These were considered acceptable by the Town's officers and an approval for demolition was recommended. The Council, however, decided not to support the demolition for reasons of *No demonstrated need for demolition and it is considered irreversible and the Heritage values of the properties.*

Special Council meeting held on 7 September 2005

A motion to reconsider the Council decision of 23 August 2005 was presented at this meeting, where the Council recommended *approval* to the WAPC for the Demolition of the Existing Corner Shop-House, Eight (8) Single Houses, Two (2) Grouped Dwellings (One Duplex Pair), and One (1) Warehouse along East Parade, subject to various conditions currently being addressed by MRWA and DPI in liaison with the Town's planning services.

DETAILS:

Option 1 - (Recommended Option)

In mid July 2003, MRWA provided the Town with a briefing prior to undertaking an information mail-out to the residents of Banks Precinct.

At the time, MRWA had completed the East Parade / Guildford Road / Whatley Crescent - Planning and Traffic Study.

The results of the public consultation phase, as provided by MRWA, indicated that option 1 (refer attached Plan) as laid upon the table, received the support of approximately 75% of the respondents, and was the preferred option to be recommended to the Minister.

East Parade Coordination Meetings - Update

The East Perth Redevelopment Authority (EPRA) has established and currently coordinated the above meetings. Representatives include officers from the City of Perth (CoP), MRWA, Public Transport Authority (PTA), Department for Planning and Infrastructure (DPI), EPRA and the Town. The group currently meet monthly and have met on two occasions to date.

At a recent meeting, PTA advised of its intended works to extend East Perth Railway Station platform north and construct a grade-separated new structure connecting the main platform to the "kiss-and-ride" car park to the east of the rail lines on East Parade. Planning consent will be required and PTA will need to liaise with the Town and DPI.

The PTA proposal (*and East Perth Power Station Proposal*) includes the possible installation of traffic signals at the intersection of Bramall Street and East Parade. The Town has yet to be formally consulted on this matter.

In addition, the EPRA East Perth Power Station Masterplan review is being finalised and this will include a further community consultation phase. The Summers Street bridge details will also need to be resolved in due.

Note: Given these matters / Issues, Council endorsement is required for the section of East Parade North of Westralia Street only at this stage.

The Cities of Bayswater and Stirling endorsed Option 1 in 2003. MRWA are waiting for the Town's endorsement of the proposal.

MRWA Recommendations:

As previously reported to Council, the recommendations that MRWA intend to forward to the Minister, and to which they are seeking Council's endorsement, are as follows:

- Option 1 be adopted as the long term planning option for the East Parade / Whatley Crescent / Guildford Road intersection and surrounding area.
- The MRS be amended along Guildford Road and East Parade to accommodate Option 1.
- The surplus land on East Parade and Guildford Road be developed expeditiously and, if this cannot occur, then a short-term clean up and management plan be developed by the relevant agency.
- Pedestrian access across East Parade be further actioned, when the likely development for the East Perth Power Station has been decided by the East Perth Redevelopment Authority and the relevant analysis undertaken.
- Subject to funding and agreement with the Town of Vincent, it is recommended that the proposed 0.3m median strip be installed (in East Parade) to minimise u-turns being undertaken at Gardiner Street and enhance safety.

With regard to the proposed continuous median in East Parade, from Guildford Road to the start of the dual carriageway, MRWA have advised that they are committed to proceeding with the works at the earliest opportunity but that funding is yet to be confirmed. However, the MRWA Officer co-ordinating the project is confident that 'discretionary' funding will be sourced in the current financial year.

Proposed Demolition of buildings

As mentioned earlier in this report at the Special Council meeting held on 7 September 2005 the Council recommended *approval* to the WAPC for the demolition of various buildings along East Parade subject to various conditions.

The Town's Senior Heritage Officer has advised that the requested information is currently being actioned by MRWA and DPI.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of Strategic Plan 2005-2010 - 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *(b) Continue to develop, enhance and implement annual footpath, rights of way, road rehabilitation and upgrade programs."*

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

CONSULTATION / ADVERTISING:

Nil.

COMMENTS:

The Cities of Bayswater and Stirling endorsed Option 1 in 2003. MRWA are still waiting for the Town's endorsement of the proposal.

It is therefore recommended that the Council endorses MRWA recommendations to be presented to the Honourable Minister for Planning and Infrastructure (as listed in the body of the report), that Option 1 - North of Westralia Street only (as shown on the attached plan) be adopted as the long term planning option for the East Parade / Whatley Crescent / Guildford Road intersection and surrounding area.

It is also requested that the Council approves the remainder of the officer's recommendations.

Cr Ker returned to the Chamber at 8.57pm.

10.2.2 Proposed State Black Spot Improvement Project Intersection of Anzac Road & Oxford Street, Leederville / Mount Hawthorn

Ward:	North	Date:	8 March 2006
Precinct:	Mount Hawthorn P1 & Leederville P3	File Ref:	TES0173, TES0439 & TES0382
Attachments:	001;		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicher	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the further report on the proposed State Black Spot Improvement Project at the intersection of Anzac Road and Oxford Street, Leederville / Mount Hawthorn;*
- (ii) *IMPLEMENTS the proposal as shown on attached Plan No 2374-CP-1 incorporating, where practical, the Department for Planning and Infrastructure's comments, and*
- (iii) *ADVISES the respondents of its decision.*

COUNCIL DECISION ITEM 10.2.2

Moved Cr Maier, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

Moved Cr Maier, Seconded Cr Lake

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

“(ii) IMPLEMENTS the proposal as shown on attached Plan No 2374-CP-1 incorporating, where practical, the Department for Planning and Infrastructure's comments and including a Tuart tree in the centre of the proposed roundabout, and”

Debate ensued.

AMENDMENT LOST (2-5)

For

Cr Lake
Cr Maier

Against

Mayor Catania
Cr Chester
Cr Farrell
Cr Ker
Cr Messina

(Crs Doran-Wu and Torre had left the meeting.)

MOTION CARRIED (7-0)

PURPOSE OF REPORT:

The purpose of this report is to seek Council's approval to proceed with the implementation of the proposed roundabout at the intersection of Anzac Road and Oxford Street, Leederville / Mt Hawthorn.

BACKGROUND:

At its Ordinary Meeting of 20 December 2005, the Council was to consider a report on the proposed construction of roundabout at the intersection of Anzac Road and Oxford Street, Leederville / Mount Hawthorn as a State Black Spot Improvement Project. The item was subsequently deferred and circulated to the Elected Members in January 2006 under Delegated Authority, resulting in the following decision being made.

That the Council;

- (i) RECEIVES the report on the proposed State Black Spot Improvement Project at the intersection of Anzac Road and Oxford Street, Leederville / Mount Hawthorn;*
- (ii) APPROVES IN PRINCIPLE the proposal as shown on attached Plan No 2391-CP-1;*
- (iii) CONSULTS with the adjoining property owners (commencing in the latter part of January 2006) and seeks community feedback through the Mt Hawthorn Precinct Group, giving them 21 days in which to respond; and*
- (iv) RECEIVES a further report on the matter should any adverse comments regarding the proposal be received.*

Further, in respect of clause (iii) above, it was requested that the public consultation be extended to include the Department for Planning and Infrastructure's Bikewest unit and the Bicycle Transport Alliance.

DETAILS:

The intersection of Oxford Street and Anzac Road was nominated in 2004 for State Black Spot Funding based on the accident frequency rate for the five (5) year period 1999 to 2003 inclusive. There were eleven (11) reported traffic accidents during this period, with a further two (2) in 2004, resulting in its (the intersections) classification as a Black Spot. While the four-way intersection is currently controlled by traffic signals, a majority of the accidents were right angled and right angle through. It was determined that the most practical solution to reduce traffic accidents of this type is to install a roundabout.

In March 2005, MRWA advised that the Town's submissions had been successful and offered State funding of \$86,667, based upon the standard 2/3 State to 1/3 Local Government funding model, to install the roundabout at an estimated cost of \$130,000, of which the Town's contribution is \$43,333.

It was considered this proposal would result in road safety improvements without adversely impacting upon the amenity of local residents as no traffic movements would be restricted.

The proposal has been endorsed in principle by Main Roads WA.

Public Consultation

In accordance with Council's decision, a letter of explanation and plan, together with a comments sheet and reply paid envelope was delivered to the twelve (12) properties immediately adjacent the intersection. Further this advice was sent to the Mount Hawthorn Precinct Group, the Department for Planning and Infrastructures (DPI) Bikewest unit and the Bicycle Transport Alliance (BTA), seeking comment.

At the close of the consultation period, the Town had received one (1) response.

In addition, a belated response was received from DPI – Bikewest.

Note: At the time of writing this report, the Town had not received a response from either the Mt Hawthorn Precinct Group nor the Bicycle Transport Alliance (BTA).

Further, given that cycling interest groups have on occasion taken issue with roundabouts and in an endeavour to ensure that cyclists' views were fully considered, the BTA was contacted on several occasions in an attempt to elicit a response.

The single public response concurred with the proposal without providing further comment.

Bikewest provided a detailed submission and included both a discussion and conclusions as summarised below:

DPI Comments and Town's Comments

1. *Tactile treatment has been mooted for the visually impaired, and kerb ramps are indicated for mobility-impaired pedestrians. However, it appears that the ramps on the eastern leg of Anzac Road do not meet the straight-line alignment requirement for disabled access. This consideration could easily be accommodated.*

Comments

Final design will be amended as per the above.

2. *Please consider widening the proposed 2.0m gap width in the raised median (scaled from the drawing) to 3.0m in order to meet the Austroads – Parts 13 (Figure 3.6) and 14 (Figure 6-34) requirements.*

Comments

Final design will be amended as per the above, further, the pedestrian refuge/crossing will be cut through the island at grade and not ramp over as shown.

3. *The difficulty in selecting the most appropriate location of the crossing points is fully appreciated. However, the proposed location is such that pedestrians cannot cross if vehicles are stopped while waiting for a break in the traffic flow. It is felt that, in this case, moving the crossing point closer to the nosing may present the best solution, offering drivers better detection of the pedestrians' presence at a time when they are meant to be travelling at their lowest speed.*

Comments

Final design will be amended as per the above however, proposed changes will bring pedestrians closer to turning traffic movement.

4. *It is understood that the height of the proposed Armco Guard Railing indicated near and along the kerb-line at each corner of the intersection would not normally obscure the drivers' vision of pedestrians and oncoming traffic. The provision of the rail appears to be appropriate in view of potential presence of unrestrained children at any intersection, and inebriated / inattentive hotel patrons at this particular site.*

Comments

DPI concurs with the need for guard rails.

5. *It will be necessary for advance warning signs of the roundabout to be appropriately located, even though not shown on the drawing.*

Comments

Regulatory signage, including the above, will be installed in accordance with Australian and Main Roads WA Standards.

6. *The proposed mid block 3.5m wide lanes for mixed general traffic (including trucks) and bicycles do not present the minimum width specified in Austroads – Part 14 as providing an acceptable facility for cyclists in the prevailing situation.*

Comments

From preliminary discussions with Main Roads, in order to ultimately reduce the posted traffic speed in Oxford Street to 50kph, Main Roads recommends traffic lane widths in the order of 3.5m, with embayed parking lanes and combination painted/ raised median. Obviously a reduced posted speed would be of benefit to cyclists.

7. *To improve on-road cycling safety on these facilities, either of the following amendments could be considered.*

- (a) *Provide a 3.7m wide, appropriately marked, kerbside shared vehicle parking and bicycle lane in accordance with Austroads – Part 14 requirements (Figure 4-6). Reduce the painted median island width to 0.6m. This will yield a 3.0m wide traffic lane. At the raised islands, the bicycle lane could be reduced to a 1.0m (absolute minimum) width, and the traffic lane width adjusted to suit requirements. The bicycle lane should be appropriately marked on the surface of the roundabout's periphery to highlight the presence of cyclists to motorists. The visually limiting effect of the 3.0m wide traffic lane could further reduce traffic speed, improving safety.*

A 0.6m wide median would not be approved by Main Roads WA as the current minimum width is 1.2m wide and nor would it provide an adequate refuge for pedestrians.

- (b) *Provide a 2.5m wide kerbside exclusive parking lane. Provide painted medians as noted on the drawing (1.0m wide on Oxford Street, and 1.2m / 1.4m wide on Anzac Road). As vehicles can stray onto the painted median, the resultant 3.8m (minimum) width will provide a cycling-acceptable vehicle / bicycle shared lane in accordance with Austroads – Part 14 (Clause 4.4.7). At the raised islands, the kerb to kerb width should be maintained as not less than 3.8m width.*

The kerb to kerb width of both Oxford Street and Anzac Road varies and widens marginally on approach to the intersection. Specific to the current proposal the only leg that does not comply with DPI's comment is on approach in Anzac Road east bound which is shown as 3.7m wide. However this will be adjusted to ensure a minimum lane width of 3.8m.

In respect of the remainder of Oxford Street, and ignoring Main Roads position, a traffic lane width of 3.8m can be accommodated if the parking lane is reduced to 2.4m wide with a 1.2m wide median.

Comments

These suggestions where ever possible will be incorporated in the final design

Conclusions:

1. *Although the present proposals are not totally pedestrian friendly, they could be rectified fairly easily.*
2. *Although the present proposals do not present bicycle friendly environments, the difficulties of the site are appreciated.*
3. *Of the two suggested alterations to improve cycling safety in point 7 above, suggestion (a) is considered to present the most suitable and safe solution.*
4. *Upgrading the traffic lights would be preferred over the construction of a roundabout in terms of safety and convenience for cyclists*

General comments

Bikewest, understandably, have considered the proposal purely from a cyclist and pedestrian perspective. A majority of their discussion points and conclusions can be incorporated in the final design without a significant impact upon the objective of the project.

In reference to Bikewest's last point (*conclusions 4*) "to upgrade rather than replace the traffic signals", the only cycling and pedestrian improvements that would be considered by Main Roads at this location would be 'diamond dot' sensors to detect bicycles and pedestrian crossing phases. However, as these measures would not address the Black Spot issues associated with this intersection.

The Town is provided with a list of 'black spot' locations by MRWA annually and invited to prepare funding submissions. The funding is provided on a reasonable Benefit Cost Ratio (BCR) being achieved (refer definition below). At this intersection a Round a bout achieved the best BCR and hence the submission for funding.

At this intersection currently pedestrians are required to cross 14.0m of road pavement, effectively four (4) lanes of traffic with only refuge being the 1.2m wide median islands.

The roundabout (RAB) proposal will reduce this to a single lane of traffic in any one direction with the maximum crossing distance being about 4.0m on entering the roundabout and approximately 5.0m on exit. Further the proposed pedestrian refuge islands will be increased in width from 1.2m to 2.0m in Anzac Road and a 2.5m in Oxford Street respectively.

The intersection will operate at a much lower speed environment as all approaches will require a reduction in speed and there will be no green phase encouraging motorists to speed up and there will be improved line of sight for pedestrians as they will only have to contend with a single lane of traffic at the crossing points. Also the nature and function of RABs is such that motorists must give way to the right. This allows for gaps in the traffic flow to facilitate pedestrians to cross.

Other improvements will include tactile ground indicators for the visually impaired and an Armco Guard rail outside the hotel's entrance door. The purpose of which is two fold, to prevent patrons stepping onto the road and into the path of on-coming traffic and provide protection to pedestrians in the advent of an accident.

In respect of Benefit Cost Ratio (BCR) whilst there is not a concise definition essentially it is as per the following:

BCR is a means of quantifying in dollar terms the benefits of specific black spot treatments. It is essentially the cost of accidents to the community over a five (5) year period divided by the cost of the proposed treatment. Therefore in respect of Anzac and Oxford Street the cost of traffic accidents 1999 - 2003 inclusive was ~\$260,000. The estimated cost of the roundabout is \$130,000, resulting in a BCR of 2.0.

As indicated in the report the average BCR for roundabouts is 6.6, that is, they save the community 6.6 times the cost of installation.

The Town has successfully previously removed traffic signals and installed roundabouts at the intersections of Cleaver/ Carr St and Brisbane/Smith/Bulwer Street. In addition all RABs installed in the Town to date have been favourably received and many requests from residents are received for the installation of RABs at other locations within the Town.

CONSULTATION/ADVERTISING:

Respondents will be advised of the Council's decision

LEGAL/POLICY:

The proposal would be designed and implemented in accordance with relevant Australian and Main Roads WA Standards.

STRATEGIC IMPLICATIONS:

In accordance with Key Result Area One of the Strategic Plan 2005-2010 – 1.4 Maintain and enhance the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“h) Investigate and implement transport development and management improvements in liaison with the Local Area Traffic Management (LATM) Advisory Group.”*

FINANCIAL/BUDGET IMPLICATIONS:

There is an existing allocation of \$130,000 in the 2005/2006 budget for this project, of which the Town's contribution is \$43,330.00.

COMMENTS:

The intersection of Anzac Road and Oxford Street is classified as a Black Spot based upon its five (5) year accident history, 1999-2003 (inclusive), and therefore qualifies for State Black Spot funding.

Should the Council consider that the intersection should remain as is then officers would advise MRWA that the Council does not wish to proceed with the project and no funding would be provided.

It must however be noted that this RAB is part of an overall plan for Oxford Street to effectively reduce it to two lanes (with embayed parking) The officers have applied for Blackspot funding for the installation of a RAB at Bourke/Oxford and will explore funding for a RAB at the Scarb Bch Road / Oxford intersection.

The most cost effective method to reduce the number and severity of accidents at this location, without restricting any of the movements through the intersection, is to install a roundabout.

It is therefore recommended that the Council implements the proposal as shown on attached Plan No 2374-CP-1, with the amendments discussed in the main body of the report.

The Chief Executive Officer advised that Mayor Catania and Cr Messina had declared a financial interest in this Item. Mayor Catania and Cr Messina departed the Chamber at 9.00pm and did not speak or vote on the matter.

Deputy Mayor, Cr Farrell assumed the Chair.

10.3.1 Investment Report as at 28 February 2006

Ward:	Both	Date:	7 March 2006
Precinct:	All	File Ref:	FIN0005
Attachments:	001		
Reporting Officer(s):	M Howard-Bath		
Checked/Endorsed by:	Bee Choo Tan	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 28 February 2006 as detailed in Appendix 10.3.1.

COUNCIL DECISION ITEM 10.3.1

Moved Cr Chester, Seconded Cr Ker

That the recommendation be adopted.

CARRIED (5-0)

(Crs Doran-Wu and Torre had left the meeting. Mayor Catania and Cr Messina were absent from the Chamber and did not vote.

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the level of funds available, the distribution of surplus funds in the short term money market and the interest earned to date.

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 10.3.1.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.3.8.

DETAILS:

Total Investments for the period ended 28 February 2006 were \$14,753,127 compared with \$14,753,127 at 31 January 2006. At 28 February 2005, \$10,300,766 was invested.

Total accrued interest earned on Investments as at 28 February 2006:

	Budget	Actual	%
	\$	\$	
Municipal	310,000	263,512	85.00
Reserve	324,200	273,788	84.45

COMMENT:

As the Town performs only a custodial role in respect of monies held in Trust Fund Investments these monies cannot be used for Council purposes, and are excluded from the Financial Statements.

Mayor Catania and Cr Messina returned to the Chamber at 9.02pm.

Mayor Catania assumed the Chair.

10.4.2 Information Bulletin

Ward:	-	Date:	8 March 2006
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Smith		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 14 March 2006 as distributed with the Agenda, be received.

Moved Cr Lake, Seconded Cr Chester

That the recommendation be adopted.

Debate ensued.

Cr Ker requested that the Forum Notes attached at IB13 be amended to reflect that he was in attendance.

Moved Cr Chester, Seconded Cr Ker

That the recommendation be numbered clause (i) and a new clause (ii) be added as follows:

“(ii) the Council WRITES to the Western Australian Planning Commission to express concern that in the matter of Hughan vs Town of Vincent concerning 36 Paddington Street, North Perth the State Administrative Tribunal has remained silent in its consideration of the proposed subdivision and its non compliance with the requirements of either grouped or battle axe subdivision and state that the Town is in receipt of legal opinion that substantiates the Town’s view and a Ministerial letter that states the Town is within its rights to refuse such a non complying subdivision.”

AMENDMENT CARRIED (7-0)

(Crs Doran-Wu and Torre had left the meeting.)

MOTION AS AMENDED CARRIED (7-0)

(Crs Doran-Wu and Torre had left the meeting.)

COUNCIL DECISION ITEM 10.4.2

That;

(i) the Information Bulletin dated 14 March 2006 as distributed with the Agenda, be received; and

- (ii) *the Council WRITES to the Western Australian Planning Commission to express concern that in the matter of Hughan vs Town of Vincent concerning 36 Paddington Street, North Perth the State Administrative Tribunal has remained silent in its consideration of the proposed subdivision and its non compliance with the requirements of either grouped or battle axe subdivision and state that the Town is in receipt of legal opinion that substantiates the Town's view and a Ministerial letter that states the Town is within its rights to refuse such a non complying subdivision.*
-

DETAILS:

The items included in the Information Bulletin dated 14 March 2006 are as follows:

ITEM	DESCRIPTION
IB01	Vincent Vision 2024 - Progress Report No.3 (All Precincts) PLA0144
IB02	Hughan v Town of Vincent – Reasons for Decision. State Administrative Tribunal – Matter No. DR 536 of 2005
IB03	Lurie & Anor v Town of Vincent – Reasons and Orders. State Administrative Tribunal – Matter No. DR 559 of 2005
IB04	Taylor v Town of Vincent – orders. State Administrative Tribunal – Matter No. DR 3 of 2006
IB05	Nos 71-77 (Lot 62) Walcott Street, Corner Beaufort Street, Mount Lawley – Proposed Telecommunications Facility to Existing Commercial Building – Review Matter No. DR 681 of 2005
IB06	Letter from Nola Allen, Coordinator Better Beginnings (Department of Culture and the Arts)
IB07	Letter of Appreciation from St Stephen's School regarding School Carnival held at Beatty Park Leisure Centre
IB08	Register of Petitions - Progress Report - March 2006
IB09	Register of Notices of Motion - Progress Report - March 2006
IB10	Register of Reports to be Actioned - Progress Report - March 2006
IB11	Register of Legal Action
IB12	Register of State Administrative Tribunal Appeals
IB13	Forum Notes - 21 February 2006
IB14	Notice of Forum - 21 March 2006

14. CONFIDENTIAL REPORTS (*Behind Closed Doors*)

At 9.12pm **Moved Cr Ker, Seconded Cr Farrell**

That the meeting proceed “behind closed doors” in accordance with Section 5.23(d) of the Local Government Act 1995 – “legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting”.

CARRIED (7-0)

14.1 CONFIDENTIAL REPORT - Nos. 71-77 (Lot 62 D/P: 73028) Walcott Street, Corner Beaufort Street, Mount Lawley - Proposed Telecommunications Facility to Existing Commercial Building - State Administrative Tribunal (SAT) Directions Hearing

Ward:	South	Date:	3 March 2006
Precinct:	Mount Lawley Centre; P11	File Ref:	PRO0703; 5.2005.3098.1
Attachments:	-		
Reporting Officer(s):	T Durward		
Checked/Endorsed by:	D Abel, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) ***RECEIVES*** the report relating to Nos. 71-77 (Lot 62 D/P: 73028) Walcott Street, corner Beaufort Street, Mount Lawley - Proposed Telecommunications Facility to Existing Commercial Building - State Administrative Tribunal (SAT) Directions Hearing (Matter No. DR 681 of 2005);
- (ii) ***FILES and SERVES*** the following draft "without prejudice" conditions in response to the SAT Orders dated 17 February 2006:
 - (a) *all equipment shall be of a colour compatible with the existing roof structure;*
 - (b) *all equipment/antennas no longer in use shall be removed from the subject site prior to the operation of the telecommunications facility;*
 - (c) *the Town shall not be liable for any claim for compensation as result of the above telecommunications facility; and*
 - (d) *all costs associated with the above proposal shall be borne by the operator of the telecommunications facility;*
- (iii) ***NOMINATES*** Councillor(s)..... to represent the Town as a witness in the full two (2) day SAT Hearing to be held on 20 and 21 April 2006;
- (iv) ***INVITES*** a resident who objects to the proposal, if an objection is received by 15 March 2006, to represent the Town as a witness in the full two (2) day SAT Hearing to be held on 20 and 21 April 2006; and
- (v) ***AUTHORISES*** the Chief Executive Officer to file a schedule of consultation submissions to the SAT.

Moved Cr Messina, Seconded Cr Farrell

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 9.12pm.

The Presiding Member called for nominations to represent the Town at the SAT Hearing as required in clause (iii) of the recommendation.

Mayor Catania and Cr Messina nominated to attend the hearing.

Debate ensued.

Moved Cr Ker, Seconded Cr Messina

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

“(iv) INVITES a resident/ratepayer/business owner who objects to the proposal, if an objection is received by 15 March 2006, to represent the Town as a witness in the full two (2) day SAT Hearing to be held on 20 and 21 April 2006; and”

Debate ensued.

AMENDMENT CARRIED (7-0)

(Crs Doran-Wu and Torre had left the meeting.)

MOTION AS AMENDED CARRIED (7-0)

(Crs Doran-Wu and Torre had left the meeting.)

COUNCIL DECISION ITEM 14.1

That the Council;

- (i) *RECEIVES the report relating to Nos. 71-77 (Lot 62 D/P: 73028) Walcott Street, corner Beaufort Street, Mount Lawley - Proposed Telecommunications Facility to Existing Commercial Building - State Administrative Tribunal (SAT) Directions Hearing (Matter No. DR 681 of 2005);*
- (ii) *FILES and SERVES the following draft "without prejudice" conditions in response to the SAT Orders dated 17 February 2006:*
 - (a) *all equipment shall be of a colour compatible with the existing roof structure;*
 - (b) *all equipment/antennas no longer in use shall be removed from the subject site prior to the operation of the telecommunications facility;*
 - (c) *the Town shall not be liable for any claim for compensation as result of the above telecommunications facility; and*
 - (d) *all costs associated with the above proposal shall be borne by the operator of the telecommunications facility;*
- (iii) *NOMINATES Mayor Catania and Cr Messina to represent the Town as a witness in the full two (2) day SAT Hearing to be held on 20 and 21 April 2006;*

-
- (iv) *INVITES a resident/ratepayer/business owner who objects to the proposal, if an objection is received by 15 March 2006, to represent the Town as a witness in the full two (2) day SAT Hearing to be held on 20 and 21 April 2006; and*
- (v) *AUTHORISES the Chief Executive Officer to file a schedule of consultation submissions to the SAT.*
-

Note: The Chief Executive Officer advised that this report is now released to the public as the Council has determined the matter.

PURPOSE OF REPORT:

- To advise Council of the above review application.
- To comply with the requirements of the Town's Policy/Procedure for SAT.
- To consider an Elected Member(s) and a local member of the community to appear as witness on behalf of the Town.
- To file draft "without prejudice" conditions of approval in advance of the hearing.

BACKGROUND:

- 26 August 1996 The Council at its Ordinary Meeting resolved to conditionally approve development application at Nos. 71 - 77 (Lot 62) Walcott Street, corner Beaufort Street, Mount Lawley for proposed alterations and additions to the existing Alexander Building.
- 28 October 1996 The Council at its Ordinary Meeting resolved to sell No. 8 Grosvenor Road, Mount Lawley to Silverleaf Investments Pty Ltd.
- 10 February 1997 The Council at its Ordinary Meeting resolved to amend the resolution adopted by the Council at its Ordinary Meeting held on 26 August 1996, with regard to Item 12.1.12 Nos. 71 - 77 (Lot 62) Walcott Street, corner Beaufort Street, Mount Lawley - Proposed Alterations and Additions to the existing Alexander Building by rescinding condition (vii).
- 11 August 1997 The Council at its Ordinary Meeting resolved to conditionally approve alteration and additions to the existing shops on Nos. 71 - 77 (Lot 62) Walcott Street, corner Beaufort Street, Mount Lawley.
- 27 October 1997 The Council at its Ordinary Meeting resolved to amend the resolution adopted by Council at its Ordinary Meeting held on 11 August 1997 for Nos. 71 - 77 (Lot 62) Walcott Street, Mount Lawley by rescinding (iv).
- 8 December 1997 The Council at its Ordinary Meeting resolved the following:

"that the Council authorise the Chief Executive Officer to prepare an agreement with Silverleaf Investments Pty Ltd to enforce car parking restrictions on Lot 200 Grosvenor Road and Lot 62 Walcott Street, Mt Lawley in conjunction with use of the Council's Raglan Road Car park."
- 25 May 2004 The Council at its Ordinary Meeting resolved to refuse an application for a proposed bin storage area within the existing car park at adjoining lot, No. 8 (Lot 200) Grosvenor Road, Mount Lawley.

- 22 June 2004 The Council at its Ordinary Meeting resolved to conditionally approve development application at Nos. 71 - 77 (Lot 62) Walcott Street, corner Beaufort Street, Mount Lawley for proposed bin storage area additions to existing shops.
- 7 December 2004 The Council at its Ordinary Meeting resolved to conditionally approve development application at Nos. 71 - 77 (Lot 62) Walcott Street, corner Beaufort Street, Mount Lawley for proposed alterations and additions to existing eating house and associated signage (Dome Café).
- 22 November 2005 At its Ordinary Meeting, the Council refused an application for proposed Telecommunications Facility to Existing Commercial Building (development application No.5.2005.3098.1).
- 19 December 2005 Greg Rowe and Associates, on behalf of the owner lodged an application for the review of the Council determination at its Ordinary Meeting on 22 November 2005, with SAT.
- 8 February 2006 Direction Hearing at SAT.
- 1 March 2006 The respondent (Town) *Statement of Issues Facts and Contentions* and associated documents forwarded to SAT.
- 20 and 21 April 2006 Date set for full 2 day SAT Hearing.

The following is a verbatim copy of the Minutes in part of the reasons for refusal and subsequent motions of the Item placed before the Council at its Ordinary Meeting held on 22 November 2005:

- "(i) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
- (ii) *the non-compliance with the Town's Policies relating to the Mount Lawley Centre Precinct, Heritage Management - Development Guidelines, and Telecommunications Facilities, respectively."*

DETAILS:

The applicant has lodged an application with SAT to review the Planning Refusal and reasons determined by the Council at its Ordinary Meeting held on 22 November 2005.

At the Directions Hearing on 8 February 2006, the applicant, represented by Clayton Utz, advised the SAT member and Town's Officers that it did not wish to amend the plans and requested a two day full hearing.

Due to the tight time frames involved with the review process, Mr. Simon Bain has been engaged to represent the Town in the above review application.

CONSULTATION/ADVERTISING:

The Town is currently seeking comments from affected property owners and occupiers in accordance with the Town's Community Consultation Policy. The advertising is being undertaken for a 21 day period and finishes on 15 March 2006.

The comments will be collated and filed with the SAT for consideration in determination of the subject review application.

LEGAL/POLICY:

State Administrative Tribunal Act 2004 (WA) and Procedure For State Administrative Tribunal-Policy No. 4.1.23

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Cost associated with the services of a qualified professional (agent), Mr. Simon Bain, is based on \$75 per hour plus GST.

COMMENTS:

Without Prejudice Conditions

The SAT has advised that the draft conditions would be "*without prejudice*" and "*is not a concession by the decision-maker that approval of the application is appropriate*". The SAT has introduced the above practice for the following two reasons:

- 1) Under Section 9 of the State Administrative Tribunal Act 2004 (WA), the objectives include "*to act as speedily and with as little formality and technicality as practicable, and minimise the costs to the parties*".
- 2) The SAT needs to have a full appreciation of all conditions applicable prior to making a reliable decision.

Heritage

Further to verbal communications with the Heritage Council of Western Australia, the Town's Officers are seeking written clarification of the status of the assessment for State Registration of the subject property and surrounding precinct and subsequent comment on the proposed development.

Summary

On the above basis, the following is recommended:

- The Council "Files" and "Serves" the draft "without prejudice" conditions applicable to the above development if the above review is allowed by the SAT.
- The Council nominates an Elected Member(s) to represent the Town as a witness in the review process.
- The Council authorises the Chief Executive Officer to file a schedule of consultation submissions to the SAT.

At 9.18pm Moved Cr Ker, Seconded Cr Messina

That an "open" meeting be resumed.

CARRIED (7-0)

(Crs Doran-Wu and Torre had left the meeting.)

11. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

12. REPRESENTATION ON STATUTORY AUTHORITIES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

15. CLOSURE

The Presiding Member, Mayor Catania JP, declared the meeting closed at 9.20pm with the following persons present:

Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Simon Chester	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Executive Manager, Environmental and Development Services
Rick Lotznicher	Executive Manager Technical Services
Mike Rootsey	Executive Manager, Corporate Services
Annie Smith	Minutes Secretary

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 14 March 2006.

Signed:Presiding Member
Mayor Nick Catania, JP

Dated this day of 2006