



**TOWN OF VINCENT**

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*"Enhancing and celebrating our diverse community"*

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# MINUTES

**17 NOVEMBER 2009**

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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 17 November 2009, commencing at 6.00pm.

**1. DECLARATION OF OPENING**

The Presiding Member, Mayor Nick Catania, declared the meeting open at 6.10pm.

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

**(a) Apologies:**

Nil.

**(b) Present:**

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake ( <i>Deputy Mayor</i> )	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Tory Woodhouse	Co-ordinator Strategic Planning; and
Susannah Kendall	Heritage/Planning Officer (until approximately 6.35pm) – present for the Heritage Calendar Photographic Awards
Phynea Papal	Journalist – “ <i>The Guardian Express</i> ” (until approximately 7.44pm)
Ben Dineen-Dickinson	Journalist – “ <i>The Perth Voice</i> ”

Approximately 16 Members of the Public

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

Cr Steed Farrell – approved leave of absence due to work commitments.

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

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

1. John Burgess of 101 Edward Street, Perth – Item 9.1.6. Stated previously this was an old house which used to be a restaurant/catering business. Intention is to renovate with minor demolish and extensions to use the premises for his own office purposes, Town Planning and Urban Design Consultant. Advised of his longer term intention for the site, about 10 years away and depending on finances, is to redevelop the whole site to meet the Beaufort Precinct Guidelines, residential commercial R80. Stated the only remaining outstanding issues are requirements for; residential component to the site and amalgamation of the 2 titles. Held up a plan and explained the extension. Stated no improvements crossed the property boundary. Stated the subdivision amalgamation process is large and is run by the Planning Commission and referred to many different agencies and could open up a “*can of worms*” for him and he is only looking for a very simple office renovation. Sought the Council’s support.

2. Richard Parry of 11 Strathcona Street, West Perth – Item 9.1.8. Stated he is not anti-development and is a national director of an international commercial real estate company. Stated his issue with the development are (1) the density of the proposal and (2) likely traffic issues that will result from the proposed changes. Referred to page 44 of the Agenda which states “*the proposed design will accommodate up to 80,000m<sup>2</sup> of commercial offices and up to 800 additional residential apartments*”. Stated under the current Town Planning Scheme this would mean 16,000 car bays would be required for the commercial development alone. Stated the residential developments will be 4/5 storey’s and will also provide for up to 5 developments of 8 storey’s and he is not aware of too many 5 storey developments let alone 8 storey towers in the existing commercial district of West Perth (on the other side of the freeway). Believed a more equitable outcome would be to restrict height in line with East Perth and Subiaco redevelopment areas or West Perth proper – generally 3/4 storey’s only. Stated as an example, the recent development of the Australia Post building on the corner of Loftus and Cambridge Streets which is a ground floor building with 3 upper levels and comprises approx. 4,000m<sup>2</sup> of buildings therefore, if the proposal goes through it would be 20 buildings of this size within a 9 hectare parcel of regeneration area. Believed with an early childcare centre and nursing homes in the area there is a need to be mindful of any increase in traffic flow through this very desirable near city residential precinct.
3. Marie Slyth of 89 Carr Street, West Perth – Item 9.1.8. Stated Cleaver Precinct Group believe that they have not been given adequate consultation on the proposed rezoning. Believed, since it is in Cleaver Precinct, the north east side of Newcastle Street from Charles to Strathcona Streets should not have been included in this rezoning. Believed that whilst it is sensible to consider the relationship of the north and south side of Newcastle Street, there should be no presumption that both sides need to be the same. Stated that Cleaver Precinct has not been consulted on the impact such a change would have to the existing streetscape. Stated that this particular section of Newcastle Street has 2 buildings included on the MHI and a third still being considered. Advised that these 3 buildings already occupy half the distance of this section of streetscape. Stated as was noted in the Town’s recent Cleaver Precinct Heritage Walk, the 5 remaining buildings are excellent examples of federation dwellings and requested the Council review them again as worthy of preservation. Advised that Cleaver Precinct prides itself on the entry statement which the northern section of Newcastle Street presents. Stated looking ahead with Vision 2024, such a visual presentation of early history can become a money making tourist attraction and draw card for the Town, where there are a string of such lovely stately homes so close to Perth. Advised that the National Trust has been approached about this section of streetscape and is presently reviewing documentation. Asked that this north side of Newcastle Street be excluded from the Masterplan or that it be deferred for further investigation.
4. Tom Pinder of 10 Strathcona Street, West Perth – Item 9.1.8. Stated that they continue to oppose “Option 1: A European Scale Development” which will allow for a 5 storey building to be built within 80 metres of their property. Stated they do not consider that it is “respectful to the local residential area” given that Strathcona is mostly single storey residential street. Urged the Council to restrict development on the northern side of Newcastle Street to a maximum 3 storey’s which they believe would be in line with existing Town of Vincent Policies. Asked the following:
  1. Why is the Town recommending endorsement of an option that contravenes its own Policies?
  2. The buildings west of the technical school from 482 to 498 Newcastle Street which represent a significant strip of unique old homes were not identified as “Places of Interest” or discussed in the heritage survey. Why has such a significant strip of old buildings been totally overlooked as “places of interest” in the heritage survey?

3. From the documentation to date, traffic, parking and transport impacts have not clearly included consideration of the impact from the Regeneration Plan on surrounding precincts. Regarding "Strategic Transport Impact Assessment", will the impact of traffic and parking resulting from the West Perth Regeneration on properties in Cleaver Precinct be assessed, and if not, why not?
  
5. Steve Arias of 17/663 Newcastle Street, Leederville – Item 9.1.4. Apologised for the retrospective request regarding signage as he was oblivious of the requirements of additional signage allowance as, as far as he was concerned he was simply replacing the signage. Referred to photographs of SAS Locksmith's who had similar signage for at least 5 years without complaint and have been dealing with the Town on regular basis as a security provider without any notification of concern. Stated that they have had an image design and concept overhaul which they believe has drawn attention to the building, however this was at a great expense to sharpen their standing in the security industry. Advised that they feel that the presence of the said signage in the location in question, combined with their state of the art day/night seven day camera surveillance system, that will be streaming from 4 vantage points on their building can only be beneficial to the Town, its residents and visitors by assisting in the reduction of violence and vandalism.

There being no further speakers, public question time closed at approx. 6.27pm.

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

Nil.

**4. APPLICATIONS FOR LEAVE OF ABSENCE**

Nil.

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

Nil.

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

Minutes of the Ordinary Meeting of Council held on 3 November 2009.

**Moved Cr Harvey, Seconded Cr Buckels**

*That the Minutes of the Ordinary Meeting of Council held 3 November 2009 be confirmed as a true and correct record.*

**CARRIED (8-0)**

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

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

**7.1 Heritage Services 2010 Heritage Calendar – Photographic Competition – Winners' Presentation**

Last year the Town of Vincent prepared and distributed a Heritage Calendar for 2009 to celebrate and help raise public awareness of the Town's rich and diverse cultural heritage.

The calendar featured eleven (11) heritage-listed properties, which are either owned or vested in the Town.

Due to the success of this calendar, the Town's Heritage Services recently held a photographic competition for owners of heritage-listed properties to source photos for a new 2010 calendar.

The Town received a great response to the competition and received a number of photographs – all of a very high standard.

The photographs were judged by the Town's Heritage Advisory Committee and three winners have been selected.

It is with great pleasure that I announce the winners of the Photographic Competition:

- First Prize is awarded to David Sharbanee and his interior photograph of No. 25 Throssell Street, Perth.

**Received with Acclamation!**

- Second Prize is awarded to Jovan Radanovich and his image of No. 7 Leake Street, North Perth.

**Received with Acclamation!**

- Third Prize is awarded to Clive Addison and his image of No. 72 Mary Street, Highgate.

**Received with Acclamation!**

## 8. DECLARATIONS OF INTERESTS

8.1 Mayor Catania declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is the chairperson of the North Perth Community Bank in which the Town has investment shares.

8.2 Cr Burns declared a Financial interest in Item 9.3.1 – Investment Report. The extent of her interest being that she is a shareholder and her father is a director in the North Perth Community Bank in which the Town has investment shares.

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

Nil.

## 10. REPORTS

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

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

Items 9.1.6, 9.1.8 and 9.1.4.

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

Item 9.1.1.

- 10.3 **Items which Council Members/Officers have declared a financial or proximity interest and the following was advised:**

Item 9.3.1.

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

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

Cr Topelberg	Item 9.1.13.
Cr Buckels	Item 9.1.12.
Cr McGrath	Item 9.1.9.
Cr Harvey	Nil.
Cr Lake	Item 9.1.2.
Cr Burns	Nil.
Cr Maier	Nil.
Mayor Catania	Nil.

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

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

Items 9.1.3, 9.1.5, 9.1.7, 9.1.10, 9.1.11, 9.2.1, 9.2.2, 9.3.2, 9.3.3, 9.3.4 and 9.4.1.

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

Nil.

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

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

Items 9.1.3, 9.1.5, 9.1.7, 9.1.10, 9.1.11, 9.2.1, 9.2.2, 9.3.2, 9.3.3, 9.3.4 and 9.4.1.

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

Items 9.1.6, 9.1.8 and 9.1.4.

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

**Moved Cr Topelberg, Seconded Cr Lake**

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

*Items 9.1.3, 9.1.5, 9.1.7, 9.1.10, 9.1.11, 9.2.1, 9.2.2, 9.3.2, 9.3.3, 9.3.4 and 9.4.1.*

**CARRIED (8-0)**

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

**9.1.3 No. 63 (Lot: 102, D/P: 692) Walcott Street, Mount Lawley - Proposed Garage Addition to Existing Single House – State Administrative Tribunal (SAT) Review Matter No. DR 389 of 2009**

<b>Ward:</b>	South	<b>Date:</b>	9 November 2009
<b>Precinct:</b>	Forrest; P14	<b>File Ref:</b>	PRO4823; 5.2009.326.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	J Pirone, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to No. 63 (Lot 102, D/P 692) Walcott Street, Mount Lawley for Proposed Garage Addition to Existing House – State Administrative Tribunal (SAT) Review Matter No. DR 389 of 2009; and*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owner Beaufort Street Trading Pty Ltd for proposed Garage Addition to Existing Single House – State Administrative Tribunal (SAT) Review Matter No. DR 389 of 2009, at No. 63 (Lot 102, D/P 692) Walcott Street, Mount Lawley, and as shown on plans stamp-dated 30 October 2009, subject to the following conditions:*
  - (a) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the number of trees and suitable tree species to screen the eastern, southern and western boundaries of the subject site. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
  - (b) *the proposed garage shall not be:*
    - (1) *greater than 110 square metres in area; and*
    - (2) *greater than 2.5 metres in height.*

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**COUNCIL DECISION ITEM 9.1.3**

**Moved Cr Topelberg, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**(Cr Farrell was on approved leave of absence.)**

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<b>Landowner:</b>	Beaufort Street Trading Pty Ltd
<b>Applicant:</b>	Beaufort Street Trading Pty Ltd
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	491 square metres
<b>Access to Right of Way</b>	3 metres wide, sealed, Town of Vincent owned

**BACKGROUND:**

14 September 2009                      The Town under delegated authority from the Council refused an application for a proposed garage addition (144 square metres in area, 3.05 metres in height) to existing single house 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 proposed garage does not comply with the requirements of Outbuildings that are specified in the Residential Design Codes 6.10.1, specifically regarding maximum area and wall height.”*

7 October 2009                              The applicant lodged a review application with the State Administrative Tribunal (SAT) in relation to the planning application, which was refused under delegated authority from the Council on 14 September 2009.

28 October 2009                             Directions Hearing at the SAT.

30 October 2009                             The applicant submitted amended plans to the Town, as per SAT Orders dated 29 October 2009.

2 November 2009                            Site inspection with Planning Officer, Manager Planning, Building and Heritage Services, Owner and Planning Consultant.

**DETAILS:**

The application involves a proposed garage addition to the rear of the single existing house at the subject property. Under section 252 (1) of the Planning and Development Act 2005, the owner of the subject property submitted an application for review to the SAT regarding the decision of the Town under delegated authority from the Council, to refuse the application for a proposed garage addition to the existing single house.

The applicant has submitted amended plans dated 30 October 2009 as a result of the Directions Hearing at the SAT held on 28 October 2009. The subject amended plans indicate the following changes:

- The area of the garage reduced from 144 square metres to 110 square metres;
- The height of the garage reduced from 3.05 metres to 2.5 metres;
- A number of high trees and vegetation proposed to be planted within the side and the rear setbacks;
- Setback of the garage to the Right of Way to be 4.8 metres; and
- Cutting of the natural ground level by 1 metre to reduce the impact of the structure.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Outbuildings:	“Do not exceed 60 square metres in area or 10% of the site area (49.1m <sup>2</sup> ), whichever is the lesser”	22.4% of the site area = 110m <sup>2</sup>	Supported – See “Comments”
	“Wall height to not exceed 2.4 metres”	2.5 metres	Supported – See “Comments”
<b>Consultation Submissions</b>			
Support/Objection (N/A)	The initial planning application for the garage addition was not advertised to the surrounding land owners, due to the determination for refusal.  Letters were sent however to the adjoining neighbours on 9 November 2009 detailing the proposal and variations and offering the option to comment by 16 November 2009.		All submissions received will be tabled at the OMC on 17 November 2009.
<b>Other Implications</b>			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Sustainability Implications		Nil	
Financial/Budget Implications		Nil	

\* The 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:**

**State Administrative Tribunal Act 2004**

Section 31 states as follows:

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

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

Under Section 31 of the SAT Act 2004, the Town has been invited to determine the subject application; that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision. Following the Ordinary Meeting of Council to be held on 17 November 2009, the Town's Officers and the Applicant are to attend a further Directions Hearing at the SAT on 25 November 2009. If the Applicant is satisfied with the determination made by the Council at its Ordinary Meeting to be held on 17 November 2009, the applicant will consider withdrawing their current Review application with the State Administrative Tribunal.

### **Amended Proposal**

The nature of the residential zone within Mount Lawley is slightly more commercial as opposed to residential, with the site being only two properties from Beaufort Street. Of the two adjoining properties, one is a single house, however the other is consulting rooms. In addition, it is noted that the residential amenity of the property and surrounding lots has been significantly eroded given the proximity of commercial development. Therefore, this garage will not have such a significant impact on an area that is primarily commercial.

The proposed garage addition has been further amended which results in changes that are more consistent with the Town's requirements, and ultimately reduce the impact of the garage. The proposed reduction of the garage from 144 square metres to 110 square metres and height from 3.05 metres to 2.5 metres along with the proposed 1 metre cut into the natural ground level will significantly reduce the effect of the garage on the area and the surrounding land owners.

The initial plans did not comply with the requirements for a right of way widening setback; however, the applicant has suggested setting the garage 4.6 metres from the right of way which sufficiently complies.

The applicant has also suggested landscaping on the eastern, southern and western boundaries of the site in order to further reduce the impact. Accordingly, the applicant will need to provide species and number of trees at Building Licence stage.

In light of the amendments made to the plans during the SAT direction's hearing process, the development is now considered to be supportable subject to standard and appropriate conditions.

**9.1.5 No. 2 (Lot: 401, D/P: 60544) Kalgoorlie Street, Mount Hawthorn - Proposed Alterations and Additions to Existing Front Fence of Two (2) Two-Storey Single Houses – Application for Retrospective Approval**

<b>Ward:</b>	North	<b>Date:</b>	9 November 2009
<b>Precinct:</b>	Mount Hawthorn; P01	<b>File Ref:</b>	PRO4061; 5.2009.392.1
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer:</b>	J Pirone, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by G Petrou on behalf of the owner K Petrou & Zaikos Group Pty Ltd for proposed Alterations and Additions to Existing Front Fence of Two (2) Two-Storey Single Houses – Application for Retrospective Approval, at No. 2 (Lot: 401 D/P: 60544) Kalgoorlie Street, Mount Hawthorn, and as shown on plans stamped 23 September 2009, subject to the following conditions:*

- (i) *within twenty eight (28) days of the issue date of this 'Approval to Commence Development', a Building Approval Certificate Application, structural details certified by a Practising Structural Engineer, including plans and specifications of the subject unauthorised front fence, shall be submitted to and approved by the Town of Vincent as required under section 374 AA of the Local Government (Miscellaneous Provisions) Act 1960, and regulation 11 (a) of the Building Regulations 1989;*
- (ii) *prior to the issue of a Form 8 certificate revised plans shall be submitted and approved demonstrating the following:*
  - (a) *a three (3) metre by three (3) metre visual truncation at the intersection of Kalgoorlie Street and Britannia Road, as per the Western Australian Planning Commission subdivision approval dated 18 September 2009; and*
  - (b) *the owner of No. 4 Kalgoorlie Street, Mount Hawthorn, consenting to the two metre high boundary wall and the 980 millimetre pier on the northern elevation;*

*All such works are required to ensure compliance with this condition and the works shall be undertaken within 28 days of the issue of the Building Licence for the works. The Building Licence plans shall not result in any greater variation to the requirements of the Town's Policies; and*

- (iii) *within twenty eight (28) days of the issue of the Building Licence, a panel shall be removed from the solid wall that contains the meter box between dwelling 1 and 2 as per elevation 5 (eastern elevation).*

**COUNCIL DECISION ITEM 9.1.5**

**Moved Cr Topelberg, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**(Cr Farrell was on approved leave of absence.)**

<b>Landowner:</b>	K Petrou & Zaikos Group Pty Ltd
<b>Applicant:</b>	G Petrou
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
<b>Existing Land Use:</b>	Single House
<b>Use Class:</b>	Single House
<b>Use Classification:</b>	"P"
<b>Lot Area:</b>	619 square metres
<b>Access to Right of Way</b>	Not Applicable

**BACKGROUND:**

6 November 2007 The Council at its Ordinary Meeting conditionally approved a planning application for proposed demolition of existing single house and construction of two (2) two-storey single houses.

28 July 2008 The Town issued a Building Licence for the construction of two (2) two-storey single houses.

8 September 2009 The Town's Development Compliance Officer sent a letter to the owners advising them that they have not complied with the fencing condition placed on the Planning Approval and Building Licence, and that they are required to comply with the conditions, or submit an application for retrospective planning approval.

23 September 2009 The owners submitted a retrospective planning application for alterations and additions to existing front fence to existing two (2) two-storey single houses.

**DETAILS:**

The application seeks retrospective approval for alterations and additions to existing front and boundary fences at No. 2 Kalgoorlie Street, Mount Hawthorn. The application is being referred to the Council as it involves significant variations to the Town's Street Walls and Fences requirements, and such variations are specified in the Town's Non-Variation of Specific Development Standards and Requirements Policy.

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

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Street Walls and Fences SADC 13:	Maximum height of 1.8 metres above adjacent footpath level	Height of the piers/front fence range from 1.75 metres to 2 metres in height  Note: piers do not have decorative capping.	Supported – The topography of the land slopes slightly (especially along Kalgoorlie Street) and therefore reduces the impact of the variation. The proposed variation is considered minor and does not have an undue impact on the existing streetscape.

	Posts and piers are to have a maximum width 355 millimetres and a maximum diameter of 500 millimetres.	Proposed amendment on elevation 3 (northern elevation) shows the pier to be 980 mm wide.	Supported – The width of the pier is considered to be a minor variation due to its location within the side setback and not the front. A proposed condition requires the neighbour’s signature for this variation.
	The distance between piers should not be less than the height of the piers except where pedestrian gates are proposed.	Britannia Road elevation only (dwelling 2).  Pier distance is approximately 1.7 metres, with the height of the piers being 1.84 metres – 1.91 metres.	Supported – The variation is considered minor and as the fence has been finished in a neat manner and compliments the architectural character and detailing of the main dwelling on-site.
Dividing Fences:	1.8 metres in height.	2 metres in height.	Supported – It is not considered to have an undue impact on the adjoining property owner; however, a proposed condition requires the owner to obtain the neighbour’s signature for this variation. It is also noted that this wall does not impact on required visual truncations.
Visual Truncation:	“Where walls and fences adjoin a vehicle access point, the walls to have a maximum solid portion height of 0.65 metre.”	a) Driveway between dwelling 1 and 2: Although there is proposed amendments (elevation 5) to what currently exists, the solid portion is proposed to be 710 millimetres high.  b) Driveway between dwelling 2 and No. 56 Britannia Road: 2.17 metre high solid parapet wall.	Supported –  a) The Town’s Technical Services support this variation and acknowledged that the amendments are reasonable.  b) The property at No. 56 Britannia Road also has an existing solid parapet wall to the same height and, therefore, it would be pointless to cut into the solid parapet wall at No. 58 Britannia Road without also removing No. 56 Britannia Road’s wall (as shown in photographs in Appendix 9.1.5). The Town’s Officers have approached the owners of

		No. 56 Britannia Road to modify the wall; however, the owners have advised that they will not modify the wall at their own cost. In light of this, the Town's Officers recommend retention of both existing solid walls.
<b>Consultation Submissions</b>		
Support/Objection (not applicable)	No community consultation required in this instance, as this application is for retrospective approval.	Noted.
<b>Other Implications</b>		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Sustainability Implications		Nil
Financial/Budget Implications		Nil

\* The 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, it is recommended that the Council approve the street/front and boundary fencing subject to standard and appropriate conditions.

**9.1.7 City of Perth City Planning Scheme No. 2 – Draft Applications Policy No. 2.1 (Revised)**

<b>Ward:</b>	N/A	<b>Date:</b>	9 November 2009
<b>Precinct:</b>	N/A	<b>File Ref:</b>	ORG0016
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	E Lebbos, Strategic Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to the City of Perth’s Draft Applications Policy No. 2.1 (Revised); and*
- (ii) *AUTHORISES the Chief Executive Officer to notify the City of Perth that the Town of Vincent SUPPORTS the intent and content of the City of Perth’s Draft Applications Policy No. 2.1 (Revised), as shown at Appendix 9.1.7.*

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**COUNCIL DECISION ITEM 9.1.7**

**Moved Cr Topelberg, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**(Cr Farrell was on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the City of Perth’s *Draft Applications Policy No. 2.1 (Revised)* currently being advertised for public comment, and to provide a summary of the Draft Policy to the Council.

**BACKGROUND:**

At its meeting held on 6 October 2009, the Perth City Council resolved to initiate a *Draft Applications Policy No. 2.1 (Revised)*. The aim of this Draft Policy is to detail the requirements for the submission of an application for planning approval.

The *Draft Applications Policy No. 2.1 (Revised)* has been released for public comment (with submissions closing on 26 November 2009), to ensure that the community has the opportunity to provide feedback on the Draft Policy prior to it being finalised by the City of Perth.

**DETAILS:**

The *Draft Applications Policy No. 2.1 (Revised)* is summarised as follows:

- To assist in providing upfront clear guidance on the level of information required to be provided as part of an application;
- All applications are proposed to be submitted in a digital format;

- All new buildings and major alterations and additions to the exterior of an existing building will require a 3D digital model to be submitted;
- The requirement for additional technical reports prepared by relevant experts may be required due to the introduction of new policies adopted since the gazettal of the City Planning Scheme No. 2; and
- The specific requirements for each application will vary with the nature of the proposal, its complexity and location.

More specifically, the Draft Policy provides direction on the level of information and detail to be provided as part of an application for planning approval in relation to the following:

- Application form and fees

All application forms, fees in accordance with the Council's adopted fee schedule, plans and supporting documentation are to be submitted at the time of lodging an application, otherwise the application is not deemed to be valid and will not be processed.

- Application format

All applications are to be submitted in both digital and hard formats. Hard copies are to include plans, drawings, photographs and detail reports. In addition to all this information, the digital information required is to include a 3D digital model.

- Accompanying information for general applications

In addition to the plans, drawings and photographs to be submitted with an application, a Planning Report is also required. This is intended to *'explain design principles and concepts that have informed the proposed development and to demonstrate that the proposal has emerged from a full assessment of a site's characteristics and circumstances including the surrounding locality and community.'*

- Technical reports

Other technical reports may be required in order to address matters such as wind impacts, parking requirements, contaminated sites, and universal access etc.

- Applications of a minor nature

Less information may be required to be submitted for the following types of minor developments:

- Minor external alterations and/or additions to existing buildings;
- Change of Use applications;
- Signs and Advertisement;
- Demolition; and
- Excavation and fill.

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

The City of Perth is currently advertising the *Draft Applications Policy No. 2.1 (Revised)* for public comment, which closes on 26 November 2009.

**LEGAL/POLICY:**

Nil.

**STRATEGIC IMPLICATIONS:**

The Town of Vincent Strategic Plan 2009-2014 states;

*“Natural and Built Environment*

*1.1 Improve and maintain the environment and infrastructure*

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

*Economic Development*

*2.1 Progress economic development with adequate financial resources*

*2.1.2 Develop and promote partnerships and alliances with key stakeholders.”*

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**SUSTAINABILITY IMPLICATIONS:**

As part of this *Draft Applications Policy No. 2.1 (Revised)*, the City of Perth may require technical reports prepared by relevant experts to be submitted to address various issues. In particular, the following reports relating to environmental and social sustainability may be required:

*‘Energy Efficient Design*

*As part of an application for every new building or major refurbishment of an existing building, applicants will be required to provide an Energy Efficient Design Statement undertaken by an appropriate consultant, demonstrating the siting and design of the development, its activities and spaces maximises their energy efficient design in accordance with the principles outlined in the Council’s Policy Manual and where appropriate, the Green Building Council of Australia’s relevant green star rating tool.’*

*‘Universal Access*

*As part of the application, where appropriate, applicants will be required to provide an Access Statement undertaken by a suitably qualified consultant demonstrating the proposal’s consideration of universal access principles and the obligations of the Disability Discrimination Act 1992. The types of information the Access Statement will provide will vary according to the scale, nature and complexity of the proposed development.*

*Furthermore, all development will be required to comply with the Disability Standards for Access to Premises.’*

**COMMENTS:**

A review of the Draft Policy was undertaken by the Town’s Officers. The review indicated that the Draft Policy provides a comprehensive overview of the information required in submitting a Development Application, which should in turn contribute to the efficiency in receiving and determining planning applications at the City of Perth.

In light of the above, it is considered that the Council receive the report and support the Officer’s Recommendation to advise the City of Perth that the Town of Vincent supports the *Draft Applications Policy No. 2.1 (Revised)*.

**9.1.10 Metropolitan Region Scheme Proposed Amendment 1181/57 East Parade**

<b>Ward:</b>	South	<b>Date:</b>	9 November 2009
<b>Precinct:</b>	Banks; P15	<b>File Ref:</b>	PLA0066
<b>Attachments:</b>	<a href="#">001</a> , <a href="#">002</a>		
<b>Reporting Officer:</b>	E Lebbos, Strategic Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

(i) **RECEIVES:**

(a) *the report regarding the Western Australian Planning Commission's (WAPC) Proposed Amendment 1181/57 to the Metropolitan Region Scheme (MRS) relating to East Parade as 'Laid on the Table'; and*

(ii) *the letter dated 12 October 2009, informing the Town of the Western Australian Planning Commission's (WAPC) Proposed Amendment 1181/57 to the Metropolitan Region Scheme (MRS) relating to East Parade, as shown in Appendix 9.1.10; and*

(ii) **ADVISES** the WAPC that the Council **SUPPORTS IN PRINCIPLE** the Proposed Amendment 1181/57 to the Metropolitan Region Scheme (MRS) relating to East Parade as outlined in this report.

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**COUNCIL DECISION ITEM 9.1.10**

**Moved Cr Topelberg, Seconded Cr Lake**

*That the recommendation be adopted.*

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

(Cr Farrell was on approved leave of absence.)

---

**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the Western Australian Planning Commission's (WAPC) Proposed Amendment to the MRS, relating to East Parade.

**BACKGROUND:**

In June 2001, the then Minister for Planning and Infrastructure determined to review the operation of Guildford Road/East Parade/Whatley Crescent intersection and the surrounding area, including East Parade between Guildford Road and Graham Farmer Freeway (GFF), as a result of concerns raised after the opening of the GFF. Subsequently, with the ongoing dialogue of locating a sports stadium and power station nearby, a decision was made to exclude the section of East Parade from Westralia Street to GFF from the project.

The study commenced in late 2001 and included a detailed investigation of the Guildford Road, East Parade and Whatley Crescent intersection, and the Lord Street Subway, to determine the most appropriate treatments for this site. Planning investigations for the future operation of the intersection and the surrounding area were completed in 2002 and three options were developed. Following community consultation, Option 1 had majority support.

This Option provided for the following:

- two through lanes and two left turn lanes from Guildford Road into East Parade;
- extension of the left turn lane from East Parade into Guildford Road, to accommodate 150 metres of queuing traffic, and construction of a 150 metres long right turn lane on East Parade to turn into Guildford Road;
- completion of the dual lanes of East Parade to Guildford Road through the addition of a central median in East Parade from Guildford Road to Westralia Street; and
- construction of a left slip lane from Guildford Road into Whatley Crescent loop road for East Parade bound traffic.

Following further investigation, additional improvements were incorporated into Option 1, including a new underpass for pedestrians and cyclists under the rail line south of the subway, in order to connect East Parade with West Parade.

The City of Bayswater and City of Stirling have endorsed Option 1. Although the Town of Vincent initially withheld support due to the required demolition of 11 houses on East Parade, the Council gave approval for demolition in September 2005 following a Heritage Assessment of the properties, and at an Ordinary Meeting held on in March 2006, the Council endorsed Option 1.

In addition, the Sustainable Transport Committee considered and endorsed a report on the proposed changes to the design concept for Guildford Road/East Parade intersection and the section of the East Parade from Mount Lawley subway to Westralia Street at its meeting on 5 August 2009. The Metropolitan Region Planning Committee at its meeting on 11 August 2009 gave endorsement to proceed with the initiation of an MRS Amendment.

The Town has received a letter dated 12 October 2009 requesting the Town to display the MRS Amendment Report for public inspection, from Tuesday 13 October 2009 until Friday 18 December 2009, to ensure that the community has the opportunity to provide feedback on the amendment prior to it being determined by the Minister for Planning.

The Town's Officers have displayed the documents, together with the submission forms, at the Town's Administration and Civic Centre, Beatty Park Leisure Centre, and the Town's Library, as well as placing a copy of the document in the Councillors Room for their inspection and comment.

#### **DETAILS:**

The purpose of this amendment is to transfer portions of various lots abutting the southern side of East Parade and Guildford Road from the primary regional road reservation to the 'Urban' zone, to transfer a portion of various lots from the 'Urban' zone to the Guildford Road 'Primary Regional Road Reservation', and to transfer a portion of a lot from the 'Urban' zone to the Guildford Road 'Primary Regional Road Reservation' in the MRS.

Minor changes to the existing MRS are proposed. A slight reduction in width along the eastern side on East Parade and a minor widening added along Guildford Road to accommodate the additional left turn into East Parade. A triangular lot within the loop of the Guildford Road/Whatley Crescent intersection is mostly reserved as 'Primary Regional Road'. The remaining smaller portion is zoned 'Urban'.

The proposed amendment to the reservation is considered to be minor in nature. The Department of Planning advised that this proposal rationalises the 'Primary Regional Roads Reservation' boundaries to reflect the proposed changes to the design concept and land requirement plans for Guildford Road/East Parade intersection and for a section on the south side of East Parade from Mount Lawley subway to Westralia Street.

According to the MRS Amendment Report, *'the design concept will improve traffic movements in the Mount Lawley area. It will reduce "rat running" through the Banks Precinct area directly behind East Parade.'*

**CONSULTATION/ADVERTISING:**

The WAPC is currently advertising the proposed amendment to the MRS relating to East Parade for public comment, which closes on 18 December 2009.

**LEGAL/POLICY:**

The procedures for amending the MRS are prescribed by the *Planning and Development Act 2005*. The amendment proposed is being made under the provisions of Section 57 of that Act.

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2009-2014 states:

*"Natural and Built Environment*

- 1.1 Improve and maintain environment and infrastructure*
  - 1.1.3 Enhance, maintain the character and heritage of the Town.*
  - 1.1.4 Minimise negative impacts on the community and environment.*
  - 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment."*

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**COMMENTS:**

In light of the WAPC's East Parade Urban Regeneration Project, which proposes approximately 200 dwellings in 3 to 4 storey buildings, pocket parks, and rear laneway access, the Town's Officers consider that the proposed amendment to the MRS relating to East Parade, as shown in Attachment 002, will also facilitate the Regeneration Project.

For land proposed to be excluded from the 'Urban' zone and included in the 'Primary Regional Roads Reservation', identified as No. 2 on the legend as shown in Appendix 9.1.10, this will alleviate traffic congestion problems in the subject area by improving the traffic movements in the Mount Lawley area, as outlined in the Background Section above.

A portion of the land proposed to be excluded from the 'Primary Regional Roads Reservation' and included in the 'Urban' zone, identified as No. 1 on the legend as shown in Appendix 9.1.10, is within the jurisdiction of the Town of Vincent. The Town's Officers envisage that the inclusion of this land in the 'Urban' zone will facilitate the East Parade Urban Regeneration Project by creating larger lot sizes with generous developable envelope volumes, providing for greater flexibility in the layout of the built form. Furthermore, it is envisaged that the inclusion of this land in the 'Urban' zone will result in a greater intensity of development on site to the practical maximum, whilst maintaining acceptable built form and quality public realm outcomes.

Finally, the Town's Officers envisage that the remainder of the land proposed to be excluded from 'Primary Regional Roads Reservation' and included in the 'Urban' zone, identified as No. 1 on the legend as shown in Appendix 9.1.10, that is, not within the jurisdiction of the Town of Vincent, will assist in facilitating the East Parade Regeneration Project by reinforcing and enhancing the urban environment, and providing a continuity in development along East Parade.

In light of the above, it is recommended that the Council support the Officer Recommendation.

**9.1.11 Nos. 505-509 Charles Street, North Perth – Proposed Perth Blues Club Mardi Gras Event at the Charles Hotel on 13 February 2010**

<b>Ward:</b>	North	<b>Date:</b>	9 November 2009
<b>Precinct:</b>	North Perth; P8	<b>File Ref:</b>	ENS0053; PRO0904
<b>Attachments:</b>	-		
<b>Reporting Officer:</b>	M Fallows, Environment Health Officer; S Kendall, Heritage Planning Officer		
<b>Responsible Officer::</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report regarding the proposed second annual Perth Blues Club Mardi Gras event at the Charles Hotel at Nos. 505-509 (Lot 4) Charles Street, North Perth on 13 February 2010;*
- (ii) *NOTES that this event was first hosted by the Charles Hotel on 24 January 2009 without incident or complaint to the Town;*
- (iii) *SUPPORTS the application made by Bridgeton Pty Ltd for the Perth Blues Club Mardi Gras event to be held at the Charles Hotel on 13 February 2010, subject to the following conditions:*
  - (a) *the applicant shall apply for an Approval for a Non-Complying Event under the provisions of Regulation 18 of the Environmental Protection (Noise) Regulations 1997. Should an approval not be applied for, the applicant must comply with the assigned levels detailed in the Environmental Protection (Noise) Regulations 1997;*
  - (b) *the applicant shall submit an application to construct, extend or alter a public building and an application for a ‘Certificate of Approval’ at least two weeks prior to the event in accordance with the Health (Public Building) Regulations 1992;*
  - (c) *the hours of operation for the event shall be between 10am and 7pm for external areas of the premises;*
  - (d) *the external area of the premises shall be limited to an area of 350 square metres located directly to the north of the Lounge Bar and to the west of the Beer Garden;*
  - (e) *all potholes and trip hazards in the extended area shall be repaired and a smooth, trip free surface provided;*
  - (f) *the event shall be a ticket-only event with a maximum of 600 tickets being sold;*
  - (g) *the applicant shall adhere to the conditions of the Department of Racing, Gaming and Liquor, particularly with regard to the responsible service of alcohol;*

- (h) *the applicant shall notify the Local Police Service of the proposed event, a minimum of two weeks prior to the date of the event;*
- (i) *a notification letter shall be sent by the applicant to all residents within a 200 metre radius of the Charles Hotel, at least two weeks prior to the event detailing the measures taken by the Hotel to maintain the amenity of the area during the event, a manned telephone contact number for the Duty Manager, and the date and duration of the event; and*
- (j) *public transport usage shall be encouraged in promotional advertising; and*
- (iv) *ADVISES the Department of Racing, Gaming and Liquor, WA Police and the proprietor of the Charles Hotel of its decision.*

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**COUNCIL DECISION ITEM 9.1.11**

**Moved Cr Topelberg, Seconded Cr Lake**

*That the recommendation be adopted.*

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

**(Cr Farrell was on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council that Bridgeton Pty Ltd has applied to the Town of Vincent and the Department of Racing, Gaming and Liquor for approval to host the Perth Blues Club Mardi Gras event at the Charles Hotel on Saturday, 13 February 2010 for use of the Beer Garden and an extended area of the carpark between 10.00am and 7.00pm (thereafter, the event will be held internally from 7.00pm to 12.00am, in accordance with existing approvals).

**BACKGROUND:**

A development application for a proposed Garden Bar Addition to the Charles Hotel submitted by Bridgeton Pty Ltd was approved at the Ordinary Meeting of Council held on 23 May 2006 and resulted in conditional approval being granted.

The inaugural Perth Blues Club Mardi Gras was held on 24 January 2009. The applicant received approval from Council under delegated authority on 23 December 2008.

**DETAILS:**

The owner of the Charles Hotel, Bridgeton Pty Ltd submitted an application to the Town and the Department of Racing, Gaming and Liquor (DRGL) on 26 October 2009 for an Extended Trading Permit approval for the second annual Perth Blues Club Mardi Gras Event proposed for 13 February 2010 between 10.00am and Midnight. The applicant advised that this event will operate in the same way as the inaugural Perth Blues Club Mardi Gras Event that was held on 24 January 2009.

In summary, the applicant is applying for:

- An extended trading area in the Hotel carpark located directly north of the Hotel adjacent to the Beer Garden that is to be used between 10.00am and 7.00pm, will contain one stage, directed towards the hotel, located at the west of the extended area. Six car bays will be removed for the duration of the event;
- One stage to be located at the south of the Beer Garden for use between 10.00am and 7.00pm;
- Both external stages will contain live blues and jazz acts. Some acts will be amplified; however, there will be very little intrusive bass frequency noise present. An example of the type of performances includes 'barbershop quartets', brass bands and blues bands;
- A maximum approved number of 600 people. This is a reduction from the current approved maximum accommodation number for the Charles Hotel of 880 people; and
- From 7.00pm until 11.45pm, all acts will be located inside the premises.

This application has been assessed by Health Services and Statutory Planning, and is detailed as follows:

### **Health Services Comments**

Health Services conditionally support this application subject to the applicant complying with the provisions of the *Environmental Protection (Noise) Regulations 1997* and the *Health (Public Building) Regulations 1992*. The applicant must apply for necessary approvals under the provisions of the abovementioned legislation, and has indicated a willingness to do so.

No noise complaints were received following the inaugural event that was held on 24 January 2009. This was due to the noise impact not being significant as the style of music was blues and jazz. Furthermore, a community letterbox drop was conducted. Under the provisions of Regulation 18 of the *Environmental Protection (Noise) Regulations 1997*, the applicant will be required to conduct community notification, sound level monitoring, provide a complaint service and must strictly adhere to approved times. Health Services is satisfied that the proposed location of the stages will minimise resident impact.

### **Planning Services Comments**

The Council at its Ordinary Meeting held on 23 May 2006 conditionally approved a Garden Bar Addition to the existing Charles Hotel. Two (2) of the conditions of approval, namely conditions (iii) and (iv) as stated above, restrict the number of speakers permitted and volume of these speakers within the garden bar area. As such, the above proposed event is considered non-compliant with the conditions of this Planning Approval, as the area proposal exceeds the approved garden bars (alfresco) floor area.

It is to be noted that Clause (ii) of the Town's Minor Nature Development Policy No. 3.5.1 states that development does not require Planning Approval where it is "*of a temporary nature occurring on one-off occasions (although may occur on a number of days) not of any permanent nature or re-occurrence, but excluding activities involving the use of amplified music such as rave parties or rock concerts*". As the event proposes amplified music within the current car parking area, the Town's Planning Services are not in a position to support the proposal.

The proposed use of part of the hotel car park would result in a loss of approximately six (6) approved bays; however, given the reduced patronage at the event and the additional car parking created on the adjacent vacant sites also owned by the Charles Hotel at Nos. 501- 503 Charles Street and Nos. 511-513 Charles Street, the loss of approximately six (6) approved bays is not considered to have an impact of the provision of car parking available for patrons for this particular event.

Should the proposal be supported and approved, it is recommended that all the relevant noise regulations be strictly enforced.

**CONSULTATION/ADVERTISING:**

Nil.

**LEGAL/POLICY:**

- *Environmental Protection (Noise) Regulations 1997;*
- *Health (Public Building) Regulations 1992; and*
- *Town Planning Scheme No. 1 and associated Policies.*

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2009 - 2014:

*Natural and Built Environment*

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

*Community Development*

*3.1.1 Celebrate and acknowledge the Town's cultural and social diversity'*

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

It is noted that the Perth Blues Club Mardi Gras was held for the first time on 24 January 2009 without incident or complaint. It is therefore recommended that the application by Bridgeton Pty Ltd is approved as per the Officer Recommendation, and that the applicant will be required to meet all conditions of approval, as set by the Town's Health Services and Planning, Building and Heritage Services.

**9.2.1 Traffic Management Matters for Referral to Local Area Traffic Management Advisory Group (Purslowe Street) - Further Report**

<b>Ward:</b>	Both	<b>Date:</b>	9 November 2009
<b>Precinct:</b>	Mt Hawthorn P1, Mt Hawthorn Centre P2 & Hyde Park Precinct P12	<b>File Ref:</b>	TES0334
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officers:</b>	R Lotznicker, Director Technical Services C Wilson, Manager Asset & Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the further report on Traffic Management Matters referred to the Town's Local Area Traffic Management Advisory Group;*
- (ii) *APPROVES IN PRINCIPLE the proposal for Purslowe Street as outlined on attached plan No. 2678-CP-01;*
- (iii) *CONSULTS with affected residents in Purslowe/Federation Streets regarding the proposal; and*
- (iv) *RECEIVES a further report on the comments received.*

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**COUNCIL DECISION ITEM 9.2.1**

**Moved Cr Topelberg, Seconded Cr Lake**

*That the recommendation be adopted.*

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

**(Cr Farrell was on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the outcome of the Town's Local Area Traffic Management (LATM) Advisory Group discussion on Purslowe Street Traffic Management.

**BACKGROUND:**

As previously reported to the Council, complaints were received regarding traffic volumes and speeds in Purslowe Street, particularly in the vicinity of Menzies Park between Egina Street and East Street. Given the popularity of Menzies Park, which is used for both active and passive recreation, the main concern was the mix of children, traffic and parking.

The matter was presented to the Council at its Ordinary meeting held on 14 July 2009, where the Council made the following decision (in part).

*That the Council;*

- (ii) *REFERS "Shakespeare Street, Edinboro Street, Purslowe Street and the intersection of Hobart and Dunedin Streets, Mount Hawthorn, Randell Street, Perth and Cowle Street, West Perth" to the Town's Local Area Traffic Management Advisory Group for consideration; and*
- (iii) *RECEIVES a further report on the matters following consideration by the Town's Local Area Traffic Management Advisory Group.*

The LATM Advisory Group meets, as required, to consider requests received by the Town relating to Traffic and related safety issues. The Group considers these requests and, where warranted, the Group's recommendations are reported back to the Council.

#### **DETAILS:**

##### **Purslowe Street, Mt Hawthorn, Egina Street to East Street**

Purslowe Street is classified as an Access Road in accordance with the Metropolitan Functional Road Hierarchy. Under this classification, its maximum desirable traffic volume is 3,000 vehicles per day with a recommended operating speed of 50 kph.

The section in question connects Egina Street, a Local Distributor Road, to Brady Street, a District Distributor A Road.

Traffic data collected in June 2009 indicated that the average weekday traffic was in the order of 776 vehicles per day in the vicinity of the park, increasing to 1,010 vpd between Sasse Avenue and Brady Street. The 85% speed for the same sections were 55.8 kph and 48.6 kph respectively. Therefore, the section adjacent to the park, which generates the most activity, has fewer cars but higher speeds.

##### **LATM Advisory Group meeting 13 August 2009:**

At the meeting, two (2) matters were discussed, Shakespeare and Purslowe Streets.

Note: Shakespeare Street was previously determined by the Council at its Ordinary Meeting held on 6 October 2009.

Discussion at the meeting regarding Purslowe Street centred on the need to deter rat runners and reduce vehicle speeds. The community representative present at the meeting thought that an area wide approach should be taken, however, the meeting considered that as the issue was specific to Purslowe Street, the discussion should focus on a solution (or solutions) specific to this street only.

With the traffic statistics in mind, various options were suggested and discussed, with some discounted and some further developed (through discussion).



The group finally contended that the installation of a raised plateau at the intersection of Federation and Purslowe Streets (refer example above), would provide a suitable traffic measure to slow vehicle speeds by providing a vertical displacement, together with a visual change at this location.

**CONSULTATION/ADVERTISING:**

Consultation with affected residents will be undertaken.

**LEGAL/POLICY:**

N/A.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. “(d) Implement Local Area Traffic Management matters referred to the Local Area Traffic Management Advisory Group by Council”.

**SUSTAINABILITY IMPLICATIONS:**

The Council adopted a long term program to ensure its road infrastructure is maintained to an acceptable level of service. Funds are allocated annually to ensure this program is sustainable.

**FINANCIAL/BUDGET IMPLICATIONS:**

No funds have been allocated in the 2009/2010 budget for this matter, however, there is a Miscellaneous Traffic Management allocation whereby minor works may be dealt with throughout the year.

The estimated cost of the proposal is \$7,000.

**COMMENTS:**

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

It is therefore recommended that the Council approves the proposal for Purslowe Street as outlined on attached plan No. 2678-CP-01 in principle and consults with affected residents in Purslowe/Federation Streets prior to further considering this matter.

**9.2.2 Traffic Management Matters for Referral to Local Area Traffic Management Advisory Group (Marmion Street) - Further Report**

<b>Ward:</b>	Both	<b>Date:</b>	11 November 2009
<b>Precinct:</b>	Norfolk Precinct P10	<b>File Ref:</b>	TES0264/TES0252/ TES0334
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	C Wilson, Manager Asset & Design Services		
<b>Responsible Officer:</b>	R Lotznicker, Director Technical Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) **RECEIVES** the further report on Traffic Management Matters referred to the Town's Local Area Traffic Management Advisory Group;
- (ii) **APPROVES IN PRINCIPLE** the proposal for Marmion and Venn Streets as outlined on attached plan No. 2679-CP-01;
- (iii) **CONSULTS** with affected residents in Marmion and Venn Streets regarding the proposal; and
- (iv) **RECEIVES** a further report on the comments received.

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**COUNCIL DECISION ITEM 9.2.2**

**Moved Cr Topelberg, Seconded Cr Lake**

*That the recommendation be adopted.*

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

**(Cr Farrell was on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to advise the Council of the outcome of the Town's Local Area Traffic Management (LATM) Advisory Group's discussion on Marmion Street traffic management issues as raised by local residents.

**BACKGROUND:**

At its Ordinary Meeting of 5 May 2008, a petition, signed by 27 residents, was presented to Council seeking, amongst other things, to have traffic calming measures installed in Marmion Street, between Fitzgerald and Norfolk Streets.

A report was presented to the Council at its Ordinary meeting held on 23 September 2008, where the Council made the following decision.

*"That the Council;*

- (i) **RECEIVES** the report on Traffic Management Matters to be referred to the Town's Local Area Traffic Management Advisory Group;

- (ii) *REFERS "Anzac Road, Leederville/Mount Hawthorn & Marmion Street, North Perth" to the Town's Local Area Traffic Management Advisory Group for consideration; and*
- (iii) *RECEIVES a further report on the matter following consideration by the Town's Local Area Traffic Management Advisory Group."*

**DETAILS:**

Marmion Street is classified as an Access Road in accordance with the Metropolitan Functional Road Hierarchy. Under this classification, its maximum desirable traffic volume is 3,000 vehicles per day with a recommended operating speed of 50 kph.

Traffic data collected in June 2008 indicated that the average weekday traffic was 407 vehicles per day, most of which would have been generated by the residents, while the 85% speed was 55.4 kph.

At its Ordinary Meeting of 23 September 2008 Council duly referred the matter to the Town's LATM Advisory Group and endorsed a community representative/s be invited to attend the meeting.

The LATM Advisory Group meets, as required, to consider requests received by the Town relating to Traffic and related safety issues. The Group considers these requests and, where warranted, the Group's recommendations are reported back to the Council.

**LATM Advisory Group meeting 9 July 2009:**

Marmion Street was considered at the LATM Advisory Group meeting of 9 July 2009. Discussion initially revolved around the need to deter rat runners and reduce vehicle speeds. However, the community representative present at the meeting also raised concerns about the safe movement of vehicles through the intersection of Marmion and Fitzgerald Streets, the concern being that motorists were turning across on-coming traffic in Fitzgerald Street at speed, so as not to have to wait, and as a result often ended up on the wrong side of the road. Further, that there had been several accidents over the years for the same reason.

However, the community representative also indicated that the residents were not looking for any drastic solutions such as blocking the street or even extensive traffic calming, rather something to improve safety in the vicinity of the Fitzgerald Street intersection.

With the traffic statistics in mind, various options were suggested and discussed, with some discounted and some further developed (through discussion).

A median island in both, or either Fitzgerald and Marmion Streets, was discussed and discounted due to the widening that would be required and the potential impact upon adjacent residents.

The group concluded that a low profile 'red' asphalt speed hump, with piano key markings, could be installed in Marmion Street, set back behind the pedestrian ramps so as not as to impede pedestrian access in Fitzgerald Street. This would force traffic to slow upon entering the street with advisory speed hump signs reinforcing the message. It was also noted that unlike a majority of the surrounding streets, there is no 'Give Way' control in Marmion Street and that this also would assist.

The Group also discussed Venn Street, the parallel street to the immediate north, and that any changes made in Marmion Street, could impact upon Venn Street. The same was not considered an issue for Burt Street to the south because the raised median in Fitzgerald Street prevents the right turn movement in and out.



A similar treatment in East Street, Mt Hawthorn, corner Anzac Road.

The Group concluded that while the residents of Venn Street had not formally lodged a complaint, that similar issues could be expected. Further, as the proposed treatment would have a low impact upon the amenity of residents, it would reinforce the residential nature of the street, require traffic to slow traffic down when entering/exiting the street, and is a low cost effective treatment, it should be offered to the residents of Venn Street when canvassing the residents of Marmion Street.

**CONSULTATION/ADVERTISING:**

Consultation with affected residents will be undertaken.

**LEGAL/POLICY:**

N/A.

**STRATEGIC IMPLICATIONS:**

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 Enhance and maintain the Town’s infrastructure to provide a safe, healthy, sustainable and functional environment. “(d) Implement Local Area Traffic Management matters referred to the Local Area Traffic Management Advisory Group by Council”.

**SUSTAINABILITY IMPLICATIONS:**

The Council adopted a long term program to ensure its road infrastructure is maintained to an acceptable level of service. Funds are allocated annually to ensure this program is sustainable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2009/2010 budget includes \$25,000 for traffic management in Marmion Street. The estimated cost to install the two (2) low profile 'red' asphalt speed humps in Marmion and Venn Streets is \$7,000.

**COMMENTS:**

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

It is therefore recommended that the Council approves the proposal for Marmion and Venn Streets as outlined on attached plan No. 2679-CP-01 in principle and consults with affected residents in both streets prior to further considering this matter.

**9.3.2 Authorisation of Expenditure for the Period 1 – 31 October 2009**

<b>Ward:</b>	Both	<b>Date:</b>	6 November 2009
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0032
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	K Ball, Finance Officer – Accounts Payable		
<b>Responsible Officer:</b>	B Tan, Manager Financial Services		

**OFFICER RECOMMENDATION:**

*That the Council CONFIRMS the;*

- (i) *Schedule of Accounts for the period 1 October – 31 October 2009 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans.*

*as shown in Appendix 9.3.2.*

**COUNCIL DECISION ITEM 9.3.2**

**Moved Cr Topelberg, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**(Cr Farrell was on approved leave of absence.)**

**DECLARATION OF INTEREST**

Members/Officers	Voucher	Extent of Interest
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Nil.

**PURPOSE OF REPORT:**

To seek authorisation of expenditure for the period 1 – 31 October 2009.

**BACKGROUND:**

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

**DETAILS:**

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

<b>FUND</b>	<b>CHEQUE NUMBERS/ PAY PERIOD</b>	<b>AMOUNT</b>
<b>Municipal Account</b>		
Town of Vincent Advance Account	EFT	\$49,608.15
<b>Total Municipal Account</b>		<b>\$49,608.15</b>
<b>Advance Account</b>		
Automatic Cheques	66905-67072	\$551,143.24
EFT Batch		\$0.00
<b>Municipal Account</b>		
Transfer of Creditors by EFT Batch	976,978-980,982,984,985	\$1,809,602.29
Transfer of PAYG Tax by EFT	October 2009	\$194,595.40
Transfer of GST by EFT	October 2009	
Transfer of Child Support by EFT	October 2009	\$1,187.90
Transfer of Superannuation by EFT:		
• City of Perth	October 2009	\$31,495.28
• Local Government	October 2009	\$101,631.44
<b>Total</b>		<b>\$2,689,655.55</b>
<b>Bank Charges &amp; Other Direct Debits</b>		
Bank Charges – CBA		\$5,806.15
Lease Fees		\$2,919.63
Corporate Master Cards		\$7,105.37
Folding Machine Lease Equipment		\$0.00
Trace Fees – Audit Certificate		
Loan Repayment		\$59,208.28
Rejection Fees		\$20.00
System Disk Fee		\$0.00
Beatty Park - miscellaneous deposit		\$0.00
<b>Total Bank Charges &amp; Other Direct Debits</b>		<b>\$75,059.43</b>
<b>Less GST effect on Advance Account</b>		<b>0.00</b>
<b>Total Payments</b>		<b>\$2,814,323.13</b>

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2009-2014 – Key Result Area 4.2 – Governance and Management

*“Adopt best practice to manage the financial resources and assets of the Town.”*

**ADVERTISING/CONSULTATION:**

N/A.

**COMMENT:**

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

**9.3.3 Financial Statements as at 31 October 2009**

<b>Ward:</b>	Both	<b>Date:</b>	5 November 2009
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0026
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer:</b>	B Wong, Accountant		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Financial Statements for the month ended 31 October 2009 as shown in Appendix 9.3.3.*

**COUNCIL DECISION ITEM 9.3.3**

**Moved Cr Topelberg, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**(Cr Farrell was on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to present the financial statements for the month ended 31 October 2009.

**BACKGROUND:**

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 requires a local government to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the budget.

A financial activity statements report is to be in a form that sets out:

- the annual budget estimates;
- budget estimates to the end of the month to which the statement relates;
- actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
- material variances between the year-to-date income and expenditure and totals and the relevant annual budget provisions for those totals from 1 July to the end of the period;
- includes such other supporting notes and other information as the local government considers will assist in the interpretation of the report.

A statement of financial activity and any accompanying documents are to be presented to the Council at the next Ordinary Meeting of the Council following the end of the month to which the statement relates, or to the next ordinary meeting of council after that meeting.

In addition to the above, under Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, each financial year a local government is to adopt a percentage of value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.

**DETAILS:**

The following documents represent the Statement of Financial Activity for the period ending 31 October 2009:

- Income Statement;
- Summary of Programmes/Activities ( pages 1-17);
- Income Statement by Nature & Type Report ( page 18)
- Capital Works Schedule (pages 19-25);
- Balance Sheet and Statement of Changes in Equity (pages 26-27);
- Reserve Schedule (page 28);
- Debtor Report (page 29);
- Rate Report (page 30);
- Statement of Financial Activity (page 31);
- Net Current Asset Position (page 32);
- Beatty Park Report – Financial Position (page 33);
- Variance Comment Report (page 34-41);
- Monthly Financial Positions Graph (page 42-44).

Comments on the financial performance are set out below:

**Income Statement and Detailed Summary of Programmes/Activities**

**Net Result**

The net result is Operating Revenue less Operating Expenses plus Capital Revenue and Profit/(Loss) of Disposal of Assets.

YTD Actual	-	\$13.6 million
YTD Budget	-	\$17.5 million
Variance	-	-\$3.9 million
Full Year Budget	-	\$12.9 million

**Summary Comments:**

The current unfavourable variance is due to a timing difference on the receipt of revenue from Capital Grants and Contributions.

**Operating Revenue**

YTD Actual	-	\$25.2 million
YTD Budget	-	\$25.0 million
YTD Variance	-	\$0.2 million
Full Year Budget	-	\$34.7 million

**Summary Comments:**

The total operating revenue is currently on budget.  
Major variances are to be found in the following programmes:

- Governance – 152% over budget;
- Law Order and Public Safety – 28% below budget;
- Education and Welfare – 14% below budget;
- Community Amenities – 21% over budget;
- Economic Services – 71% over budget
- Other Property and Services – 74% over budget;
- Administration General – 23% over budget.

More details variance comments are included on the page 34 – 40 of this report.

**Operating Expenditure**

YTD Actual	-	\$12.1 million
YTD Budget	-	\$12.4 million
YTD Variance	-	-\$0.3 million
Full Year Budget	-	\$36.2 million

**Summary Comments:**

The operating expenditure is currently on budget.

The major variance for expenditure is located in the following programmes:

Education and Welfare – 18% below budget;

Community Amenities – 10% below budget;

Administration General – 94% below budget.

Detailed variance comments are included on the page 34 – 39 of this report.

**Income Statement by Nature and Type Report**

This income statement shows operating revenue and expenditure are classified by nature and type.

**Capital Expenditure Summary**

The Capital Expenditure summary details projects included in the 2009/10 budget and reports the original budget and compares actual expenditure to date against these.

Capital Works shows total expenditure including commitment for year to date at the 31 October 2009 of \$1,818,428 which represents 8% of the revised budget of \$23,248,789.

	<b>Budget</b>	<b>Revised Budget</b>	<b>Actual to Date (Include commitment)</b>	<b>%</b>
Furniture & Equipment	132,900	132,900	23,513	18%
Plant & Equipment	1,229,450	1,317,450	168,773	13%
Land & Building	12,659,500	14,623,024	633,374	4%
Infrastructure	7,570,415	7,175,415	992,767	14%
<b>Total</b>	<b>21,592,265</b>	<b>23,248,789</b>	<b>1,818,428</b>	<b>8%</b>

**Balance Sheet and Statement of Changes in Equity**

The statement shows the current assets of \$30,999,124 and non current assets of \$139,703,842 for total assets of \$170,702,966.

The current liabilities amount to \$9,550,194 and non current liabilities of \$13,021,334 for the total liabilities of \$22,571,528. The net asset of the Town or Equity is \$148,131,438.

**Restricted Cash Reserves**

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

The balance as at 31 October 2009 is \$9.2m. The balance as at 30 June 2009 was \$7.3m.

### **General Debtors**

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$616,477 is outstanding at the end of October 2009.

Of the total debt \$105,874 (17%) relates to debts outstanding for over 60 days, which is related to Cash in lieu Parking.

The Debtor Report identifies significant balances that are well overdue.

Finance has been following up outstanding items with debt recovery by issuing reminders when it is overdue and formal debt collection if reminders are ignored.

### **Rate Debtors**

The notices for rates and charges levied for 2009/10 were issued on the 14 July 2009.

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

First Instalment	18 August 2009
Second Instalment	20 October 2009
Third Instalment	5 January 2010
Fourth Instalment	9 March 2010

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

Instalment Administration Charge	\$7.00
(to apply to second, third, and fourth instalment)	
Instalment Interest Rate	5.5% per annum
Late Payment Penalty Interest	11% per annum

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

Rates outstanding as at 31 October 2009 including deferred rates was \$5,358,490 which represents 26.75% of the outstanding collectable income compared to 26.19% at the same time last year.

### Summary Comments:

The reduced percentage amount outstanding in comparison to last year is due to the fact that the Rates Notices were distributed one week earlier than last year.

### **Statement of Financial Activity**

The closing surplus carry forward for the year to date 31 October 2009 was \$13,146,271.

### **Net Current Asset Position**

The net current asset position as at 31 October 2009 is \$22,374,042.

### **Beatty Park – Financial Position Report**

As at 31 October 2009 the operating deficit for the Centre was \$276,508 in comparison to the annual budgeted deficit of \$250,571.

The cash position showed a current cash deficit of \$123,958 in comparison annual budget estimate of a cash deficit of \$51622. The cash position is calculated by adding back depreciation to the operating position.

### **Variance Comment Report**

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

### 9.3.4 Design & Installation of 'Spirit of Christmas' Banners

<b>Ward:</b>	Both	<b>Date:</b>	28 October 2009
<b>Precinct:</b>	Mt Hawthorn Centre P2/ North Perth Centre P9	<b>File Ref:</b>	CMS0102
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	R Gunning, Arts Officer, J Boreland, Community Development Officer		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

#### **OFFICER RECOMMENDATION:**

*That the Council APPROVES the design and installation of the 'Spirit of Christmas' Banners – as shown in Attachment 1, to be erected in Scarborough Beach Road, Mt Hawthorn and Fitzgerald Street, North Perth.*

#### **COUNCIL DECISION ITEM 9.3.4**

**Moved Cr Topelberg, Seconded Cr Lake**

*That the recommendation be adopted.*

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

**(Cr Farrell was on approved leave of absence.)**

#### **PURPOSE OF REPORT:**

To seek approval for the design and installation of the 'Spirit of Christmas' banners along Scarborough Beach Road and Fitzgerald Street.

#### **BACKGROUND:**

At the Special Meeting of Council 5 May 2009 in the Draft Budget the following resolution was adopted:

*"That the Council:*

- (i) APPROVES IN PRINCIPLE the Draft Budget 2009/21010, subject to the following changes:*
- (b) (Page 3.2) That an amount of \$10,000 be included in the Draft Budget for the erection and display of Christmas Banners."*

This project was subsequently included in the Annual Budget 2009/10 which was adopted at the Special Council Meeting 1 July 2009.

The Town of Vincent currently has 11 banner poles which can each be fitted with two banners, one on either side, displaying a total of 22 banners. Seven are positioned along Scarborough Beach Road in the Mt Hawthorn centre, and four along Fitzgerald Street in the North Perth Centre. The banner poles have been used to promote Town of Vincent projects and community spirit.

**DETAILS:**

The 'Spirit of Christmas' Banner project involved the local schools in the Town of Vincent in designing banners in the Christmas theme.

Letters were sent to the schools within the Town of Vincent, as well as other schools that Town of Vincent children attend. The schools were invited to submit drawings or paintings in the Christmas theme which would then be the basis of the banner designs. These included the following schools:

- Aranmore Catholic College
- Aranmore Catholic Primary School
- Chrysalis Montessori School
- Churchlands Senior High School
- Coolbinia Primary School
- Highgate Pre-Primary School
- Highgate Primary School
- Kyilla Pre-Primary School
- Kyilla Primary School
- Margaret Kindergarten
- Mercedes College
- Mount Hawthorn Pre-Primary School
- Mount Hawthorn Primary School
- Mount Lawley Primary School
- Mount Lawley Senior High School
- Mount Hawthorn Education Support Centre
- Newman College
- North Perth Pre-Primary School
- North Perth Primary School
- Perth Modern School
- Sacred Heart Primary School
- Sir David Brand School
- St Denis School
- St Marks International College
- St Paul's Primary School
- Trinity College
- West Leederville Primary School

There was an enthusiastic response with around 250 drawings submitted from the following schools: North Perth Primary School, Mt Hawthorn Primary School, Aranmore Catholic Primary School, Highgate Primary School, Sacred Heart Primary School and Mt Hawthorn Education Support Centre.

A graphic designer was then engaged to create a series of vibrant designs based on selected drawings from the participating schools. 11 designs have been created, which will each be printed twice producing 22 banners to be installed onto the banner poles. They will be displayed on the banner poles from the beginning of December until the end of January.

The vibrant Christmas banners will enhance the look of the streets and create a positive and festive atmosphere with the children's designs. It is expected that the banners will be appreciated by the wider community as well as having a direct positive effect on the schools involved, the students and their families. The schools are keen to visit the installed banners in situ, which is within walking distance of their respective schools. The students involved have responded enthusiastically to the potential of their drawings being selected for large community banner displays.

**CONSULTATION/ADVERTISING:**

Letters inviting participating schools were distributed to the following schools listed above.

**LEGAL/POLICY:**

Nil

**STRATEGIC IMPLICATIONS:**

The project is in keeping with 'Plan for the Future: Strategic Plan 2009 – 2014':

*3.1 Enhance and promote community development and wellbeing*

*3.1.1 Celebrate and acknowledge the Towns cultural and social diversity.*

**SUSTAINABILITY IMPLICATIONS:**

The banners are printed with colourfast ink, ensuring that they will not fade in the sunlight and are therefore reusable.

**FINANCIAL/BUDGET IMPLICATIONS:**

The 2009/10 budget allocation for the project is \$10,000.

**COMMENTS:**

The Christmas Banner designs by the children reflect the joy and excitement associated with this period of the year and it is recommended that the banners proposed are supported.

**9.4.1 Information Bulletin**

<b>Ward:</b>	-	<b>Date:</b>	10 November 2009
<b>Precinct:</b>	-	<b>File Ref:</b>	-
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	A Radici, Executive Assistant		
<b>Responsible Officer:</b>	John Giorgi, Chief Executive Officer		

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Information Bulletin dated 17 November 2009, as distributed with the Agenda.*

**COUNCIL DECISION ITEM 9.4.1**

**Moved Cr Topelberg, Seconded Cr Lake**

*That the recommendation be adopted.*

**CARRIED “EN BLOC” (8-0)**

**(Cr Farrell was on approved leave of absence.)**

**DETAILS:**

The items included in the Information Bulletin dated 17 November 2009 are as follows:

<b>ITEM</b>	<b>DESCRIPTION</b>
IB01	Letter from the Minister for Local Government; Heritage; Citizenship and Multicultural Interests regarding Local Government Reform
IB02	Letter from the Minister for Local Government; Heritage; Citizenship and Multicultural Interests regarding Multicultural Advisory Group – Expression of Interest
IB03	Letter from Deputy Premier of Western Australia, Minister for Health; Indigenous Affairs regarding Health Action 1911 – Notice Under Section 343(B) Recent Amendments to Health Local Laws
IB04	Letter from Government of Western Australia, Department of Treasury and Finance, Building Management & Works providing an update on the new Development Approval Process for Primary Schools in the Metropolitan Region Scheme.
IB05	Letter from UnitingCare West regarding 19 Lincoln Street Neighbour’s Forum
IB06	Letter from Tamala Park Regional Council (TPRG) regarding TPRG Sponsorship of 2010 Study – Strategic Marketing Research
IB07	Letter from Tamala Park Regional Council regarding Meeting Schedule for 2010
IB08	Letter of Appreciation the WA Local Government Association regarding use of Town of Vincent Function Room – Thursday 22 October 2009

<b>ITEM</b>	<b>DESCRIPTION</b>
IB09	Letter of Appreciation from B. & J. O'Hart regarding the Hosting of People With Disabilities (WA) Inc. Annual General Meetings
IB10	Letter of Appreciation from P. Whitmore regarding removal of fallen tree branch
IB11	Letter of Appreciation from People With Disabilities Western Australia regarding the Town of Vincent hosting their Annual General Meeting
IB12	Letter from State Administrative Tribunal (SAT) regarding Matter No. DR/519 of 2008 – Tran v Town of Vincent (No. 36 (Lot 500) Paddington Street, North Perth)
IB13	Vincent Accord ' <i>Socialise with Safety</i> ' Minutes of Meeting 'Dreamland Karaoke' held on 12 August 2009.
IB14	Department of Planning - Capital City Planning Framework (PLA0215)

**9.1.6 No. 101 (Lot: 13, D/P: 830 and Lot: 250, D/P: 302341) Edward Street, Corner Dalmeny Street, Perth - ~~Proposed Alterations And Additions to Previous Approval for Proposed Partial Demolition of Existing Eating House and Conversion of Eating House to Mixed Use Development Comprising Office and One (1) Multiple Dwelling, and Including Reconsideration of Condition~~**

<b>Ward:</b>	South	<b>Date:</b>	9 November 2009
<b>Precinct:</b>	Beaufort; P13	<b>File Ref:</b>	PRO0847; 5.2009.470.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	S Kendall, Heritage/Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by J Burgess on behalf of the owner Bonnie-Croft Pty Ltd for ~~Proposed Alterations and Additions to Previous Approval for Proposed Partial Demolition of Existing Eating House and Conversion of Eating House to Mixed Use Development Comprising Office and One (1) Multiple Dwelling, and including Reconsideration of Condition~~, at No. 101 (Lot: 13, D/P: 830 and Lot: 250, D/P: 302341) Edward Street, Corner Dalmeny Street, Perth, and as shown on plans stamp-dated 5 November 2009, subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the first use of the upgraded facility, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the commencement of works. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (iii) any new street/front wall, fence and gate within the Edward Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iv) the provision of a minimum 1.5 metres by 1.5 metres visual truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way. Walls, fences, gates and landscaping may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level. Any landscaping within this area is to be constantly maintained to ensure compliance with the visual truncation requirement;*
- (v) 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;*

- (vi) *first obtaining the consent of the owners of No. 97 Edward 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. 97 Edward Street in a good and clean condition;*
- (vii) *prior to the first occupation of the development, one (2) class one or two bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
- (viii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (ix) *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;*
- (x) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town; and*
- (xi) *a detailed landscaping plan, including a list of plants for the landscaping bed adjacent to the front/northern boundary and car parking area, including the provision of one shade tree, shall be submitted and approved prior to the issue of a Building Licence. The landscaping shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

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

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**Moved Cr Lake, Seconded Cr Topelberg**

*That the recommendation be adopted.*

Debate ensued.

AMENDMENT

**Moved Cr Topelberg, Seconded Cr McGrath**

*That clause (ii) be deleted.*

Debate ensued.

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

(Cr Farrell was on approved leave of absence.)

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

(Cr Farrell was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.1.6**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by J Burgess on behalf of the owner Bonnie-Croft Pty Ltd for Proposed Partial Demolition of Existing Eating House and Conversion of Eating House to Office at No. 101 (Lot: 13, D/P: 830 and Lot: 250, D/P: 302341) Edward Street, Corner Dalmeny Street, Perth, and as shown on plans stamp-dated 5 November 2009, subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) any new street/front wall, fence and gate within the Edward Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) the provision of a minimum 1.5 metres by 1.5 metres visual truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way. Walls, fences, gates and landscaping may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level. Any landscaping within this area is to be constantly maintained to ensure compliance with the visual truncation requirement;*
- (iv) a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) first obtaining the consent of the owners of No. 97 Edward 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. 97 Edward Street in a good and clean condition;*
- (vi) prior to the first occupation of the development, one (2) class one or two bicycle parking facilities, shall be provided at a location convenient to the entrance of the development. Details of the design and layout of the bicycle parking facility shall be submitted and approved prior to the installation of such facility;*
- (vii) all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (viii) 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;*
- (ix) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town; and*

- (x) *a detailed landscaping plan, including a list of plants for the landscaping bed adjacent to the front/northern boundary and car parking area, including the provision of one shade tree, shall be submitted and approved prior to the issue of a Building Licence. The landscaping shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s).*

<b>Landowner:</b>	Bonnie-Croft Pty Ltd
<b>Applicant:</b>	J Burgess
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
<b>Existing Land Use:</b>	Eating House
<b>Use Class:</b>	Office Building
<b>Use Classification:</b>	"AA"
<b>Lot Area:</b>	648 square metres
<b>Access to Right of Way</b>	N/A

**BACKGROUND:**

- 15 April 1987                      The City of Perth approved an application for proposed change of use from vacant dwelling to restaurant and office at the subject property.
- 10 March 2009                    The Council at its Ordinary Meeting conditionally approved an application for proposed partial demolition of an existing eating house and a change of use from eating house to a mixed use development comprising offices and one (1) multiple dwelling.

**DETAILS:**

The proposal involves the replacement of the residential component of the proposed development conditionally approved at the Ordinary Meeting of Council held on 9 March 2009 with an office use, the increase of the eastern building on boundary wall, and a request for the removal of the following condition, which was imposed as part of the development approval:

- '(iii) *prior to the first use of the upgraded facility, the subject land shall be amalgamated into one lot on Certificate of Title; OR alternatively, the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the commencement of works. All costs associated with this condition shall be borne by the applicant/owner(s).'*

As the owner progressed the previously approved application to the Building Licence stage it became apparent that compliance with the above condition (iii), caused much difficulty for the applicant. The applicant has advised that the application of the above condition has caused the owner much distress and has impeded him from progressing his Building Licence. Furthermore, the applicant has advised that the residential component has caused issues with the Building Code of Australia requirements and fire rating and, therefore, has requested the residential component be replaced with an office use. The applicant has also advised:

1. *That the land forms part of a complex portfolio financing arrangement with my lender. The amalgamation will necessitate amendments to a large range of documentation and will undoubtedly have time and cost implications;*
2. *I am also concerned that the amalgamation may have tax implications for me and my accountant is looking into this;*
3. *The amalgamation process involves referral to agencies and could result in any number of conditions relating to the upgrading of servicing infrastructure/road frontages adjacent to the property. This has considerable cost implications that could render the whole project unfeasible. This is a highly likely outcome and subdivision is a different process to development – particularly given the nature of what we are doing; and,*
4. *The Councillors specifically discussed and rejected the notion of requiring the amalgamation. The fact that they didn't see that discussion through by way of resolution was an oversight out of my control. Your planning manager was directly involved in that discussion and heard their position first hand. On that basis I would assume he has ultimate power under delegation in not requiring clearance of that condition.'*

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Density	5.18 dwellings	Nil.	Noted.
Plot Ratio	0.75 - 486 square metres	0.12 - 83.33 square metres	Noted - No Variation.
Beaufort Precinct Plan 3.1.13			
Development Mix:	Buildings are to contain a residential component of no less than 66 per cent (240 square metres) of the existing or approved floor space.	100 per cent Office	Supported - Refer to comments section below.
Street Setback:	All other buildings are to be setback from the street alignment such distance as is generally consistent with building setback on adjacent land and in the immediate locality (3.9 metres).	Nil - 1.9 metre	Supported - As approved by the Council at its Ordinary Meeting held on 10 March 2009.

Driveways	No closer than 6 metres to an intersection.	5.1 metres to Matson Lane and Dalmeny Street.	Supported - As approved by the Council at its Ordinary Meeting held on 10 March 2009.
Building on Boundary  Eastern wall	Walls on the boundary for two-thirds of the boundary (23.54 metres) behind the street setback up to 6 metres in height.	Ground floor boundary wall length: 29.5 metres  Building height: 4.104  First floor boundary wall length: 16.5 metres  Building height: 7.302	Supported - The wall is required to address fire separation issues.  Supported - The two-storey building on boundary component will not have an impact on the Edward Street streetscape as it is setback 15.5 metres from Edward Street, and as it is lower in height than the adjacent two-storey building.
Landscaping	All non-residential parking areas should contain shade trees (species to be approved by the Town of Vincent) generally at a rate of one tree per four spaces (1 tree required)  The perimeter of all parking areas should be landscaped by a planting strip of at least 1.5 metres in width.	Nil  Two landscaping areas: <ul style="list-style-type: none"><li>▪ 5.1 metres by 3 metres; and</li><li>▪ 5.4 metres by 0.5 metre</li></ul>	Not supported - Considered to impact on amenity of area and conditioned to comply.  Supported - The cumulative effect of the two landscaping areas are sufficient to effectively screen the car parking area, and in turn reduce the apparent size and visual monotony of the parking area.
<b>Commercial Car Parking</b>			
Car parking requirement (nearest whole number) - Office – 1 bay per 50 square metres of gross floor area (GFA) - GFA = 310.3 square metres - requires 6.2 car bays			6 car bays
Apply the adjustment factors: <ul style="list-style-type: none"><li>▪ 0.85 (within 400 metres of a bus stop)</li><li>▪ 0.80 (within 400 metres of a railway station)</li></ul>			(0.68)  4.08 car bays
Minus the car parking provided on-site			7 car bays
Minus the most recently approved on-site car parking shortfall.			Nil
Resultant surplus			2.92 car bays

<b>Bicycle Parking</b>		
Office – GFA = 310.3 square metres Class 1 or 2 – 1 space per 200 square metres of GFA Requires = 1.55 bicycle spaces		= 2 (class 1 or 2) bicycle spaces
Class 3- 1 space per 750 square metres over 1000 square metres		Nil.
<b>Consultation Submissions</b>		
In lieu of advertising, the Officers will notify those previously notified of the presentation of this matter at the next Council meeting.		
Support	N/A	Noted.
Objection	N/A	Noted.
<b>Other Implications</b>		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Financial/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.

### **Beaufort Precinct Policy**

The land is zoned Residential/Commercial R80 however, the immediate area is characterised by dwellings being used for commercial purposes. The Town's Policy relating to the Beaufort Precinct specifies that mixed residential/commercial development is to incorporate a residential component of no less than 66 per cent of the existing or approved floor space.

Commercial uses dominate the immediate vicinity of the proposed development in the form of two-storey purpose built office buildings and single-storey residential buildings adapted for accounting and financial services. It is considered that there is scope not to enforce the requirement for a residential component in this instance in order to facilitate the upgrade of the existing building. The applicant has endeavoured to meet the Building Code of Australia requirements since March this year and due to complications with the mix of uses, this has been problematic and during this time, the building has been left vacant. In light of the fact the lot has already been granted approval to operate for commercial purposes (Eating House), and there will still be opportunity in the long term to incorporate a residential component should the applicant redevelop the site, this variation is considered acceptable.

### **Amalgamation**

The Town's Policy No. 3.5.19 relating to Amalgamation Condition on Planning Approvals requires the amalgamation condition to be imposed where new dwellings straddle a lot boundary (in this instance, there is an eave overhang and balcony encroachment), and where car parking bays and car parking manoeuvring areas straddle a lot boundary.

In addition, the requirement for amalgamation is to ensure compliance with the Deemed-to-Satisfy Provisions of the Building Code of Australia (BCA); namely, Part C3 and Specification C1.1 of the BCA, relating to fire protection. In terms of the BCA, the change of use results in a change of building classification, which requires a complying fire-separating wall to be constructed within the building along the existing boundary between the subject lots. This will result in a significant modification to the building and internal layout. If the lots are amalgamated then the construction of the above fire separating wall will not be required. Accordingly, removal of this condition is not supported.

In light of the above, it is recommended that the Council approve the proposal as per the Officer Recommendation.

**9.1.8 Progress Report No. 3 - West Perth Regeneration Masterplan – Proposed Amendment to the Metropolitan Region Scheme from ‘Industrial’ to ‘Urban’ and Masterplan Design Option**

<b>Ward:</b>	South	<b>Date:</b>	9 November 2009
<b>Precinct:</b>	Hamilton, P11 (CPS No. 2)	<b>File Ref:</b>	PLA0208, PLA0147
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer:</b>	T Woodhouse, Coordinator Strategic Planning		
<b>Responsible Officer::</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the Progress Report No. 3 relating to the proposed amendment to the Metropolitan Region Scheme to rezone the land within the West Perth Regeneration Masterplan area from ‘Industrial’ to ‘Urban’ and consideration of the preferred Masterplan Design Option;*
- (ii) *RECEIVES the Heritage Survey prepared by the Town’s Heritage Officers, as shown in Appendix 9.1.8;*
- (iii) *SUPPORTS IN PRINCIPLE Design Option 1 – ‘European Scale’ for the West Perth Regeneration Masterplan, as prepared by Jones Coulter Young, as shown in Appendix 9.1.8;*
- (iv) *AUTHORISES the Chief Executive Officer to obtain quotations for a full Water and Wastewater Scheme Review and Strategic Transport Impact Assessment; and*
- (v) *AUTHORISES the Chief Executive Officer to advise the Department of Planning that the Council STRONGLY SUPPORTS and will continue to progress with the Metropolitan Region Scheme Amendment for the following reasons:*
  - (a) *the proposed Metropolitan Region Scheme amendment allows greater diversity of land uses in the area;*
  - (b) *the proposed Metropolitan Region Scheme amendment will assist in the implementation and development of the West Perth Regeneration Masterplan;*
  - (c) *the Town’s Town Planning Scheme No. 1 does not allow for heavy or noxious Industry, therefore the current Industrial zoning under the Metropolitan Region Scheme would not facilitate industrial development, any more so than an Urban zoning would; and*
  - (d) *the amendment and masterplan for the area is consistent with the principles of State Government Strategic Planning Documents, including Directions 2031: A Spatial Framework for Perth and Peel, and the Local Planning Strategy endorsed by the Council at its Ordinary Meeting held on 14 April 2009.*

**Moved Cr Buckels, Seconded Cr McGrath**

*That the recommendation be adopted.*

**Debate ensued.**

**AMENDMENT**

**Moved Cr McGrath, Seconded Cr Maier**

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

***“(iii) SUPPORTS IN PRINCIPLE Design Option 1 – ‘European Scale’ for the West Perth Regeneration Masterplan, as prepared by Jones Coulter Young, as shown in Appendix 9.1.8, subject to:***

***(a) the area north of Newcastle Street to be subject to further investigation into appropriate design and height; and***

***(b) discussions be carried out with the National Trust in regards to the buildings between Strathcona Street and Charles Street;”***

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

(Cr Farrell was on approved leave of absence.)

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

(Cr Farrell was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.1.8**

*That the Council;*

***(i) RECEIVES the Progress Report No. 3 relating to the proposed amendment to the Metropolitan Region Scheme to rezone the land within the West Perth Regeneration Masterplan area from ‘Industrial’ to ‘Urban’ and consideration of the preferred Masterplan Design Option;***

***(ii) RECEIVES the Heritage Survey prepared by the Town’s Heritage Officers, as shown in Appendix 9.1.8;***

***(iii) SUPPORTS IN PRINCIPLE Design Option 1 – ‘European Scale’ for the West Perth Regeneration Masterplan, as prepared by Jones Coulter Young, as shown in Appendix 9.1.8, subject to:***

***(a) the area north of Newcastle Street to be subject to further investigation into appropriate design and height; and***

***(b) discussions be carried out with the National Trust in regards to the buildings between Strathcona Street and Charles Street;***

***(iv) AUTHORISES the Chief Executive Officer to obtain quotations for a full Water and Wastewater Scheme Review and Strategic Transport Impact Assessment; and***

***(v) AUTHORISES the Chief Executive Officer to advise the Department of Planning that the Council STRONGLY SUPPORTS and will continue to progress with the Metropolitan Region Scheme Amendment for the following reasons:***

***(a) the proposed Metropolitan Region Scheme amendment allows greater diversity of land uses in the area;***

***(b) the proposed Metropolitan Region Scheme amendment will assist in the implementation and development of the West Perth Regeneration Masterplan;***

- (c) *the Town's Town Planning Scheme No. 1 does not allow for heavy or noxious Industry, therefore the current Industrial zoning under the Metropolitan Region Scheme would not facilitate industrial development, any more so than an Urban zoning would; and*
- (d) *the amendment and masterplan for the area is consistent with the principles of State Government Strategic Planning Documents, including Directions 2031: A Spatial Framework for Perth and Peel, and the Local Planning Strategy endorsed by the Council at its Ordinary Meeting held on 14 April 2009.*

#### **ADDITIONAL INFORMATION:**

In order to determine whether any of the buildings within the subject area were of historical interest, the Town's Heritage Officers conducted a Heritage Survey. A copy of the Heritage Survey can be viewed as an attachment to the report.

In the preparation of the Heritage Survey, the Town's Officers undertook an on-site survey and historical research into the area. As part of the on-site survey and preliminary research, a selection of buildings were identified to warrant further investigation. The Municipal Heritage Inventory database and thematic framework was also used as a reference point in the research survey, together with information obtained from the City of Perth for the area previously within the City's jurisdiction, prior to the boundary changes of 1 July 2007.

As part of the review of the Town's Municipal Heritage Inventory undertaken in 2006, several properties within West Perth were identified in the Draft Inventory prepared by Hocking Planning & Architecture Collaboration. Included in this Draft Inventory were the houses at Nos. 482-484, 486 and 490 Newcastle Street, between the former Newcastle Street School and Strathcona Street. The houses were identified as having some significance as a group of Federation and Inter-war bungalows with a Management Category B.

During the ten-week period of community consultation for the Municipal Heritage Inventory Review, objections were received from the owners of Nos. 482-484, 486 and 490 Newcastle Street. As per the methodology adopted for the consideration of places, where an owner had lodged an objection, a full Heritage Assessment for each property was undertaken by the Town's Heritage Officers.

#### Nos. 482 - 484 Newcastle Street, West Perth

The key concerns outlined in the owner's objection are summarised below:

- The place's aesthetic significance is not sufficient to warrant inclusion onto the MHI.
- The historic significance is tenuous and not sufficient to warrant inclusion onto the MHI.
- Heritage listing would reduce the resale value and not enable the full redevelopment potential of the site.
- There has been significant modification to the building.
- The surrounding built environment, which includes commercial and industrial uses, detracts from any possible cultural heritage significance.

Officer Recommendation - Do not include the place on the Town's Municipal Heritage Inventory - whilst the place has some cultural heritage value in relation to its original use as a Manse and connection to the Wesleyan Church, it is considered that the structural changes and long time commercial use of the dwelling have diminished the integrity and authenticity of the place, to the extent that it does not warrant entry onto the Town's Municipal Heritage Inventory as a Management Category B - Conservation Recommended.

No. 486 Newcastle Street, West Perth

The key concerns outlined in the owner's objection are summarised below:

- The place has been subject to extensive renovations, which have changed the fabric and character of the home.
- The place does not meet any criteria for entry onto the list.

Officer Recommendation - Do not include the place on the Town's Municipal Heritage Inventory - it is not considered that the place has sufficient cultural heritage value to warrant inclusion on the Town's Municipal Heritage Inventory.

No. 490 Newcastle Street, West Perth

The key concerns outlined in the owner's objection are summarised below:

- At the time of purchase, the owners were advised that the place was not on any heritage listing and had significant development potential.
- The building has had significant alterations, including additions.
- Concern that other comparable places within the Town have not been listed.
- The place is in poor condition with a number of large cracks and white ant damage.

Officer Recommendation - Do not include the place on the Town's Municipal Heritage Inventory - it is not considered that the place has sufficient cultural heritage value to warrant inclusion on the Town's Municipal Heritage Inventory.

At the Special Meeting of Council held on 3 April 2007, the Council resolved to not include the subject properties onto the Town's Municipal Heritage Inventory in accordance with the Officer Recommendation, on the basis that in accordance with the Town's Policy No. 3.6.2 relating to Heritage Management - Assessment, the properties did not meet the threshold for entry onto the Town's Municipal Heritage Inventory.

In light of above, the above properties at Nos. 482-484, 486 and 490 Newcastle Street were not included in the Survey as the intention of the survey was to identify places which have not been assessed, together with the properties within the subject area that are already heritage listed.

In summary, the Survey indicated that two places within the survey area, namely No. 590 Newcastle Street (former Maternity Hospital) and No. 480 Newcastle Street (former Newcastle Street School) are listed on the Town's Municipal Heritage Inventory, and the latter also on the State Register of Heritage Places. Two places of interest were also identified as having some heritage value that were not part of the Municipal Heritage Inventory Review, including the Warehouse at Nos. 15-17 Old Aberdeen Street and the corner shop at Nos. 452 - 458 Newcastle Street. These places are recommended to be retained and incorporated into any redevelopment of the subject area.

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**PURPOSE OF REPORT:**

The purpose of this report is to provide the Council with an update on the West Perth Regeneration Masterplan and the proposed amendment to the Metropolitan Region Scheme (MRS). The report will provide details on the current status of the proposed amendment, details of the preferred design option for the Masterplan, outcomes of the Heritage Survey, and information regarding the Town's request to the Minister to review the State Planning Policy No. 9, relating to Metropolitan Centres for the Perth Metropolitan Region.

**BACKGROUND:**

An extensive background relating to the West Perth Regeneration Masterplan is detailed in the Minutes of the Special Council Meetings held on 14 October 2008 and 16 March 2009. Background relating to the proposed MRS amendment is detailed in the Minutes of the Ordinary Council Meeting held on 2 December 2008. Information relating to both the MRS amendment and the West Perth Regeneration Masterplan since 2 December 2008 is summarised below:

2 December 2008      The Council at its Ordinary Meeting held on 2 December 2008, considered an item relating to the West Perth Regeneration Masterplan – Proposed Amendment to the Metropolitan Region Scheme from ‘Industrial’ to ‘Urban’ and resolved as follows;

*"That the Council;*

- (i) RECEIVES the report relating to the proposed Amendment to the Metropolitan Region Scheme to rezone the land within the West Perth Regeneration Masterplan Area, comprising the land bounded by Newcastle Street, the Graham Farmer Freeway, Charles Street and Loftus Street, West Perth, from ‘Industrial’ to ‘Urban’;*
- (ii) AUTHORIZES the Chief Executive Officer to forward this report and a copy of the Draft West Perth Regeneration Masterplan to the North West District Planning Committee of the Western Australian Planning Commission with a request to consider the proposed Amendment to the Metropolitan Region Scheme to rezone the land within the West Perth Regeneration Masterplan Area from ‘Industrial’ to ‘Urban’;*
- (iii) REFERS a copy of the above information to the Western Australian Planning Commission and Department for Planning and Infrastructure for its notice and information; and*
- (iv) REFERS a copy of the above information to the Department of Education and Training for its notice and information."*

11 December 2008      The North West District Planning Committee considered the Metropolitan Region Scheme Amendment and resolved to support in principle the proposed Amendment, and to forward a report to the next Metropolitan Region Planning Committee meeting.

23 January 2009      A request was forwarded to the Western Australian Planning Commission to consider the proposed Metropolitan Region Scheme Amendment in accordance with the Council’s resolution of the Ordinary Meeting held on 2 December 2008.

3 March 2009      The Town’s Officers met with Officers from the then Department for Planning and Infrastructure, to discuss the proposed Metropolitan Region Scheme Amendment.

16 March 2009      The Council at its Special Meeting held on 16 March 2009 considered Progress Report No. 2 in relation to the West Perth Regeneration Masterplan and resolved as follows;

- “(i) RECEIVES the Progress Report No. 2 as at 12 March 2009, relating to the West Perth Regeneration Masterplan;*

- (ii) *CONSIDERS the sixteen (16) submissions received in relation to the West Perth Regeneration Masterplan and associated Pracsys and SKM reports being advertised for twenty-eight (28) days in accordance with the Town's Community Consultation Policy No. 4.1.5, as shown in Appendix 7.1;*
- (iii) *NOTES that a further progress report will be presented to the Council when the Heritage Assessments are completed and when further information regarding the proposed Metropolitan Region Scheme Amendment is received; and*
- (iv) *REQUESTS the Chief Executive Officer to write to the Minister for Planning requesting a review of the State Planning Policy No. 9 relating to Metropolitan Centres to better reflect the principles of Network City and current best practice planning principles for Perth's Metropolitan area.*

- 18 March 2009            The Town wrote to the City of Perth to determine whether the City had any information in relation to the subject area including environmental, ethnographic and/or noise assessments that may have been conducted whilst the subject area was within the City of Perth's jurisdiction.
- 1 April 2009            In accordance with the Clause (iv) of the resolution of the Special Meeting of Council held on 16 March 2009, the Town sent a request to the Minister for Planning, to review the State Planning Policy No. 9 relating to Metropolitan Centres for the Perth Metropolitan Region.
- 8 April 2009            A response was received from the City of Perth in regards to the Town's request for information. The City was unaware of any ethnographic or noise assessments undertaken. It was noted that an assessment was undertaken for a site contamination register of City owned or managed land. No potentially contaminated sites were identified.
- 29 April 2009            In accordance with a request from the then Department for Planning and Infrastructure (DPI), the Town sent all relevant information relating to the proposed MRS amendment, to the DPI for consideration and further distribution to other relevant authorities.
- 25 September 2009      The Town received a letter from the Minister for Planning in regard to the Town's request for a review of State Planning Policy No. 9. The letter advised that the review of the Policy is now well advanced in the form of the Draft State Planning Policy: Activity Centres for Perth and Peel.
- 6 October 2009            The Department of Planning forwarded the Town preliminary responses from the Water Corporation Western Australia, Main Roads Western Australia, the Environmental Protection Authority and the then Department for Planning and Infrastructure in regard to the proposed MRS Amendment.

- 19 October 2009      The Town wrote to the Department of Planning (DOP) to request clarification on whether the amendment is considered major or minor and to request a copy of the letter sent to the external authorities that the DOP had sent, requesting preliminary responses relating to the MRS amendment. The Town has not received a reply to-date.
- 6 November 2009      Heritage Survey completed. Survey indicates that two places within the survey area, namely No. 590 Newcastle Street (former maternity hospital) and No. 480 Newcastle Street (former Newcastle Street school) are listed on the Town's Municipal Heritage Inventory and the latter also on the State Register of Heritage Places. Two places of interest were also identified as having some heritage value, including the warehouse at Nos. 15 - 17 Old Aberdeen Street, and the corner shop at Nos. 452 - 458 Newcastle Street.

#### **DETAILS:**

For the purpose of this report, each of the main items to be addressed will be considered separately.

#### **Metropolitan Region Scheme Amendment**

In December 2008, the Town began the process of requesting the Western Australian Planning Commission to initiate an amendment to the Metropolitan Region Scheme (MRS) to rezone the land bounded by Loftus Street, Newcastle Street, Charles Street and the Graham Farmer Freeway from 'Industrial' to 'Urban' in order to progress and implement the West Perth Regeneration Masterplan.

The Town's Officers met with a number of Officers at the then Department for Planning and Infrastructure in March 2009, to discuss the proposed MRS amendment. The Department raised a number of concerns and issues that would need to be addressed including, public transport access, the loss of industrial land in the inner city, car parking, infrastructure provisions, and a need to consider the surrounding authorities.

Following the meeting, the Town was required to forward all existing information regarding the subject site, and all documentation relating to the proposed Masterplan, to the then Department for Planning and Infrastructure, for their consideration. Once the information was received by the Department, the Department then forwarded the information to all relevant authorities for their preliminary comments in regard to the proposed amendment.

The Department of Planning has received some preliminary responses from Main Roads Western Australia, Water Corporation Western Australia, the Environmental Protection Authority and the then Department for Planning and Infrastructure, which were then forwarded to the Town. The request for information was for preliminary advice regarding the MRS amendment. As the West Perth Regeneration Masterplan was presented as the guiding document for the perceived development of the area, many of the responses received relate specifically to the implementation of the Masterplan, rather than the actual proposal to change the MRS zoning from 'Industrial' to 'Urban'. A summary of the responses are outlined below, followed by an Officer response.

Water Corporation Western Australia

The Water Corporation does not support or object to the amendment. It is noted that the level of development in the Leederville Masterplan and the West Perth Regeneration Masterplan, exceeds the planned level of development envisaged for the area based on zonings at the time. A full water and wastewater scheme review would need to be conducted to determine whether the amendment can be service to the desired density. These assessments may take up to two years. *'The Corporations advice is that it is preferable for the Amendment not be approved until at least preliminary scheme planning is completed to determine if the planned densities can be achieved.'*

Officer Comment: It is acknowledged that the proposed development in the Masterplan is considerably greater than current development; however, the proposed development in the Masterplan is a long term vision for the future. The changes outlined in the Masterplan document are envisaged for the next ten to thirty years, during which time appropriate measures can be taken to ensure that there is adequate water and wastewater facilities and services available. The Town acknowledges however, that it is important to determine whether these facilities will be available in the future, and therefore supports the need to undertake a full Water and Wastewater Scheme Review.

Main Roads Western Australia

Main Roads provided comments to the Town during the formal advertising period for the Masterplan in 2008. Their comments were reiterated to the Department of Planning. Main Roads were unable to support the Masterplan until a number of transport issues were satisfactorily addressed. These include concerns such as the limited capacity of the road network, how the Masterplan will fit into a regional context, the target mode shift for non-private vehicle trips and how it will be achieved. Main Roads were not supportive of the proposed Cleaver Street train station. It was also suggested that a Strategic Transport Impact Assessment be undertaken.

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

Officer Comment: The comments provided by Main Roads were considered at the Special Meeting of Council held on 16 March 2009. The Town acknowledges that the increased development could impact the surrounding road networks, and whilst there is a move towards public transport, it is recognised that there is still a current mindset towards using private cars, which could increase congestion along surrounding transport networks. In light of this, the Town recognises the importance and supports a Strategic Transport Impact Assessment. It is anticipated that a detailed and comprehensive brief for the Strategic Transport Impact Statement will be prepared to ensure that the preferred consultant will provide an expert analysis of transport and access implications of the Masterplan that captures broad transport and land use planning issues within the site and its regional context. Notwithstanding the above, the proposed development is closely located to the City Centre and numerous services and amenities, therefore supporting lesser use of the private car.

The land in the subject area falls within the boundaries of the Perth Parking Management Area. A review of the Perth Parking Policy was conducted in early 2009 and the Council considered the review at its Ordinary Meeting held on 28 April 2009. The Town was supportive of a restructuring of the boundaries to remove the Town's areas, as currently there is little benefit to the Town. The Town was also supportive of the expansion option, which would incorporate more of the surrounding local governments into the management area. It is noted that parking would need to be further considered in the proposed MRS area; however, until any changes to the Perth Parking Policy area made, the Town acknowledges the Policy applies to the area.

From a regional context, the Town is a participating member of the Integrated Transport and Parking Strategy initiated by the Town of Victoria Park, and also a member of the Capital City Planning Framework Technical Advisory Group. Both of these initiatives illustrate the Town's commitment to a regional approach to development within the inner city area.

#### Environmental Protection Authority

The Environmental Protection Authority had concerns with contamination and noise. It was noted that there is a potential for soil contamination in the area. It is therefore considered that a condition of subdivision approval will be to investigate the site prior to ground disturbance. The area also has the potential for noise, vibration and light spill. Noise and site specific studies should be carried out prior to subdivision. It was suggested that notification be placed on the Certificate of Title of all proposed residential lots within the area.

Officer Comment: Given the location of the site and some of the current and past land uses, it is recognised that there is a possibility of noise pollution and site contamination. As suggested by the Environmental Protection Authority, conditions of subdivision should be to test the soil for contamination and conduct noise and site specific studies, prior to subdivision.

#### Department for Planning and Infrastructure (now Department of Planning)

The Department for Planning and Infrastructure provided comments to the Town during the formal advertising period for the Masterplan in 2008. The Department was generally supportive of the initiative; however, had some points of concern. These points included the protection of 'Industrial' land, public transport access, impact on the regional transport network, car parking and concerns regarding infrastructure upgrades and how it would be achieved.

Officer Comment: The comments provided by the then Department for Planning and Infrastructure were considered and addressed as part of the formal advertising in late 2008, and considered by the Council at its Special Meeting on 16 March 2009.

In relation to the protection of industrial land in inner city areas, the current land uses are considered to be light and service industrial uses. The current City of Perth Scheme does not permit heavy or noxious industry. Light Industrial uses can be accommodated under an Urban zoning; therefore, the existing uses will still be permitted.

The area currently falls within the Perth Parking Management Area and subsequently the Free Transit Zone. The area is also closely located to the City West and Leederville Train Stations. As the area becomes more intensely developed, further public transport considerations could be investigated. It is noted that the West Perth Regeneration Masterplan proposes a new train station to service the area; this will be further investigated.

Regional transport issues will be considered as part of a Traffic Impact Assessment. Car parking will be considered in accordance with the Perth Parking Policy.

Infrastructure upgrades will be further considered through the water assessments and the Traffic Impact Assessment.

#### **West Perth Regeneration Masterplan Design Options**

The Town has considered both the 'European Scale' and the 'Tower and Podium' design options proposed by JCY, with regard to the comments received during the formal consultation, and the surrounding existing and proposed development. It is considered that Design Option 1 'European Scale', was most appropriate for the subject site. Given the proximity to the lower scale residential area to the north of Newcastle Street, the proposed heights in Option 1 were considered more appropriate, and respectful of the surrounding residential development. The 'European Scale' is considered an appropriate way to approach the medium to long term planning of the area, given that the concept could incorporate 'robust' principles to facilitate a slower, and more moderate transformation of the area.

### **Heritage Survey**

In order to determine whether any of the buildings within the subject area were of historical interest, the Town's Heritage Officers conducted a heritage survey. The Heritage Survey can be viewed in Attachment 9.1.8. The Survey indicated that two places within the survey area, namely No. 590 Newcastle Street (former maternity hospital) and No. 480 Newcastle Street (former Newcastle Street school) are listed on the Town's Municipal Heritage Inventory and the latter also on the State Register of Heritage Places. Two places of interest were also identified as having some heritage value, including the Warehouse at Nos. 15-17 Old Aberdeen Street, and the corner shop at Nos. 452 - 458 Newcastle Street. These places are recommended to be retained and incorporated into any redevelopment of the subject area.

### **State Planning Policy No. 9**

In accordance with the resolution of the Council at its Special Meeting held on 16 March 2009, the Town sent a request to the Minister for Planning, requesting that State Planning Policy No. 9 relating to Metropolitan Centres Policy Statement for the Perth Metropolitan Region, be reviewed to better reflect the principles of Network City, and current best practice planning principles for Perth's metropolitan area, in particular with reference to Industrial centres. The Town has since received a response from the Minister stating that a review of the Policy is now well advanced, and a draft has been prepared.

The Town has reviewed the Policy now referred to as *Draft State Planning Policy: Activity Centres for Perth and Peel* and reported the Draft Policy to the Council at its Ordinary Meeting held on 11 August 2009. The Draft Policy provides little guidance with respect to inner city industrial areas, rather it promotes increased infill commercial, and residential development within the inner city areas. Given the vague boundaries of the activity centres outlined in the Draft Policy, it could be assumed that the West Perth Regeneration Masterplan area falls within the Perth Central Area, for which there is no reference to industrial uses. Whilst the area could be considered as a 'district industrial centre', which is an industrial area that serves a district and/or local purpose, there is no indication of 'district industrial centres' in the Perth Central Area.

### **CONSULTATION/ADVERTISING:**

Nil. Those service/government authorities and community members who made a submission during the formal consultation of the West Perth Regeneration Masterplan will be advised of the progress of the Masterplan.

### **LEGAL/POLICY:**

- Town of Vincent Town Planning Scheme No. 1 and associated Polices;
- Metropolitan Region Scheme;
- City of Perth City Planning Scheme No. 2;
- Planning and Development Act 2005;
- Policy No. DC 1.9: Amendments to the Metropolitan Region Scheme;
- State Planning Policy No. 9 – Metropolitan Centres Policy Statement for the Perth Metropolitan Region;
- Draft State Planning Policy: Activity Centres for Perth and Peel;
- Directions 2031: Draft Spatial Framework for Perth and Peel; and
- Perth Parking Policy, Perth Parking Management Act 1999, and Perth Parking Management and Regulations 1999.

### **STRATEGIC IMPLICATIONS:**

The Town of Vincent Strategic Plan 2009-2014 states;

#### *“Economic Development*

*Objective 2.1.7 Implement the Leederville Masterplan and West Perth Regeneration Project*  
(c) *Develop and implement the West Perth Regeneration Project”.*

### **SUSTAINABILITY IMPLICATIONS:**

The strategic document *Directions 2031: A Spatial Framework for Perth and Peel* is considered to support best practice principles of sustainability. The proposed amendment to the MRS will facilitate the strategic direction outlined in the *Directions 2031: A Spatial Framework for Perth and Peel* document through promoting increased and connected inner city development in existing areas.

### **FINANCIAL/BUDGET IMPLICATIONS:**

The 2009/2010 Budget allocates \$10, 000 for the West Perth Regeneration Masterplan.

### **COMMENTS:**

The Western Australian Planning Commission Policy No. DC 1.9, relating to amendments to the Metropolitan Region Scheme, outlines a number of principal considerations that are to be considered when determining the substantiality of an amendment to the MRS. The Town has considered each of the principal considerations as outlined below in italics, followed by an Officer response.

- (i) *‘Present land use and character of the land and its relationship to its immediate setting, to the surrounding district, to the sub-region and to the region as a whole as a prelude to evaluation of the impact of new proposals.’*

A land use survey of the area was conducted in late 2008, which found the predominant land use in the area to be light and service industry, commercial offices and warehouse uses. Examples include the *Holden* car dealership and service centre, a printing shop, props and party shop, and a power equipment shop. Currently, the land is developed at a low density and surrounded by four major roads, the Graham Farmer Freeway, Loftus Street, Newcastle Street and Charles Street. The area is closely located to the Central Business District. The area provides the inner city with light industrial facilities and services, and the potential for complementary residential and commercial uses.

- (ii) *‘The particular purposes for which the land is to be set aside and the proposal for changes to the zoning and/or reservation of land and the impact upon present land use and existing land classifications in the Scheme.’*

The land is currently zoned Industrial under the MRS and Commercial under the City of Perth City Planning Scheme No. 2 (COP CPS2). The affected area is within the Hamilton Precinct under the COP CPS2. Industry- Light, Industry- Service and Industry- Cottage uses are permitted in the area under the COP CPS2. There is no reference to heavy or noxious industry being permitted in the region. The Town proposes that the area of land bounded by Newcastle, Charles and Loftus Streets and the Graham Farmer Freeway, be rezoned from ‘Industrial’ to ‘Urban’ under the MRS. Under an Urban zoning, light industrial uses are permitted, therefore, the existing uses could continue to exist; however, an Urban zoning will allow for additional uses to support the strategic direction of *Directions 2031: A Draft Spatial Framework for Perth and Peel* and the *Draft State Planning Policy: Activity Centres for Perth and Peel*.

- (iii) *‘The area of land involved in the rezoning and the scale and purpose of the proposal and its impact on the Scheme’*

The area involved in the proposed amendment is approximately nine hectares and bounded by Newcastle Street to the north, Charles Street to the east, the Graham Farmer Freeway to the south and Loftus Street to the west. The purpose of the amendment is to allow for a greater variety of uses including those permitted under an 'Urban' classification and subsequently those proposed under the Draft West Perth Regeneration Masterplan. The preferred design option for the area will propose uses of retail/commercial/showrooms, offices and high density residential. The Masterplan proposes development between 4-5 storeys with approximately five, eight storey developments. The Masterplan indicates that the nine hectares of land has the capacity to provide an additional 80,000m<sup>2</sup> of commercial offices, and between 600 and 800 residential apartments.

This amendment will remove one of the few industrially zoned areas within the inner city. The uses that are currently permitted in the area however, could continue to exist under an Urban zoning.

(iv) *'The likely impact of the proposal on the environment of the affected land and its surroundings.'*

It could be considered that with an increase in the number of people in the area, there could be greater pressure on water and wastewater facilities; however, these will be investigated through appropriate water and wastewater assessments.

(v) *'The history of the land within its setting the factors which determined the present zoning or reservation of the land and its environs and the reasons justifying the proposed change to be made.'*

The subject area bounded by Loftus, Newcastle, Charles Streets and the Mitchell Freeway has historically accommodated a wide range of residential, commercial and industrial land uses, typical of inner city areas of Perth. By way of example, archival research illustrates that the showrooms and commercial uses that currently accommodate the area along the southern portion of Newcastle Street from Charles Street to Loftus Street originally accommodated mostly residential dwellings, interspersed with commercial uses. Prior to the construction of the Freeway and other associated road modifications, these variety of uses within the subject area were readily integrated to the south - east towards the city, the west towards Leederville and to the north.

As a result of the development of the Freeway, the natural integration of this pocket of West Perth with the surrounding environs has been strongly diminished. It is considered that the proposed rezoning of this land from Industrial to Urban and the implementation of the West Perth Regeneration Plan will assist to re-invigorate and better integrate this area with its surrounds through a range of proposed land uses and infrastructure.

(vi) *'The future planning needs of the metropolitan region and the factors justifying changes in the use of land generally and the subject land in particular.'*

The current State Government strategic direction for Perth and Peel is to create a 'Connected City' as proposed in the *Directions 2031: Draft Spatial Framework for Perth and Peel*. This concept is considered to be a more balanced distribution of infill and greenfield development. It is estimated that as a result of planning for a 'Connected City', 47% of all new dwellings will be accommodated within existing development areas. The *Directions 2031* document groups the Town of Vincent within the 'central subregion', where it is predicted that there will be the greatest increase in population numbers, dwelling numbers and employment numbers.

Given the significant proportion of development proposed to occur in the inner city and an associated increase in population, it is believed that the amendment will assist in facilitating growth by creating development opportunities. The land has the potential to be utilised more intensely whilst still allowing existing land uses to exist.

- (vii) *'Any other proposals in the same general locality promoted or likely to be promoted for changes to existing land classifications and their combined impact on the Scheme as a whole.'*

There are a number of development proposals occurring in the surrounding regions, including the Town's Leederville Masterplan, the Town of Cambridge Planning and Urban Design Study for West Leederville and the East Perth Redevelopment Authority's Northbridge Link project. Whilst all these projects propose change for the areas, they pose no modification to the MRS.

- (viii) *'The number of land holdings and land owners likely to be directly affected by the proposals contained in the amendment.'*

93 land parcels. There are 33 land owners that will be affected by the amendment.

- (ix) *'The complexity of the proposal.'*

The Amendment is not seen to be of a complex nature. The current uses are light and service industry which can also be accommodated under the proposed 'Urban' zoning. The change in zoning will allow for additional uses, additional to what currently exists. The proposed amendment is supportive of current State Government Strategic Documents.

- (x) *'The degree to which the proposal reflects any significant changes to the planning strategy for the region.'*

At a Local Government level, the Town of Vincent acquired the land subject to the proposed amendment, from the City of Perth in 2007. To date, the land has not been incorporated into the Town of Vincent Town Planning Scheme No. 1. It was considered that this incorporation would occur as part of the Town's, Town Planning Scheme review. The Town's Local Planning Strategy is supportive of the development of the West Perth Regeneration Masterplan proposed for the area, and therefore supportive of the amendment to the MRS.

At a State Government level, *Directions 2031*, places the West Perth area in the Perth Central Area, for which there is no provision for industrial uses. The area could be considered as a 'district industrial centre', which is an industrial area that serves a district and/or local purpose; however, there is no mention of this outline in the Draft Strategy.

- (xi) *'The relationship of the proposal to any current or proposed strategic plans or policies for the region or sub-regions within that region.'*

The *Directions 2031: Draft Spatial Framework for Perth and Peel*, considers the Town of Vincent as part of the 'central sub region', an area which will experience the greatest increase in population, dwelling numbers and employment. The area subject to the proposed amendment appears to fall within the Perth Central Area. Whilst the area could be considered as a 'district industrial centre', which is an industrial area that serves a district and/or local purpose, there is no indication of 'district industrial centres' in the Perth Central Area, rather the area is proposed to facilitate development to accommodate projected increases in population and dwellings.

As outlined in the Town's Local Planning Strategy, Masterplanning has been undertaken over the West Perth area. To implement the Masterplan, the land will need to be rezoned to 'Urban'.

(xii) *'Any other land use, transport, environmental or planning implications associated with the proposal.'*

Land Use- It is likely the land uses in the area will change over time to allow for greater uses. The existing land uses in the area will still be permitted, however the proposed zonings will allow for new, more intense urban land uses.

Transport- The proposed change in zoning would likely result in greater numbers of people in the area, and therefore a subsequent increase in traffic. A preliminary transport study has been undertaken by consultants; however, it is recognised that further traffic assessments will need to be undertaken to ensure there will not be an undue impact on the surrounding transport networks. Given the site's central location and proximity to surrounding train stations however, the use of public transport would be encouraged. A train station has also been proposed to support the possible increase in population to the area, which will need to be further considered.

Environmental- Given the existing land uses in the area, environmental assessments would need to be undertaken prior to subdivision to ensure there is no contamination. The soils would also require checks for the existence of Acid Sulphate Soils.

Planning- In the event the amendment is approved, planning provisions for the West Perth Regeneration Masterplan would be incorporated into the Town of Vincent's Town Planning Scheme and associated Policy Manual, to guide development in the area.

(xiii) *'The impact of proposals for changes to the scheme text in terms of their effect upon procedures and the operation of the Scheme as a whole.'*

It is unlikely the proposed amendment will change the Metropolitan Region Scheme text. It is proposed that under the Town of Vincent's proposed Town Planning Scheme No. 2, a Special Control Area will be placed over the area and Built Form Guidelines would be created, to guide development in the subject area.

The proposed reclassification of the land from 'Industrial' to 'Urban' is aimed to facilitate future growth within the inner City, by allowing for a variety of land uses to be permitted in the area. It is not the intention of the amendment to completely remove all current light industrial uses from the area, rather allow for greater diversity in the area. The Town's Officers conducted a land use survey of the area whereby it was revealed that the majority of the land uses within the area are light industry. Light industrial uses can be accommodated under an 'Urban' zoning. Given this, an 'Urban' zoning will provide a wider variety of land uses whilst still allowing the continuation of light industrial land uses, where required.

During the meeting between the Town's Officers and Officers at the then Department for Planning and Infrastructure in March 2009, it was stated that it could be considered to be difficult to undertake a MRS amendment given that the land is currently not incorporated into the Town's current Town Planning Scheme No. 1. The MRS provides the underlying zoning for the entire metropolitan region, and does not take into account Local Government boundaries. The land is currently zoned 'Commercial' under the City of Perth City Planning Scheme No. 2, and is likely to be zoned 'Commercial' under the proposed Town of Vincent Town Planning Scheme No. 2. Given the current and proposed zoning of the land on a Local Government level will not change, and that 'Commercial' zonings are permitted under both 'Industrial' and 'Urban' MRS zonings, it is not considered to be an issue. It should also be noted that noxious industrial uses are not permitted under the current Town of Vincent Town Planning Scheme No. 1; however, light and general industrial uses are permitted under the current Scheme with Council discretion. The COP CPS2 does not allow for heavy or noxious industry, but it does allow light, service and cottage industrial uses. Given that the existing uses can be accommodated under an Urban zoning, the Industrial zoning does not facilitate industrial development on this site any more than an Urban zoning would.

The Town has considered the comments received to-date, and acknowledges that there are a number of issues relating to the Masterplan and proposed MRS amendment that need to be further investigated via transport and environmental assessments. The assessments would need to be undertaken prior to the amendment being initiated by the Western Australian Planning Commission. The Water Corporation has indicated that some water assessments can take up to two years. The Town would pursue these assessments whilst undertaking the amendment.

The Town's Local Planning Strategy supports the development of the West Perth Regeneration Masterplan, and therefore the continuation of the proposed MRS amendment. Given this, it recommended that the Council adopts the Officer Recommendation to investigate water and wastewater assessments, and strategic transport impact assessments, and advise the Western Australian Planning Commission, that the Council strongly supports the progression of the proposed MRS amendment.

**9.1.4 No. 17/663 (Lot: 53, Strata Lot: 20, STR: 10630) Newcastle Street, Leederville - Proposed Signage (Commercial) to Existing Shop and Office and Incidental Workshop (Application for Retrospective Approval)**

<b>Ward:</b>	South	<b>Date:</b>	9 November 2009
<b>Precinct:</b>	Oxford Centre; P4	<b>File Ref:</b>	PRO4199; 5.2009.460.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	T Cappellucci, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by S Arias on behalf of the owner N Arias for proposed Signage (Commercial), at No. 17/663 (Lot: 53, Strata Lot: 20, STR: 10630) Newcastle Street, Leederville, and as shown on plans stamp-dated 27 October 2009, subject to the following conditions:*

- (i) all signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site;*
- (ii) the signage shall not have flashing or intermittent lighting; and*
- (iii) the signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage.*

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**Moved Cr Topelberg, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

Cr Topelberg requested the photograph held up by Mr Arias during Public Question Time be circulated for Councillors to peruse.

The Chief Executive Officer circulated the photograph.

Debate ensued.

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

**For:** Mayor Catania, Cr Lake, Cr McGrath

**Against:** Cr Buckels, Cr Burns, Cr Harvey, Cr Maier, Cr Topelberg

(Cr Farrell was on approved leave of absence.)

**Reason:**

- 1. Non-compliance with Clause 2(i)(e) of the Town's Policy relating to Signs and Advertising.**

**ALTERNATIVE RECOMMENDATION**

**Moved Cr Maier, Seconded Cr Topelberg**

*That the Council;*

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by S Arias on behalf of the owner, N Arias for proposed Signage (Commercial), at No. 17/663 (Lot: 53, Strata Lot: 20, STR: 10630) Newcastle Street, Leederville, and as shown on plans stamp-dated 27 October 2009, for the following reasons:*
  - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*
  - (b) *the non-compliance with clause 2. (i) (e) of the Town's Policy relating to Signs and Advertising which states the total signage area is not to exceed 10 per cent of the total area of the building wall in which that signage is located and the Oxford Centre Precinct Statement, respectively;*
- (ii) *advises the applicant and owners that the unauthorised signage is to be removed within twenty-eight (28) days of notification; and*
- (iii) *AUTHORISES the Chief Executive Officer to proceed with legal action should the above signage remain after this twenty-eight (28) days period.*

Debate ensued.

**AMENDMENT**

**Moved Cr Buckels, Seconded Cr Topelberg**

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

- “(ii) *advises the applicant and owners to resubmit a signage application within twenty-eight (28) days of notification or ~~that~~ the unauthorised signage is to be removed within twenty-eight (28) days of notification; and”*

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

(Cr Farrell was on approved leave of absence.)

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

(Cr Farrell was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.1.4**

- (i) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by S Arias on behalf of the owner, N Arias for proposed Signage (Commercial), at No. 17/663 (Lot: 53, Strata Lot: 20, STR: 10630) Newcastle Street, Leederville, and as shown on plans stamp-dated 27 October 2009, for the following reasons:*
  - (a) *the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality; and*

- (b) *the non-compliance with clause 2. (i) (e) of the Town's Policy relating to Signs and Advertising which states the total signage area is not to exceed 10 per cent of the total area of the building wall in which that signage is located and the Oxford Centre Precinct Statement, respectively;*
- (ii) *advises the applicant and owners to resubmit a signage application within twenty-eight (28) days of notification or the unauthorised signage is to be removed within twenty-eight (28) days of notification; and*
- (iii) **AUTHORISES** *the Chief Executive Officer to proceed with legal action should the above signage remain after this twenty-eight (28) days period.*

<b>Landowner:</b>	N Arias
<b>Applicant:</b>	S Arias
<b>Zoning:</b>	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre
<b>Existing Land Use:</b>	Shop and Office and Incidental Workshop
<b>Use Class:</b>	Retail (Shop) and Office
<b>Use Classification:</b>	"P" and "P"
<b>Lot Area:</b>	199 square metres
<b>Access to Right of Way:</b>	Not applicable

**BACKGROUND:**

- 9 January 2008 Council granted conditional approval under delegated authority for the change of use to Shop and Office and Incidental Workshop, and associated alterations and office additions.
- 16 January 2008 Building Licence approved by the Town for the partial demolition of and additions/alterations to existing Office and Workshop.
- 22 September 2009 A site inspection by the Town's Development Compliance Officer revealed that wall signage to the northern and western elevations of the subject building was being erected without appropriate approvals.
- 25 September 2009 The Town wrote to the owner of the subject place to advise that, as neither Planning Approval nor a Sign Licence had been granted for the signage, the signage was considered to be unauthorised. The owner was requested to either remove the unauthorised signage within twenty eight (28) days of the date of the letter or make an application to the Town for retrospective Planning and Building Approvals.
- 3 November 2009 The owners of the subject place submitted an application for retrospective approval of the signage.

**DETAILS:**

The proposal involves the consideration of unauthorised signage (Application for Retrospective Approval) at No. 17/663 (Lot: 53, Strata Lot: 20 STR: 10630) Newcastle Street, Leederville.

The extent of the application for retrospective approval includes the following:

- Six (6) signs on the northern wall elevation (“S.A.S Locksmiths”, “S.A.S Locksmiths (Logo)”, “Unit 17 663”, “Complete Security and Safety Centre”, “9227 7727” and “saslocksmiths.com”); and
- Five (5) signs on the western wall elevation (“S.A.S Locksmiths”, “S.A.S Locksmiths (Logo)”, “Complete Security and Safety Centre”, “9227 7727”, and “saslocksmiths.com”).

For both the northern and western wall elevations, the signage exists on the upper floor wall only. The S.A.S Locksmiths logo along with the additional signage wording, as mentioned above, is a mix of black and white in colour for both the northern and western upper floor walls. In addition, both the northern and western walls for the upper and ground floors have been painted in black, purple and white with images of clouds and lightning strikes.

**ASSESSMENT:**

<b>Non-Compliant Requirements</b>			
<b>Requirements</b>	<b>Required</b>	<b>Proposed *</b>	<b>Officer Comments Pursuant to Clause 38(5) of TPS 1</b>
Sign Standards	The total signage area is not to exceed 10 per cent of the total area of the building wall in which that signage is located.	<p>On the Northern Wall Elevation, the signage is approximately 22% of the total area of the building wall.</p> <p>On the Western Wall Elevation, the signage, when completed, will be approximately 28% of the total area of the building wall.</p>	<p>Supported - the variations are considered supportable as the additional total signage area will not result in an undue impact on the amenity of the area; in particular, because of the contrast in signage which exists adjacent to the subject site as well as the prominence of urban art on a nearby building.</p> <p>In addition, under the Town of Vincent’s Development and Design Policy 3.5.2 ‘Signs and Advertising’ xvii) Wall Sign, clause aa) states if the background colour of the sign matches the balance of the colour of the wall on which it is located, then the area of the sign shall be determined by measuring around the words of the sign.</p>

			As the overall paint scheme of the northern and western walls matches the colour of the signage, the area of signage calculated has been determined by measuring around the words as well as the S.A.S Locksmiths logo signage on both walls.
Wall Sign	<p>Be limited to a maximum number of two such signs on any one wall for each tenancy within a building other than a building within a residential zone. Not exceed 10 percent in area in total on any one wall (excluding projecting signs), unless a sign strategy acceptable to the Town of Vincent for the whole site has been submitted and approved. To ensure consistency in determining the area of a sign, the following guidance is provided:</p> <p>aa) if the background colour of the sign matches the balance of the colour of the wall on which it is located, then the area of the sign shall be determined by measuring around the words of the sign;</p>	<p>Six (6) wall signs on the northern elevation wall.  Five (5) wall signs on the western elevation wall.</p> <p>The background colour is predominately black, purple and white. The black and white signage matches the predominant colours of both walls therefore, the signage figures are as follows:</p> <p>On the Northern Wall Elevation, the signage is approximately 22% of the total area of the building wall, when measured around the words of the signage.</p>	<p>Supported - the signage on the upper floor identifies the building as S.A.S Locksmiths. The signage is not considered to unduly impact on the amenity of the area due to the presence of differing wall colours and forms of signage prominent for the other commercial uses on-site at No. 663 Newcastle Street.</p> <p>Supported – Given the background colour complements the colour of the signage, it is deemed supportable as the signage is integrated into the building design, and does not adversely impact on the visual amenity.</p> <p>The signage is consistent with the contrasting building wall and signage colours within the site at No. 663 Newcastle Street, as well as urban art on a nearby building.</p>

		On the Western Wall Elevation, the signage, when completed, will be approximately 28% of the total area of the building wall, when measured around the words of the signage.	
<b>Consultation Submissions</b>			
The proposal was not advertised as it is considered not to involve intensification of the current use of the site, is incidental, associated and ancillary to the usage and development of the site, and is being referred to the Council for consideration and determination.			
<b>Other Implications</b>			
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications		Nil	
Sustainability Implications		Nil	
Financial/Budget Implications		Nil	

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

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

**COMMENTS:**

The Town's Officers consistently take a compliant approach to businesses in the Town, which have incrementally added signage to buildings without submitting and obtaining planning approval.

The building in this instance has signage which complements the existing visual amenity of the District Centre in which it is located. Adjoining and nearby buildings have a diverse range of building wall colours and signage, in addition to urban art, which is consistent with the vibrant atmosphere and colour of the Entertainment Precinct in the Leederville Town Centre.

In light of the above, as the signage is not considered to adversely impact on the visual amenity of the subject site and surrounding area, it is recommended that the Council approve the application, subject to standard and appropriate conditions to address the above matters.

**9.1.1 FURTHER REPORT - Nos. 8-10 (Lot: 123, D/P: 490) Church Street, Perth - Proposed Partial Demolition of and Alterations and Second-Storey Addition to Existing Single House and Additional Two-Storey Single House to Existing Single House**

<b>Ward:</b>	South	<b>Date:</b>	9 November 2009
<b>Precinct:</b>	Beaufort;P13	<b>File Ref:</b>	PRO1495; 5.2009.168.1
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	R Narroo, Senior Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

***FURTHER OFFICER RECOMMENDATION:***

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Allerding & Associates on behalf of the owner M Krynski for proposed Partial Demolition of and Alterations and Second-Storey Addition to Existing Single House and Additional Two-Storey Single House to Existing Single House, at Nos. 8-10 (Lot 123 D/P 490) Church Street, Perth, and as shown on existing site , upper floor and elevation plans stamp-dated 12 May 2009, survey and ground floor plans stamp-dated 28 July 2009, subdivision plan stamp-dated 23 September 2009 and overshadowing diagram and eastern elevation plans stamp-dated 25 September 2009, subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) first obtaining the consent of the owners of No. 6 Church 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. 6 Church Street in a good and clean condition;*
- (iii) any new street wall, fence, store and gate within the Church Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a minimum of two (2) appropriate significant design features using colour and/or relief being incorporated on the visible portion of the eastern elevation to reduce the visual impact of that wall. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (v) the proposed timber privacy screens to the balconies of No. 8 Church Street (northern and southern elevations) shall comply with the requirements of the Residential Design Codes 2008; and*

(vi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*

(a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*

(b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units. 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.*

**FOOTNOTE:**

*The encroachment of structures into the northern adjacent property at No. 1 Stuart Street (Stuart Street Reserve) does not form part of the Approval to Commence Development. It is noted that all encroachments will need to be removed at the exclusive cost of the landowners of Lot 123 (proposed Lots 1, 2, 3), if and when the Town of Vincent, requires the removal of the encroachments in the future.*

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**Moved Cr Maier, Seconded Cr Burns**

*That the recommendation be adopted.*

Debate ensued.

**AMENDMENT**

**Moved Cr Burns, Seconded Cr Maier**

*That a new clause (vii) be inserted and the Footnote be deleted as follows:*

“(vii) *all unauthorised structures encroaching into the Stuart Street Reserve shall be removed and the dividing fence realigned on the correct boundary at the exclusive cost of the landowners to Lot 123 (proposed Lots 1, 2, 3) within 28 days from the issue date of this Approval. The owners of Lot 123 (proposed Lots 1, 2, 3) agree and acknowledge that upon their application for a building licence pursuant to this approval that they:*

(a) *waive any claim or right that they have or may have to use the land within Stuart Street Reserve for any existing or future encroachments under any relevant legislation or at common law; and*

(b) *waive any claim or rights they have or may have under any legislation or at common law with respect to that portion of the Stuart Street Reserve currently used by the owners and/or occupants of Lot 123 because of the incorrect alignment of the dividing fence to the rear of Lot 123 and the Stuart Street Reserve.*

**“FOOTNOTE:**

*~~The encroachment of structures into the northern adjacent property at No. 1 Stuart Street (Stuart Street Reserve) does not form part of the Approval to Commence Development. It is noted that all encroachments will need to be removed at the exclusive cost of the landowners of Lot 123 (proposed Lots 1, 2, 3), if and when the Town of Vincent, requires the removal of the encroachments in the future.”~~*

Debate ensued.

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

(Cr Farrell was on approved leave of absence.)

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

(Cr Farrell was on approved leave of absence.)

**COUNCIL DECISION ITEM 9.1.1**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY the application submitted by Allerding & Associates on behalf of the owner M Krynski for proposed Partial Demolition of and Alterations and Second-Storey Addition to Existing Single House and Additional Two-Storey Single House to Existing Single House, at Nos. 8-10 (Lot 123 D/P 490) Church Street, Perth, and as shown on existing site, upper floor and elevation plans stamp-dated 12 May 2009, survey and ground floor plans stamp-dated 28 July 2009, subdivision plan stamp-dated 23 September 2009 and overshadowing diagram and eastern elevation plans stamp-dated 25 September 2009, subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) first obtaining the consent of the owners of No. 6 Church 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. 6 Church Street in a good and clean condition;*
- (iii) any new street wall, fence, store and gate within the Church Street setback area, including along the side boundaries within this street setback area, shall comply with the Town’s Policy provisions relating to Street Walls and Fences;*
- (iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a minimum of two (2) appropriate significant design features using colour and/or relief being incorporated on the visible portion of the eastern elevation to reduce the visual impact of that wall. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town’s Policies;*

- (v) *the proposed timber privacy screens to the balconies of No. 8 Church Street (northern and southern elevations) shall comply with the requirements of the Residential Design Codes 2008;*
- (vi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
  - (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units. 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*

- (vii) *all unauthorised structures encroaching into the Stuart Street Reserve shall be removed and the dividing fence realigned on the correct boundary at the exclusive cost of the landowners to Lot 123 (proposed Lots 1, 2, 3) within 28 days from the issue date of this Approval. The owners of Lot 123 (proposed Lots 1, 2, 3) agree and acknowledge that upon their application for a building licence pursuant to this approval that they:*
- (a) *waive any claim or right that they have or may have to use the land within Stuart Street Reserve for any existing or future encroachments under any relevant legislation or at common law; and*
  - (b) *waive any claim or rights they have or may have under any legislation or at common law with respect to that portion of the Stuart Street Reserve currently used by the owners and/or occupants of Lot 123 because of the incorrect alignment of the dividing fence to the rear of Lot 123 and the Stuart Street Reserve.*

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#### **FURTHER REPORT:**

The Council considered the application at its Ordinary Meeting held on 20 October 2009 and resolved as follows:

*“That the item be DEFERRED to clarify the boundaries of the property, as it is noted on the Feature Survey Plan that they may encroach into the adjoining park.”*

Subsequent to the item being deferred at the above Ordinary Meeting of Council, the applicant has submitted additional information as follows:

*“I wish to confirm that the northern boundary fence of the property is currently incorrectly located; extending approximately 3 metres into Stuart Park.*

*The current development proposal before the Council does not encroach into the park and the proposed survey strata subdivision plan seeks to address this anomaly by relocated the northern boundary back to the boundary indicated within the Certificate of Title.*

*The proposed development will be fully contained within the boundary of Lot 123 Church Street and will not intrude into Stuart Park. The dimensions of the lot were originally measured in chains and have subsequently been rounded off and converted to metric. The area of the lot as measured from the dimension on the Lot on the Diagram of Survey (copy attached) is 466.772 m<sup>2</sup>."*

Given the above, the feature survey plan and the proposed 3 lot survey subdivision plan are amended to show that land, at a depth of 3 metres into the Stuart Street Reserve, is not part of this application. In the event the application is approved, a footnote via the 'Approval to Commence Development' will note that the applicant will be advised to remove any structures encroaching into the Stuart Street Reserve.

The Town's Land and Development Officer has been advised of the encroachments from the subject site into the Stuart Street Reserve, and also to investigate any other encroachments from other properties into the Stuart Street Reserve.

It is confirmed that the Officer's assessment was based on the survey subdivision plan, and that the land extending 3 metres outside of the lots was not included in the initial assessment. Therefore, there is no change to the Assessment Table.

In light of the above, it is considered that the boundaries of the property have been clarified and the feature survey plan and proposed 3 lot Survey Strata subdivision, are amended accordingly. It is recommended that the Council approve the application, subject to standard and appropriate conditions as previously recommended, in addition to a further condition being imposed relating to residential or visitor car parking permits which will not be issued to any owner or occupier of the residential units, as well as the potential impact of other nearby commercial and non-residential activities.

The following is a verbatim copy of Minutes of the Item placed before the Council at its Ordinary Meeting held on 20 October 2009.

*"That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY ABSOLUTE MAJORITY the application submitted by Allerding & Associates on behalf of the owner M Krynski for proposed Partial Demolition of and Alterations and Second-Storey Addition to Existing Single House and Additional Two-Storey Single House to Existing Single House, at Nos. 8-10, Lot 123 D/P 490) Church Street, Perth, and as shown on existing site plan, upper floor plan and elevations stamp-dated 12 May 2009, survey plan and ground floor plan stamp-dated 28 July 2009, subdivision plan stamp-dated 23 September 2009 and overshadowing diagram and eastern elevation plans stamp-dated 25 September 2009, subject to the following conditions:*

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) first obtaining the consent of the owners of No. 6 Church 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. 6 Church Street in a good and clean condition;*

- (iii) *any new street wall, fence, store and gate within the Church Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating a minimum of two (2) appropriate significant design features using colour and/or relief being incorporated on the visible portion of the eastern elevation to reduce the visual impact of that wall. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (v) *the proposed timber privacy screens to the balconies of No. 8 Church Street (northern and southern elevations) shall comply with the requirements of the Residential Design Codes 2008; and*
- (vi) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; and*
- (b) *the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units. 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.*

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

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*COUNCIL DECISION ITEM 9.1.1*

*Moved Cr Farrell, Seconded Cr Lake*

*That the recommendation be adopted.*

*Debate ensued.*

*PROCEDURAL MOTION*

*Moved Cr Lake, Seconded Cr Burns*

*That the item be DEFERRED to clarify the boundaries of the property, as it is noted on the Feature Survey Plan that they may encroach into the adjoining park.*

*PROCEDURAL MOTION PUT AND CARRIED (9-0)*

<i>Landowner:</i>	<i>M Krynski</i>
<i>Applicant:</i>	<i>Allerding &amp; Associates</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Single House</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>465 square metres</i>
<i>Access to Right of Way</i>	<i>Not applicable</i>

**BACKGROUND:**

*No specific background directly relates to the proposal.*

**DETAILS:**

*The proposal involves partial demolition of and alterations and second-storey addition to single house and additional two-storey single house to existing single house.*

*The applicant's submission is "Laid on the Table". The justification for the reduced site areas is as follows:*

*"The Metropolitan Sewerage plan for the area from 1952 shows dwellings on Nos. 8, 10 and 12 Church Street. This plan is shown in Figure 4 above ('Laid on the Table'). This proves that No. 8 is an existing site which originally accommodated a single dwelling. It is considered that the lot arrangement of Lot 123 should be maintained to reflect the historical configuration of this site. The lot configuration is typical of this particular street where dwellings have been established at different lot sizes under various title arrangement (on single lots). The adjoining property to the west (lot 11) includes five dwellings on the single lot in a similar configuration. All properties along the northern side of Church Street benefit from the adjoining POS which allows for greater residential amenity for this pocket of high density mixed use land.*

*Based on the above we believe that the proposed variation in site area can be justified as being a historical configuration on the subject site which is consistent with the established character of the locality."*

**ASSESSMENT:**

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density</i>  <i>Given the application is for single houses, the density coding of R60 applies.</i>	<i>R60-2 dwellings</i>	<i>R 64.5- 3 dwellings 16 per cent density bonus – 75 square metres</i>	<i>Supported- refer to "Comments" below.</i>
<i>Plot Ratio</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted.</i>

<p><i>Site Area</i></p>	<p><i>Minimum Area= 160 square metres</i></p> <p><i>Average Area= 180 square metres</i></p>	<p><i>Lot 1 (No. 12) = 177 square metres</i></p> <p><i>Lot 2 (No. 10) = 163 square metres</i></p> <p><i>Lot 3 (No. 8) = 127 square metres</i></p> <p><i>Average Area= 155.67 square metres</i></p>	<p><i>Supported- refer to "Comments" below.</i></p>
<p><i>Building Articulation: Western Boundary of proposed No. 8</i></p>	<p><i>Any portion of wall greater than 9 metres in length is required to incorporate horizontal or vertical articulation.</i></p>	<p><i>Portion of wall has (first floor) 11.6 metres in length without articulation</i></p>	<p><i>Supported- The majority of buildings along Church Street are built to the boundaries; hence the proposed additional dwelling is considered consistent with the built form of the street. No objection was received from the adjoining neighbour. It is recommended that design features be incorporated on the wall to minimise the impact onto the adjoining neighbours.</i></p>
<p><i>Buildings on Boundary: Eastern Boundary of proposed lot No. 8</i></p>	<p><i>Average height= 3 metres</i></p> <p><i>Maximum height = 3.5 metres.</i></p>	<p><i>Maximum average height of 7.2 metres</i></p>	<p><i>Supported- As per above.</i></p>
<p><i>Open Space</i></p>	<p><i>45 per cent</i></p>	<p><i>No. 8-26.5 per cent</i></p> <p><i>No. 10- 24.5 per cent</i></p>	<p><i>Supported- The proposed dwellings are located nearby a local park which will enhance the amenity of the dwellings.</i></p>
<p><i>Outdoor Living Area:</i></p>	<p><i>16 square metres with a minimum dimension of 4 metres</i></p>	<p><i>No. 8-10.3 square metres with a minimum dimension of 2.1 metres</i></p> <p><i>No. 10-3.2 metres in dimension</i></p>	<p><i>Supported- As per above.</i></p>

<p><i>Building Height:</i></p>	<p><i>Maximum height of 7 metres from natural ground level to the top of the concealed roof.</i></p>	<p><i>Maximum height of 7.5 metres from natural ground level to the top of the skylights. Wall height is 7.2 metres.</i></p>	<p><i>Supported- The skylights will not occupy the full width of the buildings. Given the reduced land areas and the dwellings proposed, the skylights will enhance the amenity of the residences. The proposed buildings are of similar scale to other dwellings in the area and comply with overshadowing.</i></p>
<p><i>Front Setbacks:</i></p>	<p><i>Upper Floor to be setback a minimum of 2 metres behind the ground floor.</i></p> <p><i>Store is not to be located within the front setback.</i></p>	<p><i>Upper floors of proposed dwellings are in line with the ground floor.</i></p> <p><i>Store is located within the front setback.</i></p>	<p><i>Supported- The first floors are of a contemporary design, consisting of full length windows including timber screening and setback 6 metres from the street, which minimises the impact on the streetscape. Moreover, there is considered no unreasonable impact on the streetscape given two storey buildings in the street are setback less than 6 metres.</i></p> <p><i>Supported – No unreasonable impact on the streetscape; however, the solid portion of the store will be required to have a maximum height of 1.2 metres.</i></p>
<p><i>Parking Spaces</i></p>	<p><i>2 parking bays per dwelling.</i></p>	<p><i>1 parking bay per dwelling.</i></p>	<p><i>Supported- Given the small lot areas and the site is located near major transport routes along Newcastle Street and Fitzgerald Street, the variation to parking is supported.</i></p>
<p><i>Carport</i></p>	<p><i>Roller doors are not permitted for any carports located within the street setback area.</i></p>	<p><i>Roller doors</i></p>	<p><i>Supported- The majority of buildings in Church Street have solid roller doors and given the ‘quasi’ industrial nature of the street, the variation is supported.</i></p>

	<i>Total width of car port is not to exceed 50 per cent of lot frontage.</i>	<i>57 per cent.</i>	<i>Supported- The proposed widths are narrow; hence it is acknowledged it would be difficult to have a compliant car port in this situation.</i>
<i>Street Walls and Fences</i>	<i>Maximum height of solid portion to be 1.2 metres above adjacent footpath level and a minimum fifty percent visual permeability above 1.2 metres.</i>	<i>Solid Walls to Nos. 8 and 10 of 2.1 metres and solid gates of 1.6 metres, in height</i>	<i>Not supported-In the event the application is supported, a condition of planning approval will be to comply with the Town's requirements for fences within the front setback area.</i>
<i>Consultation Submissions</i>			
<i>Support (1)</i>	<i>Nil</i>		<i>Noted</i>
<i>Objection</i>	<i>Nil</i>		<i>Nil</i>
<i>Other Implications</i>			
<i>Legal/Policy</i>			<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>
<i>Strategic Implications</i>			<i>Nil</i>
<i>Sustainability Implications</i>			<i>Nil</i>
<i>Financial/Budget Implications</i>			<i>Nil</i>

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

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

**COMMENTS:**

*Density and Site Areas*

*As depicted in the Metropolitan Sewerage Plan (1952), there were dwellings existing on Nos. 8-12 Church Street, Perth. Currently, there are two attached single storey dwellings existing on No. 10 and No. 12 Church Street; No. 8 Church Street is vacant.*

*A variation to the density code for the subject lots and minimum/average areas is supported as the proposed lot configuration reflects the pattern of existing Lots from No. 24 to No. 32 Church Street, and the proposal is consistent with the proper and orderly planning of the locality. The intensity and use of the lots are consistent with surrounding development and land uses. In addition, it is considered that no undue impact on occupiers of the development nor the amenity of the locality will occur as a result of this development.*

*Absolute Majority*

*Given the proposed density bonus, as per Clause (40)(3)(b) of the Town's Town Planning Scheme No. 1, the Council, in the event of approving the application, would be required to do so via an absolute majority decision.*

*In view of the above, it is considered that the application is supportable; as it is considered the development will significantly improve the use and appearance of the overall site, and will not result in any undue impact on the amenity of the surrounding area."*

**9.1.2 FURTHER REPORT – No. 458 [Lot: 172, D/P: 3784(1)] Charles Street, North Perth - Proposed Demolition of Existing Single House and Construction of Two (2), Two- Storey Grouped Dwellings, Two (2) Two-Storey Multiple Dwellings and Two (2), Two-Storey Single Bedroom Multiple Dwellings**

<b>Ward:</b>	North	<b>Date:</b>	9 November 2009
<b>Precinct:</b>	North Perth; P08	<b>File Ref:</b>	PRO4709; 5.2009.118.1
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer:</b>	D Pirone, Statutory Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, APPROVES and in accordance with the provisions of the Metropolitan Region Scheme, RECOMMENDS SUPPORT to the Western Australian Planning Commission, of the application submitted by the owner North Perth Properties Pty Ltd for proposed Demolition of Existing Single House and Construction of Two (2), Two-Storey Grouped Dwellings, Two (2) Two-Storey Multiple Dwellings and Two (2), Two-Storey Single Bedroom Multiple Dwellings, at No. 458 [Lot: 172, D/P: 3784(1)] Charles Street, North Perth, and as shown on plans stamp-dated 8 April 2009 and 28 July 2009, subject to the following conditions:*

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place(s) including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) any new street/front wall, fence and gate within the Charles Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (v) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (vi) prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (vii) 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;*

- (viii) *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;*
  - (ix) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the addition of windows on the western (Charles Street) elevation of unit 1;*
  - (x) *no development shall occur within 1 metre of the right of way on the northern boundary of No. 458 Charles Street and the right of way as a 1 metre wide right of way widening is requirement of the Town;*
  - (xi) *the proposed family room on the ground floor of unit 5 shall not be used for habitable purposes unless it can be demonstrated through revised plans at the Building Licence stage, that these rooms can comply with Building Code of Australia;*
  - (xii) *the support/approval of the Department for Planning and Infrastructure and/or Western Australian Planning Commission, and compliance with its comments and conditions at the applicant(s)/owner(s)' full expense; and*
  - (xiii) *prior to issue of a Building Licence, the applicant shall comply with all requirements recommended by the Department of Planning and/or Western Australian Planning Commission.*
- 

**COUNCIL DECISION ITEM 9.1.2**

**Moved Cr Lake, Seconded Cr Maier**

*That the recommendation be adopted.*

Debate ensued.

Cr Burns departed the Chamber at 7.12pm.

Debate ensued.

Cr Burns returned to the Chamber at 7.14pm.

Debate ensued.

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

**For:** Presiding Member, Mayor Nick Catania (two votes – deliberative and casting vote), Cr Buckels, Cr Burns, Cr Maier

**Against:** Cr Harvey, Cr Lake, Cr McGrath, Cr Topelberg

**(Cr Farrell was on approved leave of absence.)**

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**FURTHER REPORT:**

The Council considered an application for proposed demolition of existing single house and construction of two (2), two-storey grouped dwellings, two (2), two-storey multiple dwellings and two (2), two-storey single bedroom multiple dwellings at its Ordinary Meeting held on 20 October 2009 and resolved as follows:

*“That the item be DEFERRED to allow the Town’s Officer’s to further discuss the item with the Applicant.”*

At the Ordinary Meeting of Council held on 20 October 2009, the Council deferred the application to allow the Town’s Officers to discuss with the Applicant, amending the plans to change the proposed multiple dwellings into grouped dwellings. This change however would result in a further variation to the Residential Design Codes, and given the application would be non-compliant with the minimum site area requirements of the R60 zoning, the applicant did not wish to create any more variations to what is currently proposed, and accordingly did not wish to amend the plans.

In light of the above, the Officer Recommendation remains unchanged. Accordingly, it is recommended that the Council approve the application as previously recommended.

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 20 October 2009.

*“OFFICER RECOMMENDATION:*

*That the Council;*

*in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1, APPROVES and in accordance with the provisions of the Metropolitan Region Scheme, RECOMMENDS SUPPORT to the Western Australian Planning Commission, of the application submitted by the owner North Perth Properties Pty Ltd for proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Grouped Dwellings, Two (2) Two-Storey Multiple Dwellings and Two (2) Two-Storey Single Bedroom Multiple Dwellings, at No. 458 [Lot: 172 D/P: 3784(1)] Charles Street, North Perth, and as shown on plans stamp-dated 8 April 2009 and 28 July 2009, subject to the following conditions:*

- (i) a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (ii) an archival documented record of the place(s) including photographs (internal, external and streetscape elevations), floor plans and elevations for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (iii) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (iv) any new street/front wall, fence and gate within the Charles Street setback area, including along the side boundaries within this street setback area, shall comply with the Town’s Policy provisions relating to Street Walls and Fences;*

- (v) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, traffic and heavy vehicle access, dust and any other appropriate matters, shall be submitted to and approved by the Town;*
- (vi) *prior to the first occupation of the development, each multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*
- (vii) *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;*
- (viii) *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;*
- (ix) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the addition of windows on the western (Charles Street) elevation of unit 1;*
- (x) *no development shall occur within 1 metre of the right of way on the northern boundary of No. 458 Charles Street and the right of way as a 1 metre wide right of way widening is requirement of the Town;*
- (xi) *the proposed family room on the ground floor of unit 5 shall not be used for habitable purposes unless it can be demonstrated through revised plans at the Building Licence stage, that these rooms can comply with Building Codes of Australia;*
- (xii) *the support/approval of the Department for Planning and Infrastructure and/or Western Australian Planning Commission, and compliance with its comments and conditions at the applicant(s)/owner(s)' full expense; and*
- (xvii) *prior to issue of a Building Licence, the applicant shall comply with all requirements recommended by the Department of Planning and/or Western Australian Planning Commission.*

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COUNCIL DECISION ITEM 9.1.3

Moved Cr Farrell, Seconded Cr Maier

*That the recommendation be adopted.*

*Debate ensued.*

**PROCEDURAL MOTION**

Moved Cr Maier, Seconded Cr McGrath

*That the item be DEFERRED to allow the Town's Officer's to further discuss the item with the Applicant.*

PROCEDURAL MOTION PUT AND CARRIED (9-0)

**ADDITIONAL INFORMATION:**

*Attached is a revised upper floor plan denoting relabelled unit numbers.*

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<i>Landowner:</i>	<i>North Perth Properties Pty Ltd</i>
<i>Applicant:</i>	<i>North Perth Properties Pty Ltd</i>
<i>Zoning:</i>	<i>Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60</i>
<i>Existing Land Use:</i>	<i>Single House</i>
<i>Use Class:</i>	<i>Grouped Dwelling and Multiple Dwelling</i>
<i>Use Classification:</i>	<i>"P"</i>
<i>Lot Area:</i>	<i>1037 square metres</i>
<i>Access to Right of Way</i>	<i>North side, 5 metres wide, sealed, Town owned</i>

**BACKGROUND:**

*No specific background directly relates to the proposal.*

**DETAILS:**

*The proposal involves the demolition of the existing single house and the construction of two (2) two-storey grouped dwellings, two (2) two-storey multiple dwellings and two (2) two-storey single bedroom multiple dwellings.*

**ASSESSMENT:**

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density:</i>	<i>2 grouped dwellings and 4 multiple dwellings.</i>	<i>2 grouped dwellings (units 5 and 6), 2 multiple dwellings (units 1 and 2) and 2 single bedroom multiple dwellings (units 3 and 4).</i>	<i>Noted – no variation.</i>
<i>Plot Ratio:</i>	<i>0.7 or 726 square metres</i>	<i>0.44 or 452 square metres</i>	<i>Noted – no variation.</i>
<i>Single Bedroom Dwelling Plot Ratio (Units 3 and 4 only):</i>	<i>70 square metres</i>	<i>Unit 3 = 70 square metres Unit 4 = 69 square metres</i>	<i>Noted – no variation.</i>
<i>Building Setbacks: Ground Floor -East</i>	<i>1.5 metres</i>	<i>1 metre – 2.22 metres</i>	<i>Supported – not considered to have an undue impact on the neighbouring property and no objection received from affected landowner.</i>
<i>Upper Floor -West (Charles Street)</i>	<i>Upper floor to be setback 2 metres behind the ground floor main building line.</i>	<i>In line with the ground floor main building line.</i>	<i>Supported – this is not considered to have an undue impact on the amenity of the immediate area, which comprises single and two-storey residential dwellings.</i>

-North (Units 1-4)	2.8 metres	2.27 metres – 3.34 metres	Supported – not considered to have an undue impact on the neighbouring property and no objection received from affected landowner.
-East	2 metres	1.5 metres – 2.6 metres	Supported – not considered to have an undue impact on the neighbouring property and no objection received from affected landowner.
Outdoor Living Area: Units 5 and 6	A minimum dimension of 4 metres by 4 metres.	The terraces and courtyards have a dimension of less than 4 metres by 4 metres.	Supported – whilst the dimensions of the terraces and courtyards are all less than 4 metres, the total area of terraces and courtyards for Unit 5 is 61 square metres and for Unit 6 is 54 square metres. This is much greater than the required 16 square metres for grouped dwellings at R60.
Communal Open Space: Units 1–4	16 square metres	Nil	Supported – this is not required as the private courtyards provided for the multiple dwellings are much larger than what is required.
<i>Consultation Submissions</i>			
<i>Support</i>	<i>Nil.</i>	<i>Noted.</i>	
<i>Objection</i>	<i>Nil.</i>	<i>Noted.</i>	
<i>Other Implications</i>			
<i>Legal/Policy</i>	<i>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</i>		
<i>Strategic Implications</i>	<i>Nil</i>		
<i>Financial/Budget Implications</i>	<i>Nil</i>		
<i>Sustainability Implications</i>	<i>Nil</i>		

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

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

*COMMENTS:*

*Demolition*

*The subject property at No. 458 Charles Street, North Perth is a brick and tile dwelling constructed circa 1935 in the Interwar California Bungalow style of architecture. The dwelling has a triple-gabled front, with a gable to the south which features exposed battened gable ends and simple wide barge boards. The roof is low-pitched, maintaining a generally horizontal line of the house.*

*The Wise's Post Office Directories indicate that the earliest resident at the subject dwelling was John D. McRae who stayed in residency from 1935 to at least 1949. Since then, the subject dwelling has been transferred several times to new owners and occupiers.*

*A full heritage assessment was undertaken for No. 458 Charles Street, North Perth, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.*

*Planning Control Area No. 88*

*The subject property falls within Planning Control Area No. 88. The control area ensures no development occurs on land, within the control area, which might prejudice the future widening of Charles Street, should it be required for Primary Regional Roads in the Metropolitan Region Scheme. In the Western Australian Planning Commission's (WAPC) letter dated 15 September 2006, the Town was advised that any development within this area requires the approval of both the Town and the WAPC. The Officer Recommendation has been structured to reflect this requirement.*

*Conclusion*

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

**9.1.9 City of Wanneroo – Local Structure Plan No. 79 – Tamala Park**

<b>Ward:</b>	-	<b>Date:</b>	9 November 2009
<b>Precinct:</b>	-	<b>File Ref:</b>	PRO0739
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	E Lebbos, Strategic Planning Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to the City of Wanneroo's Local Structure Plan No. 79 relating to Tamala Park as shown in Appendix 9.1.9; and*
- (ii) *ADVISES the City of Wanneroo that the Council SUPPORTS the Local Structure Plan No. 79 relating to Tamala Park as outlined in this report.*

**COUNCIL DECISION ITEM 9.1.9**

**Moved Cr McGrath, Seconded Cr Burns**

*That the recommendation be adopted.*

Debate ensued.

**PROCEDURAL MOTION**

**Moved Cr McGrath, Seconded Cr Lake**

*That the item be DEFERRED to allow for a briefing for the new Councillors and the report be submitted to the Ordinary Meeting of Council to be held on 1 December 2009.*

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

**(Cr Farrell was on approved leave of absence.)**

**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the City of Wanneroo's Local Structure Plan No. 79 relating to Tamala Park currently being advertised for public comment, and to provide a summary of the document to the Council.

**BACKGROUND:**

The land included in the structure plan comprises an area of approximately 180 hectares. The landowners comprise of the Tamala Park Regional Council (167.484 ha), State of Western Australia (1.816 ha), and Bush Forever (WAPC) (8.9317 ha).

Tamala Park Regional Council is the corporate entity representing the interests of seven local governments in the urban development of the land, and includes the Town of Cambridge, City of Perth, Town of Victoria Park, Town of Vincent, City of Joondalup, City of Wanneroo, and City of Stirling.

The Town has received a letter dated 22 October 2009, inviting the Town to comment on the Local Structure Plan No. 79.

The document has been released for public comment, with submissions closing on 7 December 2009 to ensure that the community has the opportunity to provide feedback on the Local Structure Plan prior to it being finalised by the City of Wanneroo.

**DETAILS:**

The land subject to the Local Structure Plan No. 79 is bound by the suburbs of Mindarie and Clarkson. Neerabup Road is situated to the north of the site, the Mitchell Freeway reservation and Neerabup Regional Park to the east, the Tamala Park Landfill facility to the south, and an existing coastal foreshore reserve and the Indian Ocean to the west.

The Local Structure Plan No. 79 Map has been prepared following significant participation and input from the local community, the Tamala Park Regional Council, the City of Wanneroo, and relevant State and Federal Government agencies. The intended strategic outcome of the Local Structure Plan No. 79 is to facilitate the establishment of a range of housing typologies and densities. In addition, it will provide for the appropriate management of natural elements and features, such as the protection of significant tracts of native flora and associated fauna and the reuse of storm-water within a quality urban landscaping framework.

The land subject of the Local Structure Plan No. 79 has been separated into four precincts in order to accurately inform future planning processes, as follows:

- Precinct 1 – Western Precinct;
- Precinct 2 – Central Western Precinct;
- Precinct 3 – Central Eastern Precinct; and
- Precinct 4 – Eastern Precinct.

Plans, strategies and studies either undertaken to inform the structure planning process or required to inform the subsequent preparation of Detailed Area Plans include the following:

- Local Water Management Strategy;
- Resource Efficiency Strategy;
- Vegetation/Flora Surveys;
- Significant Tree Survey;
- Level 1 Fauna Survey;
- Environmental Management Plan;
- Landscaping Strategy;
- Traffic, Transport and Public Transport Report;
- Indigenous Heritage Management Plan;
- Ethnographic Survey;
- Engineering Report;
- Earthworks and Contour Plan;
- Geotechnical Report;
- Community Development Plan;
- Community Facilities Plan; and
- Economic and Employment Strategy/Activity Centres Model.

A servicing plan and noise attenuation analysis will also be undertaken in future development stages.

**CONSULTATION/ADVERTISING:**

The City of Wanneroo is currently advertising the Local Structure Plan No. 79 for public comment, which closes on 7 December 2009.

## **LEGAL/POLICY:**

City of Wanneroo's District Planning Scheme No. 2.

## **STRATEGIC IMPLICATIONS:**

The Town of Vincent Strategic Plan 2009-2014 states;

### *"Natural and Built Environment*

1.1 *Improve and maintain the environment and infrastructure*

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

### *Economic Development*

2.1 *Progress economic development with adequate financial resources*

2.1.2 *Develop and promote partnerships and alliances with key stakeholders.*

2.1.3 *Promote business development."*

## **FINANCIAL/BUDGET IMPLICATIONS:**

The Town's share of the proceeds of this land is currently estimated at between \$17 million and \$20 million.

## **SUSTAINABILITY IMPLICATIONS:**

Section 9 of the Explanatory Section part of the Local Structure Plan No. 79 outlines the environmental, social and economic sustainability of the project.

*According to this section 'sustainable development is generally broken into three constituent parts: environmental, social and economic sustainability, with the urban (physical form infrastructure) of a development being evaluated by these elements. The Tamala Park LSP has been developed with a 'bottom-up' approach based on sustainability principles and is aligned with national and local planning tools, and aims to exceed current best practice.'*

### Environmental Sustainability

Current market acceptability of principles such as the preservation of the natural environment, efficient use of resources, including energy and water have been incorporated in the Local Structure Plan No. 79, along with the integration of natural ecologies into the urban fabric (often termed 'Bio-city' or 'Green Infrastructure'). Also, one of the objectives of the Local Structure Plan No. 79 states *'adoption of supporting environmental and sustainability principles such as Green Star rating of residential buildings and whole-of-life energy material and maintenance utilisation factors for assessment of the value of public infrastructure.'*

### Social Sustainability

Best practice strategies such as designing out crime, provision of community facilities, and assessment of employment and affordability have informed the Local Structure Plan No. 79; however, according to the document, these will need to be incorporated through further planning stages.

### Economic Sustainability

*Pracsys Economic Consultants* have addressed economic sustainability in Section 18 of the Explanatory Section part of the Local Structure Plan No. 79, relating to economic and employment strategies.

The Tamala Park Local Structure Plan No. 79 has been designed in a manner that reinforces its connection to larger employment centres, particularly Meridian Park. This will include initiatives such as lobbying for high frequency public transport between sites, workforce skill matching and maximising accessibility to Tamala Park amenity offerings for businesses and commuters travelling to these estates from the Mitchell Freeway, Marmion Avenue, and Joondalup Train Line.

It should be noted however that the Local Structure Plan No. 79 states '*economic maturity of an area occurs well after build-out of first generation buildings and lots. The stages of activity centre building strong amenity during Phases I and II of the development (in conjunction with the Clarkson District Centre) to provide an environment for stages III and IV to potentially occur.*'

#### COMMENTS:

##### Relevance to the Town of Vincent

The subject land is located in the jurisdiction of the City of Wanneroo, and as such, the City is the only landowner in the Tamala Park Regional Council that has assessment powers over the development. The Town of Vincent, as well as the various local government authorities with a stake in the land (as per the table below), are able to provide feedback on the Local Structure Plan No. 79, but ultimately the development will be assessed according to the City of Wanneroo's Policies and Scheme.

All the local government authorities incorporated in the Tamala Park Regional Council have a stake in the project however, and as such, are involved as developers. The project shareholdings are as follows:

Council	Project Shareholding Joint Development Shares
Town of Cambridge	1/12
City of Perth	1/12
Town of Victoria Park	1/12
Town of Vincent	1/12
City of Joondalup	2/12
City of Wanneroo	2/12
City of Stirling	4/12

It should be noted, that although the development will be assessed in accordance to the City of Wanneroo's Policies etc., the Local Structure Plan No. 79 consists of similar strategic directions to the Town of Vincent's objectives as outlined in the Town's Strategic Plan 2009-2014. These include issues relating to the effective use of land and infrastructure, long term health of the environment, long term health of the social and cultural environment, long term economic health, and people and government. A summary of the objectives relating to these issues include:

- *'Effectively planning for the development of future infrastructure;*
- *Promoting urban design that is responsive to the needs of the community;*
- *Promote more efficient use of water, energy and other resources;*
- *Encouraging social cohesiveness and civic participation;*
- *Promoting the provision of community facilities and services that meet the needs of the community; and*
- *Promoting inclusive decision-making.'*

The information contained within the Local Structure Plan No. 79 confirms that the document is an appropriate planning outcome for Tamala Park, and is in line with the Town of Vincent's plan for the future.

In light of the above, it is considered that the Council receive the report and support the Officer's Recommendation to advise the City of Wanneroo that the Town of Vincent supports the intent and content of the *Local Structure Plan No. 79* relating to Tamala Park.

**9.1.12 Draft Town of Vincent 'Noisy Places, Quiet Spaces' Noise Management Strategy 2010-2013**

<b>Ward:</b>	Both	<b>Date:</b>	10 November 2009
<b>Precinct:</b>	-	<b>File Ref:</b>	ENS0031
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	A Giles, Manager Health Services		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report relating to the draft 'Noisy Places, Quiet Spaces' Noise Management Strategy 2010-2013, developed in consultation with an internal working group and Lloyd George Acoustics;*
- (ii) *ADOPTS IN PRINCIPLE the 'Noisy Places, Quiet Spaces' Noise Management Strategy 2010-2013 (as shown in Appendix 9.1.12); and*
- (iii) *AUTHORISES the Chief Executive Officer to:*
  - (a) *advertise the 'Noisy Places, Quiet Spaces' Noise Management Strategy 2010- 2013, for a period of twenty-one (21) days, seeking public comment;*
  - (b) *report back to the Council with any public submissions received; and*
  - (c) *adopt the strategy if no public submissions are received.*

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**COUNCIL DECISION ITEM 9.1.12**

**Moved Cr Buckels, Seconded Cr Maier**

*That the recommendation be adopted.*

**Debate ensued.**

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

**(Cr Farrell was on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the basis for developing the 'Noisy Places, Quiet Spaces' Noise Management Strategy 2010-2013 (as shown in Appendix 9.1.12), and to obtain approval from the Council to seek comment from the community in relation to the proposed Strategy.

**BACKGROUND:**

The Town of Vincent receives a significant number of noise complaints annually. The following table details Annual Report statistics for noise complaints received between 1 July 2006 and 30 June 2009 (highlighted in bold capitals). Noise compliance accounts for a significant percentage of the Town's Health Services total workload.

KEY PERFORMANCE INDICATORS	06/07	07/08	08/09
<b>Workload Indicators</b> <i>*new statistics</i>			
Number of inspections required per annum:			
• <b>NOISE (INCLUDING FOLLOW UP)</b>	<b>483</b>	<b>346</b>	<b>671</b>
• Food Premises	993	971	871
• Public buildings	148	126	130
• Public swimming pools samples	306	364	372
• Lodging houses	42	42	42
• Hairdressers and skin penetration premises (registered)	62	60	13
• Offensive trades	15	15	22
• Pest control	230	262	170
Number of Special Event permits	*	*	81
Number of Development and Building Licence applications assessed	*	*	610
Number of Greywater System Applications assessed	*	*	3
Number of Property and Business Orders and Requisitions Processed	*	*	1554
Number of Customer Requests actioned	*	*	297

Whilst the statistics provide a simplistic numeric snapshot of workload allocation, the statistics do not reflect the actual amount of time allocated to resolving noise compliance issues through mediation, negotiation and monitoring.

For example, an average Food Premises inspection takes around 30 minutes. This figure provides a reasonable estimate as to total time allocated to the task per year (30 minutes x 871 inspections in 2008/2009). However, time allocated to finalising noise complaints can take anywhere from 30 minutes to 20 hours, often in consultation with external agencies such as Department of Environment and Conservation and WA Police.

As detailed in the above table, the number of noise complaints received from year to year can vary significantly also. This huge variation, means that the impact of noise compliance on the Town's delivery of Environmental Health related services in accordance with statutory and customer expectations, can at times be significantly impacted.

**DETAILS:**

The full version of the draft *'Noisy Places, Quiet Spaces' Noise Management Strategy 2010-2013* is detailed in Appendix 9.1.12.

The draft Strategy builds on previous work undertaken in-house by the Town's Health Services Section, with respect to development and implementation of a Noise Management Plan (NMP) for the Town of Vincent. A number of useful recommendations arose from the NMP, which have since been implemented; however, as a whole, the document was cumbersome and presented limited value from a strategic viewpoint.

An internal working group was established by Health Services, to ensure that the Town's relevant service areas were working toward a common goal, and included:

- Health Services;
- Planning, Building and Heritage Services; and
- Technical Services (Engineering Operations and Parks).

The current draft Strategy is designed to be more concise, strategically oriented and much more user friendly for the Town's staff, whilst also being easily accessible to the public. The Town engaged the services of Lloyd George Acoustics to provide an independent, non-biased assessment of the Town's current noise management processes, with the view to thereafter provide advice and develop a strategic document to improve noise management procedures moving forward. Michael Cake was the consultant appointed to facilitate the development of the Strategy, and was formerly the Manager of the Noise Branch at the Department of Environment and Conservation for a considerable period of time. As such, he was considered to possess attributes ideally suited to assisting the Town in the development of the Strategy.

The Strategy details twenty-six (26) recommendations in the form of 'Noise Management Actions' that are considered practical and achievable, in order to improve the Town's management of noise and the overall noise environment within the Town. The Town's Health Services will facilitate implementation of these actions by establishing an internal committee consisting of a representative from the following service areas: Health Services, Planning, Building and Heritage Services, Parks and Property Services, Ranger and Community Safety Services, and Engineering Services.

The Town currently owns one noise logging device ('yellow brick'). This noise logging device is integral to resolving of out-of-hours noise complaints, in a manner that is both timely and reasonably expected by persons affected by noise. However, to accommodate demand associated with increasing housing density, and customer expectations, additional noise logging devices will be need to be acquired over time. An additional, 'yellow brick' will be listed in the 2010/2011 draft capital expenditure budget.

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

The Strategy will be advertised for a period of 21 days, and will be automatically included as an operational document if no public submissions are received. Alternatively, the matter will be reported to the Council again, for further consideration.

#### **LEGAL/POLICY:**

- Environmental Protection Act 1986;
- Environmental Protection (Noise) Regulations 1997; and
- Building Code of Australia.

#### **STRATEGIC IMPLICATIONS:**

Strategic Plan 2009 - 2014:

*'Natural and Built Environment*

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

*Economic Development*

*2.1.2 Develop and promote partnerships and alliances with key stakeholders.*

*Leadership, Governance and Management*

*4.1.2 Manage the organisation in a responsible, efficient and accountable manner:*

- (c) Adopt Strategies for improving and enhancing the quality of services, processes and procedures.'*

### **SUSTAINABILITY IMPLICATIONS:**

As detailed within the proposed Strategy document:

*"The Town of Vincent's residential population is expected to grow by 9,320 between 2003 and 2031, resulting in an estimated 4,438 new dwellings. As population and housing densities increase, and with the rising popularity of inner-city living, the pressure on the Town of Vincent to manage noise is expected to rise dramatically.*

*The Town of Vincent recognises that it is important to prevent the loss of amenity within the Town; to preserve quiet and restful places; and to build noise management into the Town's overall sustainability agenda. We believe that through innovative management strategies and careful planning the Town of Vincent can continue to be a dynamic and vibrant place, without the negative consequences of noise unduly impacting on people's lives."*

### **FINANCIAL/BUDGET IMPLICATIONS:**

Funding for the development of the Strategy was catered for in the 2007/2008 financial year, with \$3,000 allocated to engage a suitably qualified consultant. Three quotations were sought, with Lloyd George Acoustics being appointed in 2008 to facilitate development of the Strategy.

Approval for additional funding will be put forward for the purchase of additional noise logging equipment during the 2010/2011 budget submission period. An additional noise logging device will cost approximately \$18,000.

Minor costs associated with advertising the draft Strategy will also be incurred.

### **COMMENTS:**

The draft *'Noisy Places, Quiet Spaces' Noise Management Strategy 2010-2013* illustrates that 'noise management' as a subject is broad and complex. As such, the Strategy has been designed to address noise management from a broad context. The Strategy is unique and ambitious, but a necessary endeavour to deal with 'Noise Management' in a more sustainable and encompassing manner.

**9.1.13 No. 141 (Lot 6) Scarborough Beach Road, Mount Hawthorn - Paddington Alehouse – Response to Petition Tabled on 3 November 2009**

<b>Ward:</b>	North	<b>Date:</b>	9 November 2009
<b>Precinct:</b>	Mount Hawthorn Centre; P3	<b>File Ref:</b>	ENS0053; PHI0362
<b>Attachments:</b>	<a href="#">001</a>		
<b>Reporting Officer:</b>	M Fallows, Environmental Health Officer		
<b>Responsible Officer:</b>	R Boardman, Director Development Services		

**OFFICER RECOMMENDATION:**

*That the Council;*

- (i) *RECEIVES the report regarding the Paddington Alehouse, located at No. 141 (Lot 6) Scarborough Beach Road, Mount Hawthorn, in response to the petition tabled at the Ordinary Meeting of Council held on 3 November 2009, which detailed concerns relating to an application made by the Paddington Alehouse to the Department of Racing, Gaming and Liquor to have a number of conditions (imposed under the provisions of Section 117 of the Liquor Licensing Act 1988 [now the Liquor Control Act 1988]) removed from the Paddington Alehouse’s liquor licence;*
- (ii) *NOTES that the Town has not yet been referred this application, and has been advised that this application has been placed “on hold” by the Department of Racing, Gaming and Liquor;*
- (iii) *OBJECTS to any application made by the Paddington Alehouse to the Department of Racing, Gaming and Liquor, requesting removal of the following conditions that were imposed under the provisions of Section 117(4) of the Liquor Licensing Act 1988 on 8 September 2005:*
  - (a) *Conditions 1, 2 & 5 – Crowd controllers and security personnel;*
  - (b) *Conditions 3 & 4 – Video surveillance;*
  - (c) *Condition 6 – Maximum numbers;*
  - (d) *Conditions 7, 8 & 14 – Litter and waste management;*
  - (e) *Condition 9 – Incident registers;*
  - (f) *Condition 10 – Refused entry of patrons;*
  - (g) *Condition 12 – Contact telephone numbers to be provided to residents;*
  - (h) *Condition 13 – Residential parking on Fairfield Street;*
  - (i) *Condition 15 – Training of staff in the responsible service of alcohol;*
  - (j) *Condition 16 – Sale of packaged liquor; and*
  - (k) *Condition 17 – Approved manager present on Friday and Saturday nights; and*
- (iv) *SUPPORTS any application made by the Paddington Alehouse to the Department of Racing, Gaming and Liquor, requesting removal of the following condition that was imposed under the provisions of Section 117(4) of the Liquor Licensing Act 1988 on 8 September 2005 (see attachment for conditions):*
  - (a) *Condition 11 – That ‘the licensee is to facilitate quarterly meetings with residents, to which the police and Town of Vincent should be invited and a copy of the minutes are to be lodged with this office’, for the following reasons:*
    - (1) *These meetings have not achieved proactive and positive outcomes at all times;*

- (2) *The Town has been the only agency in attendance at all meetings since the inception of this condition; however, has no legal authorisation over liquor matters, therefore the level of professional objective advice provided on liquor matters by appropriate enforcement agencies is minimal; and*
- (3) *This condition does not bind the Department of Racing, Gaming and Liquor which is responsible for determining applications and other matters relating to liquor licensing and for monitoring compliance of liquor operators; and*
- (v) *ADVISES the Department of Racing, Gaming & Liquor, the licensee of the Paddington Alehouse and petitioners of the Council's Decision.*
- 

**COUNCIL DECISION ITEM 9.1.13**

**Moved Cr Topelberg, Seconded Cr Lake**

*That the recommendation be adopted.*

Debate ensued.

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

**(Cr Farrell was on approved leave of absence.)**

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**PURPOSE OF REPORT:**

The purpose of this report is to inform the Council of the background and proposed course of action, following the tabling of a petition on 3 November 2009 regarding No. 141 (Lot 6) Scarborough Beach Road, Mount Hawthorn (Paddington Alehouse). The petition, signed by 114 residents, asked that the Council support the resident's request not to support the Paddington Alehouse Hotel's application to the Department of Racing, Gaming and Liquor for removal of conditions from its liquor licence.

**BACKGROUND:**

A decision of the Director of Liquor Licensing (Laid on the Table) that was made under the provisions of Section 117 (4) of the *Liquor Licensing Act 1988* (now the *Liquor Control Act 1988*) was reported to the Ordinary Meeting of Council held on 6 December 2005. The Council resolution is detailed below:

**"COUNCIL DECISION ITEM 10.1.2**

*That the Council;*

- (i) *NOTES the Decision by the Director of Liquor Licensing, Department of Racing, Gaming and Liquor in relation to a Liquor Licensing Act 1988, Section 117 complaint against No. 141 (Lot 6) Scarborough Beach Road, corner Fairfield Street, Mount Hawthorn, relating to the Paddington Ale House; and*

- (ii) *REQUESTS the Director of Liquor Licensing of the Department of Racing, Gaming and Liquor to REFUSE the Extended Trading Permit Application for Renewal in relation to Friday and Saturday nights from 12.00am to 1.00am at No. 141 (Lot 6) Scarborough Beach Road, corner Fairfield Street (Paddington Ale House), Mount Hawthorn, on the following grounds:*
- (a) *consideration of public submissions received from residents in the vicinity (as detailed in the 2 (two) petitions received with seventy (70) and twelve (12) signatories respectively, the seven (7) additional individual opposing submissions); and*
- (b) *and the recent formal complaint lodged under Section 117 (2)(b) of the Liquor Licensing Act concerning reported unruly, noisy and anti-social behaviour being experienced by the residents in the vicinity of the licensed premises.”*

At the Ordinary Meeting of Council held on 3 November 2009, a petition (Item 5.1) was reported and is detailed as follows:

*“5.1 A part petition was received from Mr J Pintabona of Fairfield Street, Mt Hawthorn, along with 26 initial signatures received 25 October 2009 and a further 88 signatures received 30 October 2009, concerning the Paddington Alehouse Hotel Mount Hawthorn RGL.”*

#### **DETAILS:**

The petition that was tabled at the Ordinary Meeting of Council on 3 November 2009 relates to an application made by the Paddington Alehouse to the Department of Racing, Gaming and Liquor to have a number of conditions removed from the venue's liquor licence. The three conditions listed in the petition were imposed by the Director of Liquor Licensing under the provisions of Section 117(4) of the *Liquor Licensing Act 1988* (now the *Liquor Control Act 1988*) on 8 September 2005, following receipt of a formal complaint to the Director by a number of residents.

All liquor licensing applications of this nature are generally referred to the relevant Local Government Authority for comment by the Department of Racing, Gaming and Liquor (DRGL). This has not yet occurred and the Town's Officers were advised on 5 November 2009 by DRGL that the application made by the Paddington Alehouse has been placed on hold and that a referral will be made to the Town. It has however been confirmed that the application is a request for the removal of some conditions that were imposed by the Director of Liquor Licensing on 8 September 2005, under the provisions of the *Liquor Licensing Act 1988*. The Town has not received notification of this application from the Paddington Alehouse.

To formulate the above recommendations, the Town's Officers have assessed the following:

1. The petition and comments made by three residents during public question time at the Ordinary Meeting of the Council of the Town of Vincent on 3 November 2009;
2. The Decision of the Director of Licensing made on 8 September 2005, including 17 conditions imposed under the provisions of Section 117(4) of the *Liquor Licensing Act 1988*; and
3. Outcomes of Paddington Alehouse residents meetings.

The comments made by residents on 3 November 2009 and at Paddington Alehouse Residents meetings have been largely centred on unreasonable noise, anti-social behaviour, litter, street drinking and public urination. The majority of these issues are covered in the 17 conditions that were imposed on 8 September 2005 by the Director of Liquor Licensing, including:

- Monitoring crowd behaviour and levels of intoxication (Conditions 1-6, 15 & 17);
- Addressing litter in the streets (Conditions 7-8 and 16);
- Developing better relationships (Conditions 11-12);
- Maintaining complaint records (Condition 9);
- Discouraging street drinking (Condition 10); and
- Minimising general noise and disturbance (Conditions 13-14).

The Director of Liquor Licensing also stated in his report, that *'in my view, the imposition of these conditions is not unreasonable, and strikes a balance between the competing interests of the licensee and residents. The conditions seek to address specific problems and formalise some of the initiatives that the licensee claims to have adopted in response to resident complaints'*.

The Town's Officers are of the view that these conditions should be preserved to protect the amenity of the Mount Hawthorn area and maintain a balance between the Paddington Alehouse and residents. The Town has recently launched the *Vincent Accord Strategy 2009- 2011* which is designed to protect the interests of licensed premises, residents, businesses and authorities. It is recognised that the Paddington Alehouse is a signatory of the Vincent Accord; however the interests of all parties must be taken into account in order to achieve a balanced outcome. It is clear in this circumstance what the residents' interests are as they have actively lobbied this to the Town.

The Town's Officers therefore recommend that Council object to the removal of all conditions except Condition 11 – Residents meetings.

Since the inception of Condition 11, the Town has attended all meetings and has found that these meetings do not achieve positive and proactive results at all times. Instead, these meetings have largely been subjectively based as these meetings have not been adequately attended by appropriate liquor enforcement agencies, being the Department of Racing, Gaming and Liquor (does not attend) and WA Police (attends occasionally). Appropriate liquor control strategies have therefore, not been developed with all parties working together. Condition 11 therefore has not provided a suitable framework to achieve the Director's aim of developing a better relationship between the licensee and the residents. Furthermore, the Department of Racing, Gaming and Liquor is not bound by this condition considering the compliance and licensing role of this authority. One of the petitioners who spoke at the OMC on 3 November 2009 stated that *'she constantly attends resident meetings however nothing seems to change'*. Attendance at these meetings averages at approximately 4 residents; however, the most recent meeting that was held on 19 August 2009 was attended by one resident.

The Town's officers recommend that should residents have concerns that they contact the Paddington Alehouse direct and if a suitable response is not provided, to contact the appropriate enforcement agency. A Vincent Liquor Accord community flyer has been developed which has been distributed to residents to provide them with contact details for the Paddington and appropriate enforcement agencies.

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

Not required by Town of Vincent Policy 4.1.5 – Community Consultation. The Paddington Alehouse has not advised the Town of its application.

**LEGAL/POLICY:**

- *Liquor Control Act 1988* (formerly the *Liquor Licensing Act 1988*).

**STRATEGIC IMPLICATIONS:**

Strategic Plan 2009 - 2014:

*Natural and Built Environment*

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

**SUSTAINABILITY IMPLICATIONS:**

Nil.

**FINANCIAL/BUDGET IMPLICATIONS:**

Nil.

**COMMENTS:**

The Town's Officers support the request of the 114 petitioners and recommend that Council object to the removal of all conditions, with the exception of condition no. 11, as imposed by the Director of Liquor Licensing on 8 September 2005.

The Chief Executive Officer advised that Mayor Catania and Cr Burns declared a financial interest in Item 9.3.1. They departed the Chamber at 7.44pm. They did not speak or vote on this matter.

Deputy Mayor, Cr Sally Lake assumed the Chair at 7.44pm.

### 9.3.1 Investment Report as at 31 October 2009

<b>Ward:</b>	Both	<b>Date:</b>	4 November 2009
<b>Precinct:</b>	All	<b>File Ref:</b>	FIN0033
<b>Attachments:</b>	<a href="#">001</a> ; <a href="#">002</a>		
<b>Reporting Officer:</b>	B Wong, Accountant		
<b>Responsible Officer:</b>	M Rootsey, Director Corporate Services		

**OFFICER RECOMMENDATION:**

*That the Council RECEIVES the Investment Report for the month ended 31 October 2009 as detailed in Appendix 9.3.1.*

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**COUNCIL DECISION ITEM 9.3.1**

**Moved Cr Maier, Seconded Cr Harvey**

*That the recommendation be adopted.*

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

(Mayor Catania and Cr Burns were absent from the Chamber and did not vote on this matter. Cr Farrell was on approved leave of absence.)

Mayor Catania and Cr Burns returned to the Chamber at 7.45pm. The Chief Executive Officer advised that the item was carried.

Mayor Catania, assumed the Chair.

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**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 9.3.1.

Council's Investment Portfolio is spread across several Financial Institutions in accordance with Policy Number 1.2.4.

**DETAILS:**

Total Investments for the period ended 31 October 2009 were \$21,273,889 compared with \$21,773,889 at 30 September 2009. At 31 October 2008, \$17,473,156 was invested.

Total accrued interest earned on Investments as at 31 October 2009:

	<b>Budget</b>	<b>Actual</b>	<b>%</b>
	\$	\$	
Municipal	350,000	139,212	39.77
Reserve	300,000	119,368	39.79

**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.

The funds invested are more favourable than previous year due to the instalment option plan offered for the payment of the ESL Levies.

The report comprises of:

- Investment Report;
- Investment Fund Summary;
- Investment Earnings Performance;
- Percentage of Funds Invested;
- Graphs.

**10. MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

**11. QUESTIONS BY MEMBERS OF WHICH DUE NOTICE HAS BEEN GIVEN**

Nil.

**12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES**

Nil.

**13. URGENT BUSINESS**

Nil.

**14. CONFIDENTIAL ITEMS/MATTERS FOR WHICH THE MEETING MAY BE CLOSED (“BEHIND CLOSED DOORS”)**

Nil.

**15. CLOSURE**

**The Presiding Member, Mayor Nick Catania, declared the meeting closed at 7.45pm with the following persons present:**

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake ( <i>Deputy Mayor</i> )	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)
Ben Dineen-Dickinson	Journalist – “ <i>The Perth Voice</i> ”
1 Member of the Public.	

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 17 November 2009.

Signed: .....Presiding Member  
Mayor Nick Catania

Dated this ..... day of ..... 2009