



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

11 AUGUST 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 11 August 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:

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

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Doran-Wu	North Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward (from 6.55pm)
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

Approximately 31 Members of the Public

(c) Members on Approved Leave of Absence:

Nil.

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

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

1. Sandra Brandsby of 4 Edison Way, Dianella – Item 9.1.1. Stated that she supports the recommendation as the application has a lengthy history including a previous submission to Council on 29 April 2009 which was asked to be deferred as the plans at the time were not the most recent ones submitted with planning. Advised that since then they have had lengthy discussions with neighbours and planning officers to go through the plans and submit amended ones. Following this, it was determined that support from both neighbours and planning staff was able to be given together with the Parks department for the tree and Engineering department for the crossover. Stated the amended plans being considered today have support from the planning department and the neighbours. Stated that Mary Street is not traditionally a single storey streetscape and is quite diverse. Believed the proposed 2-storey dwelling with a loft does fit in with the street and is actually quite small compared to the 3 or 4 storey development across the road as well as the school a few houses down. Stated following the revised plans submitted they feel support all round has been given and now seeks Council's support as recommended.

2. Janice Bosson of 18 Hampton Street, South Perth (part owner of 214-212 Beaufort Street) – Item 9.1.2. Stated she objections to this development. Stated that Beaufort Street has been a commercial development for the last 50 years and she applauds the Council’s interest in that section of the Street is now a changing landscape, moving towards more residential developments with office. Believed the proposal for a 5 storey development in principle she sees are foresight on the Council, however, she believes that foresight should also be shown in that other owners around there may want to development similar premises in the future and some balconies that have been allowed and overlooking issues for the residential aspect of this development could inflict greatly on any future development of the next-door apartments. Hoped Council would consider in terms of those issues, on both the north and south which Council has so far said they are currently commercial which is true, however, that will also change in the future. Understood that each proposal is considered on its merit, believes Council needs to show a bit more foresight in this development, particularly for the overlook and privacy aspects of the development.
3. Peter Simpson of Town Planning Group, Level 7, 182 St George’s Terrace, Perth – Item 9.1.2, representing the owners. Stated they support the recommendation for an application for a mixed use development containing a showroom, offices and a residential development within a 5 storey building. Stated this is an amended application to that approved by Council on 7 October 2008 in that the uses are different but the built form is the same. Advised the original application proposed a 5 storey development with offices as a predominate use however, given the result of the changing economic climate they have amended it and the predominate use is now residential. Noted that in the recommendation there are fairly significant conditions relating to protection of privacy and overlooking which they support. Stated the development has been carefully designed to provide a viable development whilst protecting the amenity of surrounding properties. Stated in the amendment, the setbacks to many boundaries have increased. Understood that Beaufort Street has been identified as an activity corridor in the Town’s Local Planning Strategy and they believe this development will encourage the activity and vibrancy being sought. Advised it is currently an under utilised site which has been degraded for quite an extended period of time and they believe the architectural design solution represents a good outcome for the area. Urged Council to look favourably on the application.
4. Malcolm Parr of 2 Brandon Street, South Perth – Item 9.3.2, from the Department of Education and Training. Stated these properties have been subject to a lease between the Department and the Council for many years, (approx. 30 and 40 years), which has enabled pre-primary and more recently kindergarten education to be delivered to children living in this area. Stated the Department currently leases more than 80 properties across the State, typically properties owned by Local Government Authorities which enables programs for kindergarten and pre-primary education to be delivered into those communities. Stated in every case these services are very highly valued by the community and provide an opportunity for young children to commence their early years of school. Stated particularly with Margaret’s Kindergarten, the Department has been in a lease arrangement for almost 40 years and at present there are 80 children who attend, which he is informed that more than 90% of them live within the local intake area of Mt Hawthorn Primary School which in 2010 they expect to be 100%. Reminded the Council that therefore these are the children of ratepayers of the Town. Advised there is a trend of increasing enrolment in these schools which are located in relatively inner city suburbs and the demand is anticipated to continue to be required into the future. Urged the Council to give serious consideration to these two new leases.
5. Michael Jenkin of 102 Coogee Street, Mt Hawthorn – Item 9.3.2. Chairman of the Mt Hawthorn Primary School Council. Acknowledged the Town’s outstanding support for schools in general in the Town but particularly of Mt Hawthorn Primary School which has recently been approved a grant for their fair which is gratefully appreciated. Stated that Margaret Kindergarten has been a site of excellence for

many years and two of his children have been there and hopefully his third child (2½ years old) will also be able to go there. Stated 2 years ago the Mayor presented an award of excellence to head teacher, Cindy Smart, who is present. Advised he is aware of the resolution that Council took in 2008 and is also aware that since then the situation as far as redevelopment has change considerably and, as he understands, there are no plans to redevelop the site for at least 3-5 years. Believed, from his point of view, that he would see the approval of the extension as something that Council could do with relatively low risk and it would provide continuity and certainty to the school community, particularly the parents and importantly the children. Stated it is true Margaret Kindergarten is not physically located on the School site but it is and always has been very much a part of the school campus, it is regarded as such and they certainly see it as such. Stated it is a great asset for the Town and urged the Council to support renewal of the lease, as recommended.

6. Peta Gjedsted of 148 Virgile Avenue, Yokine – Item 9.3.2, President of Highgate Primary School P&C Association. Stated they are pleased to see that Staff has recommended renewal of the lease for the Broome Street Little Citizens Kindergarten. Stated as outlined in correspondence in the Agenda, it is an integral part of their School and they have representation on the P&C from parents of the Kindergarten and they take part in various activities even though they are located off site. Stated one of the most important aspects for them is that they are a school of currently 450 students, which operates with less than 40% of the area that is allocated for a School of their size which is less than 40% of land at their Lincoln Street site and therefore they are already struggling to cope with classrooms and outdoor space for the children. Stated they are not in a position take the Kindergarten on-site and historically it has been a terrific thing for the children have that special time at 4 years of age in their special space and then move to “big school”. Urged the Council to support the recommendation to renew the lease.
7. Warren McGrath of 4/102 Palmerston Street, Perth – Item 9.2.6, Chair of the Claise Brook Catchment Group. Stated the Group is an inner city community based land care group focusing on improving natural habitat values, improving water quality and raising community awareness and involvement in local and environmental issues. Stated the Group maintain a sponsorship arrangement with the Water Corporation for the provision of prize money for the Catchment Friendly Garden Prize of the Vincent Garden Awards. Understood there is a proposal to decrease the value of prize monies for the Awards. Advised that the Water Corporation have expressed to the Group that they would like to maintain the existing level of sponsorship such that the Catchment Friendly Garden Prize remains the premium and showcase category recognising the importance of water efficiencies and decreases in fertiliser use associated with the use of native plants. Encouraged the Council to consider retaining the previous level of prize monies for this category being that the first prize would remain as \$500, \$300 for 2nd and \$200 for 3rd prize, recognising the importance and benefits of Catchment Friendly gardens.
8. Adam Rose of 667 Hay Street, Jolimont – Item 9.1.4. Stated the survival of their business is on the table this evening being brought about by a Town error last year where a Town Planner failed to disclose certain information to them when requested and from this point they entered into a lease which they are bound to, obtained a building license and invested approx. \$150,000 (their complete life savings) into the business. Stated it was only 5 days after they began operating that the Town sent a letter disclosing that information at which point due to their concerns and what they had invested, they immediately met with the Town to discuss an “action plan forward” at which time a potential parking issue arose and they immediately put in place a management strategy. They were also advised at the meeting to continue to operate as intended and for the past 7 seven months they have done, employing the parking management strategy which they feel has worked exceptionally well and is

supported by the Rangers who have provided feedback to suggest that the number of complaints have significantly reduced. Advised that every student gets a parking map indicating where they have been asked to park, which includes 44 car bays on Lawley Street near the Hyde Park Hotel as well as the 22 bays offered on Glendower Street both only a short walk to the studio and are utilised by their students. Stated there was confusion when he spoke to some Council Members yesterday about the fact that on their website they have asked students to attend 30 minutes early which has since been updated to clarify that is it only for first time students so they can fill out a registration form and gives them an opportunity to sit down and explain the parking situation and exactly where they need to park and, if on the rare occasion they have parked in the wrong area, it will give ample time for them to move and get back to the class. Expressed his concern and the weight on the decision being made this evening as this could send them bankrupt.

9. Michael Huston of PO Box 400, Cottesloe – Item 9.1.4 and 9.1.20. Stated his support for Item 9.1.4. Advised he has never met the owners however, his wife is the user of yoga and needs it for the continuance of her life. Stated it is not only a business on the line but also people’s health and lives which goes to the logo “enhancing and celebrating our diverse community”. Urged the Council to support the recommendation with a minor amendment to (v) to add “and Sunday” after “Saturday” so they can operate 7 days. Believed this to be a common sense addition as weekend is prime time for working on healthy lifestyles. Emphasised that he knows how difficult planning decisions are as he was a Councillor in Subiaco and he has thought a lot about this report and believes the key point is – reconsideration of conditions, application for retrospective approval. Stated a mistake has been made, and admitted to, which is good as it doesn’t often happen but the people who have acted on that should not be punished for it and that is what is being proposed by restricting their business which is in a very busy business centre. Advised that regarding Item 9.1.20 this location would be designated as a district centre and is there for agglomeration purposes which is the specific policy being pursued by the State. Believed to go against this policy would be silly. Believed operating hours are not an area that Council has planning control over unless it is a licensed establishment such as an alcohol establishment. Laws cannot be imposed which Council does not have the lawful right to impose and under State legislation this is a permitted AA use and can operate Monday to Sunday. Stated previously this was a church which operate all day Sunday therefore everyone that has lived there since it was a church is used to Sunday trading and prior to that it was an antique centre.
10. Jenny Sterpini of 667 Hay Street, Jolimont – Item 9.1.4. Thanked the previous speaker. Advised it has taken 5 years for her to get her business to where it is and she and her fiancé have worked very hard. Stated the severity of the situation they find themselves in, getting a letter 5 days after they opened their business and feels they have been very proactive in their approach. Stated she is proud of themselves and their students to try to do the right thing and can appreciate residents points of view and therefore she would be will to withdraw her morning classes on Sunday if she had the opportunity to run afternoon classes for the students who have already brought memberships on the proviso that they can practice on the weekends including Sunday. Stated her product has significant health benefits and would like to continue to help her students and keep the business going. Urged the Council to not to defer the application again as she cannot take another day of the stress.
11. Fadima of Greg Rowe & Associates, Level 3, 369 Newcastle Street, Northbridge – Items 9.1.8 and 9.1.9. Stated they have lodged an objection on behalf of their client, the landowner of 30 Joel Terrace based on the interface issue. Stated consistent with the Town’s Policy which aims to preserve the character of the locality, her client’s concerns relate to the bulk and appearance of the buildings proposed. Stated there are a number of variations being sort which they have assessed and feel are

inappropriate – mainly the height which the R Codes allow a maximum of 6m and one dwelling is proposed up to 9m and the others 8.5m which they feel is quite excessive. Stated there are a number of variations to the setbacks and privacy in relation to balconies and believes some privacy issues are being addressed through conditions. Suggested the “less ad hoc” approach would be to have some kind of design guidelines in place to deal with the transition with the older single storey houses located towards the front and the newer houses to be developed. Advised that it is noted that there are no other comparable buildings in that area and they believe by approve these two dwellings it is going to set a precedent that does not have any guidelines or strategic document in place to support these variations. Asked if this is the type of development Councillors want to see as an interface in that area or is there scope for amending the plans and maybe looking into alternative designs that fit in better with the older style?

12. Simon Hall of Planning South West, 8 Litham Place, Pelican Point Bunbury – Items 9.1.8 and 9.1.9, Planning Consultant for the owners of 34 and 36 Joel Tce. Stated his role in the project was to liaise with Council Officers to determine if there is planning framework that exists to support a residential dwelling in this area that includes a 3 storey component and in the report and a submission they made back in July, that is supported this particular precinct. Stated the Town Planning Scheme provides the opportunity for non-compliant buildings to be supported when there is proper and orderly planning being achieved and Council’s Banks Precinct Policy and the Residential Design Elements Policy provide for a 3 storey element in this area. Believed it cannot be an “as of right”, as you cannot build a third storey to your house without any due regard for peoples amenity and privacy and there must be extending circumstances against which the third storey should be applied, specifically, Council’s Policy says “*where there are environmental or topographical features that predetermine the need for an alternative design response then that opportunity should exist*” which is exactly what their client is faced with. Advised that the site runs in an east-west direction with a 5.5m cross fall from front to back and they cannot reduce the site any further. Stated they are required to lift the foreshore side by 0.7m because of the Department of Water requirements and cannot lift it any further due to the Swan River Trust stating it is too imposing therefore that is a given level that cannot be changed. They are also unable to change the rise of 1.5m in the rear of the site to tie in with the existing driveway. Stated they therefore have two fixed points they cannot deal with in any other way. Advised the design response is blamed for a 2 storey dwellings from the front and the rear of the block therefore two 2 storey buildings with 5.5m difference in height need to be connected in some way therefore their design response has been for a third storey component centrally within the building being purely a means to an end. Advised they do not wish to achieve a 3 storey building right across the whole site. Stated there is no provision in Council’s Scheme that says if you go to a third storey which is provided for, what you wall or roof heights should be so to apply these for a 2 storey dwelling is inappropriate and the most appropriate way to deal with that is on a merits based assets. Stated from a merits based assets the Swan River Trust support it from its bulk and scale when viewed from the foreshore, the immediate neighbours support the proposal, there is no amenity issue with the Western Power carpark and the previous speaker is one house removed from the proposal. Reiterated that there is no privacy overlooking issues and the design still preserves their current amenity. Urged the Council to support the recommendation.

There being no further speakers, public question time closed at approx. 6.41pm.

(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

5.1 Petition received from Ms K. McVeigh and Ms M. O’Rielly of Brentham Street, Leederville, along with 41 signatures relating to traffic safety issues/concerns in Brentham Street, Leederville.

The Chief Executive Officer recommended that the petition be received and referred to the Director Technical Services for investigation and report.

Moved Cr Farrell, Seconded Cr Youngman

That the Petition be received and referred to the Director Technical Services for investigation and report.

CARRIED (8-0)

(Cr Messina had not arrived at the Meeting at this time.)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 28 July 2009.

Moved Cr Ker, Seconded Cr Youngman

That the Minutes of the Ordinary Meeting of Council held 28 July 2009 be confirmed as a true and correct record.

CARRIED (8-0)

(Cr Messina had not arrived at the Meeting at this time.)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 LotteryWest Grant – Hyde Park Universally Accessible Playground

I am very pleased to announce that the Town was recently advised by LotteryWest that the Premier had approved a grant of \$125,000 to the Town for the proposed “Universally Accessible Playground” at Hyde Park.

Cr Youngman departed the Chamber at 6.45pm.

The objectives of the playground design are to provide a playground where children of all abilities can grow and develop from play activities and to provide an environment where families and children can easily access and enjoy the beautiful surroundings.

The new playground will include a fully accessible combination play unit, with ramp access and includes various playground components that are accessible and usable by children of all ages. In addition, a new carousel has been included together with a climbing net/sandpit, which is seen as a very important component - particularly for children with sensory problems. Whilst this area will not be totally accessible, it will be able to be utilised by children with various degrees of disability.

A new path across the front of the new playground will combine all the playground areas/components and along this path the Town will be providing “many hands” on activities that will be accessible to all, including those in wheelchairs.

All of the above new items will be complemented by the existing facilities, which include the Liberty Swing; BBQ accessible picnic tables; and toilet facilities (which are to be also upgraded in 2009/2010).

The grant submission was mainly prepared by the Manager Community Development, Jacinta Anthony, in liaison with the Town's Parks Services Officers.

The Town also engaged a landscape consultant, who has worked with many of the playground manufacturers in developing playgrounds for local governments and private estates to design the "Universally Accessible Playground".

The project is estimated to cost \$322,000 and contributory funding has been provided in the 2009/2010 Budget.

This Project will be commenced in late 2009 and is expected to be completed in early 2010.

Congratulations to all those involved in the preparation of this recent application.

Cr Youngman returned to the Chamber at 6.47pm.

7.2 Employee of the Month Award for the Town of Vincent for August 2009

As members of the public will know, the Council recognises its employees by giving a monthly award for outstanding service to the Ratepayers and Residents of the Town. The recipients receive a \$100 voucher, kindly donated by the North Perth Community Bank, and a Certificate.

For AUGUST 2009, the award is presented to Jacinta Anthony, Manager Community Development in the Town's Corporate Services Section.

Jacinta was nominated by the Manager Parks Services, Jeremy van den Bok, due to her efforts in assisting the Town attain the LotteryWest grant towards the Hyde Park Accessible Playground. Jeremy advised as follows:

"Due to the expertise that Jacinta and her team have in not only preparing grant applications, but being quite successful over the years in acquiring funds for the Town for various projects, they were asked to assist in preparing an application for the Hyde Park playground.

Jacinta spent many hours on the application as well as completing her own work and there is no doubt, in my mind, that she has the "flair" required to put these applications together and impress the assessment panel."

This Award is presented to Jacinta in recognition of all her excellent efforts.

Congratulations Jacinta - and well done!

Received with Acclamation!

7.3 Deferral of Item 9.1.16 - No. 560 (Lot 4 D/P: 692) Beaufort Street, Mount Lawley - Proposed Change of Use from Recreational Facility (Pool Hall) to Restaurant

There has been a request that this Item be deferred, the reason being that the Applicant would like to provide additional information.

8. DECLARATIONS OF INTERESTS

- 8.1 Cr Lake declared an interest affecting Impartiality in Item 9.3.2 – Approval of Leases for Margaret Kindergarten – No 45 (Lot 10349 D/P: Swan L), Richmond Street, Leederville and Highgate Pre-Primary (Little Citizens) – No. 4 (Part Lot 141 and Part of Land D12533) Broome Street, Highgate. The extent of her interest being that she is a member of the Highgate Primary School Group. As a consequence, there may be a perception that her impartiality on the matter may be affected. She declared that she would consider this matter on its merits and vote accordingly.
- 8.2 The Chief Executive Officer, John Giorgi declared an interest affecting Impartiality in Item 9.1.5 – No. 182 (Lot 131 D/P: 7489) Loftus Street, North Perth - Proposed Demolition of Existing Single House and Construction of Eight (8) Single Bedroom Multiple Dwellings. The extent of his interest being that the applicant is an employee of a small family building company that he recently engaged to construct his new residence. For information, he has had no input into the preparation of Item 9.1.5 and his involvement in this item has been limited to the usual vetting of the Officer's final report, in his role as Chief Executive Officer, whilst finalising the Agenda for the Council Meeting.

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 9.1.1, 9.1.2, 9.3.2, 9.2.6, 9.1.4, 9.1.20, 9.1.8 and 9.1.9.

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:**

Items 9.1.2 and 9.2.7.

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

Nil.

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

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

Cr Farrell	Nil.
Cr Youngman	Items 9.1.5, 9.1.15 and 9.2.1.
Cr Ker	Items 9.1.13, 9.1.19, 9.2.23 and 9.4.2.
Cr Doran-Wu	Nil.
Cr Lake	Item 9.1.18.
Cr Burns	Nil.
Cr Maier	Items 9.2.2, 9.2.5 and 9.2.8.
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, 9.1.6, 9.1.7, 9.1.10, 9.1.11, 9.1.12, 9.1.14, 9.1.17, 9.1.21, 9.1.22, 9.2.3, 9.2.4, 9.3.1, 9.4.1 and 9.4.3.

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

Item 14.1

9.1.16 No. 560 (Lot 4 D/P: 692) Beaufort Street, Mount Lawley- Proposed Change of Use from Recreational Facility (Pool Hall) to Restaurant

Ward:	South	Date:	3 August 2009
Precinct:	Mount Lawley Centre; P11	File Ref:	PRO0710; 5.2009.208.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

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, REFUSES the application submitted by the owner M D'Aurizio for proposed Change of Use from Recreational Facility (Pool Hall) to Restaurant, at No. 560 (Lot 4 D/P: 692) Beaufort Street, Mount Lawley, and as shown on plans stamp-dated 11 June 2009, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the requirements of the Town's Policies relating to Parking and Access and the Mount Lawley Centre Precinct, respectively; and*
- (iii) consideration of the objection received.*

COUNCIL DECISION ITEM 9.1.16

Moved Cr Ker, Seconded Cr Farrell

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

MOTION PUT AND CARRIED (8-0)

(Cr Messina had not arrived at the Meeting at this time.)

Landowner:	M D'Aurizio
Applicant:	M D'Aurizio
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Recreational Facility
Use Class:	Eating House
Use Classification:	"P"
Lot Area:	455 square metres
Access to Right of Way	Eastern side, 3 metres wide, sealed, Town owned.

BACKGROUND:

18 December 2007 The Council at its Ordinary Meeting resolved to refuse the application for change of use from recreational facility (pool hall) to tavern, at the subject property for the following reasons:

- "(i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the requirements of the Town's Policies relating to Parking and Access (Policy No. 3.7.1), the Mount Lawley Centre Precinct (Policy No. 3.1.11), and Waste Management (Policy No. 2.2.18); and*
- (iii) consideration of the objections received."*

This proposal resulted in a 23.84 car bay shortfall.

18 January 2008 The applicant lodged a review application with SAT in relation to the refused planning application (D/R12 of 2008).

25 March 2008 The Council at its Ordinary Meeting considered a revised application, under the provisions of Section 31 of the State Administrative Tribunal Act 2004. The main difference between the revised proposal and the proposal, which was refused at the Ordinary Meeting of Council held on 18 December 2007, included the following:

- The premises were proposed to be operated under a Small Bar Licence, as opposed to Tavern, which would limit the number of patrons to a maximum of 120 persons.
- The public floor area was reduced from 200 square metres to 128 square metres.
- A designated bin store area was incorporated into the proposal. The applicant advised that the existing roller door access could be modified to suit the Council's requirement for collection, in the event of an approval.

The Council resolved to refuse the revised application for the following reasons:

- "(a) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (b) the non-compliance with the requirements of the Town's Policies relating to Parking and Access (Policy No. 3.7.1) and the Mount Lawley Centre Precinct (Policy No. 3.1.11); and*
- (c) consideration of the objections received."*

This proposal resulted in a 10.11 car bay shortfall.

26 August 2008

The State Administrative Tribunal resolved to dismiss the above appeal (D/R12 of 2008) in the particular circumstances of the case, the Tribunal resolved that it would be *'inconsistent with orderly and proper planning for a private development, which is unable to meet any of its parking obligations on the subject land, to monopolise presently available public car parking spaces.'*

Furthermore, the Tribunal advised in its decision *'that a cash-in-lieu contribution would do little to alleviate an immediate car parking demand emanating from the development with a consequential effect on the amenity of the adjacent residential locality; particularly during the evening and late night hours.'*

DETAILS:

The proposal involves the Change of Use from Recreational Facility (Pool Hall) to Restaurant, at No. 560 Beaufort Street.

In support of the application, the applicant has provided a submission, which is partially summarised below:

- *"This building has been vacant for over 18 months as the previous business - Pool Hall was wound down and closed. Since this time it has been impossible to lease the building with its current classification.*
- *The surrounding businesses are all of a similar use to that which I am applying for and is in keeping with the City's plan for the Beaufort Street Precinct.*
- *It is anticipated that a café/restaurant will set up at this location and operate as follows:*
 - o *Hours of operation: from 7 am till 12am - 7 days a week;*
 - o *Max Number of employees - approximately 8 persons;*
 - o *Maximum number of patrons at any one time - approximately 100 persons."*

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.
Mount Lawley Centre Precinct	Adequate car parking is to be provided on-site to ensure that unreasonable commercial parking does not spill into adjacent residential streets.	Nil on-site car parking.	Not supported - the proposal is considered to have an undue impact on the amenity of the area.
Consultation Submissions			
Support	Nil		Noted.
Objection (1)	- It is unrealistic that a 100 seat restaurant only requires 6.5 car bays, that number is insufficient to cater for the staff that is required to operate the business.		Noted - the car parking assessment was undertaken in accordance with the Town's Policy No. 3.7.1 relating to Parking and Access.

	<ul style="list-style-type: none"> - Where will the 30 to 50 cars will park when the restaurant is operating at peak time. - If a business is not able to provide for sufficient car parking the proposal should not be passed. Cash in Lieu is unrealistic and land could not be purchased and facilities constructed with the monies collected. - Waste disposal is difficult in the laneway behind the proposed restaurant as the building goes to the boundary line. Individual bins would have to be stored under the main roof with the associated smells and health problems. 	<p>Supported - There is a serious concern that the lack of any on-site car parking will unduly impact on the amenity of the surrounding residents as it is very likely that at least some cars generated by the proposal will be parked in the surrounding residential streets.</p> <p>Supported - The Town's Ranger Services have expressed concern that the addition of another eating house with no car parking provided on-site will increase the demand for parking in the immediate area and increase car parking congestion.</p> <p>Noted - However, the proposal will be required to comply with the Town's Policy No. 2.2.18 relating to Waste Management and Town of Vincent Local Laws relating to Health.</p>
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Other Implications

Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Sustainability Implications	Nil
Financial/Budget Implications	Nil
Car Parking Requirement (nearest whole number) Eating House 1 space per 4.5 square metres of public area = 28.8 car bays	29 car bays
Apply the adjustment factors <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of a car park within excess of 75 car parking spaces) 	(0.7225) 20.95 car bays
Minus the car parking on-site	0 car bay
Minus the most recently approved on-site parking shortfall (20) - 14.45 car bays after adjustment factors.	14.45 car bays
Resultant Shortfall	6.5 car bays

* 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.

Car Parking

In determining whether a proposed development should be refused on car parking grounds, clause 22 of the Town's Parking and Access Policy states that as a guide, a minimum of 15 per cent of the required car bays should be provided on-site where the total requirement is between 11 and 40 car bays (after adjustment factors), and the balance should be provided as a cash-in-lieu contribution. The subject application for No. 560 Beaufort Street has a total car parking requirement of 20.95 car bays (after adjustment factors). If the above clause of the Parking and Access Policy is applied to the subject application, a total of 3.15, say 4 car bays are required to be provided on-site and the balance should be provided as a cash-in-lieu contribution. This requirement has not been satisfied as there are no car bays provided on-site.

It is noted that the subject site is built boundary to boundary, and in its current form is not able to provide any car parking bays on-site. Given this situation however, it should not be assumed that any further development and/or use of the site, should automatically be granted. It is considered that a less intensive use, with a lesser car parking requirement would be more appropriate for the subject site and area.

Summary

It is considered that the car parking shortfall, in addition to the generous previously approved on-site shortfall (14.45 car bays after adjustment factors), are counter active to the overall intention of the Town's Policy No. 3.7.1 relating to Parking and Access and will have an undue impact on the amenity of the immediate and surrounding area, especially the residential area. It is therefore recommended that the application be refused as per the Officer Recommendation.

Cr Messina entered the Chamber at 6.55pm.

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, 9.1.6, 9.1.7, 9.1.10, 9.1.11, 9.1.12, 9.1.14, 9.1.17, 9.1.21, 9.1.22, 9.2.3, 9.2.4, 9.3.1, 9.4.1 and 9.4.3.

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

Items 9.1.1, 9.1.2, 9.3.2, 9.2.6, 9.1.4, 9.1.20, 9.1.8 and 9.1.9.

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

Moved Cr Farrell, Seconded Cr Ker

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

Items 9.1.3, 9.1.6, 9.1.7, 9.1.10, 9.1.11, 9.1.12, 9.1.14, 9.1.17, 9.1.21, 9.1.22, 9.2.3, 9.2.4, 9.3.1, 9.4.1 and 9.4.3.

CARRIED (9-0)

9.1.3 No. 15 (Lot: 9 D/P: 1554) Lacey Street, Perth - Proposed Change of Use from Office to Residential and Associated Alterations and Additions

Ward:	South	Date:	3 August 2009
Precinct:	Beaufort; P13	File Ref:	PRO1710; 5.2009.252.1
Attachments:	001		
Reporting Officer(s):	J Pirone		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

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 L and C Sanders on behalf of the owner Glenrock Asset Pty Ltd for proposed Change of Use from Office to Residential and Associated Alterations and Additions, at No. 15 (Lot: 9 D/P: 1554) Lacey Street, Perth, and as shown on plans stamp-dated 2 July 2009, subject to the following conditions:

- (i) no street verge tree(s) shall be removed/pruned unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (ii) 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;*
- (iii) any new street/front wall, fence and gate within the Lacey Street setback area including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
 - (f) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*

- (iv) *prior to the commencement of the proposed use, the Building Code of Australia requirements for a residential single house are to be fulfilled.*

COUNCIL DECISION ITEM 9.1.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

Landowner:	Glenrock Asset Pty Ltd
Applicant:	L Sanders & C Sanders
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Office Building
Use Class:	Single House
Use Classification:	"P"
Lot Area:	298 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

25 March 1996

The Council at its Ordinary Council Meeting conditionally approved a change of use application from residential to office.

As part of the conditions of this approval, the applicant paid cash-in-lieu for a shortfall of 2 car bays, totalling \$12,000.

DETAILS:

The proposal involves a change of use from office to residential along with minor internal alterations and additions to the subject property.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Pursuant to Clause 38(5) of TPS 1 Comments
Plot Ratio	N/A	N/A	Noted.
R-Codes: On-site parking provision 6.5.1	2 Car Bays	Nil	Supported – See “Comments” below.
Consultation Submissions			
Support (1)	No Comments Provided		Noted.
Objection (1)	<ul style="list-style-type: none"> Rear window that overlooks into the backyard property of No. 13 Lacey Street. 		Not Supported – See “Comments” below.

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

* The 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 records indicate that the building was originally approved as a single house and as outlined above, the Council approved a change in use to office in 1996. A previous planning application relating to a change of use from residential to office in 1996 was approved, subject to \$12,000 being paid in lieu of two car parking bays being provided on the site. In addition, the Council, at its Ordinary Meeting held on 5 December 2006, adopted Design Guidelines for Lacey Street which noted that there is a *"lack of on-site parking which creates a premium for on-street parking."*

In view of the above, it is considered unreasonable to require the applicants to provide two car parking bays as part of this current application.

Regarding the objection received by the Town, the comment regarding overlooking of a window is irrelevant to the proposed application, as the building is an existing single-storey house with no changes being made to this specified window.

On the above basis, the proposal is recommended for approval subject to appropriate conditions.

9.1.6 No. 96 (Lot 195 D/P: 1791) Buxton Street, Mount Hawthorn - Proposed Alterations and Additions to Approved Carport and Front Fence to Existing Single House – Application for Retrospective Approval

Ward:	North	Date:	4 August 2009
Precinct:	Mount Hawthorn; P01	File Ref:	PRO3526; 5.2008.473.1
Attachments:	001		
Reporting Officer(s):	S. Kendall		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

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 the owner A M Cusmano & M J Knowles for proposed Alterations and Additions to Approved Carport and Front Fence to Existing Single House – Application for Retrospective Approval, at No. 96 (Lot: 195 D/P: 1791) Buxton Street, Mount Hawthorn, and as shown on plans stamp-dated 13 July 2009, subject to the following conditions:

- (i) the carport shall remain one hundred (100) per cent open (except where approved as part of this application) at all times (open style gates/panels with a minimum visual permeability of eighty (80) per cent are permitted);*
- (ii) any infill panels to the front fence, including along the side boundaries, shall be a minimum of fifty percent visually permeable;*
- (iii) 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 Practicing Structural Engineer, including plans and specifications of the subject unauthorised carport and front fence, shall be submitted to and approved by the Town of Vincent Building Services as required under section 374 AA of the Local Government (Miscellaneous Provisions) Act 1960, and regulation 11 (a) of the Building Regulations 1989; and*
- (iv) within twenty-eight (28) days of the issue of Planning Approval, the dividing wall between Nos. 94 and 96 Buxton Street shall be cut back around the top and western edge of the existing gas and electricity services box to allow a maximum wall nib of 100 millimetres.*

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

COUNCIL DECISION ITEM 9.1.6

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

ADDITIONAL INFORMATION:

The additional clause, to require the dividing wall between Nos. 94 and 96 Buxton Street to be cut back around the top and western edge of the existing gas and electricity services, is to enable increased visibility for vehicles entering and egressing the adjacent property.

Landowner:	A M Cusmano & M J Knowles
Applicant:	M J Knowles
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R30
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	490 square metres
Access to Right of Way	Northern side, 5.0 metres wide, sealed, publicly owned

BACKGROUND:

15 February 2007 The Town under delegated authority from the Council conditionally approved an application for partial demolition of, and alterations and two-storey addition to existing single house.

22 June 2007 A Building Licence was issued by the Town for partial demolition of, and alterations and two-storey addition to existing dwelling.

9 September 2008 A site inspection undertaken by the Town's Officers revealed the following non-compliances with the approved plans:

Approved Building Licence plans:

The north elevation plan depicts:

1. The height of the timber beam to the carport being 2090 millimetres above the finished floor level;
2. The pitch of the carport being 35 degrees; and
3. The carport having a Dutch Gabled end.

Constructed on-site:

1. The height of the timber beam to the carport being approximately 2300 millimetres above the finished floor level;
2. The pitch of the carport being 28 degrees (as advised by owner); and
3. The carport having a gable end.

Subsequent to the above, the Town's Officers requested the owner to either comply with the approved plans, or apply for and obtain retrospective Planning Approval within fourteen days from the date of the subject letter.

3 October 2008 An application for Retrospective Planning Approval was lodged for alterations to previously approved carport.

10 November 2008 A further site inspection conducted by the Town's Officers revealed further non-compliant structures. The applicant subsequently amended the application to obtain Retrospective Planning Approval for the previously approved carport and fencing additions.

13 November 2008 The applicant was advised by the Town's Officer that amended plans were required which accurately reflected what was built on-site, and which furthermore; demonstrated the accurate dimensions of the Front and Boundary Fences which were also included in the assessment subsequent to the Town's Officers site visit.

- 30 December 2008 Despite frequent correspondence with the applicant the amended plans required to complete the application's assessment had not been submitted, subsequently a fourteen day letter requesting the information was issued.
- 15 January 2009 Amended plans were submitted by the applicant Mr Knowles, it was also advised within the email he would also be submitting a written submission.
- 22 January 2009 The amended plans received 15 January 2009 were assessed in conjunction with the site visit conducted by the Town's Officers on 10 November 2008; the assessment revealed inconsistencies between what was constructed on-site, and what dimensions were specified on the plans. The applicant was subsequently advised that the information provided should accurately depict the existing structures. In this instance, the plans provided were not accurate and further amended plans were required to complete the assessment.
- 29 January 2009 Advertising for the proposal commenced. It should be noted that despite the fact the dimensions shown on the plans did not accurately represent what was built on-site, the amended plans being drawn were not considered to seek further variations to the Town's Policies.
- 7 April 2009 A site visit was conducted by the Town's Officers along with the applicant attending on-site. It was revealed that despite the Application for Retrospective Approval further work had commenced on-site.
- 11 May 2009 Subsequent to the site visit the applicant requested the dimensions calculated on-site, the Planning Officer subsequently emailed the applicant with the requested information.
- 26 June 2009 The Town's Officer had a meeting with the applicant in order to clarify and finalise amended plans. During the meeting, it became apparent that the applicant was basing his amended plans solely on the Officer's site-visit calculations. This raised concerns, particularly taking into consideration that despite not yet receiving retrospective approval, structural changes such as rendering, had been made on site. Subsequently, it was advised by the assessing Officer, factors such as these may alter the measurements calculated onsite. Therefore, it was further advised that the accuracy of the plans should reflect the existing built structures and are the responsibility of the applicant, any information attained on a site visit is for the Officer's assessing purpose and should not be used as the sole basis of information. The applicant advised that in light of the above he would amend and submit the finalized plans on 29 June 2009.
- 7 July 2009 An email received from the applicant explained that the surveyor who was compiling the amended plans had been unwell, therefore there was a delay with the plans. He advised the plans would be completed by 8 July 2009.
- 13 July 2009 Amended plans were submitted by the applicant.

DETAILS:

The application seeks retrospective approval for the construction of a carport and front and boundary fence additions. 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:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio:	N/A	N/A	Noted – no variation.
Street walls and fences within the primary street setback area, including along side boundaries.	Posts and piers are to have a maximum width 355 millimetres and a maximum diameter of 500 millimetres and the maximum height of the solid portion of the wall to be 1.2 metres above the adjacent footpath level.	360 – 375 millimetres. Existing northern wall portion – solid to 1.38 metres within the street setback area. Existing southern wall portion – solid to 1.555 metres within the street setback area.	Supported – the variations are 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.
	The maximum height of front walls and fences being 1.8 metres above the adjacent footpath level.	Existing northern wall portion – solid to 2.48 metres. Existing southern wall portion – solid to 2.05 metres.	Supported – the dwellings along this side of Buxton Street are elevated above the street, as the topography of the sites rise from west to east. The side walls, which are stepped to match the rise of the site, do not have an undue impact on the streetscape or block views to the dwelling as the topographical elevation ensures the dwelling is the prominent feature on-site.
Visual Truncation:	The area within a sight line shall be maintained clear of obstructions above the height of 0.65 metre. Slender columns of less than 355 millimetres square or 500 millimetre diameter shall be permitted.	Posts in the sightline area 370 millimetres.	Supported – Technical Services have advised that there is adequate visibility regardless of the slightly over-width piers and side boundary walls.

Roof Forms:	Roof forms shall use roof pitches between 30 degrees and 45 degrees (inclusive).	The proposed pitch is 28 degrees.	Supported – the proposed gable roof form matches the gable end of the dwelling on-site.
Carpports and Garages:	Carpports may be located within the street setback area provided it is 100 per cent open on all sides except where it may abut the front main building wall of the dwelling.	The northern boundary wall is solid from 1.37 metres to 2.48 metres enclosing the carport on more than one side.	Supported – the height of the northern boundary wall is staggered, with a lower height at the western Buxton Street end. The staggering enables sightlines through the carport from the street and is considered acceptable in this instance.

Consultation Submissions

Support	Nil.	Noted.
Objection (1)	No comments relating to the subject application	Noted.

Other Implications

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

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

COMMENTS:

In light of the above, it is recommended that the Council approve the carport, and street/front and boundary fencing.

9.1.7 No. 465 (Lot: 501 D/P: 65250) Fitzgerald Street, Corner of Angove Street, North Perth - Proposed New Signage Additions (2A and 5B) and Retrospective Signage Additions (1E, 2B, 2C, 2D, 3A and 6) to Existing Service Station

Ward:	North	Date:	4 August 2009
Precinct:	North Perth Centre; P09	File Ref:	PRO1114; 5.2009.196.1
Attachments:	001		
Reporting Officer(s):	A Reynolds		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

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 Perth Swedish Auto Centre on behalf of the owners A & G Coppola and A & L Saraceni for proposed New Signage Additions (2A and 5B) and Retrospective Signage Additions (1E, 2B, 2C, 2D, 3A and 6) to Existing Service Station, at No. 465 (Lot: 501 D/P: 65250) Fitzgerald Street, corner of Angove Street, North Perth, and as shown on plans stamp-dated 2 June 2009, subject to the following conditions:

- (i) the signage shall not have flashing or intermittent lighting;*
- (ii) all signage shall be kept in a good state of repair, safe, non-climbable, and free from graffiti for the duration of its display on-site; and*
- (iii) all signage shall not extend beyond any lot boundary, therefore not protruding over Council property, including footpaths or a neighbour's property.*

COUNCIL DECISION ITEM 9.1.7

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

Landowner:	A & G Coppola and A & Saraceni
Applicant:	Perth Swedish Auto Centre
Zoning:	Metropolitan Region Scheme: (MRS) Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Service Station
Use Class:	Service Station
Use Classification:	"AA"
Lot Area:	1156 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

18 February 2009 The Town under delegated authority from the Council conditionally approved an application for retrospective signage additions to existing service station.

DETAILS:

The proposal involves new signage additions (2A and 5B) and retrospective signage additions (1E, 2B, 2C, 2D, 3A and 6) to existing service station.

The subject site contains a number of existing signs previously supported and approved by the Town under delegated authority from the Council as noted above. The subject part retrospective application is for the approval of the remaining signage (1E, 2B, 2C, 2D, 3A and 6) previously not supported by the Town and the proposed new signage (2A and 5B) previously included within the original proposal but having since been removed.

The applicant's submission is "*Laid on the Table*" and summarised as follows:

- No additional signage has been proposed since the original application. Since the original application, there has been a reduction of three signs and a portion of a window sign, which are to remain removed and will not be re-erected.
- The intention is to upgrade all signage relating to the created roof signs and projecting sign affixed to the canopy of the building on-site, the pylon and hoarding signs located within the street setback area, as well as the above roof sign.
- The signage previously attached to the northern boundary fence (Sign 5B) has since been removed and will be made to stand.
- All signage on-site is to be matching through the incorporation of a uniformed colour scheme. The proposed colour scheme is to be blue, red, white and black.
- The current aim is to have Mobil Oil Company bare a portion of the signage costs, however, "*my commitment is to make this happen even if the oil company Mobil will not pay for it all I will pay for any short fall...*".
- In addition, contact has been made with the Town's Park Supervisor to arrange quotes on new landscaping and reticulation costs. The objective is to match the landscaping on-site to the landscaping found along the median strips of Angove and Fitzgerald Streets at my own expense.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted – no variation.
Signs and Advertising Policy No. 3.5.2			
Projecting Sign: - Sign 1E	Projecting signs attached to the underside of a verandah or the like are not to exceed 2.4 metres in length.	Sign 1E is 10 metres in length.	Supported – signage is integrated into the roof and setback a considerable distance, limiting the effect of the variation. Not considered to have an undue impact on streetscape or neighbouring properties.

<p>Pylon Signs: - Signs 2A, 2B, 2C and 2D.</p>	<p>To be limited to a maximum of one (1) sign per street frontage on any one lot.</p>	<p>A total of four pylon signs over two street frontages.</p>	<p>Supported – as signage is not considered to have an undue impact on amenity of area.</p>
<p>Hoarding Signs: - Signs 3A and 5B.</p>	<p>To be limited to a maximum of one (1) sign per street frontage on any one lot. To be not less than 1.2 metres or greater than 6.0 metres from the finished ground level.</p>	<p>A total of three hoarding signs (Sign 3C having been previously approved) over two street frontages. Sign 3A is 0.1 metre from the finished ground level. Sign 5B is 0.65-0.95 metre from the finished ground level.</p>	<p>Supported – as signage is not considered to have an undue impact on amenity of area. Supported – relative height and size of the signage is considered appropriate. The reduced clearance does not have a negative impact on the streetscape.</p>
<p>Above Roof Sign: - Sign 6</p>	<p>No above roof sign is to protrude above the highest ridge of the roofline. Above roof signs attached to a roof less than 5.0 metres high are to project a maximum of 2.0 metres above the roof.</p>	<p>Sign 6 protrudes 2.2 metres above the roofline. Sign 6 projects 2.2 metres above the roof line.</p>	<p>Supported – as signage clearly identifies the activities carried out on site. The above roof sign is not considered to have an undue impact on amenity of area. Supported – as signage clearly identifies the activities carried out on site. The above roof sign is not considered to have an undue impact on amenity of area.</p>

Consultation Submissions

Community Consultation not required as application was previously advertised less than two (2) years ago.

Other Implications

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

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

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

COMMENTS:

The applicant has removed unnecessary signage allowing for further compliance with the requirements of the Town's Policy No. 3.5.2 relating to Signs and Advertising since the determination of the previous signage application.

Projecting Sign 1E is affixed to the underside of the building and is setback approximately 16.0 metres from Fitzgerald Street. The canopy located above the projecting sign, within the Fitzgerald Street setback area, reduces the visual dominance of the projecting sign, reducing the signs impact on the amenity of the streetscape.

The relative height and size of the subject pylon and hoarding signs in conjunction with the distribution of the signs across two street frontages (Angove and Fitzgerald Streets) reduces the negative impact of the signage on-site. Signs 2C and 2D are situated beneath the carparking canopy cover and the views and visual impact of such signage are often obstructed by the vehicles accommodated on-site. Sign 5B is located against the northern boundary fence, away from the adjacent streets. The remaining pylon and hoarding signs are located along the Angove Street and Fitzgerald Street boundaries. These signs contribute to the appropriate distinction between the private and public realms. The proposed and retrospective pylon signage is therefore not considered to have an undue impact on the overall Angove and Fitzgerald Streetscapes.

As per the requirements of the Town's Policy No. 3.5.3 relating to Signs and Advertising, the existing above roof sign is designed for the purpose of the identification of the building and the business on-site, its ownership and the major activities carried on within it. The above roof sign is located above the canopy area and is unable to comply with the requirements of the Town's Policy as the projection of the sign is constrained by the concealed roof form of the building.

The upgrading and rejuvenation of all existing 'aged' signage on-site, in conjunction with the replanting and reticulation of the existing trampled vegetation will enhance the visual appearance of the overall site. The proposed signage rejuvenation will incorporate a uniformed colour scheme that will attribute to the site's improved visual presentation. In addition, the proposed landscaping improvements will incorporate plant species in keeping with the landscaping used by the Town along Angove Street and Fitzgerald Street.

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

9.1.10 No. 48 (Lot: 3 D/P: 3733) Bulwer Street, Perth - Proposed Partial Demolition of and Alterations to Existing Single House and Additional Two (2) Three-Storey Multiple Dwellings to Existing Single House

Ward:	South	Date:	4 August 2009
Precinct:	Forrest; P14	File Ref:	PRO4700; 5.2009.101.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

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 M Bradshaw on behalf of the owner E & P O Nakich for proposed Partial Demolition of and Alterations to Existing Single House and Additional Two (2) Three-Storey Multiple Dwellings to Existing Single House, at No. 48 (Lot: 3 D/P: 3733) Bulwer Street, Perth, and as shown on plans stamp-dated 7 July 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 Bulwer Street setback area and the right of way setback area including along the side boundaries within these street setback areas, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed;*
 - (f) the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*

- (g) *the solid portion adjacent to the Bulwer Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres above adjacent footpath level provided that the wall or fence has at least two (2) significant appropriate design features (as determined by the Town of Vincent) to reduce the visual impact – for example, significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (iii) *first obtaining the consent of the owners of No. 54A Bulwer 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. 54A Bulwer Street in a good and clean condition;*
- (iv) *no street verge tree(s) shall be removed/pruned unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (v) *a detailed landscaping plan, including a list of plants and the landscaping of the Bulwer Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (vi) *no development shall occur within 0.5 metre of the northern boundary of No. 48 Bulwer Street, Perth, as a 0.5 metre wide Right of Way widening is a requirement of the Town;*
- (vii) *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;*
- (viii) *the support/approval of the Department of Planning and/or Western Australian Planning Commission, and compliance with its comments and conditions at the applicant(s)/owner(s)' full expense; and*
- (ix) *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 and Town of Vincent Technical Services with regard to traffic management, at the applicant(s)/owner(s)' full expense.*

COUNCIL DECISION ITEM 9.1.10

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

Landowner:	E & P O Nakich
Applicant:	M Bradshaw
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Single House and Multiple Dwelling
Use Classification:	"P"
Lot Area:	647 square metres
Access to Right of Way	North side, 3 metres wide, sealed, privately owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves alterations to the existing single house and the construction of two (2) three-storey multiple dwellings at the rear of the lot.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio:	1.0 or 324 square metres	0.85 or 275 square metres	Noted – no variation.
Building Setbacks: Ground Floor -East	1.5 metres	1 metre – 1.7 metres	Supported – not considered to have an undue impact on the neighbouring property and no objection received from affected land owner.
First Floor -West	1.8 metres	1.7 metres	Supported – not considered to have an undue impact on the neighbouring property and no objection received from affected land owner.
-East	1.8 metres	1.7 metres	Supported – not considered to have an undue impact on the neighbouring property and no objection received from affected land owner.
Outdoor Living Area: Existing House	To be provided behind the street setback area.	Provided within the street setback area.	Supported – not considered to have an undue impact on the amenity of the area.

Number of Storeys:	2 storeys	3 storeys	Supported – see ‘Comments’.
Building Height:	Maximum height of 7 metres for a concealed roof.	Maximum height proposed = 8.5 metres.	Supported – see ‘Comments’.

Consultation Submissions

Support	Nil	Noted.
Objection (10)	<ul style="list-style-type: none"> Location of the proposed crossover. 	<ul style="list-style-type: none"> Not supported – the Town’s Technical Services Officers have supported the location of the proposed crossover as two cars can safely manoeuvre out of their car bays and exit the site in forward gear.
	<ul style="list-style-type: none"> Manoeuvring for the two car bays for the existing house. Number of storeys and building height. Privacy. Effects on visual impact and character of the area Building setbacks. Overshadowing. Glare from the roof. Increased traffic down the right of way. Plot ratio. 	<ul style="list-style-type: none"> Not supported – the Town’s Technical Services Officers have advised that two cars can safely manoeuvre out of their car bays and exit the site in forward gear. Not supported – see “Comments”. Not supported – the applicant has amended the plans to comply with all the privacy requirements of the R Codes. Not supported – the proposed development is barely visible from Bulwer Street and reflects similar development in terms of height and scale in the area. Not supported – the building setbacks to the right of way are compliant with the requirements of the R Codes and the Town’s Policies, and no objections were received from the directly affected neighbours on the west and east boundaries. Not supported – the proposed development is compliant with the overshadowing requirements of the R Codes. Not supported – there is no requirement in the Town’s Policies or the R Codes that control glare from roofs. Not supported – the owners of the subject lot have legal rights to use the right of way. Not supported – the applicant has amended the plans to comply with the plot ratio requirements of the R Codes.

Other Implications

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

Building Height and Number of Storeys

The proposed third storey is not considered to have an undue impact on the amenity of the area due to an existing large four storey multiple dwelling development located on the adjacent side of the right of way. Furthermore, a very similar development has been approved, and has almost completed construction, next door at No. 54A Bulwer Street. The third storey begins 6 metres from the right of way boundary and is setback 2.8 metres from the side boundaries. It is located toward the centre of site and appears more as a loft structure than that of a third storey.

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.

9.1.11 Nos. 54-54A (Lots 1 and 2; Strata: 51958) Bulwer Street, Perth – Proposed Green Title Subdivision

Ward:	South	Date:	4 August 2009
Precinct:	Forrest; P14	File Ref:	140221; PRO3751; 7.2009.35.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

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 RECOMMENDS APPROVAL** to the Western Australian Planning Commission for the application submitted by Vision Surveys on behalf of the owner J G Arbuary and S Fitzpatrick for proposed Green Title Subdivision, at Nos. 54-54A (Lots 1 and 2 Strata: 51958) Bulwer Street, Perth, and as shown on plans stamp-dated 30 June 2009, subject to the following conditions:*

- (i) the land being filled and/or drained at the subdivider's cost to the satisfaction of the Town and any easements and/or reserves necessary for the implementation thereof, being provided free of cost. The maximum permitted amount of fill and height of associated retaining walls is 500 millimetres above the existing pre-subdivision ground level, and any greater amount of fill or higher retaining wall requires a separate Planning Approval to be applied to and obtained from the Town of Vincent;*
- (ii) the Town accepts no liability for the cost of relocating any services that may be required as a consequence of this development. The applicant/owner(s) shall ensure that all services are identified prior to submitting a Building Licence application and that the cost of any service relocations is to be borne by the applicant/owner(s);*
- (iii) all stormwater produced on the subject land shall be retained on-site to the satisfaction of the Town's Technical Services. No further consideration will be given to the disposal of stormwater without the submission of a geotechnical report from a qualified consultant. Plans detailing stormwater disposal shall be lodged prior to the issue of a Building Licence;*
- (iv) the existing dwelling on proposed Lot 1 being in accordance with the provisions of the Building Code of Australia; and*
- (v) all utility services to proposed Lot 2 shall be provided wholly within proposed Lot 2.*

COUNCIL DECISION ITEM 9.1.11

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

Landowner:	J G Arbuary and S Fitzpatrick
Applicant:	Vision Surveys
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Single House and Multiple Dwelling
Use Class:	Single House and Multiple Dwelling
Use Classification:	"P"
Lot Area:	641 square metres
Access to Right of Way	North side, 3.5 metres wide, sealed, privately owned

BACKGROUND:

17 February 2006	The Western Australian Planning Commission conditionally approved a survey strata subdivision of the existing lot.
26 September 2006	An application was submitted for additional two (2) two-storey with loft, multiple dwellings to the existing single house.
27 November 2006	The Western Australian Planning Commission endorsed the creation of two lots on the survey strata subdivision plan.
24 April 2007	The Council at its Ordinary Meeting conditionally approved an application for proposed two (2) two-storey with loft multiple dwellings to the existing single house.
24 October 2007	The Town issued a Building Licence in accordance with the Planning Approval granted by the Council at its Ordinary Meeting held on 24 April 2007.

DETAILS:

The proposal involves eradicating the existing survey strata subdivision and creating a green title subdivision on the two strata lots.

This application is the result of a built strata subdivision not being able to be processed on an existing survey strata lot. The land surveyor has indicated that there are two options that can be considered in order to allow the two near completed multiple dwellings to be strata titled.

These options are:

1. To issue a built strata for the two multiple dwellings and the existing front house; or
2. Eradicate the existing survey strata subdivision and apply for a green title subdivision of the lots.

A number of issues result from both of these options. If the owner/applicant was to undertake the first option, the two multiple dwellings and the existing single house fronting Bulwer Street, would be required to be in accordance with the most updated version of the Building Code of Australia. Whilst this will be the case for the two multiple dwellings, it is highly unlikely that the existing single dwelling will be compliant, due to the age of the dwelling, but mostly due to the extensive internal works being conducted at the property. The owner of the single house will need be required to bring the house 'up-to-date', which they are not prepared to do. Option two is considered the simpler option; however, is at the discretion of the Western Australian Planning Commission. The Western Australian Planning Commission's Policy No. 1.1 Development Control states that a green title subdivision will only be supported where both lots have direct vehicular access to a primary street. In the case of this application, proposed Lot 2 does not have vehicular access to Bulwer Street.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	3.56 lots	2 lots	Noted – no variation
Green Title Subdivisions:	All lots are required to have direct vehicular access to a primary street.	Proposed Lot 2 does not have vehicular access to Bulwer Street.	Supported – see “Comments”
Consultation Submissions			
Consultation is not required for subdivision applications.			
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Financial/Budget Implications			Nil

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

COMMENTS:

Given the circumstances, that is, without support for a green title subdivision, the owners of the rear lot has no further avenue to strata title the multiple dwelling development that is nearing completion. In this instance, the boundary lines that already exist will not be altered, rather it is the form of land tenure proposed. Accordingly, the Town’s Officers are prepared to recommend support for the application for a proposed green title subdivision without proposed Lot 2 having direct vehicular access to Bulwer Street.

Furthermore, the land surveyor has advised the Town that all utility services for proposed Lot 2 have been provided wholly within proposed Lot 2; however, a condition has been applied to ensure this.

In light of the above, it is recommended that the Council recommend support for the subdivision application, subject to standard and appropriate conditions to address the above matters.

9.1.12 No. 76B (Lot 2 STR: 49907) Carr Street, West Perth - Proposed Patio Addition to Existing Grouped Dwelling

Ward:	South Ward	Date:	3 August 2009
Precinct:	Cleaver; P05	File Ref:	PRO4710; 5.2009.201.1
Attachments:	001		
Reporting Officer(s):	C Roszak		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

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 the owner M A Mattioli for proposed Patio Addition to Existing Grouped Dwelling, at No. 76B (Lot 2 STR: 49907) Carr Street, West Perth, and as shown on plans stamp-dated 5 June 2009.

COUNCIL DECISION ITEM 9.1.12

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

Landowner:	M A Mattioli
Applicant:	M A Mattioli
Zoning:	Metropolitan Region Scheme: (Urban) Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	151 square metres
Access to Right of Way	N/A

BACKGROUND:

- | | |
|------------------|---|
| 2 March 2004 | An application for partial demolition of existing single house, and the construction of three grouped dwellings was lodged with the Town. |
| 22 June 2004 | The Council, at its Ordinary Meeting, resolved to refuse the application for the proposed demolition of existing single house and construction of three (3) two-storey grouped dwellings. |
| 3 August 2004 | The applicant lodged an appeal with the Town Planning Appeal Tribunal (TPAT) against the Council's refusal. |
| 26 October 2004 | The TPAT upheld the appeal, and requested the Town to formulate standard approval conditions. |
| 23 November 2004 | The Council at its Ordinary Meeting applied conditions to the proposed development. |
| 29 December 2004 | Demolition licence issued for No. 76 (Lot 2) Carr Street, West Perth. |

- 14 June 2005 The Council at its Ordinary Meeting resolved to approve the amended plans stamp dated the 26 May 2005.
- 25 July 2005 A Building Licence was issued for the construction of three two storey grouped dwellings
- 5 June 2009 An application for a patio addition to existing grouped dwelling was proposed.

DETAILS:

The application seeks approval for a patio addition to the existing grouped dwelling. The application is being referred to the Council as it involves a variation to the outdoor living requirement specified within the Residential Design Codes 2008. It is further noted that such variations are specified in the Town’s Non-Variation of Specific Development Standards and Requirements Policy.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
Building Setbacks: Upper Floor- -North	1.5 metres	Nil	Supported – not considered to have an undue impact on adjoining neighbours or on the streetscape, despite not maintaining the building setback requirements. Furthermore, the adjoining neighbour has provided their consent stating no objection to the proposed setback variation.
Outdoor Living:	The proposed patio is not to have more than 5.33 square metres with permanent roof cover	The proposed patio has 15.49 square metres with permanent roof cover.	Supported – as the proposed roofing is not considered to have an undue impact on adjoining neighbours or on the Carr Street streetscape. Furthermore, taking the design of the existing alfresco area into consideration, conditioning the proposal to comply with the required roof coverage would result in an impractical and non-functional design. Additionally, the full utilisation of this area should be encouraged as it is the optimum location for an outdoor area due to its north facing orientation and upper floor location.

Consultation Submissions	
Advertising is not required in this instance as the applicant has obtained the signatures of all owners and occupiers of the neighbouring dwellings in accordance with the Town's Community Consultation Policy.	
Other Implications	
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications	Nil
Sustainability Implications	Nil
Financial/Budget Implications	Nil

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

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

COMMENTS:

In light of the above, the variation to the outdoor living area requirement is supported, and it is recommended that the Council approve the application, subject to standard and appropriate conditions.

9.1.14 Nos. 372-376 (Lots 1 and 2 D/P: 931) Fitzgerald Street, corner Raglan Road, North Perth - Proposed Signage Addition to Existing Shop (Pharmacy) (Application for Retrospective Approval)

Ward:	South	Date:	5 August 2009
Precinct:	North Perth Centre; P09	File Ref:	PRO1690; 5.2009.190.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

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 Bell on behalf of the owner JHB Pty Ltd for Proposed Signage Addition to Existing Shop (Pharmacy) (Application for Retrospective Approval), at Nos. 372-376 (Lots 1 and 2 D/P:931) Fitzgerald Street, corner Raglan Road, North Perth, and as shown on photographs stamp-dated 23 May 2009 , subject to the following conditions:

- (i) within 28 days of the issue of the 'Approval to Commence Development', the following signage shall be permanently removed and the window made visually permeable:*
 - (a) the "National Diabetes Services Scheme" window sign on the western elevation; and*
 - (b) the intermittent/flashing light to Fitzgerald Street;*
- (ii) within 28 days of the issue of the 'Approval to Commence Development', the two central windows, which have been blocked in, shall be made 100 per cent visually permeable;*
- (iii) prior to the consideration of any additional signage on the property, a Signage Strategy shall be submitted to and approved by the Town.*
- (iv) the signage shall not have flashing or intermittent lighting;*
- (v) 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;*
- (vi) 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 Practicing Structural Engineer, including plans and specifications of the subject unauthorised under awning signage and the wall sign on the western elevation ("Fitzgerald St. Lottery Centre & Newsagency"), shall be submitted to and approved by the Town of Vincent Building Services as required under section 374 AA of the Local Government (Miscellaneous Provisions) Act 1960, and regulation 11 A of the Building Regulations 1989. The detail should demonstrate that the under awning signage has a minimum clearance of 2.75 metres from the finished ground level; and*
- (vii) the doors, windows and adjacent floor areas on the ground floor fronting Fitzgerald Street shall maintain an active and interactive relationship with this street.*

COUNCIL DECISION ITEM 9.1.14

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

Landowner:	JHB Pty Ltd
Applicant:	J Bell
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre
Existing Land Use:	Shop
Use Class:	Shop
Use Classification:	"P"
Lot Area:	498 square metres
Access to Right of Way	Eastern side, 3 metres wide, sealed, Town owned

BACKGROUND:

10 July 2001 The Council at its Ordinary Meeting conditionally approved an application for retrospective approval for signage at the subject property.

29 December 2008 The Town received a letter of complaint regarding the excessive signage at the subject property. The complainant requested advice as to whether the signage complied with the Town's Policy No. 3.5.2 relating to Signage and Advertising and/or had been approved by the Town.

Further to this, a site inspection by the Town's Officers, and a search of the Town's records, revealed that some signage had been installed without the prior approval of the Town.

9 January 2009 The Town wrote to the owner of the subject place to advise that, as neither Planning Approval or a Sign Licence had been granted for the signage, the signage was considered to be unauthorised. The owner was requested to remove the unauthorised signage and reinstate the property to its original state within fourteen (14) days of the date of the letter.

30 April 2009 A site visit undertaken by the Town's Officer revealed that a large proportion of the unauthorised signage from the property had been removed. However, the following unauthorised signs had not been removed:

- One (1) under awning sign (“*Lotterywest*”);
- One (1) wall sign on the western elevation (“*Fitzgerald St. Lottery Centre & Newsagency*”);
- Two (2) window signs on the western elevation (northern most windows) (“*We Won’t Be Beaten By Price*” and “*National Diabetes Services Scheme*”);
- One (1) intermittent/flashing light; and
- One (1) projecting sign (awning) (“*Open 7 Days*”).

8 May 2009 The Town's Officers wrote to the owner and requested that either the remaining unauthorised signage and solid screening to the shop front windows be removed, or to apply to the Town for retrospective Planning Approval, within fourteen (14) days of the date of the letter.

23 May 2009 The owners of the subject place submitted an application for retrospective approval for the signage.

DETAILS:

The proposal involves the consideration of unauthorised signage (Application for Retrospective Approval) at Nos. 372-376 (Lots 1 and 2 D/P: 931) Fitzgerald Street, corner Raglan Road, North Perth.

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

- One (1) under awning sign ("*Lotterywest*");
- One (1) wall sign on the western elevation ("*Fitzgerald St. Lottery Centre & Newsagency*");
- One window signs on the western elevation ("*National Diabetes Services Scheme*")
- One (1) intermittent/flashing light; and
- One (1) projecting sign (awning) ("*Open 7 Days*").

The Town's Officers have identified the following unauthorised shop front alterations and signage, which have also been addressed as part of this report:

- The blocking up of two central windows on the western elevation; and
- The installation of Lotterywest signage on the northern sliding doors and sidelights on the western elevation.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.
Projecting Sign	Be limited to a maximum of one projecting sign per tenancy on a lot other than any projecting signs which are attached to the fascia of a verandah or the like.	One additional under awning sign (" <i>Lotterywest</i> ") to Fitzgerald Street (three already approved).	Supported - at the Ordinary Meeting of Council held on 10 July 2001, three under awning signs were approved for the subject tenancy on Lot 1 D/P: 931. The unauthorised under-awning sign is located on Lot 2 D/P: 931, and can be considered a separate tenancy.

Projecting Sign	Not exceed a vertical dimension of 600 millimetres.	One (1) projecting sign (awning) (“Open 7 Days”) Approximately 800 millimetres	Supported - the variation is considered minor and as the additional dimension will not result in undue impact on the amenity of the area.
Wall Sign	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 square metres in area in aggregate on any one wall.	One (1) wall sign on the western elevation (“Fitzgerald St. Lottery Centre & Newsagency”) to two existing walls signs. Approximately 8 square metres.	Supported - the sign identifies the single storey portion of the building as part of the larger and main two-storey Chemist building, both of which are on separate Lots. Not considered to unduly impact on the amenity of the area. Noted - no variation.
Window Signs	Not to cover more than 50 percent of the glazed area of any one window or exceed 10 square metres in area in aggregate per tenancy on a lot.	One window sign on the western elevation “National Diabetes Services Scheme” covering whole window. Lotterywest signage to northern sliding doors approximately 75 per cent of glazed area.	Not supported - the window signage reduces the ability for the shop to have an active and interactive relationship with the street. Conditioned to be removed. Supported - the signage is positioned on automatic sliding doors and therefore interaction between the street and shop is available when the shop is open. Not considered to impact on streetscape or amenity of area.
Sign Standards	Not to comprise flashing, intermittent or running lights.	One (1) intermittent/flashing light.	Not Supported - considered to be a potential distraction to drivers on this busy commuter route and adds to the visual clutter of the site. Conditioned to be removed.

Shop Fronts and Facades to non-Residential Buildings Policy No. 3.5.15	The bricking up of shopfronts and painting glass windows/fascias is not permitted.	Two central windows blocked in.	Not Supported - it is considered important to maintain maximum glazing (windows) to the street and ground level for surveillance and interaction. It is noted that on 6 May 2004, the Town under delegated authority from the Council approved an application for a canvas blind addition to block out the afternoon sun, which was proving to be problematic.
Consultation Submissions			
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.			
Support	N/A		Noted.
Objection	N/A		Noted.
Other Implications			
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications			Nil
Sustainability Implications			Nil
Financial/Budget Implications			Nil

* The 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 have consistently taken a compliant approach to a number of businesses in the Town, which have incrementally added signage to buildings without submitting and obtaining planning approval. In this instance, the incremental addition of signage has resulted in the building having excessive signage, which has an adverse effect on the visual amenity of the District Centre. It is considered appropriate that the existing signage be rationalised to conform with the Town's Policy No. 3.5.2 relating to Signs and Advertising to reduce the visual clutter, as recommended in the above Non-Compliant Requirements Table and Officer Recommendation.

9.1.17 State Planning Policy 4.1 – State Industrial Buffer Policy

Ward:	N/A	Date:	3 August 2009
Precinct:	N/A	File Ref:	ORG0016
Attachments:	-		
Reporting Officer(s):	E Lebbos		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report relating to the State Planning Policy 4.1 State Industrial Buffer Policy; and*
- (ii) *AUTHORISES the Chief Executive Officer to notify the Western Australian Planning Commission (WAPC) that the Town of Vincent SUPPORTS IN PRINCIPLE the intent and content of the State Planning Policy 4.1 State Industrial Buffer Policy as “Laid on the Table” along with the following recommendations for the WAPC to:*
 - (a) *establish objectives in the Policy to assist in the development of buffers for smaller industrial areas as opposed to large, new industrial areas only; and*
 - (b) *determine specific requirements for the development of sensitive land uses in proximity to existing industrial areas, as well as the expansion or change in the operations of existing industry and essential infrastructure, for areas within close proximity to the Central Business District.*

COUNCIL DECISION ITEM 9.1.17

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the WAPC’s amended draft *State Planning Policy 4.1 State Industrial Buffer Policy* (SPP 4.1) currently being advertised for public comment, and to provide a summary of the draft Policy to the Council.

BACKGROUND:

In July 2009, the WAPC released the *State Planning Policy 4.1 State Industrial Buffer Policy*, providing a consistent and Statewide approach to the consideration of buffer issues during planning decision-making. The Policy outlines the process for defining buffer areas and mechanisms for ensuring their protection through the planning system. It facilitates the protection of industrial activities and essential infrastructure and provides for the safety and amenity of surrounding sensitive land uses. The Policy replaces the earlier statement of Planning Policy 4.1 State Industrial Buffer Policy gazetted on 5 May 1997.

The amended draft Policy has been publicised for public comment, with submissions closing on 14 September 2009.

DETAILS:

This amended draft Policy applies Statewide, to planning decision-making, and proposals which seek to provide for: new industrial areas and uses, and essential infrastructure; sensitive land uses in proximity to existing industrial areas and essential infrastructure; and the expansion or change in the operations of existing industry and essential infrastructure. The Policy has been released for public comment to ensure that the community has the opportunity to provide feedback on the Policy prior to it being finalised by the Government.

The objectives of the Policy are to:

- avoid conflict between industry and/or essential infrastructure and sensitive land uses;
- protect industry and/or essential infrastructure from encroachment by those land uses that would be sensitive to impacts and adversely impact the efficient operations;
- provide for the development of industry and/or the provision of essential infrastructure in a way that maximises amenity, minimises environmental and health impacts and takes account of risk to nearby sensitive land uses; and
- promote compatible uses in areas affected by off-site impacts of industry and/or essential infrastructure.

It should be noted that the Policy clearly states that while the provisions of the Policy do not apply retrospectively, it is recommended that appropriate action be taken to reduce current reciprocal harmful impacts where sensitive land uses are proposed to be located adjacent to existing infrastructure. This action may involve reducing impact through improved technological solutions, the use of environmental management or waste avoidance and resource recovery plans, and avoiding the encroachment of sensitive land uses.

In particular, one of the main measure/implementation methods outlined in the Policy requires industrial areas, particularly strategic industrial areas, to contain a core area in which intensive industry is located. According to the Policy, *'the core area should be surrounded by a buffer area to ensure there is no unacceptable impact on adjacent development. The core area and the buffer are together considered to be the industrial area and should be zoned accordingly. Industries that have the greatest potential for off-site amenity impact and risk will be required to be located well within the core of an industrial area. Industries that have a lesser potential for off-site impact should be located towards the boundary of the industrial area. Compatible land uses, including some commercial enterprises and public open spaces, should be located to the outer edge of the industrial area within the buffer, to minimise the impact of the intensive/core industries on more sensitive land uses.'*

In addition, Policy measures cover a range of issues such as land use conflict, definition of buffer areas, and technical analysis. The implementation methods identified in this Policy include such things as strategic plans, local planning strategies, schemes and amendments, and statutory mechanisms.

Relevance to the Town of Vincent

A review of the Policy was undertaken by the Town's Officers, which indicated that the draft amended Policy may potentially impact the Town's Policies and practices, in particular the industrial areas within the Town that were acquired as part of the boundary changes in July 2007 from the City of Perth, including the land in West Perth zoned industrial under the Metropolitan Region Scheme (MRS), and the area surrounding the Claisebrook Station. As the draft amended Policy now stands however, the proposed recommendations/objectives that currently accommodate industrial uses, including the concrete batching plants, do not relate specifically to industrial land uses within the Town of Vincent, but rather focus on large new industrial areas, or expanded existing industry, as opposed to smaller and older industrial areas (that is, West Perth and Claisebrook Station).

West Perth

The Town of Vincent's boundaries were enlarged as a result of the transfer of parts of Glendalough, East Perth and West Perth to the Town of Vincent from the City of Perth and the City of Stirling on 1 July 2007. This area comprises approximately 19.3 hectares, with the current mix of land uses including industrial, commercial and residential. Within the commercial and industrial areas between Newcastle Street, Loftus Street, Charles Street and Old Aberdeen Place, there is a hangover of 'old' industry from this previously inner-city industrial area.

The Town recognised the importance of the West Perth land in terms of its proximity to the Perth Central Business District as well as public transport links, and responded by commissioning Consultants to prepare a Regeneration Masterplan for the area. The study area is currently characterised by primarily light industrial land use and a generally rundown public realm. The predominant land use is light industrial and showrooms and the limited residential component is generally low density and restricted to the northern side of Newcastle Street. According to the Town's Local Planning Strategy (LPS), the West Perth Regeneration Area represents one of the best opportunities to achieve the density increase to Perth's inner ring from 8,000 to 25,000 residents by 2031.

Currently however, the Town is restricted in its determination of development applications in this area by the existing provisions of the City of Perth City Planning Scheme No. 2 and more importantly, that the land is designated 'Industrial' under the Metropolitan Region Scheme (MRS). Until the Town successfully incorporates the land within a new Town Planning Scheme and an 'Urban' classification of the land in the MRS, development within this area is limited.

It is important therefore, that an appropriate buffer be established by the Town between any industrial land uses on the site and the proposed sensitive land uses, in particular residential, so as to ensure that the siting of the sensitive land uses within the buffer area are avoided.

Claisebrook Station

In regards to Claisebrook Station, there is currently a diverse mix of land uses within a 400 metre radius north of the Station. The current uses are predominately commercial including offices and consulting rooms, light industry such as warehouses and general industry including two concrete batching plants. According to the Town's LPS, preferred land uses for the area within an 800 metre radius of the Station include offices, consulting rooms, home occupation, shop, eating house, service and light industry, and single, grouped and multiple dwellings. The recommendations in the LPS that reflect these preferred land uses include:

- *'continue to provide a location for some commercial and service and light industrial activities to support businesses and residents of the inner city area; and*
- *discourage the establishment of new general industrial uses and facilitate the progressive removal of such activities, including the concrete batching plants, in cases where they present a negative impact on the amenity of the area.'*

It is crucial therefore that an appropriate buffer be established by the Town between light industry and sensitive land uses (for example, consulting rooms, eating houses, and single, grouped and multiple dwellings) in order to ensure that the siting of sensitive land uses within the buffer area are avoided.

CONSULTATION/ADVERTISING:

The WAPC is currently advertising the draft amended Policy for public comment, which closes on 14 September 2009.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

The Town of Vincent Strategic Plan 2006-2011 states;

“Natural and built Environment

Objective 1.1 Improve and maintain environment and infrastructure

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.”

SUSTAINABILITY IMPLICATIONS:

One of the main objectives of this draft amended Policy is to provide for the development of industry and/or the provision of essential infrastructure in a way that maximises amenity while minimising environmental and health impacts. In particular, this Policy addresses aspects of social sustainability.

Although industry and essential infrastructure are critical to the local, regional, state and national economy, some industries generate a range of emissions that cannot be fully contained on-site. As a result, this Policy sets out the need for a buffer to separate industrial use from sensitive land uses to ensure that land use conflicts are minimised. These buffers protect existing industry and essential infrastructure from encroachment by incompatible development or sensitive land uses that could restrict operations, as well as protecting the health and amenity of the community from unreasonable or adverse impacts of industry and essential infrastructure including emissions such as noise, smoke, fumes, dust, odour, vibration, light and risk.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The various objectives specified in the *State Planning Policy 4.1 State Industrial Buffer Policy* aim to ensure conflict between industry and sensitive land uses are minimised by establishing buffers between the different land uses. It is considered that addressing the implementation actions detailed in the draft amended Policy, together with the additional recommendations outlined by the Town's Officers, will assist in the planning and development of compatible land uses in areas affected by the impacts of industry within the Town of Vincent, and across metropolitan Western Australia more generally.

In light of the above, it is considered that the Council receive the report and support the Officer’s Recommendation to advise the Western Australian Planning Commission that the Town of Vincent supports the intent and content of the *State Planning Policy 4.1 State Industrial Buffer Policy* along with the additional recommendations as outlined in the Officer Recommendation.

9.1.21 Western Australian Planning Commission - Directions 2031 - Draft Spatial Framework for Perth and Peel

Ward:	Both	Date:	31 July 2009
Precinct:	All	File Ref:	ORG0016
Attachments:	-		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Draft Strategic Document “Directions 2031 - Draft Spatial Framework for Perth and Peel” prepared by the Western Australian Planning Commission; and*
- (ii) *AUTHORISES the Chief Executive Officer to notify the Western Australian Planning Commission and the Western Australian Local Government Association that the Town of Vincent SUPPORTS IN PRINCIPLE the intent and content of the Directions 2031 - Draft Spatial Framework for Perth and Peel, as 'Laid on the Table', subject to the consideration of Officer Recommendations outlined within the 'Details' section of this report.*

COUNCIL DECISION ITEM 9.1.21

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the Western Australian Planning Commission (WAPC) *Directions 2031 - Draft Spatial Framework for Perth and Peel*, currently out for consultation, and to provide a summary of the document to the Council.

BACKGROUND:

The WAPC released *Directions 2031: Draft Spatial Framework for Perth and Peel* on 24 June 2009 for public comment. Information sessions and workshops facilitated by the Department for Planning have been held for relevant stakeholders. The Town's Officers attended the briefing session held on 26 June 2009 at the Urban Design Centre and the workshop at the City of Wanneroo held on 8 July 2009.

The Town also received an invitation dated 17 July 2009 from the Western Australian Local Government Association (WALGA) seeking comments from Local Government Authorities on the above document, as well as two other associated planning documents, the *Draft State Planning Policy: Activity Centres for Perth and Peel*; and the *Southern Metropolitan and Peel Sub-Regional Structure Plan*. The former planning document relating to the *Draft State Planning Policy: Activity Centres for Perth and Peel* is the subject of another Item of this Ordinary Meeting of Council, the latter however relating to the *Southern Metropolitan and Peel Sub-Regional Structure Plan* is not considered relevant to the Town of Vincent, and thus no submission will be provided.

DETAILS:

Directions 2031 is a high level strategic planning document that sets out a spatial framework for expected growth in the Perth and Peel regions over the next 20 to 25 years. It aims to provide guidance for the provision of housing, infrastructure, services and employment, but will rely more on detailed planning and policy development for implementation.

Building on the community sentiment expressed through *Network City*, *Directions 2031* has identified six strategic themes that is proposed will shape future urban growth as follows:

1. A Liveable City - living in or visiting our city should be a safe, comfortable and enjoyable experience;
2. A Prosperous City - our success as a global city will depend on building on our current prosperity;
3. An Equitable City - all Western Australians should enjoy the benefits of growth and changes to the City;
4. An Accessible City - people should be able to easily meet their education, employment, recreation, service and consumer needs within a reasonable distance of their home;
5. A Green City - we should grow within the constraints placed on use by the environment we live in; and
6. A Responsible City - we have a responsibility to manage urban growth and make the most efficient use of available land and infrastructure.

Directions 2031 is based on the following key assumptions:

- A more compact city is desirable (more consolidated development in appropriate places);
- We must work with the city we have (acknowledging that 60 per cent of the city's population currently lives beyond the inner-middle suburbs);
- We must make more efficient use of land and infrastructure (currently the average dwelling density is 10 dwellings per zoned hectare on the urban fringe, this is proposed to increase to an average of 15 dwellings per zoned hectare); and
- We must prioritise land that is already zoned (it is considered that existing land zoned for new urban development is sufficient for the proposed growth).

Directions 2031 proposes a preferred growth scenario known as the 'Connected City', whereby new growth occurs around diverse Activity Centres which are community focal points for people, services, employment and leisure. These centres are linked by a transport network and supported by a green network of parks, conservation and biodiversity areas. *Directions 2031* identifies a hierarchy and spatial distribution of centres that will be the core focus of growth over the next 20 to 25 years.

Directions 2031 has identified six sub-regional planning areas that will form the basis of future planning and policy development. The Town of Vincent has been allocated within the Central Sub-Region, which comprises 17 inner and middle local government areas including the Cities of Perth, Subiaco, Nedlands, East Fremantle and South Perth and the Towns of Vincent, Victoria Park, Cambridge, Mosman Park, Cottesloe, Claremont and Peppermint Grove and the middle local government areas include the Cities of Stirling, Canning, Bayswater and Melville and the Town of Bassendean.

Growth management strategies and structure plans will be prepared for each of the sub-regional areas to give clear direction regarding the planning, management and staging of urban growth. The strategies and plans will reinforce the strategic objectives outlined in *Directions 2031* and will inform the preparation of strategic and statutory plans and policies by landowners, land and infrastructure developers and government; and the consideration and approval of local planning scheme amendments and structure plans by state government agencies, local governments, the WAPC and the Minister for Planning.

Implications for the Town of Vincent

The Town's Officers have reviewed *Directions 2031* and have highlighted points of discussion considered most relevant to the Town.

1. Analysis of Structural Elements (Section 5 of *Directions 2031*)

Activity Centres Network

Function of Activity Centres

Directions 2031 define Activity Centres as community focal points for people, services, employment and leisure. The role and functions of the centres will depend on the catchment; however, the key functions have been identified as follows:

- provide services, employment and activities that are appropriate and accessible to the communities they support;
- be integrated with and encourage the efficient operation of the transport network, with particular emphasis on promoting public transport, walking and cycling and reducing the number and length of trips;
- be designed based on transit orientated development;
- provide opportunities as places to live through higher density housing (with the exception of industrial centres) and the development of social and cultural networks;
- encourage the agglomeration of economic activity and cultivation of business synergies; and
- support the development of local identity and sense of place.

The Hierarchy of Activity Centres

The Hierarchy of Activity Centres has been identified as follows:

1. Perth Central Area
2. Primary Centres
3. Strategic Centres (city centres; specialised centres and industrial centres)
4. Regional Centres (town centres, specialised centres and industrial centres)
5. District Centres (town centres and industrial centres)
6. Neighbourhood Centres
7. Local Centres

In terms of the hierarchy of Centres within the Town of Vincent, the following were identified:

- Perth Central Area - Perth, East Perth, West Perth and Northbridge
- Regional Centre (town centre) - Leederville
- District Centres (town centres) - Highgate, Mount Lawley, Mount Hawthorn and Glendalough.

Officer Comment

The selection of these Activity Centres located within the Town of Vincent, broadly correlate with the Town Centres identified in the Town's Local Planning Strategy and proposed Town Planning Scheme No. 2 with the exception of the absence of North Perth. The exclusion of North Perth as an Activity Centre is queried in this regard.

The key functions and objectives of the Activity Centres are supported on best practice planning principles; however, various elements require further analysis as detailed below.

1. Integration with Transport Networks:

Directions 2031 promote that Activity Centres will be integrated with and encourage the efficient operation of the transport network, with particular emphasis on promoting public transport, walking and cycling and reducing the number and length of trips;

Officer Comment

Whilst it is recognised that to maximise the function of the Activity Centres will rely on integration with public transport networks and promoting alternative modes of transport, the success of this will depend on support from State Agencies including the Public Transport Authority and Main Roads Western Australia, together with developing integrated transport networks and strategies across local government authorities. Initiatives such as the Integrated Transport Working Strategy established by the Town of Victoria Park, comprising a group of inner and middle collar local government authorities with the intention of providing a collaborative plan to address movement networks in and around the Perth metropolitan area is a good example. However, for this to be successful, it will depend on support from the State Government to assist in the successful implementation.

2. Transport Orientated Development:

Directions 2031 promote that Activity Centres be designed based on Transit Orientated Development.

Officer Comment

Transport Orientated Development is a recognised best practice planning principle however, greater clarity is required in *Directions 2031* and/or associated supporting documentation or Policy to acknowledge that not all transit centres are suitable for transport orientated development and not all Activity Centres need to necessarily support a transit centre.

3. High Density Housing:

Directions 2031 promote Activity Centres to provide opportunities as places to live through higher density housing (with the exception of industrial centres) and the development of social and cultural networks.

Officer Comment

Whilst there is scope for targeted increase in housing density within Activity Centres, in practice, particularly in existing established Activity Centres, this needs to be supported by a paradigm shift in parking requirements and provisions. Furthermore, greater demographic analysis on the needs basis for multiple dwellings housing within the Activity Centre itself and surrounding catchments is required. Scope also exists to further explore incorporating a social dimension through affordable housing within the Activity Centres, which does not appear to be addressed in the document.

4. Planning of Activity Centres:

Directions 2031 identifies a number of priority actions necessary to support the implementation of the new Activity Centres networks. The fourth of the recommended actions is to, 'Undertake an activity centres planning program in collaboration with local governments, key stakeholders and the community, to plan for the continued development and diversification of activity centres.'

Officer Comment

It is considered that to ensure the successful implementation of the document, this should be a key priority. It is recommended that associated local government authorities with similar characteristics are grouped together in the planning program. Furthermore, it is to be acknowledged that a lot of work by local government authorities towards identifying and planning for Activity Centres is already in place, which will need to be factored into the planning of the Activity Centres. In the case of the Town of Vincent, this is demonstrated through the preparation of the Local Planning Strategy based on five (5) Town Centre Areas and more specifically the Leederville Masterplan, identified in *Directions 2031* as a Regional Town Centre.

5. Activity Corridors:

Directions 2031 supports the principle of activity corridors, and the intensification of residential development where appropriate along their length. However, it does not support the expansion or ribbon development of commercial activities beyond the core of activity centres, as it diminishes the viability of centres and has the potential to create access and traffic conflicts along the corridor.

Officer Comment

Whilst it is acknowledged that the pilot study on Scarborough Beach Road, of which the Town is involved in, is to inform the principles of an Activity Corridor, it is recommended that greater Policy direction on 'Activity Corridors' is provided to assist Local Governments currently preparing Local Planning Strategies and Planning Policies which incorporate the principles of 'Activity Corridors'.

Movement Networks

Directions 2031 encourages a change in travel behaviour to more sustainable options and anticipates a greater integration of land use and transport through the Activity Centres network. The document acknowledges that the challenge in achieving this will be to ensure that the planning and growth of Activity Centres is supported by timely delivery of appropriate transport infrastructure.

1. Transport Orientated Development

Directions 2031 states that Activity Centres will be planned and designed on transit orientated development principles to promote walking and cycling as an alternative to the private car.

Officer Comment

As discussed above, the promotion of Transport Orientated Development as a key planning principle requires exploring further in the context of the *Directions 2031* document and the associated *Draft State Planning Policy relating to Activity Centres*. The creation of a criterion for assessing the suitability for Transport Orientated Development would be beneficial. By virtue of being in close proximity to a train station may not always equate with creating an Activity Centre, likewise an Activity Centre might not necessary have been established within walking distance from a transit centre.

2. Parking

Directions 2031 recognises that parking is an important element of the land use and transport systems of Perth and Peel and that parking supply, demand, and rights of parking allocation must be carefully managed to support broader accessibility objectives.

Officer Comment

Local government authorities such as the Town of Vincent are working towards addressing issues relating to parking and managing the increased intensity of development within established urban areas. The Town of Victoria Park have established an Integrated Transport Working Group comprising a group of inner and middle collar local government authorities with the intention of providing a collaborative plan to address movement networks in and around the Perth metropolitan area. These working groups are to be commended and should be offered support from the State Government to assist in the successful implementation. The document notes that the Department for Planning is developing a medium to long term parking strategy for the metropolitan region, of which should be a priority to guide local government authorities in preparing parking strategies and should be supported by State land use Policies such as the R - Codes, to avoid conflict in the application of parking requirements.

Green Network

Directions 2031 recognises that there is scope to manage growth of the city to help mitigate our impact on the environment, and protect and manage areas that have high conservation and biodiversity value.

Officer Comment

Much of this section relates more to the development of green fill sites; however, the Town supports and is working on initiatives to promote the reduction in greenhouse gas emissions and energy use through the development of Sustainable Design Guidelines, promoting the reduction of the amount of waste generated and promoting reuse and recycling.

2. Analysis of Implementation Initiatives (Section 7 of Document)

Directions 2031 provides the framework for the future growth and development of Perth and Peel within which more detailed policies and programs will be progressively developed and refined. The document is not to be considered a statutory plan, rather a long-term strategic guide to decision-making. A set of key actions have been identified to support the implementation of *Directions 2031* and have been grouped into four key areas: planning, environment, transport and economy.

An analysis of the Implementation Initiatives has been undertaken within the context of the Town of Vincent, resulting in the following recommendations.

- A Housing Strategy for Perth and Peel should be supported with Policy direction for local government authorities to incorporate affordable housing options into their planning policies and provisions;
- The proposed Growth Management Strategies requires greater clarification on how these Strategies are different to Local Planning Strategies prepared by Local Government Authorities in accordance with the Town Planning Regulations 1967;

- The Residential Design Codes review program and the multi unit housing code should be progressed as a matter of priority to provide a state assessment framework for the proposed increase in housing density promoted within the objectives of *Directions 2031*;
- Demographic and indicators program should be developed as a priority to inform the future planning of Activity Centres;
- The Activity Corridor Pilot Program should be supplemented with policy directions for other proposed Activity Corridors and that options are explored to create a hierarchy of Activity Corridors, similar to the Activity Centres, detailing key characteristics and appropriate land use and transport options;
- A Climate Change Strategy would be useful in providing a State framework for the development of sustainable design policies to guide best practice sustainable developments;
- A Perth and Peel Transport Strategy is considered imperative to support the proposed key objectives and functions of Activity Centres. This should be used as a template to guide appropriate development of identified Activity Centres and assess and analyse the feasibility of the role and functions of the varying Activity Centres within Metropolitan Perth from a transport perspective;
- The Town strongly supports the reviewing and identifying primary regional road reservations in the MRS that are surplus to requirements to progress their sale, improve the statutory process for approvals along these roads and create landowner certainty. This initiative is detailed within the Town's Local Planning Strategy and an MRS amendment is currently being prepared by the Town to be presented to the WAPC for consideration;
- The preparation of a Metropolitan Parking Strategy is considered imperative to guide the development of Activity Centres and provide a State framework for local government authorities preparing parking strategies and associated plans and policies;
- A Perth and Peel economic employment strategy is considered important in providing the context for the micro economic development within the identified Activity Centres; and
- It is considered that an industrial land development program should not only encompass large scale designated Industrial Centres, but also remnant industrial areas within the central sub-regional area and how these are to be addressed alongside identified Activity Centres.

CONSULTATION/ADVERTISING:

The WAPC is currently seeking comment from local government authorities on the Discussion Paper. The submission period closes on Wednesday, 26 August 2009.

LEGAL/POLICY:

Town Planning and Development Act 2005; Town Planning Regulations 1967 and associated Model Scheme Text; Town of Vincent Town Planning Scheme No. 1; and Local Planning Policies adopted pursuant to clause 47 of the Town Planning Scheme No. 1; and Local Planning Strategy.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014: Objective 1.1 Improve and Maintain Environment and Infrastructure:

...

"1.1.1 Capitalise on the Town's strategic location, its centres and its commercial areas.

..."

SUSTAINABILITY IMPLICATIONS:

The key objectives of *Directions 2031 - Spatial Framework for Perth and Peel* are considered to support best practice sustainable principles.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

In light of the above, it is requested that the Council receive the report and support the Officer Recommendation to advise the Department for Planning and the Western Australian Local Government Association of the Town's response to the *Directions 2031 - Draft Spatial Framework for Perth and Peel*.

9.1.22 North Perth Police Station Conservation Plan - Adoption

Ward:	North	Date:	31 July 2009
Precinct:	Smiths Lake; P6	File Ref:	PRO2919
Attachments:	001		
Reporting Officer(s):	H Au		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the final Conservation Plan for the North Perth Police Station dated May 2009 as 'Laid on the Table'; and*
- (ii) *ADOPTS IN PRINCIPLE the recommendations and guidelines contained within the North Perth Police Station Conservation Plan dated May 2009 for the purposes of retaining and conserving the cultural heritage significance of the North Perth Police Station.*

COUNCIL DECISION ITEM 9.1.22

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with an overview of the purpose and intent of the North Perth Police Station Conservation Plan to serve as a guiding document in assessing the impact of any future development of the North Perth Police Station at No. 81 (Lot 11344) Angove Street, North Perth. The Council's adoption of the North Perth Police Station Conservation Plan is also sought.

BACKGROUND:

- 27 November 1995 North Perth Police Station was first entered on the Town's Municipal Heritage Inventory (MHI).
- 29 September 1998 North Perth Police Station was included on the State Register of Heritage Places on an interim basis.
- 8 January 1999 North Perth Police Station was included on the State Register of Heritage Places as a permanent entry.
- 21 November 2006 North Perth Police Station was re-entered on the Town's MHI, as part of the Town's review of its MHI.

DETAILS:

The Conservation Plan for the North Perth Police Station at No. 81 Angove Street, North Perth, has been prepared by the Heritage and Conservation Professionals for LandCorp on behalf of the State of Western Australia in accordance with the requirements of the Government Heritage Property Disposal Process.

A Conservation Plan is a document which manages changes to a heritage place to ensure the elements that contribute to the cultural heritage significance are retained. It includes a full history of the place, identifies significant elements and makes recommendations relating to future management decisions and priorities. A Conservation Plan is a necessary document for a place of considerable heritage significance such as the North Perth Police Station, and is commonly cited as a prerequisite to funding applications for conservation works through agencies such as the Heritage Council of Western Australia and Lotterywest. The completion and adoption of the document is therefore considered to be a positive step towards possible future access to funding assistance for conservation works to the North Perth Police Station.

The Heritage Council of Western Australia (HCWA) has reviewed and provided comment on the document. It is understood that HCWA have no further comment.

On 30 June 2009, the Town received the final copy of the Conservation Plan for the North Perth Police Station from LandCorp. A copy of the North Perth Police Station Conservation Plan is '*Laid on the Table*' and the Executive Summary of the document forms an attachment to this report. An electronic copy of the Conservation Plan has been linked to the Town's dedicated heritage website.

It is intended that the Conservation Plan will provide the Town of Vincent, the Heritage Council of Western Australia and the potential owner of the place with a comprehensive understanding of the place and serve as a guiding document for any proposed development to North Perth Police Station.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

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

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014– Strategic Objectives: Natural and Built Environment:
"... 1.1.3 Enhance and maintain the character and heritage of the Town..."

FINANCIAL IMPLICATIONS:

Nil.

COMMENTS:

It is recommended that the Council receives this report and adopts in principle the North Perth Police Station Conservation Plan as per the Officer Recommendation.

9.2.3 Proposed Temporary Household Hazardous Waste Disposal Day

Ward:	Both	Date:	14 April 2009
Precinct:	All	File Ref:	ENS0083
Attachments:	-		
Reporting Officer(s):	J Lockley		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed temporary Household Hazardous Waste (HHW) Disposal day;*
- (ii) *NOTES that the;*
 - (a) *Household Hazardous Waste Disposal Day for the Town will be funded by the State Government and Mindarie Regional Council and is scheduled to take place between 9.00am and 1.00pm on 19 September 2009 at the Brisbane Street carpark; and*
 - (b) *residents from other Mindarie Regional Council members are also entitled to dispose of their hazardous waste on the day; and*
- (iii) *APPROVES the temporary closure of part of the Brisbane Street car park between 8.00am to 2.00pm for the collection of Household Hazardous Waste on the scheduled day.*

COUNCIL DECISION ITEM 9.2.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the proposed Household Hazardous Waste (HHW) disposal days funded by the State Government in co-operation with the Western Australian Local Government Association (WALGA).

BACKGROUND:

The State Government, in co-operation with WALGA, has sponsored a three (3) year program to receive hazardous wastes from household sources by funding a series of Household Hazardous Waste Disposal Days throughout the metropolitan area.

These drop off days are in addition to the permanent drop-off facilities operated by Mindarie Regional Council (MRC) at Tamala Park and at the Balcatta Recycling Centre operated by the City of Stirling. The MRC has also contributed funding to additional disposal days and advertising.

DETAILS:

Within the MRC Region six (6) HHW disposal days are proposed for 2009. The first two were held in the City of Wanneroo and the City of Stirling. The remaining days were held in the City of Joondalup on 23 May and the Town of Victoria Park on 25 July.

HHW disposal days are proposed to be held at the Town Cambridge on 15 August 2009 and the Town of Vincent on 19 September 2009.

The handling and disposal of the HHW products will be organised by 'Tox Free' a chemical waste collection corporation under contract to the State Government.

The Town will be required to assist with the operation of this program on the day and in promotion leading up to the day. A summary of tasks can be found in the table below

Task	Details
Location:	Brisbane Street car park, bound by Greenway St and Brisbane St (address 60-78 Brisbane Street)
Promote the day	Standard flyers, adverts and banner have been developed for all collections. The advertising will help the success of the day. It is suggested that the Town advertise via letter box flyers, the Town newsletter, local paper adverts, website and a banner near the site in weeks leading up to collection
Make sure the site is free of cars	Rangers to make sure the site is clear of cars for the day
Control and direct traffic	Direct the public from 9.00am to 1.00pm
Have a meet and greet team on the day	Council staff and Earth Carers (if available) to collect data from the residents using the service. (data – post codes, how did they hear, why come, is it good idea).

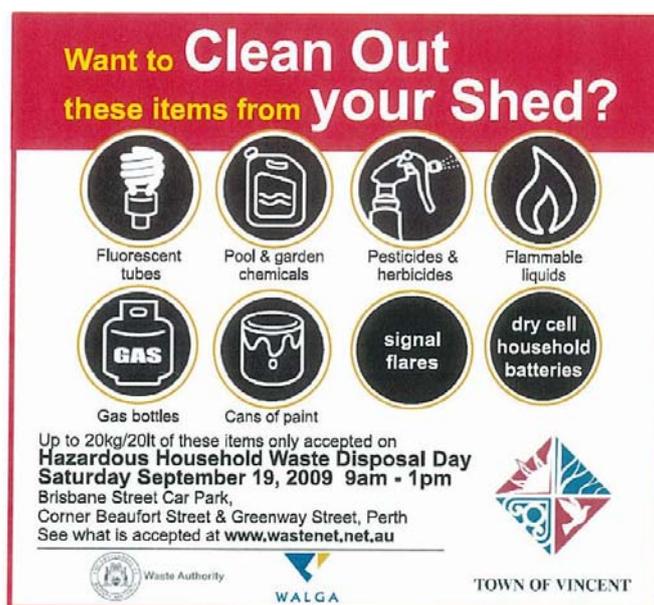
CONSULTATION/ADVERTISING:

The MRC has prepared flyers and will supply the Town with approximately 3,000.

The MRC will place an advertisement in the local paper and will supply a banner to be installed near the disposal site.

The event will also be advertised on the Town's website.

A letter will be sent to the surrounding businesses and residents informing them of the car park closure and advising them of the event.



LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.4 Minimise negative impacts on the community and environment. *"(d) Review and progress the implementation and promotion of the Sustainable Environment Plan 2007-2012 and (i) Adopt and implement the Town's Strategic Waste Minimisation Plan 2009-2013."*

SUSTAINABILITY IMPLICATIONS:

Household Hazardous Waste needs to be separated from the waste stream as it causes environmental issues when sent to landfill. The disposal days, even though funding is only for three (3) years, is more sustainable than having only two drop off points in the Mindarie Region.

FINANCIAL/BUDGET IMPLICATIONS:

The drop off days are funded by State Government and MRC. The Town will be required to arrange traffic management and advertising. These funds can be sourced from the various operating budgets in the 2009/2010 budget.

COMMENTS:

HHW can cause environmental issues in the landfill, causing contamination of the landfill site and fires. With the new Resource Recovery Facility now operational, HHW has the potential to contaminate compost material.

The Town currently has no resources or programs for collection and/or disposal of HHW. The Town's residents can use the permanent drop off facilities supplied by MRC at Tamala Park and Balcatta Recycling Centre.

The program of drop off days can be easily utilised by the residents to dispose of their HHW and divert it from land fill.

**9.2.4 Progress Report No 4 - Sustainable Environment Implementation Plan
2007 – 2012**

Ward:	Both	Date:	4 August 2009
Precinct:	All	File Ref:	PLA0175
Attachments:	001		
Reporting Officer(s):	J Lockley, R Lotznicker		
Checked/Endorsed by:	-	Amended by:	John Giorgi

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES Progress Report No 4 regarding the Sustainable Environment Plan 2007-2012;*
- (ii) *NOTES the comments contained in the report in relation to the Draft Sustainable Environmental Plan 2007–2012 Implementation Plan resulting from the Sustainability Advisory Group meeting held on 23 July 2009;*
- (iii) *INCORPORATES the minor changes into the Sustainable Environment Implementation Plan 2007-2012 outlined in strike through/underlined in Appendix 9.2.4 as suggested by the Sustainability Advisory Group;*
- (iv) *ADOPTS the revised Sustainable Environmental Implementation Plan 2007–2012 as shown in Appendix 9.2.4; and*
- (v) *NOTES that the Chief Executive Officer has created a new position of “Sustainability Officer” within the Strategic Planning Unit – who will be responsible for the strategic direction and co-ordination of sustainability/environmental matters and re-designated the former Environmental Officer position to Project Officer – Environment, in the Technical Services Directorate – who will be responsible for the Town’s Waste Minimisation Plan, the Town’s Water Strategy, monitoring of Hyde Park Lakes water quality and other technical services project matters.*

COUNCIL DECISION ITEM 9.2.4

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is for Council to adopt the Sustainable Environment Plan 2007-2012 actions and targets as a result of the Sustainability Advisory Group (SAG) Meeting.

BACKGROUND:

At its Ordinary Meeting held on 14 April 2009, the Council considered Progress Report No 3 on the Sustainable Environment Plan 2007–2012, where the following decision was made (in part):

"(ii) NOTES that;

- (a) the "Actions" and "Target" dates for completion, as outlined in the adopted Sustainable Environment Plan 2007– 2012, have been reviewed and updated;*
- (b) a number of the timeframes for actions to be completed have been amended in accordance with current officers' capacity and other priorities and a number of actions contained in the plan were considered to be beyond the Town's jurisdiction or similar to other actions in the Plan and, therefore, these actions were either deleted or amalgamated;*
- (c) as previously requested, a Sustainable Environmental Plan 2007 – 2012 Draft Implementation Table Actions and Targets has been prepared which incorporates matters mentioned in clauses (ii)(a) and (b) above;*
- (d) the Draft Sustainable Environmental Plan 2007 – 2012 Implementation Plan will be referred to the Town's Sustainability Advisory Group;*
- (e) a further report on a Draft Implementation Plan with the updated actions and targets following consideration by the Sustainability Advisory Group;"*

DETAILS:

The Sustainable Environment Plan (SEP) was developed as a strategic framework for initiatives to be undertaken by the Town and wider community with regard to enhancing and protecting the Town's environment, under the five key focus areas - air, water, biodiversity, energy and waste management.

At its Ordinary Meeting held on 12 June 2007, the Council adopted the final amended version of the Sustainable Environment Plan 2007.

The Council further authorised the Chief Executive Officer to prepare a Draft Annual Implementation Plan and refer the Draft Plan to the SAG for consideration and comment prior to it being referred back to the Council for consideration and determination.

Sustainability Advisory Group (SAG) Meeting - 23 July 2009:

In accordance with Clause (ii) (d) of the Council decision, the matter was referred to the SAG. The members of the SAG were provided with the Draft Sustainable Environment Implementation Plan 2007-2012 prior to the meeting.

At the meeting, the following discussion took place (in summary)

- Queried "Energy" item 4.6 and 4.8 and suggested these items will need to be reviewed when the Federal Government Carbon Pollution Reduction Scheme (CPRS) is established e.g. carbon neutral program etc.
- The Town had previously installed solar lights and general discussion took place on the benefits of solar panels on buildings, etc.
- Discussion on the Town's light vehicle fleet, (LGP vehicle and the mix of vehicles diesel etc) and that as new 'proven' technologies come on stream the Town will consider.

- Suggestion - the Town install solar ticket machines.
- Suggestion the SEP Implementation table should have an allocation of each task to an officer. Advised that this is already the case, however, this will be outlined in the Plan.
- General discussion on the Sustainability Strategy (4.1) took place. It was advised that this is being progressed and will comprise an overarching document (strategy) under which the SEP will fall.
- Comments on “Energy” suggesting that item 4.3 overlaps with items 4.8 and 4.9, further comments on “Energy” 4.9 the Residential Design Elements, Streetscapes Policy and various Design Guidelines listed do not actually reflect the Action. Added the Heritage Policy would promote the retention of existing buildings.
- The Council should develop guidelines on how to make homes more sustainable for residents.
- Suggested we use existing buildings in the Town as examples of sustainable design.

Note: The Implementation Plan has been updated/amended to incorporate comments from the SAG meeting.

CHIEF EXECUTIVE OFFICER INTERNAL ORGANISATION REVIEW:

As Council Members are aware, a report was submitted to the Council meeting held on 24 March 2009 (Confidential Item 14.1) concerning the Chief Executive Officer’s Internal Organisational Review (IOR), which was carried out from March - April 2009. The Terms of Reference are shown below as follows;

Review – Terms of Reference

1. Review the current Organisational Structure to ascertain if it best meets the needs of our organisation to achieve our current and future objectives, as outlined in our *Strategic Plan 2009-2014* and *Plan for the Future 2009-2014*.
2. **Identify better efficiencies and improvements which can be achieved in our internal and external service delivery.**
3. Review our;
 - (a) processes, procedures and Council Policies/Guidelines (and other relevant documentation) to;
 - (i) improve the processing of development applications, subdivisions to ensure they are issued within the statutory timeframes;
 - (ii) and the issuing of building licences within 20 working days; and
 - (b) processes and procedures with the view to improving our internal customer service and external customer focus and delivery and focus.
4. Review our employee resources, including remuneration levels and performance expectations, when benchmarked against other similar local governments and organisations.
5. Review and reassess the organisation and its service delivery and practises to;
 - (a) achieve a minimum of 3% cost savings against the Draft Operating Budget 2009-10, without impacting or reducing our front line services or levels delivered to the community;
 - (b) identify other improvements and efficiencies;

- (c) identify whether any current services could be discontinued, modified and/or reduced; and
- (d) identify additional sources of revenue/income.

The Chief Executive Officer reported the IOR findings to a Council Member Confidential Forum/Briefing session held on 16 June 2009.

As previously advised, the IOR Recommendations have been prioritised and are being progressively implemented as “high, medium or low”.

This review revealed that the current Environmental Officer role has not been able to make full progress or achieve direction, primarily due to the significant workload involved. Furthermore, the review revealed that there was a need for two distinct roles, namely:

Sustainability Officer:

This new position has been created by redesignation of Planning Officer roles and functions. This new position will be placed in the Strategic Planning Unit, of the Planning, Building and Heritage Section.

The main role is to give strategic direction on all sustainability and environmental matters e.g. Town Planning Scheme Policies, Strategies, application for grants and funds, climate change initiatives, supporting the Town’s Sustainability Advisory Group etc. The role would closely liaise with the Project Officer – Environment.

Project Officer – Environment

The former position of Environmental Officer has been made more manageable and achievable by redefining the role and responsibilities to those more closely aligned to the Town’s Technical Services Directorate (i.e. a more “hands-on” project role). This includes:

- implementation of the Town’s Waste Management Plan;
- implementation of the Town’s Water Strategy;
- assisting with the Hyde Park Lakes Restoration Project, and Lakes water quality monitoring; and
- assisting with strategies for biodiversity, bushland management, river rehabilitation, parks and reserves.

It is considered that the two roles will complement each other, whilst each having a different function.

The new position of Sustainability Officer is currently being recruited.

CONSULTATION/ADVERTISING:

The Sustainable Environment Plan was previously advertised to the community for comments.

LEGAL/POLICY:

N/A

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.4 Minimise negative impacts on the community and environment.. *(d) Review, and progress the implementation and promotion of the Sustainable Environment Plan 2007-2012.*

SUSTAINABILITY IMPLICATIONS:

The Sustainable Environment Plan 2007-2012 will ensure that the Town's local environment is enhanced and protected and the community is involved in the process. The sustainable implications for the Town are a better environment, more aware and involved community and officers of the Town through the internal working group and economic benefits from reduced resource use.

FINANCIAL/BUDGET IMPLICATIONS:

Given this project involves and affects a number of service areas within the Town, funding will be determined in the Plan for the Future and subsequent Budgets for each of the respective service areas, following the adoption of the reviewed Sustainable Environment Plan and Implementation table. An amount of \$7,000 for the preparation of the Implementation Plan has been included in the 2009/2010 budget.

The new position of Sustainability Officer has been funded out of savings achieved as a result of a re-structure of the Planning, Building and Heritage Section. No new funds are therefore required.

COMMENTS:

The Sustainable Environment Plan 2007-2012 has been reviewed and the Draft Implementation Plan has been viewed by the SAG and comments provided. These comments have been applied to the Draft Implementation Plan. This has resulted in a requirement to update the completed actions and to re-assess the current actions and target dates in the Sustainable Environment Plan 2007-2012.

The proposed changes to the actions and indicators are reflected in the Draft Implementation Plan, which incorporates a completion timeframe and comments on the actions taken to complete the listed actions.

Chief Executive Officer's Comment:

The Chief Executive Officer amended this report to include details relating to the new role of Sustainability Officer and Project Officer – Environment.

9.3.1 Financial Statements as at 30 June 2009

Ward:	Both	Date:	24 July 2009
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer(s):	B Tan		
Checked/Endorsed by:	M Rootsey	Amended by:	

OFFICER RECOMMENDATION:

That the Council RECEIVES the Provisional Financial Statements for the month ended 30 June 2009 as shown in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

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

As stated above the financial reports as presented are provisional copies to provide an estimate of the year end position. There are still a number of year end transactions, and adjustments that need to be prepared before the year end accounts can be finalised.

It is anticipated that the final accounts will be available at the second council meeting in October.

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 30 June 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 34-38).
- Graph (page 39)

Comments on the financial performance are set out below:

Income Statement and Detailed Summary of Programmes/Activities

Operating Result

The operating result is Operating Revenue – Operating Expenses:

YTD Actual	-	\$2.9 million
YTD Budget	-	\$3.3 million
Variance	-	\$0.4 million
Full Year Budget	-	\$4.9 million

Summary Comments:

The current favourable variance is due to increase revenue received as outlined below.

Operating Revenue

YTD Actual	-	\$33.7 million
YTD Budget	-	\$33.4 million
YTD Variance	-	\$0.3 million
Full Year Budget	-	\$33.4 million

Summary Comments:

The total operating revenue is currently on budget.

Major variances are to be found in the following programmes:

Governance – 30% over budget;

Education and Welfare – 45% under budget;

Other Property & Services – 57% over budget.

More details variance comments are included on the page 34 – 37 of this report.

Operating Expenditure

YTD Actual	-	\$33.8 million
YTD Budget	-	\$34.2 million
YTD Variance	-	\$0.4 million
Full Year Budget	-	\$34.2 million

Summary Comments:

The operating expenditure is currently operating at 1% under the year budget.

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

Education & Welfare – 14% below budget;

Other Property & Services – 46% over budget.

Detailed variance comments are included on the page 34 – 37 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 2008/09 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 30 June 2009 of \$6,510,178 which represents 52 % of the revised budget of \$12,418,263.

	Budget	Revised Budget	Actual to Date (Include commitment)	%
Furniture & Equipment	163,850	213,687	150,134	70%
Plant & Equipment	1,520,700	724,345	435,819	60%
Land & Building	3,952,834	2,954,564	1,783,585	60%
Infrastructure	8,502,612	8,275,667	4,849,190	59%
Total	14,139,996	12,168,263	7,218,729	59%

Balance Sheet and Statement of Changes in Equity

The statement shows the current assets of \$14,383,298 and non current assets of \$142,583,503 for total assets of \$156,966,801.

The current liabilities amount to \$7,503,554 and non current liabilities of \$13,091,143 for the total liabilities of \$20,594,697. The net asset of the Town or Equity is \$136,372,104.

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 30 June 2009 is \$7.4m. The balance as at 30 June 2008 was \$6.8m.

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 \$1,973,952 is outstanding at the end of June 2009 of which \$1,776,721 owed by the Department of Education and Training for the purchase of a property was paid in July 2009.

Of the total debt \$101,629 (5%) relates to debts outstanding for over 60 days, of which \$104,871 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 2008/09 were issued on the 6 August 2008.

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

First Instalment	25 August 2008
Second Instalment	27 October 2008
Third Instalment	5 January 2009
Fourth Instalment	3 March 2009

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

Instalment Administration Charge	\$5.00
(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 30 June 2009 including deferred rates was \$302,912 which represents 1.63% of the outstanding collectable income compared to 2.02% at the same time last year.

Summary Comments:

The reduced percentage amount of outstanding rates in comparison to last year is due a more efficient debt collection process.

The minimum rates are under budget due to increased valuations following the revaluation which has reduced the number of minimum rates assessments and resulted in the increased number of general rates.

The Interim rates are under budget due to significant refunds of contested valuation with the Valuer General Office.

Statement of Financial Activity

The closing surplus carry forward for the year to date 30 June 2009 was \$446,162.

Net Current Asset Position

The net current asset position is a surplus of \$446,162.

Beatty Park – Financial Position Report

As at 30 June 2009 the operating deficit for the Centre was \$644,231 in comparison to the annual revised budgeted deficit of \$519,525.

The cash position showed a current cash deficit of \$212,516 in comparison annual budget estimate of a cash deficit of \$18,449. 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.

Graph

The graph represents where the operating revenue originates and where the money was expended. It also demonstrates the variance between the budget and the actual revenue and expenditure.

9.4.1 Use of the Council's Common Seal

Ward:	-	Date:	4 August 2009
Precinct:	-	File Ref:	ADM0042
Attachments:	-		
Reporting Officer(s):	M McKahey		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council NOTES the use of the Council's Common Seal on the documents listed in the report, for the month of July 2009.

COUNCIL DECISION ITEM 9.4.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

BACKGROUND:

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

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

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

Date	Document	No of copies	Details
3/07/09	Deed in Relation to Conservation of Existing Dwelling	3	Town of Vincent and L Kirou of 8A Blake Street, North Perth WA 6006 re: No. 8A (Lot 43) Blake Street, North Perth WA 6006 - <i>To satisfy Condition (5) of Planning Approval issued on 26 August 2005 for additional two storey single house to, and partial demolition of, existing single house on the subject property.</i>
7/07/09	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Independent Education Union Conference - 17 July 2009 (Gareth Naven Room)

Date	Document	No of copies	Details
8/07/09	Lease	3	Town of Vincent and North Perth Tennis Club Inc of PO Box 180, North Perth WA 6006 re: North Perth Tennis Facilities, Farmer Street, North Perth - <i>Initial Term of Lease for seven (7) years, commencing on 1 April 2009 and terminating on 31 March 2006.</i>
8/07/09	Transfer of Land	1	Town of Vincent and Minister for Education, c/o 151 Royal Street, East Perth re: Mount Hawthorn Pre-Primary School Site, Scarborough Beach Road, Mount Hawthorn (Lots 226 and 227 on Plan 3845 and Lot 1 of Section 1 on Plan 3845, now the subject of Diagram 7898)
10/07/09	Notification under Section 70A	2	Town of Vincent and Pakwest Pty Ltd of Level 50, BankWest Tower, 108 St Georges Terrace, Perth WA 6000 re: Nos. 154-156 Newcastle Street, Perth - Tyne Square - <i>Deed between the Town and Pakwest Pty Ltd in relation to Encroachments</i>
10/07/09	Notification under Section 70A	1	Town of Vincent and Housing Authority of 99 Plain Street, East Perth, formerly known as The State Housing Commission under the Housing Act 1980 re: No. 50 (Lot 97 D/P: 6064) Tasman Street, Mount Hawthorn - Proposed Five (5) Two-Storey Single Bedroom Grouped Dwellings - <i>To satisfy Clause (v) of Conditional Approval of Ordinary Meeting of Council held on 12 May 2009</i>
13/07/09	Contract Documents	2	Town of Vincent and Leederville Gardens Retirement Estate of 37 Britannia Road, Leederville and Ms H M Cozens re: Unit 38, Leederville Gardens
14/07/09	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Western Power Meeting - 14 July 2009 (Gareth Naven Room)
14/07/09	Deed of Licence	1	Town of Vincent and Allia Venue Management Pty Ltd of Unit 25, 257 Balcatta Road, Balcatta WA 6021 and Spotless Services Ltd of Gate 7, Subiaco Oval, Subiaco Road, Subiaco 6008 re: Members Equity Stadium Season Launch - 28 July 2009 (Gareth Naven Room)
20/07/09	Withdrawal of Caveat	1	Town of Vincent and Pride Land Holdings Pty Ltd of 17 Wittenoom Street, East Perth WA 6004 re: Nos. 209-213 (Lot: 1 D/P: 5813, Lot: 2 D/P: 5813, Lot: 44 D/P: 384/1) Bulwer Street, Dual Frontage to Edith Street, Perth - Demolition of Existing Two (2) Single Houses, Warehouses and Shop and Construction of Three (3) Storey Mixed Use Development comprising six (6) Grouped Dwellings and Three (3) Offices - <i>To satisfy Clause (xviii) of Conditional Approval of Ordinary Meeting of Council held on 19 December 2006</i>
29/07/09	Application for New/ Balance Title	1	Town of Vincent and Landgate of PO Box 2222, Midland WA 6936 re: Part of land taken for widening of Loftus Street, refer to Deposited Plan 25293. Application for two (2) new titles, one (1) for reserve for recreation and one (1) for cottage - <i>New Titles - Lots 4, 5, 6, 7 and 8 (Nos. 81-89) Loftus Street, Leederville and Lots 1a & 2a and 3a & 3b (No. 166) Carr Place, Leederville and Lot 9 (No. 245) Vincent Street, Leederville</i>

9.4.3 Information Bulletin

Ward:	-	Date:	4 August 2009
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer(s):	A Radici		
Checked/Endorsed by:	John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Information Bulletin dated 11 August 2009, as distributed with the Agenda, be received.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

DETAILS:

The items included in the Information Bulletin dated 11 August 2009 are as follows:

ITEM	DESCRIPTION
IB01	Letter from Western Australian Local Government Association (WALGA) in regards to the Town of Vincent being accepted as one of the pilot councils to participate in the Alcohol and Crime Management Project
IB02	Letter from the State Records Commission regarding Local Government Elected Members' Records
IB03	WALGA Bulletin, “The Reform Report, The Voice of Local Government” No. 9
IB04	Register of Petitions - Progress Report - August 2009
IB05	Register of Notices of Motion - Progress Report - August 2009
IB06	Register of Reports to be Actioned - Progress Report - August 2009
IB07	Register of Legal Action - Progress Report - August 2009
IB08	Register of State Administrative Tribunal Appeals - Progress Report - August 2009
IB09	Forum Advice - 18 August 2009

9.1.1 Further Report – No. 10 (Lot 30 D/P: 672) Mary Street, Highgate - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey plus Loft Single Houses – State Administrative Tribunal (SAT) Review Matter No. DR 44 of 2009

Ward:	South	Date:	3 August 2009
Precinct:	Hyde Park; P12	File Ref:	PRO4594; 5.2009.70.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

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 the application submitted by Niche Building on behalf of the owner A & T L Comito for proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Plus Loft Single Houses – State Administrative Tribunal (SAT) Review Matter No. DR 44 of 2009 at No. 10 (Lot 30 D/P: 672) Mary Street, Highgate, and as shown on plans stamp-dated 24 June 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 Mary Street setback area including along the side boundaries within these street setback areas, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*

- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (v) *first obtaining the consent of the owners of Nos. 8 and ~~10~~ 14 Mary Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 8 and ~~10~~ 14 Mary Street in a good and clean condition;*
- (vi) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the balcony to the family room of unit 1 on the north-eastern and north-western elevations and the balcony to the family room of unit 2 on the north-eastern and south-eastern elevations, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 8 and 14 Mary Street stating no objection to the respective proposed privacy encroachments; and*
- (b) *the proposed automatic sliding gates proposed for the development are required to open to the full width of the driveway and to comply with Australian Standard 2890.1.*

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

- (vii) *a detailed landscaping plan, including a list of plants and the landscaping of the Mary Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (viii) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (ix) *the proposed store and garage structure shall not be used for industrial, commercial or habitable purposes, and is for the sole personal use of the inhabitants of the main dwelling only; and*
- (x) *the owner/occupier of proposed unit 2 ~~1~~ may apply for and obtain a maximum of one residential car parking permit and a maximum of one visitor car parking permit for the exclusive use of proposed unit 2 ~~1~~.*

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

COUNCIL DECISION ITEM 9.1.1

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

MOTION PUT AND CARRIED (8-1)

For: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Lake,
Cr Messina, Cr Youngman

Against: Cr Maier

Corrected Plans:

The Plans (site plan, ground, first and second floors) have been marked to reflect Unit 1 and Unit 2.

FURTHER REPORT:

The Council considered a proposal for proposed Demolition of Existing Single House and Construction of Two (2) Two Storey with Loft Single Houses at its Ordinary Meeting held on 28 April 2009 and resolved as follows:

“That the item be deferred at the request of the applicant”.

The Town’s Officers originally recommended refusal for the subject development based on the non-compliance with the building setbacks, buildings on boundary, lofts and privacy setback requirements of the Residential Design Codes and the Town’s Policies relating to the Residential Design Elements and Street Trees. Due to the Officer Recommendation for Refusal, the applicant requested that the item be deferred to attempt to address the non-compliance and issues with the proposal. A meeting was held on 4 May 2009 with the owner, applicant, Acting Manager Planning Building and Heritage Services and Statutory Planning Officer to discuss these issues. The main issue with the proposed development is the proposed two single crossovers that are considered to have a potential impact on the structural integrity of the large Ficus trees located along Mary Street. The Town’s Manager Parks Services has advised that one concrete crossover can be accommodated along the western side of the tree, however two crossovers will have an impact. In view of this advice, only one of the dwellings can be provided with car parking.

The applicant then came back to the Town with a revised plan indicating two crossovers, but made from a steel mesh with large holes, rather than concrete. This material would be built over the roots of the tree and would allow for the roots to grow through the crossover. The Town’s Technical Services Officers do not support this material for a crossover, as it is non-compliant with the Town’s Specifications for Crossovers where all crossovers are required to be constructed from either concrete or brick pavers.

A Mediation was then held at the SAT on 2 June 2009 to discuss these issues further. As a result of the Mediation, the following orders dated 3 June 2009 were made:

- “1. The applicant is to provide additional support information in relation to the car parking and crossover issue to the respondent by Monday, 22 June 2009.
2. The respondent is to consider the additional information relating to the car parking and crossover issue at its Meeting of 11 August 2009.
3. The matter is listed for directions hearing at 10:00am on Thursday, 27 August 2009.”

As per order 1 of the SAT Orders dated 3 June 2009, the applicant submitted amended plans dated 24 June 2009, and accompanying information. The revised plans illustrate two crossover options that the applicant wishes the Town to consider. These two options are two crossovers with alternative materials and the other for one concrete crossover with two car bays for one dwelling only.

The applicant's submission is "*Laid on the Table*" and partly outlined below.

“Option One: Two Crossovers with Alternative Materials

We have undertaken a bit of research into the weeping fig and have ascertained that the tree is in fact very hard and will most certainly not be affected by the proposed crossovers as the primary concern for the tree is its water retention. To retain a reasonable level of water penetration to the roots below, we have designed a galvanised perforated crossover as detailed in the design.

Mary Street will require constant attention to maintenance due to the trees which still have a significant amount of growth ahead. Alternative crossover solutions are definitely required on such a unique street and we believe that the Council needs to look at other methods outside of the traditional concrete form.

Advantages of proposed design:

- *The materials proposed are more durable than concrete.*
- *The panel system is removable and recyclable.*
- *The idea may well be the start of a solution to a crossover problem faced by the Town and other Councils with similar problems*

We believe that Council will need to work with us in providing a solution to a problem that has been created by Council decisions in the past, namely closure of the right of way to the rear and the heritage significance of the trees which is now threatening vehicular access to the property.

Option Two: One Crossover and Car Parking for One Unit Only

Alternatively, the amended plans reflect changes to the dwelling on the right side of the property where the garage has been removed and replaced with a bedroom, therefore negating the need for a secondary crossover.

The existing dwellings provides no on-site parking at all and relies on the existing parking along Mary Street which is prevalent to many dwellings along the street. The option for offsite parking is not believed to exacerbate the demand on the street as it proposes to retain the existing 2 bay shortfall.

Please note that we have considered alternative designs for the development, however this would require the need to increase the length of the boundary wall, with a design requiring building form along the entire length of the property. Approval has been received from the adjoining south-east property for the revised plans originally submitted as it retained the openness to the rear of the property to ensure that it preserved their access to direct sun. Development other than side by side would significantly exacerbate the bulk of the development on the adjoining properties.

Summary

We believe that due to the unique nature of the street, alternative design options should be considered by the Council to ensure that redevelopment of the property can be undertaken to its full potential.”

The Town's Officers consider option two as a basis for their recommendation as the Town's Technical Services Officers cannot support the proposed mesh grated crossover.

Further Assessment Table

***Note: The following Further Assessment Table was corrected and distributed prior to the meeting. Changes are indicated by double-strike through and double-underline.**

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	2.26 grouped dwellings	2 dwellings	Noted – no variation.
Plot Ratio:	N/A	N/A	Noted – no variation.
Building Setbacks: Ground Floor -North-West	1.5 metres	Nil – 1.7 metres	Supported – not considered to have an undue impact on the amenity of the neighbouring property.
-South-East	1.5 metres	Nil – 1.7 metres	Supported – not considered to have an undue impact on the amenity of the neighbouring property.
First Floor -South-West Balcony	1 metre behind all portions of the ground floor.	0.5 metre in front of the ground floor.	Not supported – considered to have an undue impact on the amenity the area. <u>Supported – the Town’s Officers have reviewed this variation and believe that it is not considered to have an undue impact on the amenity of the streetscape as the development will be well hidden by the large Ficus Trees that exist along Mary Street.</u>
Main Building	2 metres behind all portions of the ground floor.	In line to 2 metres behind all portions of the ground floor.	Not supported – considered to have an undue impact on the amenity the area. <u>Supported – the Town’s Officers have reviewed this variation and believe that it is not considered to have an undue impact on the amenity of the streetscape as the development will be well hidden by the large Ficus Trees that exist along Mary Street.</u>

-North-West	2.1 metres	Nil – 1 metre	<p>Not supported – the boundary wall is considered to have an undue impact on the amenity of the neighbouring property. <u>Supported – the Town’s Officers have reassessed the impact of the boundary wall given the applicant has reduced the height and length of the wall. Accordingly, the amendments have reduced the impact of the wall on the amenity of the neighbouring property. The boundary wall is located alongside the neighbouring dwelling and will not impact on the adjoining property’s outdoor living area.</u></p>
-South-East	2.1 metres	Nil – 1 metre	<p>Not supported – the boundary wall is considered to have an undue impact on the amenity of the neighbouring property. <u>Supported – the applicant has obtained the consent and support of the owner of the property on the south-eastern boundary.</u></p>
Buildings on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (26.9 metres) of the length of the boundary behind the front setback, to one side boundary.	Walls proposed on two boundaries. -North-West Wall Height = 6 metres Wall Length – 11.61 metres	<p>Not supported – the boundary wall is considered to have an undue impact on the amenity of the neighbouring property. <u>Supported – the Town’s Officers have reassessed the impact of the boundary wall given the applicant has reduced the height and length of the wall. Accordingly, the amendments have reduced the impact of the wall on the amenity of the neighbouring property. The boundary wall is located alongside the neighbouring dwelling and will not impact on the adjoining property’s outdoor living area. The applicant has obtained the consent and support of the owner of the property on the north-western boundary.</u></p>

		-South-East Wall Height = 6.2 metres Wall Length – 11.61 metres	Not supported – the boundary wall is considered to have an undue impact on the amenity of the neighbouring property. <u>Supported – the applicant has obtained the consent and support of the owner of the property on the south-eastern property owner boundary.</u>
Articulation:	Walls longer than 9 metres on the upper floor that involve a setback variation are required to incorporate horizontal or vertical articulation.	North-West Wall = 11.61 metres with no articulation. South-East Wall = 11.61 metres with no articulation.	Not supported – the boundary walls with no articulation is considered to have an undue impact on the amenity of the neighbouring property. <u>Supported – the applicant has incorporated two glass block windows and a rendered feature band into the walls to provide some interest in the elevation. Furthermore, the applicant has obtained the consent and support of the owner of the property on the south-eastern boundary.</u>
Carports and Garages:	The total width of the garages shall not exceed 50 per cent (5.06 metres) of the width of the frontage.	The total width of the garages is 55.33 per cent (5.6 metres) of the width of the frontage.	Supported – this variation is not considered to have an undue impact on the amenity of the area as the garages are at the absolute minimum width and are setback 1.5 metres behind the porch and 6.895 metres from Mary Street. <u>This requirement is now compliant with the requirements of the R Codes as only one garage is proposed.</u>
Crossovers:	Town of Vincent Trees of Significance Register states that all trees listed on the register are required to be retained and preserved.	The proposed crossovers to be constructed on both sides of the street tree would be detrimental to the trees long term health and vigour.	Not supported – the extent of root pruning that would be required to allow for the construction of these two crossovers will also have the potential to compromise the tree’s structural integrity due to the loss of the trees roots. <u>This requirement is now compliant as the applicant has proposed one crossover as suggested by the Town’s Parks Services Officers.</u>
Lofts:	The roof pitch of a loft shall be no greater than 45 degrees.	60 degrees roof pitch.	Not supported – the proposed loft in a 60 degree roof pitch is considered to have the same impact as a third storey.

			<u>Supported – the Town’s Officers have reviewed this variation and believe that it is not considered to have an undue impact on the amenity of the streetscape as the development will effectively be screened by the large Ficus Trees that exist along Mary Street.</u>
Privacy Setbacks: Unit 1 Balcony to the family room -North-West	7.5 metres	1 metre to the north-western boundary.	Not supported – the minimum height of the screening is required to be 1.6 metres. <u>Condition applied to increase the proposed screening from 1.5 metres to 1.6 metres above the finished floor level.</u>
-North-East	7.5 metres	1.5 metres to the north-western boundary.	Not supported – the minimum height of the screening is required to be 1.6 metres. <u>Condition applied to increase the proposed screening from 1.5 metres to 1.6 metres above the finished floor level.</u>
Unit 2 Balcony to the family room -South-East	7.5 metres	1 metre to the south-eastern boundary.	Not supported – the minimum height of the screening is required to be 1.6 metres. <u>Condition applied to increase the proposed screening from 1.5 metres to 1.6 metres above the finished floor level.</u>
-North-East	7.5 metres	1.5 metres to the south-eastern boundary.	Not supported – the minimum height of the screening is required to be 1.6 metres. <u>Condition applied to increase the proposed screening from 1.5 metres to 1.6 metres above the finished floor level.</u>
<u>Car Parking:</u>	<u>Two spaces being provided for each dwelling.</u>	<u>Two spaces provided for unit 1 and nil car bays for unit 2.</u>	<u>Supported – see “Comments” below.</u>

Consultation Submissions		
Support (2)	<ul style="list-style-type: none"> The applicant has obtained the consent and support of the north-western and south-eastern property owners 	<ul style="list-style-type: none"> Noted.
Objection (4) (3)	<ul style="list-style-type: none"> Boundary walls. 	<ul style="list-style-type: none"> Supported – the two storey boundary walls are considered to have an undue impact on the neighbouring properties. <u>Not Supported – the Town’s Officers have reassessed the impact of the boundary walls given the applicant has reduced the height and length of the walls. Accordingly, the amendments have reduced the impact of the walls on the amenity of the neighbouring properties. The boundary walls are located alongside the neighbouring dwellings and will not impact on the adjoining property’s outdoor living areas.</u>
	<ul style="list-style-type: none"> Garage dominating the streetscape. Front fence does not engage the streetscape. Loft is considered as a third storey. 	<ul style="list-style-type: none"> Not supported – this variation is not considered to have an undue impact on the amenity of the area as the garages are at the absolute minimum width and are setback 1.5 metres behind the porch and 6.895 metres from Mary Street. <u>Furthermore, the applicant has amended the plans to incorporate one garage only.</u> Not supported – the proposed front fence has been redesigned to comply with the fencing requirements of the Residential Design Elements Policy. Supported in part – as the loft area is fully contained within roof space, the area is considered as a loft. However, the maximum roof pitch for a development with a loft is 45 degrees and the proposed is 60 degrees. <u>Not supported – the Town’s Officers have reviewed this variation and believe that it is not considered to have an undue impact on the amenity of the streetscape as the development will effectively be screened by the large Ficus Trees that exist along Mary Street.</u>
	<ul style="list-style-type: none"> Privacy setbacks. Lack of design quality. 	<ul style="list-style-type: none"> Supported – the proposed privacy setback variations is considered to have an undue impact on the neighbouring properties. Not supported – this is an opinion and not planning related.

The Town's Officers consider it reasonable to recommend support for nil car bays for unit 2 and two car bays being provided for unit 1. The applicant has suggested several alternative solutions to the Town in order to comply with the R Codes and the Town's Policy, whilst maintaining the integrity of the Heritage Listed trees.

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

The Town's Manager Ranger Services has advised that it is appropriate in this instance, to allow for the owner/occupier of proposed unit 2 ~~4~~ to apply and obtain a maximum of one residential car parking permit and one visitor car parking permit due to the unique situation on Mary Street.

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

The following is a verbatim copy of the Minutes of the Item placed before the Council at its Ordinary Meeting held on 28 April 2009.

"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, REFUSES the application submitted by Niche Building on behalf of the owner A & T L Comito for proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Plus Loft Single Houses – State Administrative Tribunal (SAT) Review Matter No. DR 44 of 2009 at No. 10 (Lot: 30 D/P: 672) Mary Street, Highgate, and as shown on plans stamp-dated 6 March 2009 and 14 April 2009 at Appendix 9.1.10, for the following reasons:

- (i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;*
- (ii) the non-compliance with the Building Setbacks, Buildings on Boundary, Lofts and Privacy Setback requirements of the Residential Design Codes, and the Town's Policy relating to Residential Design Elements, respectively;*
- (iii) the non-compliance with the Town's Policy relating to Street Trees; and*
- (iv) consideration of the objections received.*

COUNCIL DECISION ITEM 9.1.10

Moved Cr Farrell, Seconded Cr Messina

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

PROCEDURAL MOTION PUT AND CARRIED (6-0)

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

Landowner: A & T L Comito
Applicant: Niche Building
Zoning: Metropolitan Region Scheme: Urban
Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use: Single House
Use Class: Single House
Use Classification: "P"
Lot Area: 408 square metres
Access to Right of Way Not Applicable

BACKGROUND:

16 December 2008 The Council at its Ordinary Meeting refused an application for demolition of existing single house and construction of two (2) three-storey single houses for the following reasons:

“(i) the development is not consistent with the orderly and proper planning and the preservation of the amenities of the locality;

(ii) the non-compliance with the Building Setbacks, Buildings on Boundary, Carports and Garages, Street Walls and Fences, Building Bulk, Building Height, Number of Storeys and Privacy Setback requirements of the Residential Design Codes, and the Town's Policy relating to Residential Design Elements, respectively; and

(iii) consideration of the objections received.”

28 January 2009 The applicant lodged a review application with the SAT in relation to the planning application, which was refused by the Council at its Ordinary Meeting held on 16 December 2008.

6 February 2009 Directions Hearing at the SAT.

6 March 2009 As a result of the Directions Hearing, the applicant lodged a new planning application for demolition of existing single house and construction of two (2) two-storey plus loft single houses.

DETAILS:

The application involves the demolition of the existing single house and the construction of two (2) two-storey plus loft single houses 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 Council at its Ordinary Meeting held on 16 December 2008.

The applicant submitted a new application in an attempt to address the reasons for refusal in the previous application refused by the Council at its Ordinary Meeting held on 16 December 2008 and the issues raised at the Directions Hearing on 6 February 2009. The major amendments to the original plans indicate the following:

- *The loft being contained entirely within the roof space;*
- *The boundary walls being reduced to a height of 6 metres on the north-west elevation and 6.2 metres on south-east elevation;*
- *The garage being setback 1.5 metres behind the ground floor main building line; and*
- *The front fence compliant with the Town's Residential Design Elements Policy.*

Furthermore, a reassessment of the subject planning application from the Town's Park Services Officers, has found that the proposed crossovers will result in a detrimental impact to the street verge tree on Mary Street and, as such, they do not support the proposal.

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

ASSESSMENT:

<i>Non-Compliant Requirements</i>			
<i>Requirements</i>	<i>Required</i>	<i>Proposed *</i>	<i>Officer Comments Pursuant to Clause 38(5) of TPS 1</i>
<i>Density:</i>	<i>2.26 grouped dwellings</i>	<i>2 dwellings</i>	<i>Noted – no variation.</i>
<i>Plot Ratio:</i>	<i>N/A</i>	<i>N/A</i>	<i>Noted – no variation.</i>
<i>Building Setbacks: Ground Floor -North-West</i>	<i>1.5 metres</i>	<i>Nil – 1.7 metres</i>	<i>Supported – not considered to have an undue impact on the amenity of the neighbouring property.</i>
<i>-South-East</i>	<i>1.5 metres</i>	<i>Nil – 1.7 metres</i>	<i>Supported – not considered to have an undue impact on the amenity of the neighbouring property.</i>
<i>First Floor -South-West Balcony</i>	<i>1 metre behind all portions of the ground floor.</i>	<i>0.5 metre in front of the ground floor.</i>	<i>Not supported – considered to have an undue impact on the amenity the area.</i>
<i>Main Building</i>	<i>2 metres behind all portions of the ground floor.</i>	<i>In line to 2 metres behind all portions of the ground floor.</i>	<i>Not supported – considered to have an undue impact on the amenity the area.</i>
<i>-North-West</i>	<i>2.1 metres</i>	<i>Nil – 1 metre</i>	<i>Not supported – the boundary wall is considered to have an undue impact on the amenity of the neighbouring property.</i>
<i>-South-East</i>	<i>2.1 metres</i>	<i>Nil – 1 metre</i>	<i>Not supported – the boundary wall is considered to have an undue impact on the amenity of the neighbouring property.</i>
<i>Buildings on Boundary:</i>	<i>Walls not higher than 3.5 metres with average of 3 metres for 2/3 (26.9 metres) of the length of the boundary behind the front setback, to one side boundary.</i>	<i>Walls proposed on two boundaries. -North-West Wall Height = 6 metres Wall Length – 11.61 metres</i>	<i>Not supported – the boundary wall is considered to have an undue impact on the amenity of the neighbouring property.</i>

		-South-East Wall Height = 6.2 metres Wall Length – 11.61 metres	Not supported – the boundary wall is considered to have an undue impact on the amenity of the neighbouring property.
Articulation:	Walls longer than 9 metres on the upper floor that involve a setback variation are required to incorporate horizontal or vertical articulation.	North-West Wall = 11.61 metres with no articulation. South-East Wall = 11.61 metres with no articulation.	Not supported – the boundary walls with no articulation is considered to have an undue impact on the amenity of the neighbouring property.
Carports and Garages:	The total width of the garages shall not exceed 50 per cent (5.06 metres) of the width of the frontage.	The total width of the garages is 55.33 per cent (5.6 metres) of the width of the frontage.	Supported – this variation is not considered to have an undue impact on the amenity of the area as the garages are at the absolute minimum width and are setback 1.5 metres behind the porch and 6.895 metres from Mary Street.
Crossovers:	Town of Vincent Trees of Significance Register states that all trees listed on the register are required to be retained and preserved.	The proposed crossovers to be constructed on both sides of the street tree would be detrimental to the trees long term health and vigour.	Not supported – the extent of root pruning that would be required to allow for the construction of these two crossovers will also have the potential to compromise the tree's structural integrity due to the loss of the trees roots.
Lofts:	The roof pitch of a loft shall be no greater than 45 degrees.	60 degrees roof pitch.	Not supported – the proposed loft in a 60 degree roof pitch is considered to have the same impact as a third storey.
Privacy Setbacks: Unit 1 Balcony to the family room -North-West	7.5 metres	1 metre to the north-western boundary.	Not supported – the minimum height of the screening is required to be 1.6 metres.
-North-East	7.5 metres	1.5 metres to the north-western boundary.	Not supported – the minimum height of the screening is required to be 1.6 metres.

<i>Unit 2 Balcony to the family room -South-East</i>	<i>7.5 metres</i>	<i>1 metre to the south-eastern boundary.</i>	<i>Not supported – the minimum height of the screening is required to be 1.6 metres.</i>
<i>-North-East</i>	<i>7.5 metres</i>	<i>1.5 metres to the south-eastern boundary.</i>	<i>Not supported – the minimum height of the screening is required to be 1.6 metres.</i>
<i>Consultation Submissions</i>			
<i>Support</i>	<i>Nil.</i>		<i>Noted.</i>
<i>Objection (4)</i>	<ul style="list-style-type: none"> • <i>Boundary walls.</i> • <i>Garage dominating the streetscape.</i> • <i>Front fence does not engage the streetscape.</i> 	<ul style="list-style-type: none"> • <i>Supported – the two-storey boundary walls are considered to have an undue impact on the neighbouring properties.</i> • <i>Not supported – this variation is not considered to have an undue impact on the amenity of the area as the garages are at the absolute minimum width and are setback 1.5 metres behind the porch and 6.895 metres from Mary Street.</i> • <i>Not supported – the proposed front fence has been redesigned to comply with the fencing requirements of the Residential Design Elements Policy.</i> 	
	<ul style="list-style-type: none"> • <i>Loft is considered as a third storey.</i> • <i>Privacy setbacks.</i> • <i>Lack of design quality.</i> 	<ul style="list-style-type: none"> • <i>Supported in part – as the loft area is fully contained within roof space, the area is considered as a loft. However the maximum roof pitch for a development with a loft is 45 degrees and the proposed is 60 degrees.</i> • <i>Supported – the proposed privacy setback variations is considered to have an undue impact on the neighbouring properties.</i> • <i>Not supported – this is an opinion and not planning related.</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 brick and iron dwelling at No. 10 Mary Street, Highgate was constructed circa 1897 and is an example of the Federation Georgian Bungalow style of architecture. The subject dwelling has a hipped corrugated iron roof at the street frontage and a twin hipped corrugated iron roof at the rear.

Collectively the dwelling illustrates the dominance of 19th century development along Mary Street; however, as no links of significant historical importance have been established with the place, it is considered that it does not meet the threshold for entry onto the Town's Municipal Heritage Inventory.

Support for demolition of the subject property will depend on appropriate site responsive design that complements the 19th century development indicative of the existing streetscape. This is to be achieved through the use of complementary building materials and adhering to the provisions of the Town's Residential Design Elements Policy, to ensure that the proposed development responds to the bulk, scale, height and setbacks of the surrounding development.

Parks Services

*An inspection of the property by the Town's Parks Services Officer, found that all the street verge trees located within Mary Street are Hills Weeping Fig (*Ficus hillii*) trees, including the tree adjacent to No. 10 Mary Street. All these trees are listed on the Town of Vincent Trees of Significance Inventory - List One.*

A request to have two new vehicle crossovers constructed on both sides of the street verge tree adjacent to the subject property would be detrimental to the tree's long term health and vigour. The extent of root pruning that would be required to allow for the construction of these two crossovers will also have the potential to compromise the trees structural integrity due to the loss of the trees roots.

Therefore, given the above information, the Town's Parks Services do not support a request to construct two new vehicle crossovers to this proposed development. This street verge tree forms an integral part of the streetscape and therefore, should be retained as per Council Policy 2.1.2 – Street Trees.

Redevelopment

In light of the variations to the building setbacks, boundary walls, privacy setbacks and lofts as well as the proposed crossovers, the application is not supported by the Town's Officers and the proposal is therefore recommended for refusal.”

9.1.2 Nos. 226-234 (Lots 1 and 2) Beaufort Street, Perth - Proposed Demolition of Existing Buildings and Construction of Five-Storey Mixed Use Development Comprising Five (5) Offices, Fifteen (15) Single Bedroom Multiple Dwellings, Twelve (12) Multiple Dwellings and Ancillary Showrooms and Associated Car Parking

Ward:	South	Date:	3 August 2009
Precinct:	Beaufort; P13	File Ref:	PRO4362; 5.2009.226.1
Attachments:	001		
Reporting Officer(s):	R Narroo, H Au		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

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 TPG on behalf of the owner Supernew Pty Ltd for proposed Demolition of Existing Buildings and Construction of Five-Storey Mixed Use Development Comprising Five (5) Offices, Fifteen (15) Single Bedroom Multiple Dwellings, Twelve (12) Multiple Dwellings and Ancillary Showrooms and Associated Car Parking, at Nos. 226-234 (Lots 1 and 2) Beaufort Street, Perth, and as shown on demolition, overshadowing plans stamp-dated 16 June 2009, ground floor, first floor plans stamp-dated 29 July 2009, second floor, third floor, fourth floor and elevation plans stamp-dated 21 July 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 issue of a Building Licence, the adjacent eastern right-of-way shall be closed; and the subject Lots 1 and 2 and the closed right-of-way shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (iii) *the owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:*
 - (a) *within twenty eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$65,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$6,500,000); and*

- (b) *in conjunction with the above chosen option;*
- (1) *Option 1 –
prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and

prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;*
- OR*
- (2) *Option 2 –
prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*
- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) *first obtaining the consent of the owners of Nos. 214-222 and No. 238 Beaufort Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 214-222 and No. 238 Beaufort Street in a good and clean condition;*
- (vi) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Beaufort Street, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (viii) *prior to the first occupation of the development, six (6) class one or two, plus one (1) class three, bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (ix) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (x) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; 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 or office. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

(xi) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*

(xii) *doors, windows and adjacent floor areas of the office component fronting Beaufort Street shall maintain an active and interactive relationship with this street;*

(xiii) *prior to the first occupation of the development, 27 car parking spaces for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*

(xiv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*

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

(xvi) *the maximum gross floor area for the non-residential component shall be limited to 1,056 square metres of offices, and further increase or decrease in the number of offices tenancies is allowed. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*

(xvii) *the car parking area for the office and office/showroom components shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*

(xviii) *any new street/front wall, fence and gate within the Beaufort Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*

(a) *the maximum height being 1.8 metres above the adjacent footpath level;*

(b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*

- (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
- (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
- (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (xix) *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;*
- (xx) *any proposed vehicular gate for car park visible from Beaufort Street, being a minimum 50 percent visually permeable when viewed from Beaufort Street;*
- (xxi) *archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xxii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xxiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *Unit 1*
 - (1) *roof terrace on the western, northern and eastern elevations; and*
 - (2) *windows to the dining room and bedroom on the northern elevation;*
 - Units 9, 18, 27*
 - (1) *windows to the dining room, bedroom and balcony on the northern elevation;*
 - (2) *balcony on the eastern elevation; and*
 - (3) *balcony on the southern elevation for units 18, 27;*
 - Units 10, 19*
 - (1) *balcony on the ~~western and~~ northern elevations; and*
 - (2) *windows to the dining room and bedroom on the northern elevation;*
 - Unit 8*
 - (1) *balcony on the northern, eastern and southern elevations;*
 - Units 7, 16, 25*
 - (1) *balcony on the northern, eastern and southern elevations; and*
 - (2) *windows to the dining room and bedroom on the southern elevation;*

Unit 3

- (1) *roof terrace on the southern and eastern elevations; and*
- (2) *windows to the dining room and bedroom on the southern elevations;*

Units 17, 26

- (1) *balcony to northern, eastern and southern elevations;*

Units 12, 21

- (1) *balcony to southern elevation; and*
- (2) *windows to the dining room and bedroom on the southern elevation;*

within the cone of vision of 4.5 metres (bedroom windows), 6.0 metres (dining room windows) and 7.5 metres (balconies) respectively to the lot boundaries, being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties along northern, southern and western sides, respectively, stating no objections to the respective proposed privacy encroachment;

- (b) *the first 9.3 metres of the northern wall of Office No.1 on the first floor from Beaufort Street, being set back a minimum of 1.5 metres from the northern boundary a minimum of two (2) appropriate significant design features using colour and/or relief being incorporated into the northern boundary wall of the car park entry wall to reduce the visual impact of that wall and to improve the interface of the development with the adjacent heritage listed Joseph Chester's Cottage;*
- (c) *the bin compound being redesigned to accommodate the following bins:*

Residential

Single Bedroom Dwelling

General Waste: Half (0.5) mobile garbage bin or equal to 120 litres per unit (collected weekly); and

Recycle Waste: Half (0.5) mobile recycle bin or equal to 120 litres per unit (collected fortnightly);

Dwellings

General Waste: One (1) mobile garbage bin or equal to 240 litres per unit (collected weekly); and

Recycle Waste: One (1) mobile recycle bin or equal to 240 litres per unit (collected fortnightly); and

Commercial

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

Recycle Waste: One (1) mobile garage bin or equal to 240 litres per commercial unit or 200 square metres of floor space, or part thereof; and

- (d) *the proposed awning over Beaufort Street being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres from the kerb line of Beaufort Street.*

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

- (xxiv) *the car park shall be used only by employees, tenants, and visitors directly associated with the development; and*

- (xxv) *the undergrounding of powerlines for the subject development site along Beaufort Street at the applicant's/owner's cost.*

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

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

Clause (xi) be amended as follows:

- “(xi) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation, and in particular specific comments regarding the potential noise impact on the adjoining northern property with regard to the proposed traffic ramp and car parking, shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*”

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (9-0)

COUNCIL DECISION ITEM 9.1.2

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 TPG on behalf of the owner Supernew Pty Ltd for proposed Demolition of Existing Buildings and Construction of Five-Storey Mixed Use Development Comprising Five (5) Offices, Fifteen (15) Single Bedroom Multiple Dwellings, Twelve (12) Multiple Dwellings and Ancillary Showrooms and Associated Car Parking, at Nos. 226-234 (Lots 1 and 2) Beaufort Street, Perth, and as shown on demolition, overshadowing plans stamp-dated 16 June 2009, ground floor, first floor plans stamp-dated 29 July 2009, second floor, third floor, fourth floor and elevation plans stamp-dated 21 July 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 issue of a Building Licence, the adjacent eastern right-of-way shall be closed; and the subject Lots 1 and 2 and the closed right-of-way shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (iii) the owner(s), or the applicant on behalf of the owner(s), shall comply with the Town of Vincent Percent for Public Art Policy No. 3.5.13 and the Percent for Public Art Guidelines for Developers, including:*
 - (a) within twenty eight (28) days of the issue date of this 'Approval to Commence Development', elect to either obtain approval from the Town for an Artist to undertake a Public Art Project (Option 1) or pay the Cash in Lieu Percent for Public Art Contribution, of \$65,000 (Option 2), for the equivalent value of one per cent (1%) of the estimated total cost of the development (\$6,500,000); and*
 - (b) in conjunction with the above chosen option;*
 - (1) Option 1 –*

prior to the approval and subsequent issue of a Building Licence for the development, obtain approval for the Public Art Project and associated Artist; and

prior to the first occupation of the development, install the approved public art project, and thereafter maintain the art work;

OR

- (2) *Option 2 – prior to the approval and subsequent issue of a Building Licence for the development or prior to the due date specified in the invoice issued by the Town for the payment (whichever occurs first), pay the above cash-in-lieu contribution amount;*
- (iv) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
- (v) *first obtaining the consent of the owners of Nos. 214-222 and No. 238 Beaufort Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 214-222 and No. 238 Beaufort Street in a good and clean condition;*
- (vi) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
- (vii) *prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Beaufort Street, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (viii) *prior to the first occupation of the development, six (6) class one or two, plus one (1) class three, bicycle parking facilities, shall be provided at a location convenient to the entrance and within the development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to the installation of such facilities;*
- (ix) *the on-site car parking area for the non-residential component shall be available for the occupiers of the residential component outside normal business hours;*
- (x) *prior to the issue of a Building Licence, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the property of the following:*
- (a) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities; 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 or office. This is because at the time the planning application for the development was submitted to the Town, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development.*

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

- (xi) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's Policy relating to Sound Attenuation, and in particular specific comments regarding the potential noise impact on the adjoining northern property with regard to the proposed traffic ramp and car parking, shall be submitted and approved by the Town. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (xii) *doors, windows and adjacent floor areas of the office component fronting Beaufort Street shall maintain an active and interactive relationship with this street;*
- (xiii) *prior to the first occupation of the development, 27 car parking spaces for the residential component of the development shall be clearly marked and signposted for the exclusive use of the residents of the development;*
- (xiv) *the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (xv) *no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (xvi) *the maximum gross floor area for the non-residential component shall be limited to 1,056 square metres of offices, and further increase or decrease in the number of offices tenancies is allowed. Any increase in floor space or change of use for the subject land shall require Planning Approval to be applied to and obtained from the Town;*
- (xvii) *the car parking area for the office and office/showroom components shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xviii) *any new street/front wall, fence and gate within the Beaufort Street setback area, including along the side boundaries within this street setback area, shall comply with the following:*
 - (a) *the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) *the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) *the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) *the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*

- (e) *the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed; and*
- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level;*
- (xix) *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;*
- (xx) *any proposed vehicular gate for car park visible from Beaufort Street, being a minimum 50 percent visually permeable when viewed from Beaufort Street;*
- (xxi) *archival documented record of the place (including photographs, floor plans and elevations) for the Town's Historical Archive Collection shall be submitted and approved prior to the issue of a Demolition Licence;*
- (xxii) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xxiii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *Unit 1*
 - (1) *roof terrace on the western, northern and eastern elevations; and*
 - (2) *windows to the dining room and bedroom on the northern elevation;*
 - Units 9, 18, 27*
 - (1) *windows to the dining room, bedroom and balcony on the northern elevation;*
 - (2) *balcony on the eastern elevation; and*
 - (3) *balcony on the southern elevation for units 18, 27;*
 - Units 10, 19*
 - (1) *balcony on the northern elevation; and*
 - (2) *windows to the dining room and bedroom on the northern elevation;*
 - Unit 8*
 - (1) *balcony on the northern, eastern and southern elevations;*
 - Units 7, 16, 25*
 - (1) *balcony on the northern, eastern and southern elevations; and*
 - (2) *windows to the dining room and bedroom on the southern elevation;*

Unit 3

- (1) *roof terrace on the southern and eastern elevations; and*
- (2) *windows to the dining room and bedroom on the southern elevations;*

Units 17, 26

- (1) *balcony to northern, eastern and southern elevations;*

Units 12, 21

- (1) *balcony to southern elevation; and*
- (2) *windows to the dining room and bedroom on the southern elevation;*

within the cone of vision of 4.5 metres (bedroom windows), 6.0 metres (dining room windows) and 7.5 metres (balconies) respectively to the lot boundaries, being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the respective finished floor levels; OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties along northern, southern and western sides, respectively, stating no objections to the respective proposed privacy encroachment;

- (b) *the first 9.3 metres of the northern wall of Office No.1 on the first floor from Beaufort Street, being set back a minimum of 1.5 metres from the northern boundary-to reduce the visual impact of that wall and to improve the interface of the development with the adjacent heritage listed Joseph Chester's Cottage;*
- (c) *the bin compound being redesigned to accommodate the following bins:*

Residential

Single Bedroom Dwelling

General Waste: Half (0.5) mobile garbage bin or equal to 120 litres per unit (collected weekly); and

Recycle Waste: Half (0.5) mobile recycle bin or equal to 120 litres per unit (collected fortnightly);

Dwellings

General Waste: *One (1) mobile garbage bin or equal to 240 litres per unit (collected weekly); and*

Recycle Waste: *One (1) mobile recycle bin or equal to 240 litres per unit (collected fortnightly); and*

Commercial

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

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

(d) *the proposed awning over Beaufort Street being a minimum height of 2.75 metres from the footpath level to the underside of the awning and a minimum of 500 millimetres from the kerb line of Beaufort Street.*

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

(xxiv) *the car park shall be used only by employees, tenants, and visitors directly associated with the development; and*

(xxv) *the undergrounding of powerlines for the subject development site along Beaufort Street at the applicant's/owner's cost.*

ADDITIONAL INFORMATION:

Whilst the applicant has part-considered the interface of the proposed development with the adjacent heritage - listed property at No. 238 Beaufort Street, demonstrated through the greater front setback of the north-west corner of the proposed development and the staggering of height along the northern elevation, it is considered that a greater staggering of height and setback is required to improve the interface with the heritage listed property. It is proposed that the first 9.3 metres of the northern wall of the first floor being set back a minimum of 1.5 metres from the northern boundary, which will assist in improving the interface and reduce the visual impact of the development, particularly on the single storey component of the heritage listed property.

Landowner:	Supernew Pty Ltd
Applicant:	TPG
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Shops
Use Class:	Multiple Dwelling and Office
Use Classification:	Multiple Dwelling-"AA" Office-"P"
Lot Area:	1510 square metres for Lots 1 and 2, 91 square metres for Lot 66 (right of way) Total Area= 1601 square metres
Access to Right of Way	N/A- to be closed and amalgamated

BACKGROUND:

26 August 2008 The Council at its Ordinary Meeting conditionally approved the proposed demolition of existing buildings and construction of five-storey mixed use development comprising three (3) multiple dwellings, offices, and associated basement car parking, at Nos. 226- 234 (Lots 1 and 2 D/P: 10541) Beaufort Street, Perth.

7 October 2008 The Council at its Ordinary Meeting conditionally approved the proposed demolition of existing buildings and construction of five- storey mixed use development comprising three (3) multiple dwellings, three (3) offices, one (1) ground floor office and ancillary showroom and associated car parking, at Nos. 226-234 (Lots 1 and 2 D/P: 10541) Beaufort Street, Perth.

DETAILS:

The proposal involves the demolition of the existing buildings at Nos. 226-234 (Lots 1 and 2) Beaufort Street, Perth and the construction of a five storey mixed use development comprising five offices, fifteen single bedroom multiple dwellings, twelve multiple dwellings and ancillary showrooms and associated car parking.

The major changes in the current application, in comparison to the application approved by Council at its Ordinary Meeting are as follows;

- On the ground and first floors, the layout of the showrooms/offices and offices has changed;
- On the first floor, the building has been extended to the northern boundary;
- The second, third and fourth floors have been changed to accommodate one hundred per cent residential; and
- The roof of the building has changed from a concealed roof to a pitched roof.

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

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	R 80 – 12.096 multiple dwellings	R 137.41- fifteen single bedroom dwellings and twelve multiple dwellings- 72 per cent density bonus	Supported- The development is consistent with the objectives of Clause 40 of TPS 1 with respect to enhancing the amenity of the area, the demolition of the existing buildings which have no specific cultural heritage, and the proposal is consistent with orderly and proper planning of the locality. The intensity of development and the

			uses are consistent with the surrounding development and land uses, and it is considered the development will not have an unreasonable impact on occupiers of the development or on the conservation of amenities of the locality.
Plot Ratio	1.0 or 1,601 square metres	1.524 or 2,440 square metres	Supported- The increase in density directly results in an increased plot ratio. The building incorporates appropriate articulation and design features to reduce its visual impact on the area. It is considered that the overall height and scale of the development is in keeping with the built form of this inner city locality in general, and it is not considered to have an undue adverse impact on amenity and can be supported.
Number of Storeys	2 storeys (plus loft)	5 storeys	Supported- It is considered that the overall height and scale of the development is in keeping with the built form of this inner city locality in general and can be supported.
Building Setbacks: Rear- Eastern Boundary Ground and First Floors Second, Third and Fourth Floors	6 metres 8.2 metres	Nil 2.853 metres to 4.832 metres	Supported- as it will abut a boundary wall on the adjacent properties. Supported- as the proposed setbacks are considered acceptable given the scale and nature of existing development in the immediate area.

<p>Privacy</p> <p>Second, Third and Fourth Floors</p>	<p>Balcony- 7.5 metres Dining room- 6 metres Bedroom- 4.5 metres</p>	<p>Balcony- Nil to 4.83 metres to northern, eastern and southern elevations</p> <p>Dining room and bedroom- 3 metres to 4.35 metres to northern, eastern and southern elevations</p>	<p>Not supported- the two sites on the northern and southern boundaries are zoned commercial; the sites along the eastern boundaries are zoned residential/commercial, accommodating commercial development. Technically, these sites are not required to be screened from this proposed development. Given these sites have the potential for future residential development; it is recommended that all the balconies, dining rooms and bedrooms be screened to prevent any overlooking.</p>
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***Note: The following Consultation Submissions were corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

Consultation Submissions		
Support (1)	No reason provided.	Noted.
Objection (4)	<p>With a 72 per cent density bonus and five storeys in height, the proposal will have bulk and scale impact on the streetscape.</p> <p>The Town should adopt a uniform approach providing development bonuses to all adjacent sites and should not support only one development and excluding the adjacent sites.</p> <p>Concession to the plot ratio represents a significant advantage for the proposed development in comparison to other potential developments</p> <p>Overlooking</p> <p>Building setbacks should conform to the Town's requirements</p>	<p>Not supported- The development as designed would benefit the area without undue adverse impact on the surrounding amenity, in terms of bulk and scale. The height and scale reflects the height and scale of surrounding buildings.</p> <p>Not supported- Each development application is assessed on its individual planning merit.</p> <p>Not supported- Each development application is assessed on its individual planning merit.</p> <p>Supported- A condition to screen windows and balconies will be imposed.</p> <p>Not supported- No undue impact on the adjoining properties and streetscape of Beaufort Street.</p>

	<p>The new plans show a ramp which is not wide enough to allow two vehicles to pass the ramp. This will result in having vehicles to back out into Beaufort Street, which will lead to chaos accompanied by revving engines and tooting of horns and verbal exchanges.</p> <p>The new proposal is now mainly residential, which will have greater impact in terms of noise and dispersion of fumes. The cars will be coming and going day and night.</p> <p>Overshadowing</p>	<p>Not supported- The ramp is one two-way, <u>allowing traffic to enter and egress the proposed building from/to Beaufort Street</u>, and meets the Australian Standard for car parking access for first floor car parking. There is a queuing length in between the ramp and Beaufort Street which could accommodate waiting cars.</p> <p>Not supported- Beaufort Street is already a busy activity corridor and a major distributor of vehicles to the CBD; the additional traffic from the proposed development will not result in undue additional vehicle noise within the locality. With regard to the fumes, adequate ventilation is to be provided in accordance with industry standards.</p> <p>Not supported- The proposal complies with the overshadowing requirements of the R Codes.</p>
Other Implications		
Legal/Policy	TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications	Nil	
Financial/Budget Implications	Nil	
Sustainability Implications	The proposal will be required to satisfy the energy efficiency requirements of the Building Code of Australia requirements at the Building Licence stage. The proposal would maximise the potential use of the land, taking into consideration its close proximity to the City and major transport routes.	

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

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

Car and Bicycle Parking

In accordance with the Residential Design Codes requirements for mixed-use development, on-site car parking requirements for multiple dwellings may be reduced to one car bay per dwelling where on-site parking required for other users is available outside normal business hours. A total of 27 car bays have been provided for the residential uses. The balance of car bays available for the commercial component in this instance is 22 car bays.

Car Parking- Commercial Component	
Car parking requirement (nearest whole number) Office: 1 car bay per 50 square metres gross office floor area (proposed 1,056 square metres) = 21.12 car bays. Showroom car parking has been based on office requirements and included in the office calculations.	21 car bays
Apply the parking adjustment factors. <ul style="list-style-type: none"> • 0.85 (within 400 metres of a bus stop) • 0.85 (within 400 metres of one or more public car parks in excess of 75 spaces) 	(0.7225) 15.17 car bays
Minus the car parking provided on-site	22 car bays
Minus the most recently approved on-site car parking shortfall	Not applicable as proposal is to redevelop site.
Resultant surplus	6.83 car bays
Bicycle Parking Facilities	
Offices <ul style="list-style-type: none"> • 1 space per 200 (proposed 1,056) square metres gross floor area (class 1 or 2) – 5.28 spaces. • 1 space per 750 (proposed 3,355) square metres over 1,000 square metres for visitors (class 3) – 0.075spaces. 	Five bicycle parking spaces shown on the plans. A condition is imposed to comply with the required bicycle parking requirements.

COMMENTS:

Western Australian Planning Commission Referral

The proposal was referred to the Western Australian Planning Commission (WAPC) as the proposal abuts Beaufort Street, which is classified as an “Other Regional Road”. The Department for Planning and Infrastructure (DPI) in its letter dated 29 July 2009 stated that the Department has no objection to the proposal on regional transport grounds.

Demolition

The subject place comprising Nos. 226 - 234 (Lots 1 & 2) Beaufort Street originally formed part of Perth Town Lot W103. In 1950, Perth Town Lot W103 comprised a pair of semi-detached dwellings at Nos. 232 - 234, believed to have been constructed in 1898, and a galvanised iron shed at No. 226 Beaufort Street, Perth. The Wise Post Office Directories indicate that the semi-detached dwellings were occupied as a mixed business for many years and No. 226 was occupied by fuel merchants. The historical Certificate of Title reveals that the land was transferred to J.P Collins Pty Ltd in 1944. Under the ownership of J.P Collins Pty Ltd, the City of Perth Building Licence Cards indicate that the original buildings on the site were demolished and replaced with the existing buildings. The City of Perth Building Licence Cards suggest that a brick and iron building with a gabled roof now located on Lot 1 was constructed in 1949, and the brick and iron building with a tiered skillion roof was constructed in 1953 in the Post-War International style, now on Lot 2. Additional buildings were constructed to the rear of the building on Lot No. 2 in 1959, and 1965 respectively.

A preliminary assessment indicates that the subject place at Nos. 226 - 234 Beaufort Street, Perth has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

In light of the above, it is considered that approval should be granted for demolition subject to a quality archival record and other standard conditions.

Redevelopment

The proposed new development abuts a property at No. 238 Beaufort Street which is listed on the Town of Vincent Municipal Heritage Inventory as a Management Category A - Conservation Essential. The heritage listed property is one of the oldest surviving buildings in the Town of Vincent dating 1884, and has continued to operate as a boarding house since 1929. The property was constructed as a single storey dwelling with a second storey addition to the rear.

The assessment of the proposed development, with regard to its impact on the heritage significance of the adjacent property, has been considered in the broader context of this section of Beaufort Street, between Newcastle and Bulwer Streets. This section of Beaufort Street is characterised by a mixture of buildings varying in height, bulk and architectural style, including original two-storey brick and iron Federation Queen Anne semi-detached terraces constructed in the 1890's, post-war commercial buildings, and more recent large scale mixed use development.

Whilst the proposed development is largely out of keeping with the scale, massing and bulk of the adjacent heritage listed property at No. 238 Beaufort Street, the plans dated 16 June 2009 indicate that the proposed development has sought to minimise the impact of the scale and bulk of the proposed development on the adjacent heritage listed property. This is shown through the greater front set-back of the north-west corner of the proposed development; limiting the height of the proposed development on the north-west boundary to two storeys; the northern elevation to be set back a minimum of five metres from the common boundary; and the provision of an opening along the ground floor north-west corner of the site to enable visual sightlines to the adjacent heritage place.

In light of the above, it is considered that the proposed development demonstrates consideration of the adjacent heritage listed property at No. 238 Beaufort Street, and is supported on heritage grounds.

Strategic Comments

The Town's Local Planning Strategy has identified Beaufort Street as providing a vital conduit between the Town Centre of Mount Lawely and Northbridge and displays numerous opportunities for liner intensification of land uses supported by good public transport. The Local Planning Strategy has identified the section of Beaufort Street between Newcastle Street and Bulwer Street as exhibiting the key characteristics of an Activity Corridor. Consistent with the principles of *Network City*, it is encouraged that development along this section of Beaufort Street promotes a combination of a variety of commercial and high density residential/commercial uses along the Street.

The Local Planning Strategy recommends that Design Guidelines will be prepared to guide development along this portion of Beaufort Street that would seek to build on the existing mixed-use community setting and also address matters relating to facades and interface, the provision of awnings, pedestrian access, the residential/commercial interface, parking, signage and services. Reduction to parking provisions will also be addressed through the demonstration of affordable housing and/or green building design.

Density, Plot Ratio and Building Height

Density, plot ratio and building height contribute to the bulk and scale of a development and in this instance, the subject proposal is not considered to have an undue impact on the amenity of the area and is symptomatic of a growing trend to develop underutilised inner-city properties.

The proposed five-storey height of the building is supported given the nature of developments in the immediate area along Beaufort Street; to the north of the site there is a mixed-use building of four to five storeys and the proposed building incorporates appropriate articulation.

Due to the support of a five-storey development on the subject site, the proposed density bonus and plot ratio are also recommended for approval. The subject development will provide a significant number of multiple dwellings along the Beaufort Street Activity Corridor creating the diversity in housing types that is a long-term strategic goal for the Town of Vincent as stated in the Town's Local Planning Strategy.

Conclusion

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

9.3.2 Approval of Leases for Margaret Kindergarten – No 45 (Lot 10349 D/P: Swan L), Richmond Street, Leederville and Highgate Pre-Primary (Little Citizens) – No. 4 (Part Lot 141 and Part of Land D12533) Broome Street, Highgate

Ward:	North	Date:	30 July 2009
Precinct:	Mount Hawthorn, P1	File Ref:	CMS0009
Attachments:			
Reporting Officer(s):	M Rootsey		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

(i) **APPROVES;**

(a) *the lease for the property located at No. 45 (Lot 10349 D/P Swan L) Richmond Street, Leederville, known as the Margaret Kindergarten for a period of five and half (5½) years from 1 July 2010 to 31 December 2015, subject to satisfactory negotiations being carried out by the Chief Executive Officer; and*

(b) *the lease for the property located at No. 4 (Part Lot 141 and Part of Land D12533) Broome Street, Highgate known as the Highgate Pre-Primary School (Little Citizens) for a period of five (5) years from 25 September 2011 to 24 September 2016 subject to satisfactory negotiations being carried out by the Chief Executive Officer; and*

(ii) *subject to (i) above being approved, AUTHORISES the Mayor and Chief Executive Officer to sign the new leases and AFFIX the Council's Common Seal.*

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Youngman, Seconded Cr Messina

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

“(i)(a) the lease for the property located at No. 45 (Lot 10349 D/P Swan L) Richmond Street, Leederville, known as the Margaret Kindergarten for a period of five and half (5½) years from 1 July 2010 to 31 December 2015, subject to satisfactory negotiations being carried out by the Chief Executive Officer. Prior to the extension of the lease for Margaret Kindergarten being granted, the Department of Education and Training shall prove that residents living closest to the site shall be given preferred or equal status to attend this facility as those people proximal to the administration building at Mt Hawthorn Primary School; and”

Debate ensued.

AMENDMENT NO 1 PUT AND LOST (1-8)

For: Cr Youngman

Against: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Lake, Cr Maier,
Cr Messina

Debate ensued.

AMENDMENT NO 2

Moved Cr Ker, Seconded Cr Messina

That a new clause (iii) be inserted as follows:

“(iii) EXPRESSES its strong concern at the exclusion of children who live close to the Margaret Kindergarten from this facility and asks the Department of Education and Training to investigate ways of improving their access.”

AMENDMENT NO 2 PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (8-1)

For: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Lake, Cr Maier,
Cr Messina

Against: Cr Youngman

COUNCIL DECISION ITEM 9.3.2

That the Council;

(i) **APPROVES;**

(a) *the lease for the property located at No. 45 (Lot 10349 D/P Swan L) Richmond Street, Leederville, known as the Margaret Kindergarten for a period of five and half (5½) years from 1 July 2010 to 31 December 2015, subject to satisfactory negotiations being carried out by the Chief Executive Officer; and*

(b) *the lease for the property located at No. 4 (Part Lot 141 and Part of Land D12533) Broome Street, Highgate known as the Highgate Pre-Primary School (Little Citizens) for a period of five (5) years from 25 September 2011 to 24 September 2016 subject to satisfactory negotiations being carried out by the Chief Executive Officer;*

(ii) *subject to (i) above being approved, AUTHORISES the Mayor and Chief Executive Officer to sign the new leases and AFFIX the Council’s Common Seal; and*

(iii) *EXPRESSES its strong concern at the exclusion of children who live close to the Margaret Kindergarten from this facility and asks the Department of Education and Training to investigate ways of improving their access.*

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with details of the proposed leases for the Margaret Kindergarten located at No. 45 (Lot 10349 D/P: Swan L), Richmond Street, Leederville and the Highgate Pre-Primary School (Little Citizens), the premises located at 4 Broome Street, Highgate.

BACKGROUND:

The Ministry for Education, (now known as the Department of Education and Training) has been the lessee of the Margaret Kindergarten, premises located at 45 Richmond Street, Leederville since the early 1970's. The current lease is due to expire on 30 June 2010.

The Ministry for Education has also been the lessee of the Highgate Pre-Primary School (Little Citizens), the premises located at 4 Broome Street, Highgate since 1 January 1982. The current lease is due to expire on 30 June 2011.

At the Ordinary Meeting of Council held on 8 April 2008 item 10.4.8 the Council adopted the following resolution in part:

“That the Council;

(ii) *NOTES that;*

(d) *the Town holds three current leases for Kindergarten purposes with the Department of Education and Training (DET) as follows;*

(1) *the lease for the Margaret Kindergarten at No. 45 (Lot 10349 D/P: Swan L) Richmond Street, Leederville, (lease expires on 30 June 2010);*

(2) *the lease for the Mount Hawthorn Pre-Primary School at No. 202 (Lot 1 D/P: 7898, Lot 226 D/P: 3845, Lot 227 D/P: 3845 and Lot 7681 D/P: 169433) Scarborough Beach Road, Mount Hawthorn, (lease expires on 24 September 2011); and*

(3) *the lease for the Highgate Pre-Primary (Little Citizens) at No. 4 (Part Lot 141 and Part of Land D12533) Broome Street, Highgate (lease expires on 24 September 2011).*

(iv) *RESOLVES IN PRINCIPLE that effective from the date of the expiry of current leases between the Town and the Department of Education and Training that it shall no longer be responsible for the provision and maintenance of buildings and lands for kindergarten purposes as it considers this to be a responsibility of the State Government (Department of Education and Training);*

(v) *subject to (iv) being APPROVED IN PRINCIPLE, advises the State Government (Department of Education and Training) that the provision and maintenance of buildings and lands for kindergarten purposes is a responsibility of the State Government and hereby gives ADVANCE NOTICE that the current Kindergarten Leases NOT be renewed upon their current expiry dates and therefore it should commence appropriate actions to assume responsibility for this and make suitable provision for the future needs of kindergarten purposes within the Town;*

- (vi) *RESOLVES IN PRINCIPLE to sell the land currently being used by the Mount Hawthorn Pre-Primary School at 202 (Lot 1 D/P: 7898, Lot 226 D/P: 3845, Lot 227 D/P: 3845 and Lot 7681 D/P: 169433) Scarborough Beach Road, Mount Hawthorn to the State Government (Department of Education and Training) (who support the consolidation of this parcel of land into the Mount Hawthorn Primary School site) at market valuation;*
- (vii) *subject to (vi) above being APPROVED IN PRINCIPLE, AUTHORISES the Chief Executive Officer to;*
- (a) *obtain valuations for the Mount Hawthorn Pre-Primary School site; and*
- (b) *enter into discussions with the Department of Education and Training concerning the proposed termination of the existing leases and possible sale of the Mount Hawthorn Pre-Primary School and the future of the Highgate Pre-Primary School;”*

DETAILS:

Since this resolution was adopted, the Town has sold the Mount Hawthorn Pre-Primary School to the Department of Education and Training which was settled on the 14 July 2009.

Correspondence – Margaret Kindergarten:

The Town has recently received correspondence from the school and the Department of Education and Training regarding the extension of this lease.

In a letter addressed to the Town’s Director Development Services, dated 27 March 2009, the Department of Education’s Manager, Capital Programs, Mal Parr advised the following:

“With regard to Margaret’s Kindergarten, located in Richmond Street, Leederville, it is the Department’s long-term preference to relocate the kindergarten onto the Mount Hawthorn Primary School site. However, it is most unlikely that this outcome will be achieved in the short-term. Accordingly, it is the Department’s intention to seek an extension of the existing lease beyond the current expiry date of 30 June 2010.”

The school has made a number of enquires to the Town and Council Members in regards to this issue and the uncertainty and confusion it is creating within the school community. It is therefore requested for this matter to be determined.

In a letter addressed to the Town’s Chief Executive Officer, dated 19 June 2009, the Chairman of the Mount Hawthorn Primary Schools School Council, Michael Jenkin, advised the following:

“I am writing to you on behalf of the School Council to seek information about the renewal of the lease relating to the Margaret Kindergarten.

As you are aware, the Margaret Kindergarten has been an important part of the local community for decades and in fact, is said to be the first purpose built Kindergarten in Western Australia.

I understand that the current lease relating to the Margaret Kindergarten expires in 2010. Are you in a position to confirm that the lease will be renewed and if so, when will this occur?

As you can imagine, any delay of confusion in relation to the renewal of the leases has the potential to cause distress in the school community. I would appreciate your clarification of the Town of Vincent’s intentions in relation to this important part of our local community.”

Lease Period – Margaret Kindergarten:

The period for the lease of the Margaret Kindergarten has been amended to five and half (5½) years so that the lease period expires at the end of a school year.

The school had raised concerns with the current lease expiring in the middle of a school year, any change at that time would be very disruptive to the children attending the school.

The new lease (if approved by the Council) will contain a Redevelopment clause to enable the Council to terminate the lease if it wishes to redevelop the site. The Town's Strategic Plan 2009-2014 at Action Plan 1.1.6 (j) states: "*Investigate office building options and redevelop the Leederville Early Childcare Centre site with the aim of building a new and larger Childcare Centre on an alternative site. The period is 2009-2012*".

Due to the global financial crisis, it is highly unlikely that the Town would be in a position to redevelop the Leederville Early Childcare Centre site within the next 3-5 years. Accordingly, a new lease is recommended.

Correspondence – Highgate Pre-primary School (Little Citizens):

Following the resolution made at the Ordinary Meeting of Council held on 8 April 2008, Item No. 10.4.8, the Town received correspondence from Mal Parr, Acting Executive Director Infrastructure at the Department of Education and Training, which stated in part, the following:

"With regard to the Highgate Pre-Primary Centre in Broome Street, Highgate, the Department will be keen to negotiate an extension of the existing lease beyond the current expiry date of 30 June 2011. You would be aware that the Highgate Primary School site is quite small compared with the size of the standard primary school site which is 4 hectares. Accordingly, it would be difficult for the Department to relocate the pre-primary classes onto the school site."

The Town has also received recent correspondence from the school, expressing concerns regarding the tenure of the school.

In a letter addressed to Mayor Catania on 27 May 2009 written by Peta Gjedsted, the Parents and Citizens (P&C) President of the Highgate Primary School, the following was stated:

"The Highgate Primary School Parents' and Citizens' Association request the Town of Vincent Council to reconsider its decision not to renew Highgate Primary School's lease on the Little Citizens Kindergarten in Broome Street when it expires in 2011."

Little Citizens' Kindergarten has been an important part of early childhood development in Highgate for many generations. At Highgate Primary School Open Days, returning graduates relate stories of their transition from Little Citizens' to "big school"; they are pleased to hear that Little Citizens' continues to prepare our students in their early years.

Whilst physically separate, the Kindergarten students and their families participate in our School social and fundraising events. Kindergarten parents are participating members of our Association and the P&C directs funds to the Kindergarten to assist with maintenance and resources.

The Town of Vincent holds a unique position as the closest predominantly residential area to the CBD. The Town attracts ratepayers for the high quality services, strong community feeling and the advantages of inner city living. For families and young couples their choice of purchasing a property is also highly influenced by the access to early childhood services.

Currently, Highgate provides ratepayers with access to many early childhood resources due to the great collaborations between the Town of Vincent Council and organisations such as the Playgroup Association and the Department of Education and Training; collaborations which provide a child health nurse through playgroup and kindergarten to primary school in a radius of a few kilometres. These collaborations make Highgate an attractive residential choice and contribute to the diverse demographic that characterises our Town Of Vincent. On behalf of the Highgate Primary School Parents' and Citizens Association, I ask the Council to review your resolution not to renew the Department of Education and Training's lease on the property. We hope you can recognise the important place Little Citizens has in the Town's past, present and future and continue to provide this great facility to your ratepayers."

The Chair of the Highgate Primary School Council, Lisa Fanciulli has also written to Mayor Catania in a letter dated 2 June 2009 which reads as follows:

"I am writing to you as chair of the Highgate Primary School Council to urge you to reconsider the Town of Vincent Council's decision not to extend the Department of Education and Training's lease on the Little Citizens Kindergarten in Broome Street when it expires in mid-2011.

Both the school and the Department of Education and Training highly value the kindergarten. We have put in considerable effort and funding into maintaining and improving it over the years. As the third oldest kindergarten in WA, Little Citizens has served our local community well for over 90 years and continues to be an integral part of the community and Highgate Primary School.

As you know, the lack of facilities and activities catering for the needs of small children is raised as an issue by Mount Lawley/Highgate and Perth residents in the Town's Vision 2024. Little Citizens is the only kindergarten serving residents in the Vincent's South Ward. Local demand for kindergarten places is growing. In recent years, due to that high demand, we have begun a second kindergarten class and in 2009, we had enough applications to run three kindergarten classes, had the space been available. Ordinarily, the children we could not accommodate would have to travel to next closest kindergarten which are significantly further away (Margaret Kindergarten (2.6km) and Mount Lawley Kindergarten (2Km)) however, these kindergartens are also at capacity and are not in a position to absorb extra students.

Although Little Citizens is less than one kilometre from the main school campus, Highgate Primary School would like to co-locate the kindergarten on the main school campus. However, that is impossible because we already have a severe space shortage. This year our school had over 20 classes and a total student population of 440 students. This represents yet another increase in enrolment numbers. Not only do we have less than 40 per cent of the area usually allocated to a school with this number of students, the school is now facing a real shortage in available classroom space. Due to the beneficial educational outcomes small class sizes deliver, at Highgate Primary, every effort is made to keep numbers low especially in the critical junior years. Outdoor space is at a premium and all available inside space is devoted to class groups allowing us to maintain as low a teacher to student ratio as possible.

On behalf of the Principal and students of Highgate Primary School, and as a Town of Vincent resident and ratepayer, I urge you and your fellow councillors to recognise the important place Little Citizens plays in the Town's past and present. Please revisit your resolution not to renew the Department of Education and Training's lease on the property."

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The Town of Vincent policy No 1.2.1 – Terms of Lease states:

- “1 Any new lease granted by the Council shall usually be limited to a five year period, and any option to renew shall usually be limited to no more than a ten year period.
- 2 Council may consider longer periods where the Council is of the opinion that there is benefit or merit for providing a longer lease term.”

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014– Key Result Area Two: Economic Development, Objective 2.1 Progress Economic Development with Adequate Financial Resources:

- “2.1.6 Develop business strategies that provide a positive triple bottom line return for the Town:
- (a) Continue to renew leases and commercial contracts to ensure the best return for the Town, whilst being cognizant of its community service obligations.”

SUSTAINABILITY IMPLICATION:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

The lease to the Department of Education and Training for the Margaret Kindergarten is currently \$3,666.95 (including GST) per annum, increased by Consumer Price Index (CPI) for the period of the lease. The lease for the Highgate Pre-Primary School (Little Citizens) is currently \$2,551 (including GST) per annum, increased by Consumer Price Index (CPI) for the period of the lease.

COMMENTS:

Given the relatively short period of time that the Department of Education and Training has had to make permanent alternative arrangements, the leases can be supported.

This matter is creating uncertainty within the community, notably those members of the community who have children attending these schools. The adjustment of the term of the lease at Margaret Kindergarten is for practical reasons to ensure that the lease expires at the end of a school year and therefore minimising any disruption to the children during the school year.

Notwithstanding the in principle Council decision of 8 April 2008, the Department of Education is not in a position to fund alternative sites, in the short term. Therefore, if the Council does not approve the leases, ultimately the Vincent children will be disadvantaged.

Accordingly, the proposed leases are therefore supported.

9.2.6 Town of Vincent 2009 Garden Competition

Ward:	Both	Date:	31 July 2009
Precinct:	All	File Ref:	CVC0007
Attachments:	-		
Reporting Officer(s):	J van den Bok		
Checked/Endorsed by:	R Lotznicker	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report on the proposed 2009 Garden Competition; and*
- (ii) *APPROVES;*
 - (a) *the 2009 Garden Competition as outlined in the report, with entries to close on Friday 2 October 2009, and the final judging to be carried out on Saturday 10 October 2009; and*
 - (b) *the final judging panel to comprise the Mayor, Councillors Burns and Messina, Manager Parks Services and Adele Gismondi (Water Corporation);*
- (iii) *AUTHORISES the Chief Executive Officer to conduct a function for the awarding of prizes to the winners and finalists of each category of the competition, to be held at the Town of Vincent Administration and Civic Centre on Wednesday 4 November 2009, commencing at 6.00pm.*

Cr Burns departed the Chamber at 7.25pm.

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Burns returned to the Chamber at 7.27pm.

Debate ensued.

Cr Doran-Wu departed the Chamber at 7.30pm.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 7.31pm.

Debate ensued.

AMENDMENT NO 1

Moved Cr Ker, Seconded Cr Youngman

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

“(ii)(a) the 2009 Garden Competition as outlined in the report, with entries to close on Friday 2 October 2009, and the final judging to be carried out on Saturday 10 October 2009, subject to the prizes for the Catchment Friendly Garden be reinstated at their previous amount; and”

Debate ensued.

AMENDMENT NO 1 PUT AND CARRIED (7-2)

For: Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Lake, Cr Maier, Cr Messina, Cr Youngman
Against: Mayor Catania, Cr Burns

Debate ensued.

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Messina

That new clauses (iv) and (v) be inserted to read as follows:

- “(iv) *CONSISTENT with the practice in previous years, entrants and their partners be invited to the awards function; and*
- (v) *REQUESTS the Chief Executive Officer to identify a source of funds to cover this at the next budget review.*”

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED (7-2)

For: Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Lake, Cr Maier, Cr Messina
Against: Mayor Catania, Cr Youngman

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.2.6

That the Council;

- (i) *RECEIVES the report on the proposed 2009 Garden Competition; and*
- (ii) *APPROVES;*
- (a) *the 2009 Garden Competition as outlined in the report, with entries to close on Friday 2 October 2009, and the final judging to be carried out on Saturday 10 October 2009, subject to the prizes for the Catchment Friendly Garden be reinstated at their previous amount; and*
- (b) *the final judging panel to comprise the Mayor, Councillors Burns and Messina, Manager Parks Services and Adele Gismondi (Water Corporation);*
- (iii) *AUTHORISES the Chief Executive Officer to conduct a function for the awarding of prizes to the winners and finalists of each category of the competition, to be held at the Town of Vincent Administration and Civic Centre on Wednesday 4 November 2009, commencing at 6.00pm;*
- (iv) *CONSISTENT with the practice in previous years, entrants and their partners be invited to the awards function; and*
- (v) *REQUESTS the Chief Executive Officer to identify a source of funds to cover this at the next budget review.*
-

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the proposed changes to the 2009 Garden Competition and seek approval for the dates and format of the 2009 Garden Competition.

BACKGROUND:

Since the Town's inception in 1995, there has been an annual Spring Garden Competition which is open to all owners/occupiers who have resided in the Town for at least six (6) months.

This event has always been a highlight in the Town's calendar and residents are now so keen to be a part of the competition they are requesting information and submitting entries as early as July of each year.

The categories in the 2008 competition were as follows:

- Best Residential Front Garden
- Best Kept Verge
- Best Courtyard and/or Rear Garden
- Best Landscaped Commercial/Grouped Housing Property
- Best "Vegetable or Food Garden"
- Best Kept Street/Part Street
- Catchment Friendly Garden

DETAILS:

Categories

No prizes have been awarded in the Best Landscaped Commercial Grouped Housing Property over the past four (4) years due to the lack of entries; therefore it is not considered worthwhile continuing with the inclusion of this category.

The minimum number of six (6) entries is usually received in the remaining categories; therefore, the recommended categories for the Town of Vincent 2009 Garden Competition are as follows:

- Best Residential Front Garden
- Best Kept Verge
- Best Courtyard and/or Rear Garden
- Best Vegetable or Food Garden
- Best Kept Street/Part Street
- Catchment Friendly Garden

Judging

Preliminary judging for the majority of categories will again be undertaken by the Town's horticultural staff.

Preliminary judging for the Catchment Friendly Garden will be undertaken by CBCG members, with the Parks Services Technical Officer also forming part of the Catchment Friendly Garden preliminary judging panel.

The final judging committee will consist of the Mayor and Councillors Burns and Messina, who were selected to be part of the Garden Awards Advisory Group.

Adele Gismondi from the Water Corporation, who is a major sponsor of the competition, has again expressed an interest in forming part of the final judging committee. Ms Gismondi formed part of this committee some two (2) years ago and provided some interesting feedback on the final judging.

Her ideas have now been incorporated into the final judging format and with her passion and experience it is would be prudent to consider her as part of this committee for a second time.

Final judging will be undertaken on the morning of Saturday, 10 October 2009 and it is proposed that the judging panel 2009 consist of the following:

- Mayor Nick Catania
- Cr Anka Burns
- Cr Izzi Messina
- Manager Parks Services
- Adele Gismondi (Water Corporation)

Function/Awards/Prize Money

As part of the recent Internal Organisation Review, the format and costs of running the annual garden competition have been reviewed and it has been recommended to slightly scale down the award night function, slightly reduce the prize money and undertake the photography “in-house” rather than engage the services of a photographer.

Previously, entrants and their partners have been invited to the awards function held at the Town’s Administration and Civic Centre. With Council Members, staff and sponsors the attendance has been around 140-150 persons.

Following discussions with the Town’s Chief Executive Officer, it has been recommended that the function be scaled down with only finalists and one guest to be invited.

This will reduce the numbers attending down to around 60-80 persons, which will reduce the overall cost of the awards function.

The Catchment Friendly Garden category is sponsored by the Water Corporation through the CBCG, and their sponsorship has again been sourced.

The prize money for the 2009 Garden Competition has also been reviewed and is as follows:

Best Waterwise Residential Front Garden

Best Kept Verge

Catchment Friendly Garden

- First Prize \$300 plus trophy
- Second Prize \$200 plus certificate
- Third Prize \$100 plus certificate

Best Courtyard and/or Rear Garden

Best Vegetable Garden or Food garden

- First Prize \$250 plus trophy
- Second Prize \$150 plus certificate
- Third Prize \$100 plus certificate

Best Kept Street/Part Street and Mayor's Encouragement Award.

A specialised street sign will again be provided for the Best Kept Street/Part Street category and a quality pair of Swiss made "Felco" secateurs will be presented for the Mayor's Encouragement Award.

As in previous years, the presentation will also include a number of raffles or give-away prizes provided by the numerous sponsors. These raffles have proved to be a very popular and entertaining part of the night.

CONSULTATION/ADVERTISING:

An advertisement/entry form will be placed in a local community paper during late August early September 2009. Entry forms have been included in the "Mayor's Message" and rates notices.

Entry forms are also available at the front desk of the Administration Civic Centre, the new Library and via the Town's website.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan (Plan for the Future) 2009-2014 – 3.1.1 Celebrate and acknowledge the Town's cultural and social diversity. *“(a) Organise and promote community events, programs and initiatives that engage the community and celebrate the cultural and social diversity of the Town.”*

SUSTAINABILITY IMPLICATIONS:

In keeping with the Town's commitment to environmental sustainability and water wise principles, this year all entries are being judged against waterwise criteria such as the use of native plants, water saving measures and demonstrated controlled use of fertilisers and pesticides.

FINANCIAL/BUDGET IMPLICATIONS:

The estimated costs associated with the 2009 Town of Vincent Garden Competition are as follows:

• Cash prizes	\$2,200
• Function	\$3,500
• Trophies	\$1,200
• Photography	\$250
• Certificates	\$150
• Advertising	\$750
• Street sign	\$250
• Administration (misc)	<u>\$200</u>
	<u>\$8,500</u>

An amount of \$8,500 has been included in the 2009/10 budget for the garden competition.

The CBCG will be also providing \$950 via sponsorship from the Water Corporation, for the prize money/trophy allocation – “Catchment Friendly Garden”.

In addition, it should be noted that sponsorship for the 2008 competition amounted to \$2,350 in cash contributions and local contractors/businesses also donated service vouchers and products to the value of \$1,970.

COMMENTS:

Since its inception, the Town’s annual Spring Garden Competition which is open to all owners/occupiers who have resided in the Town for at least six (6) months, has been increasingly popular with residents.

It is envisaged that the 2009 competition will be just as popular as previous events and it is therefore recommended that the Council approves the 2009 Garden Competition, with entries to close on Friday 2 October 2009.

9.1.4 No. 158A (Part Lots 1 and 2 D/P: 30376) Vincent Street, North Perth - Recreational Facility - Reconsideration of Conditions (Application for Retrospective Approval)

Ward:	South	Date:	3 August 2009
Precinct:	Smith's Lake; P06	File Ref:	PRO0654; 5.2009.134.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

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 Sterpini on behalf of the owner S & R Paolucci for proposed Recreational Facility - Reconsideration of Conditions (Application for Retrospective Approval), at No. 158A (Part Lots 1 and 2 D/P: 30376) Vincent Street, North Perth , and as shown on plans stamp-dated 21 April 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) *the maximum gross floor area of the recreational facility shall be limited to 233 square metres, as shown on approved plans;*
- (iii) *the maximum total number of employees shall be limited to three (3) at any one time;*
- (iv) *the maximum total number of students/clients shall be limited to forty-eight (48) at any one time. Accordingly, the classes shall be scheduled to allow a 30 minute interval between classes to enable sufficient time for patrons to arrive and leave the facility;*
- (v) *the hours of operation shall be limited to ~~6~~ 5.30am to ~~9.15~~ 9.45pm Monday to Friday and ~~8~~ 7.30am to ~~5.30~~ 6pm Saturday, inclusive; and*
- (vi) *a detailed Parking Management Plan for the Recreational facility shall be submitted to and approved by the Town within 28 days of the issue of the subject 'Approval to Commence Development'. The Management Plan is to detail the following aspects:*
 - (a) *Operational Management - to minimise any potential impact on the surrounding locality from patrons parking at the premises and/or surrounding streets; and*
 - (b) *Communications Strategy - outlining a complaint handling system which provides:*
 - (1) *a telephone number and email address to log complaints and enquiries;*
 - (2) *a procedure how complaints will be handled and associated timeframes for responding to such complaints; and*

- (3) *a record of complaints and enquires logged, and the applicant's response, is to be provided on a 6 monthly basis to the Town of Vincent for its information.*

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

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

AMENDMENT NO 1

Moved Cr Farrell, Seconded Cr Youngman

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

“(v) *the hours of operation shall be limited to 5.30am to 9.45pm Monday to Friday, ~~and~~ 7.30am to 6pm Saturday, and 1.30 pm to 6 pm on Sunday, inclusive; and”*

Debate ensued.

AMENDMENT NO 1 PUT AND CARRIED (9-0)

Debate ensued.

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Lake

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

“(v) *the hours of operation shall be limited to ~~5.30~~ 6am to ~~9.45~~ 9.15pm Monday to Friday and ~~7.30~~ 8am to ~~6~~ 5.30pm Saturday, and 1.30 pm to 6 pm on Sunday, inclusive; and*

AMENDMENT NO 2 PUT AND LOST (3-6)

For: Cr Ker, Cr Lake, Cr Maier

Against: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Messina, Cr Youngman

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.1.4

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 Sterpini on behalf of the owner S & R Paolucci for proposed Recreational Facility - Reconsideration of Conditions (Application for Retrospective Approval), at No. 158A (Part Lots 1 and 2 D/P: 30376) Vincent Street, North Perth , and as shown on plans stamp-dated 21 April 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) *the maximum gross floor area of the recreational facility shall be limited to 233 square metres, as shown on approved plans;*
- (iii) *the maximum total number of employees shall be limited to three (3) at any one time;*
- (iv) *the maximum total number of students/clients shall be limited to forty-eight (48) at any one time. Accordingly, the classes shall be scheduled to allow a 30 minute interval between classes to enable sufficient time for patrons to arrive and leave the facility;*
- (v) *the hours of operation shall be limited to 5.30am to 9.45pm Monday to Friday, 7.30am to 6pm Saturday, and 1.30 pm to 6 pm on Sunday, inclusive; and*
- (vi) *a detailed Parking Management Plan for the Recreational facility shall be submitted to and approved by the Town within 28 days of the issue of the subject 'Approval to Commence Development'. The Management Plan is to detail the following aspects:*
 - (a) *Operational Management - to minimise any potential impact on the surrounding locality from patrons parking at the premises and/or surrounding streets; and*
 - (b) *Communications Strategy - outlining a complaint handling system which provides:*
 - (1) *a telephone number and email address to log complaints and enquiries;*
 - (2) *a procedure how complaints will be handled and associated timeframes for responding to such complaints; and*
 - (3) *a record of complaints and enquires logged, and the applicant's response, is to be provided on a 6 monthly basis to the Town of Vincent for its information.*

ADDITIONAL INFORMATION:

Car Parking:

The correction to the hours of operation has been made to enable a 30 minute interval before and after classes.

ADDITIONAL INFORMATION:

Since the publication of the Agenda Report, the applicants have contacted the Town's Officers expressing concern that the background circumstances, resulting in the submission of the subject planning application for reconsideration of conditions, has not been fully presented to the Council Members. Particularly, that the Town's Officers did not identify to the Applicants upon initial enquiries to the Town, that the approved use of the property was restricted by conditions relating to the maximum number of people and the hours of operation.

The following information provided by the applicant, which is partially summarised in the report, and is also "*Laid on the Table*", is provided directly to the Council for consideration:

- *"The applicant and its agent contacted the Town on 9 October 2008, in relation to the subject property;*
- *The applicant spoke with a planning officer and sought all the information available that would impact on the Bikram Yoga Studio operating from the address. The applicant also requested information on any necessary approvals that need to be gained prior to operating.*

- *Based on the information received the applicant submitted a Building Application on the 24 October 2008. This was approved on the 21 November 2008.*
- *On the 23 January 2009 the applicant received a letter from the Town advising that the property had been granted approval to operate as a 'recreational facility' subject to special conditions. If the applicant had have been advised of these special conditions prior to being granted a Building Licence, the applicant would not have proceeded. The special conditions are such that should the Town enforce them, the business will fail.*
- *Due to considerable financial cost to refurbish the property it is crucial for the applicant to have the ability to operate to their full potential. This includes increasing the number of students per class as hours of operation.*
- *It should be noted that the applicant was never advised of the conditions prior to receiving the letter and the Town acknowledges failing to disclose such conditions."*

ADDITIONAL INFORMATION:

Since the publication of the Agenda Report, the Town's Officers have been contacted by one of the objectors who claims that the report relating to the Recreational Facility - Reconsideration of Conditions (Application for Retrospective Approval) is erroneous, biased and misleading. The objector's full submission and original submission is "*Laid on the Table*" for Council's consideration. The following outlines the objector's complaints and the associated Officer comment in response.

'Bikram Yoga have applied to run classes for up to 3150 patrons a week. They have 6 parking bays. They have applied to operate more than 15 hours a day from 6.00am in the morning right through to 9.15pm at night 7 days a week 365 days a year with back to back classes of 48 people per class... Already up to 1350 cars per week battle for the 6 available bays. The streets are in gridlock and the neighbourhood at breaking point '

Officer Comment: The above figures are not representative of the operation of the facility. In the first instance, the Officers have recommended that the subject yoga studio operate 6 days a week and that it should not operate on Sundays. Based on the premises operating 6 days a week, in accordance with the current schedule, and with a maximum number of students being 48, there will be a maximum of 1008 patrons per week not 3150 patrons.

It is noted that the classes are not scheduled back to back with almost all of the classes with a 30 minute separation, the exception being the last two classes held on Monday, Tuesday, Wednesday and Thursday where only a 15 minute gap is evident. To minimise any potential for conflict clause (iv) of the Officer Recommendation has been amended to ensure that the timetabling for classes has a minimum 30 minute interval to reduce the potential for car parking congestion.

"The proponent says students arrive 5 to 10 minutes before class but the website (attached) clearly shows that students are asked to arrive at least 30 minutes before, meaning up to 48 cars from the previous class are still parked when the next 48 cars arrive. Often there are major queues to get in which spill out into the street."

Officer Comment: At the time of writing the Agenda Report, it was understood that the 30 minute requirement was imposed for new students, so they could be registered and be made aware of the various car parking restrictions. Clause (vi) of the Officer Recommendation requires a further Parking Management Plan, which requests further detail on the operation of the facility to minimise any potential impact on the surrounding locality from patrons parking at the premises and/or surrounding streets.

"The proponent says most students are local and walk or ride. This is untrue and was never checked. There is only one Bikram Yoga centre in WA and patrons come from all over Perth. I have never seen a bike outside the centre."

The proponent says that patrons arrive in groups. Patrons invariably arrive individually exactly as is the case at most gyms and fitness centres."

Officer Comment: Regardless of whether patrons arrive in groups, or walk or ride, the assessment of parking is required to be undertaken in accordance with the Town's Parking and Access Policy, which indicates there is no car parking shortfall for the subject facility. Furthermore, Rangers Services have reiterated that whilst there were previously a large number of complaints about the property, Rangers Services now only receive an odd complaint, suggesting that the original problems have abated through efficient management.

Rangers have advised that they check the area occasionally, as part of their general patrols and have established that, while the streets are congested, it is rare for no parking spaces to be available.

'The proponent says there are 7 parking bays when there are six.'

Officer Comment: There are 7 car parking bays marked out on-site.

'A compromise proposal that patrons be limited to 25 per class with an hour between the end of one session and the start of the next be put to Council for consideration.'

Officer Comment: Notwithstanding the complainant's comments and suggestions, the Officer Recommendation remains the same with the exception of amendments to clause (iv) formalising a 30 minute interval between classes.

It is not considered that the Officers report was biased towards the applicant. Rather, the recommendation was made on the assessment of the proposal against the Town's policies and information provided by the Town's Rangers Services, which is based on evidence gathered over the last few months the place has been operational.

Landowner:	S & R Paolucci
Applicant:	J Sterpini
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Recreational Facilities
Use Class:	Recreational Facilities
Use Classification:	"AA"
Lot Area:	438 square metres
Access to Right of Way	Western side, 5 metres wide, sealed, Town owned

BACKGROUND:

2 November 2006 The Town under delegated authority conditionally approved an application for change of use from Photographic Studio to Recreational Facility and Associated Signage (Application for Retrospective Approval) (Serial No. 5.2006.341.1). At this time, the proposed Recreational Facility had a car parking surplus of 1.4 car bays. A total of seven car parking bays are provided on-site.

21 November 2008 The Town issued a Building Licence for internal fit-out to Recreational Facility.

- 19 January 2009 The Town received an email requesting advice as to whether the owner of the subject land had obtained planning approval for the subject place, what community consultation had been undertaken and what was the maximum number of patrons permitted.
- 22 January 2009 The Town wrote to the tenants of the subject place requesting that they ensure the use of the property for recreational purposes complies with the conditions of planning approval Serial No. 5.2006.341.1.

DETAILS:

The proposal involves the reconsideration of the following three conditions, which were imposed on the Approval to Commence Development, which was issued for change of use from Photographic Studio to Recreational Facility and Associated Signage (Application for Retrospective Approval) (Serial No. 5.2006.341.1):

- “(v) *the maximum total number of employees shall be limited to two (2) at any one time;*”
- (vi) *the maximum total number of students/clients shall be limited to fifteen (15) at any one time; and*
- (vii) *the hours of operation shall be limited to 6am to 7:30pm on Monday to Friday and 8am to 12 noon on Saturday; inclusive.”*

The applicant proposes the following changes to the above conditions:

- (v) the maximum total number of employees shall be limited to ~~two (2)~~ three (3) at any one time;
- (vi) the maximum total number of students/clients shall be limited to ~~fifteen (15)~~ forty-eight (48) at any one time; and
- (vii) the hours of operation shall be limited to ~~6am to 7:30pm on Monday to Friday~~ 6am to 9.15 pm Monday to Friday and ~~8am to 12 noon on Saturday~~ 8 am to 5.30pm Saturday and Sunday; inclusive.

In support of the application, the owner of the business has prepared a written submission, which is partially summarised below and "*Laid on the Table*":

- *"the applicant spoke with a Town Planning Officer and sought all the information available that would impact upon a Bikram Yoga studio operating from that address....if the applicant had have been advised of these special conditions prior to being granted a Building Licence, the applicant would not have proceeded. The special conditions are such that should the Town enforce them, the business will fail.*
- *Due to considerable financial cost to refurbish the property it is crucial for the applicant to have the ability to operate to their full potential. This includes increasing the number of students per class as hours of operation.."*

In response to the objections, the applicant has prepared a written submission, which is partially summarised below and "*Laid on the Table*":

- *"Excessive opening hours for 7 day trading where there are insufficient facilities for parking and clients. Local residents can't park on their own properties without being impeded."*

Applicant's Response: Since implementing successful strategies to educate students on the preferred parking options, there has been minimal disruption to local residents. The students have also taken our advice on the preferred parking options, utilising these areas instead of the narrower streets that surround the studio.

It must be noted that the success of a yoga studio relies heavily on the ability of the studio to offer classes to students outside normal business hours. Our studio has been operating for seven months and has offered classes on Sundays since its inception.

To suspend classes on Sundays now would be detrimental to the business and unfair to the regular members who have made Sunday classes part of their lifestyle. Also, some of our students can only practice on the weekends. It should be noted that the studio is not open all day on Sundays. It is closed for the majority of the day only operating for a few hours early Sunday morning and for 90 minutes in the afternoon."

- *There are two issues that exacerbate the problem, visitors to the gymnasium invariably arrive alone;*

Applicant's Response: Many of our students live within close proximity to the studio allowing them to walk, run or cycle as their preferred choice. Also, our students tend to enjoy classes with their friends and travel together, many having coffee after class both locally and in Leederville.

For those students attending from the outer suburbs we have employed a number of strategies to ensure parking is not an issue, they include:

- Maps for each student indicating suitable parking areas;
- Updating the website to reflect preferred parking options; and
- Educating the students before class whilst in the reception area.
- *The current schedule of classes is often back to back, resulting in bedlam when there is a change over of classes in terms of parking;*

Applicant's Response: The current schedule comprises of 24 classes/week. Almost all of the classes are spaced 30 minutes apart. In most cases, every student has left the studio within five minutes of the class finishing. There is no incentive for students to remain at the studio once class finishes.

The arrival of students for the subsequent class usually occurs five to ten minutes before class starts. This leaves approximately 15 minutes between when the students of one class leave and the arrival of students for the next class. This has proven to be ample time. Students always arrive relaxed and in a positive state.

The applicant has also advised that due to the considerable financial cost to refurbish the property, it is crucial for the business to have the ability to operate to its full potential. The applicant has obtained a letter from their financial adviser in support of their application, which is also "*Laid on the Table*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	N/A	N/A	Noted.
Plot Ratio	N/A	N/A	Noted.

Consultation Submissions		
Support (1)	<ul style="list-style-type: none"> ▪ No Comments provided. 	Noted.
<ul style="list-style-type: none"> ▪ Objection (2) 	<ul style="list-style-type: none"> ▪ There has been an ongoing problem with parking associated with the premises. ▪ The current tenants show a genuine interest in resolving the car parking issue. But the very fact that they have to go to such an effort is just another reflection of the problem. ▪ Excessive trading hours for 7 day trading where there are insufficient facilities for parking and clients results in local residents not being able to park on their own properties without being impeded. ▪ That there is no trading on Sundays to allow one day free of the problem. 	<p>Noted - refer to 'Comments' section below.</p> <p>Noted - refer to 'Comments' section below.</p> <p>Supported - in the pursuit of the conservation of the amenities of the area and in light of the concern regarding 7 day trading, a condition has been imposed to preclude trading on Sundays.</p> <p>Supported - as above.</p>
Other Implications		
Legal/Policy		TPS 1 and associated Policies, and Residential Design Codes (R Codes).
Strategic Implications		Nil
Sustainability Implications		Nil
Financial/Budget Implications		Nil

* The 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.

***Note: The following Car Parking Table was included distributed prior to the meeting. Changes are indicated by strike through and underline.**

Car Parking	
Car parking requirement (nearest whole number)	<u>8 car bays</u>
Recreational Facility - 1 space per 30 square metres of gross floor area <u>233 square metres - requires 7.7 car bays</u>	
Apply the adjustment factors.	<u>(0.7225)</u>
<ul style="list-style-type: none"> • <u>0.85 (within 400 metres of a bus stop)</u> • <u>0.85 (within 400 metres of a public car parking place with in excess of 75 car parking spaces)</u> 	<u>5.78 car bays</u>
<u>Minus the car parking provided on-site</u>	<u>7 car bays</u>
<u>Minus the most recently approved on-site car parking shortfall.</u>	<u>Nil</u>
<u>Resultant surplus</u>	<u>1.22 car bays</u>

Car Parking

The Town's Parking and Access Policy requires 1 car parking bay per 30 square metres of gross floor area. As determined in the previous application for change of use from Photographic Studio to Recreational Facility and Associated Signage (Application for Retrospective Approval) (Serial No. 5.2006.341.1), there was a car parking surplus of 1.4 car bays. A total of seven car parking bays are provided on-site. The new owners have not increased the floor area however, the proposal does result in a significant increase in patrons from the previous approval (15 persons to 48 patrons proposed). Regardless of this proposed increase in patron numbers, the subject site still maintains a surplus of car parking, when being assessed against the Town's Parking and Access Policy.

As evidenced by the two objections, there are concerns regarding car parking congestion associated with the use. The Town acknowledges that this property is very close to the Fitzgerald Street intersection which accommodates a high-volume of traffic and very little kerb-side parking is available in the vicinity for patrons. Furthermore, the subject yoga studio is located adjacent to another yoga studio at No. 315 Fitzgerald Street, which is restricted to a maximum total number of students/clients being eight (8) at any one time and which is not approved to operate on Sundays.

Ranger Services have advised that in the past the Town had received a large number of complaints from nearby residents and that parking congestion was being caused by patrons of the subject premises. In light of these complaints, the area was monitored, and it was noted that the volume of parked vehicles, which appeared to be related to Bikram Yoga, was fairly high and generated problems for residents.

However, Ranger Services have acknowledged that the management of Bikram Yoga have been very pro-active in promoting parking management, and note in information to patrons that local streets should not be used by yoga patrons. The following measures to address car parking congestion are also part of the management strategy to address parking:

- Maps for each student indicating suitable parking areas.
- Updating the website to reflect preferred parking options.
- Educating the students before class whilst in the reception area.
- Periodical checks of the surrounding streets to ensure there is no disruption.
- No staff park on-site. This policy was implemented by the owners shortly after the business commenced operating to ensure all on-site car parking bays are available for students.

While the Town's Rangers continue to receive an occasional complaint about parking, it would appear that the above management structure is working well. Ranger Services have advised that there has been a significant reduction in the parking congestion and in complaints from residents.

Conclusion

In light of the above, it is recommended that the application for reconsideration of conditions be approved, subject to a provision to restrict Sunday trading, as per the Officer Recommendation.

9.1.20 Western Australian Planning Commission - Draft State Planning Policy - Activity Centres for Perth and Peel

Ward:	Both	Date:	31 July 2009
Precinct:	All	File Ref:	ORG0016
Attachments:	-		
Reporting Officer(s):	T Woodhouse		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report regarding the Draft State Planning Policy - Activity Centres for Perth and Peel and the accompanying Planning Activity Centres for Communities Economic Growth Discussion Paper, prepared by the Western Australian Planning Commission and the Department of Planning; and*
- (ii) *AUTHORISES the Chief Executive Officer to notify the Western Australian Planning Commission and the Western Australian Local Government Association that the Town of Vincent SUPPORTS IN PRINCIPLE the intent and content of the Draft State Planning Policy - Activity Centres for Perth and Peel and the accompanying Planning Activity Centres for Communities and Economic Growth Discussion Paper, as 'Laid on the Table', subject to the consideration of the Officer Recommendations outlined within the 'Details' section of this report.*

Cr Farrell departed the Chamber at 7.50pm

Moved Cr Ker, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

Cr Messina departed the Chamber at 7.51pm.

AMENDMENT

Moved Cr Ker, Seconded Cr Burns

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

- “(ii) *AUTHORISES the Chief Executive Officer to notify the Western Australian Planning Commission and the Western Australian Local Government Association that the Town of Vincent SUPPORTS IN PRINCIPLE the intent and content of the Draft State Planning Policy - Activity Centres for Perth and Peel and the accompanying Planning Activity Centres for Communities and Economic Growth Discussion Paper, as 'Laid on the Table', subject to:*
- (a) *the consideration of the Officer Recommendations outlined within the 'Details' section of this report; and*
 - (b) *the inclusion of North Perth as a District Centre under the Policy.”*

AMENDMENT PUT AND CARRIED (7-0)

(Cr Farrell and Cr Messina were absent from the Chamber and did not vote.)

Cr Farrell returned to the Chamber at 7.52pm

MOTION PUT AND CARRIED (8-0)

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

COUNCIL DECISION ITEM 9.1.20

That the Council;

- (i) *RECEIVES the report regarding the Draft State Planning Policy - Activity Centres for Perth and Peel and the accompanying Planning Activity Centres for Communities Economic Growth Discussion Paper, prepared by the Western Australian Planning Commission and the Department of Planning; and*
 - (ii) *AUTHORISES the Chief Executive Officer to notify the Western Australian Planning Commission and the Western Australian Local Government Association that the Town of Vincent SUPPORTS IN PRINCIPLE the intent and content of the Draft State Planning Policy - Activity Centres for Perth and Peel and the accompanying Planning Activity Centres for Communities and Economic Growth Discussion Paper, as 'Laid on the Table', subject to:*
 - (a) *the consideration of the Officer Recommendations outlined within the 'Details' section of this report; and*
 - (b) *the inclusion of North Perth as a District Centre under the Policy.*
-

PURPOSE OF REPORT:

The purpose of this report is to inform the Council of the Western Australian Planning Commission (WAPC) *Draft State Planning Policy - Activity Centres for Perth and Peel*, currently out for consultation, and to provide a summary and critique of the document to the Council.

BACKGROUND:

The WAPC released *Draft State Planning Policy: Activity Centres for Perth and Peel* on 24 June 2009 for public comment. A workshop facilitated by the Department of Planning was held for relevant stakeholders on 21 July 2009 at the All Seasons Hotel, which the Town's Officers attended.

The Town also received an invitation dated 17 July 2009 from the Western Australian Local Government Association (WALGA) seeking comments from Local Government Authorities on the above document, as well as two other associated planning documents, the *Directions 2031 - Spatial Framework for Perth and Peel*; and the *Southern Metropolitan and Peel Sub-Regional Structure Plan*. The former planning document relating to *Directions 2031 - Spatial Framework for Perth and Peel*, is the subject of another Item of this Ordinary Meeting of Council, the latter however relating to the *Southern Metropolitan and Peel Sub-Regional Structure Plan* is not considered relevant to the Town of Vincent, and thus no submission will be provided.

DETAILS:

The Draft State Planning Policy considers the co-location of activity centres with public transport and the provision of a wide array of functions and compatible activities which promotes community benefits of business agglomerations and fewer carbon emissions, to be consistent with the vision outlined by *Directions 2031: Draft Spatial Framework for Perth and Peel*. The main purpose of the Policy is to specify broad planning requirements for the planning and development of new, and the redevelopment and renewal of existing activity centres, in urban areas of Perth and Peel. It is chiefly concerned with the location, distribution and broad land use, and urban design criteria for activity centres, and coordinating their land use and infrastructure planning by local governments and public authorities.

It is intended that this Policy will replace the current State Planning Policy 4.2 Metropolitan Centres Policy Statement for the Perth Metropolitan Region and it is to be read in conjunction with *Directions 2031: Draft Spatial Framework for Perth and Peel*.

Detailed descriptions of the types of Activity Centres, including intended functions and typical characteristics are contained with Appendix 2 of the Policy, however collectively are defined as follows:

'Community focal points for people, services, employment and leisure that are highly accessible. Key characteristics include their levels of diversity, accumulation of activities and access to public transport. Commercial, retail, high-density living, entertainment, tourism, civic/community, higher education, and major or specialised medical services are just a few activities'.

The identified Activity Centres have been categorised into a hierarchy which is shown in Table 1 of the Draft Policy.

The hierarchy of Activity Centres has been identified as follows:

1. Perth Central Area
2. Primary Centres
3. Strategic Centres (city centres; specialised centres and industrial centres)
4. Regional Centres (town centres, specialised centres and industrial centres)
5. District Centres (town centres and industrial centres)
6. Neighbourhood Centres
7. Local Centres

In terms of the hierarchy of Centres within the Town of Vincent, the following have been identified:

- Perth Central Area - Perth, East Perth, West Perth and Northbridge
- Regional Centre (town centre) - Leederville
- District Centres (town centres) - Highgate, Mount Lawley, Mount Hawthorn, Glendalough.

Implications for the Town of Vincent

The Town's Officers have reviewed *Draft State Planning Policy - Activity Centres for Perth and Peel*, and have highlighted points of discussion considered most relevant to the Town.

1. Analysis of Implementation (Section 6 of Policy)

Local Planning Strategies

Section 6.1 of the Policy states that 'this policy is complemented by Local Planning Strategies, through which local governments interpret and apply this and other state planning policies in their districts'.

Officer Comment

In the case of the Town of Vincent which comprises existing established 'Activity Centres', the recently prepared Local Planning Strategy has defined 5 Town Centre areas. The proposed strategic development identified for these Centres supports the principles of the Draft Policy relating to Activity Centres. Further to this, the Town has prepared a Leederville Masterplan and associated Built Form Guidelines to guide development within the Leederville Town Centre, which has been identified in *Directions 2031* as a Regional Town Centre.

In light of the above, it is unclear in the Policy whether the Local Planning Strategy once endorsed by the WAPC, is able to guide development of established 'Activity Centres' or whether additional 'Centre Plans' are to be prepared by the local government authorities and endorsed by the WAPC prior to the commencement of development.

Centre Plans

The Policy defines a Centre Plan as '*a plan showing in outline the overall development intentions for an activity centre, and the coordination, integration and mix of uses of the activity centre. it includes land use, streets, access by various modes of transport, major utilities, public, community facilities space and indicative three-dimensional built form, for each precinct within an activity centre*'.

Section 6.4 of the Policy notes that to ensure Activity Centres are developed as integrated, cohesive and accessible centres, local governments should prepare Centre Plans for endorsement by the WAPC before approving major developments in activity centres.

Further to this, the Policy states that local governments are responsible for the preparation of Centre Plans for strategic city centres, regional town centres and district town centres. Where required by the local government, landowner/s may also prepare Centre Plans for district town centres. The responsible authority should ensure that Centre Plans for district town centres, regional town centres, strategic city centres and strategic specialised centres demonstrate how each element of the activity centre satisfies the Model Centre Framework which is shown in Appendix 6 of the draft Policy.

The Model Centre Framework provides a series of guidelines for the planning and design of Activity Centres that breaks down the process of planning and design into five vital layers to be analysed and addressed in the preparation of a Centre Plan. The five layers include: Centre Structure; Movement Network, Activity, Urban Form and Resource Conservation. Detailed guidance on how to address this is detailed within Appendix 6 of the Policy, and also includes an Assessment Checklist.

Officer Comment

Whilst Appendix 6 of the Policy provides a comprehensive overview of the requirements of what a Centre Plan is to comprise, the expectation for all local government authorities, particularly those identified in the Central sub-region are required to prepare Centre Plans for identified district and regional centres, beyond what is detailed within Local Planning Strategies, Structure Plans, Town Planning Schemes and policies adopted pursuant to Town Planning Scheme, is considered onerous and repetitive.

The resourcing and costs of both preparing these Centre Plans by local governments and their assessment by the WAPC would appear to be a prolonged and costly exercise, especially when a lot of work has already been done by local governments in this regard through the preparation of Local Planning Strategies, which in many respects will achieve the same outcomes.

Further to this, the perceived lengthy timeframes of the assessment process may pose implications on the data within the Centre Plans and accompanying Economic Impact Assessments, particularly relating to variable property values and construction costs.

Economic Impact Assessments

Appendix 3 of the Policy notes that major shopping developments referred to the WAPC for determination pursuant to any of the criteria listed in proposed delegation under region planning schemes detailed in Appendix 5 of the Policy, should include an Economic Impact Assessment. In any other case, the responsible authority may require a scheme amendment or proposed shopping development to be supported by an Economic Impact Assessment.

Officer Comment

To ensure transparency and consistency in the assessment and verification of Economic Impact Assessments, it is recommended that Appendix 3 of the Policy is expanded to include a detailed criterion for the preparation of Economic Impact Assessments. Greater research also needs to be undertaken and made available on measuring broader social implications within Economic Impact Assessments.

2. General Recommendations relating to the Draft State Planning Policy

- Greater clarification is required on what elements of the Policy are to be complied with and by whom;
- The selection of the Activity Centres requires greater explanation to each local government authority and the expectations for each;
- The tools and mechanisms to implement the Policy require refinement to streamline process;
- Further investigation into Government (both State and Local) capacity in the implementation of the Policy, including the Centre Plans and the Economic Impact Assessments, needs to be undertaken;
- Dependence on support from Public Transport Authority and Main Roads WA is imperative to enable the proposed land use expectations and objectives of the Policy; and
- A framework/criterion for the preparation of Economic Impact Assessment are recommended to be included as an Appendix to the Policy.

CONSULTATION/ADVERTISING:

The WAPC is currently seeking comment from local government authorities on *State Planning Policy - Activity Centres for Perth and Peel*. The submission period closes on Wednesday, 26 August 2009.

LEGAL/POLICY:

Town Planning and Development Act 2005; Town Planning Regulations 1967 and associated Model Scheme Text; Town of Vincent Town Planning Scheme No. 1; and Local Planning Policies adopted pursuant to clause 47 of the Town Planning Scheme No. 1; Local Planning Strategy.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014: Objective 1.1 Improve and Maintain Environment and Infrastructure:

...

"1.1.1 Capitalise on the Town's strategic location, its centres and its commercial areas.

..."

SUSTAINABILITY IMPLICATIONS:

The key objectives of the *Draft State Planning Policy - Activity Centres for Perth and Peel*, are considered to support best practice sustainable principles.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

In light of the above, it is requested that the Council receive the report and support the Officer Recommendation to advise the Department of Planning and the Western Australian Local Government Association of the Town's response to the *Draft State Planning Policy - Activity Centres for Perth and Peel*.

9.1.8 No. 34 (Lot 2 STR: 45840) Joel Terrace, East Perth - Proposed Construction of One Three-Storey Grouped Dwelling

Ward:	South	Date:	3 August 2009
Precinct:	Banks; P15	File Ref:	PRO0268; 5.2008.524.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

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 Design & Construct Residential on behalf of the owner C P & O Sialtsis for proposed Construction of One (1) Three-Storey Grouped Dwelling, at No. 34 (Lot 2 STR: 45840) Joel Terrace, East Perth, and as shown on plans stamp-dated 15 July 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 issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Joel Terrace, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (iii) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (iv) prior to the issue of a Building Licence, a landscape plan shall be prepared to the satisfaction of the General Manager, Swan River Trust on advice from the Town of Vincent. A detailed landscaping plan, including a list of plants and the landscaping and reticulation of the stepped retaining to the eastern boundary adjacent to the Parks and Recreation reserve, shall be submitted and approved prior to the issue of a Building Licence. The landscaping plan shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) no fill, building materials, sediment, rubbish or any other deleterious matter shall be placed on the Parks and Recreation reserve or allowed to enter the river as a result of development;*
- (vi) no vehicular access shall be permitted on the foreshore reserve;*

- (vii) *upon completion of the development, all waste materials shall be removed and the site cleaned-up to the satisfaction of the General Manager, Swan River Trust;*
- (viii) *stormwater drainage shall be contained on site or connected to the local government stormwater drainage system;*
- (ix) *the development shall be connected to the reticulated sewerage system prior to occupation;*
- (x) *prior to the issue of a Building Licence, the subject plans shall be submitted to and approved by Western Power, and a copy of Western Power's letter of endorsement and associated stamped plans shall be submitted to the Town. This shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (xi) *prior to the issue of a Building Licence, the subject plans shall be submitted to and approved by Water Corporation, and a copy of Water Corporation's letter of endorsement and associated stamped plans shall be submitted to the Town. This shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (xii) *first obtaining the consent of the owners of Nos. 28 and 36 Joel Terrace for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls and retaining walls facing Nos. 28 and 36 Joel Terrace in a good and clean condition;*
- (xiii) *prior to the issue of a Building Licence the ground floor balcony ~~and lower floor~~ ~~alfresco~~ along the eastern elevation within the 7.5 metre cone of vision to the northern boundary being screened with a permanent obscure material to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of No. 36 Joel Terrace stating no objection to the respective proposed privacy encroachment; and*
- (xiv) *the proposed site levels shall match into the existing common property hardstand.*

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

COUNCIL DECISION ITEM 9.1.8

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-1)

For: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Lake, Cr Maier

Against: Cr Youngman

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

Landowner:	C P & O Sialtsis
Applicant:	Design & Construct Residential
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 : Residential R60
Existing Land Use:	Vacant Land
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	285 square metres
Access to Right of Way	N/A

BACKGROUND:

22 January 2004 The Western Australian Planning Commission conditionally approved the subdivision of No. 36 (Lot Pt 379) Joel Terrace, East Perth, into three survey strata lots, two of the lots fronting the recreational reserve.

10 August 2004 The Council at its Ordinary Meeting resolved to approve an application for proposed retaining walls to a vacant residential lot (Strata Lot 1). The retaining enabled the common property area (the driveway) to be constructed, as required by the subdivision conditionally approved by the Western Australian Planning Commission on 22 January 2004.

DETAILS:

The proposal involves the construction of a single residential dwelling on the subject site. It is noted that a planning application for the construction of a single residential dwelling on the adjacent property at No. 36 Joel Terrace, is also being considered as a report on the agenda of this Ordinary Meeting of Council.

The applicant's Planning Consultant has provided a submission in support of this application, which is partially summarised below and is "*Laid on the Table*":

- Compliance with Clause 40 is considered to have been achieved as evidenced by the written consent of the Swan River Trust (SRT). The consent provided by the SRT acknowledges that the style, bulk, scale, (Draft Policy SRT/D3) of each dwelling and their relationship with adjoining foreshore reserve is consistent with the amenity of the existing area.
- This approval, combined with the written support from the neighbouring land owners, confirm that "proper and orderly planning" has been achieved.
- It is also noted that only the central portion of each dwelling contains a third storey component, and when viewed from the street and/or foreshore reserve the dwellings are two storey. It is therefore concluded that consideration to the central third storey component is in accordance with Clause 7.4.5 of the Town's Residential Design Elements Policy.
- It is therefore concluded that when the necessary filling of the site to overcome the physical constraints within the rear of the site and environmental constraints within the front portion of the site, the resulting wall and ridge heights are considered justifiable and appropriate.
- Given that the proposed third storey component is minimal and could be viewed more so as a "link or foyer" between the two, two storey components of each dwelling (when viewed from the respective ground levels), the application of a merit based approach is further re-enforced.

ASSESSMENT:

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

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	1.58 dwellings	1 dwelling	Noted - No variation.
Plot Ratio	N/A	N/A	Noted - No variation.
Building Setbacks			
Ground Floor southern boundary	2.4 metres	0.082 - 0.847 - 0.572 - 1.5 metres	Supported- the site adjoins land used for Western Power purposes along the southern boundary and the setback variation is not considered to create an undue adverse impact on the adjoining property.
Ground floor to northern boundary	2.3 metres	Nil	Supported - the setback variation is not considered to create an undue adverse impact on the adjoining property and no objection received from adjacent affected neighbour.
Lower floor to southern boundary	2.4 metres	0.082 - 0.847 - 0.572 - 1.5 metres	Supported- the site adjoins land used for Western Power purposes along the southern boundary and the setback variation is not considered to create an undue adverse impact on the adjoining property.
Lower floor to northern boundary	1.5 metres	Nil	Supported - the setback variation is not considered to create an undue adverse impact on the adjoining property and no objection received from adjacent affected neighbour.
Upper floor to northern boundary	1.5 metres	Nil	Supported - as above.

Fences	1.8 metres	Maximum height - 2.493 metres along eastern boundary to Swan River Trust Management Area	Supported - the Swan River Trust has supported this fence, which abuts the Parks and Recreation Reserve. The staggering of the fence and landscaping provides for both security and privacy, on this very undulating site, whilst creating a soft and appropriate interface to the reserve.
Number of Storeys and Height	Two storeys	Three storeys	Supported- refer to "Comments" below.
Top of external wall	6 metres	9 metres maximum	
To ridge	9 metres	10.3 metres maximum	
Building on Boundary			
Northern wall	Maximum Height - 3.5 metres Average Height - 3 metres	Maximum Height - 8.7 metres Average Height - 6.8 metres	Supported - another application has been received, which is being considered at this Ordinary Meeting, which proposes a similar Building on Boundary component that adjoins the subject dwelling. When viewed as a whole, the developments will contribute to an emerging River Reserve setting.
Southern wall	As above	Maximum Height - 6.6 metres Average Height - 5.5 metres	
Retaining	No higher than 0.5 metre	Up to 0.799 metre along eastern property boundary.	Supported- the retaining walls will not have any undue impact on the amenity of the adjoining properties or the Reserve setting. The retaining, which has been approved by the Swan River Trust, will provide a level outdoor living area on this undulating site.

		Up to 1.63 metres to existing front hard stand.	Supported - at its Ordinary Meeting held on 10 August 2004, the Council approved an application to construct retaining walls only along the northern property boundary of No. 36 Joel Terrace, and along the proposed internal survey strata boundaries to allow the common property area (driveway) to be constructed on site, as determined by the subdivision conditionally approved by the Western Australian Planning Commission on 22 January 2004. The fill proposed as part of this application will ensure that the garage and driveway are on the same level.
	Setbacks of retaining walls:		
	1.5 metres from the southern boundary	Nil	Supported- the retaining walls will not have any undue impact on the amenity of the adjoining properties.
	1.5 metres from the northern boundary	Nil	Supported - as above.
	1.5 metres from the eastern boundary	Nil	Supported - the retaining walls will not have any undue impact on the amenity of the adjacent reserve, which has been approved by the Swan River Trust.
Privacy Setbacks			
Ground Floor Balcony and lower floor alfresco along eastern elevation.	7.5 metres boundary	0.7 metre to northern boundary	Not supported - as it has the potential to impact on the amenity of adjacent neighbours.
		2 metres to southern boundary	Supported - overlooking to Western Power owned vacant block.

Upper floor bedroom window along eastern elevation.	4.5 metres to boundary	3.7 metre to northern boundary	Supported- as views will be obstructed by adjacent neighbour's proposed dwelling and its large expanse of roof.
		2.9 metres to southern boundary	Supported - overlooking to Western Power owned vacant block.
Upper floor bedroom window along western elevation.	4.5 metres to boundary	3.5 metres to southern boundary	Supported - overlooking to Western Power owned vacant block.

Consultation Submissions

Support (1)	No Comment Provided.	Noted.
Objection (1)	<ul style="list-style-type: none"> - The local amenity will be impacted upon in a negative manner due to the magnitude of the non-compliances of the proposed development. - The development will have a detrimental impact on the Swan River Foreshore Reserve. - The existing development within the proximity to the subject site is not as a comparable bulk and scale to the proposed subject site. 	<p>Noted – the variations proposed have been reviewed and addressed based on their ability to impact on the amenity of the area.</p> <p>Not supported - the Swan River Trust have provided their conditional consent to the proposal.</p> <p>Not supported - it is noted that there are no comparable buildings abutting the portion of reserve along the southern side of Banks Reserve. However, given the Residential R60 density coding of this area and the topography of the site, it is anticipated that infill development of a similar style will be proposed.</p>

Other Implications

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

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

Redevelopment- Swan River Trust

As per the statutory requirements, this application was referred to the Swan River Trust for their comments and recommendation. In a letter dated 29 June 2009, the Swan River Trust stated that they did not have any objections to the plans, subject to appropriate conditions to address reticulation, drainage, fill and vehicle access.

Number of Storeys and Building Height

The subject site varies significantly from top to bottom, totalling 5.3 metres from the front to the rear boundary of the lot. Given the constraining topography of the site, it is difficult to design a compliant dwelling, particularly in terms of wall and pitched roof heights.

The Residential Design Elements Policy clearly states that variations to the maximum building wall and roof heights may be considered due to topographical or other environmental considerations, provided the streetscape and amenity of the affected adjacent properties is protected, particularly:

“The natural ground level of the site is sloping, provided that a compliant two storey height presence is maintained when viewed from the street.”

The proposal does not have a frontage to Joel Terrace; rather access from this road is gained via a communal driveway. When viewed from the communal accessway and the reserve however, the house is viewed as a two-storey dwelling. When viewed on plan, the dwelling appears to be a flat three storey development; however, it is important to acknowledge that the third storey element is setback approximately 12.5 metres from the rear building line.

In addition to the above, it is important to note that an application for car park, retaining walls, fill and landscaping, associated with the Western Power East Perth Control Centre was considered and approved under delegated authority during the 2008 Christmas recess period for the adjacent southern site at No. 28 Joel Terrace. This application involved a maximum fill of 3.25 metres to level the site for the provision of a terraced car park. Whilst the car park has not yet been constructed, it is considered that it will balance any perceived bulk of the subject proposed dwelling.

Given the topographical site constraints and the adjacent proposed car park, it is considered that the application meets the aforementioned criteria and the variation to height requirements can be supported.

Summary

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

9.1.9 No. 36 (Lot 1 STR: 45840) Joel Terrace, East Perth - Proposed Construction of One Three-Storey Grouped Dwelling

Ward:	South	Date:	3 August 2009
Precinct:	Banks Precinct; P15	File Ref:	PRO2666; 5.2008.523.1
Attachments:	001		
Reporting Officer(s):	S Kendall		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

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 Design & Construct Residential on behalf of the owner B R Tonkin for proposed Construction of One Three-Storey Grouped Dwelling, at No. 36 (Lot 1 STR: 45840) Joel Terrace, East Perth, and as shown on plans stamp-dated 21 May 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 issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via Joel Terrace, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (iii) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (iv) prior to the issue of a Building Licence, a landscape management plan shall be prepared to the satisfaction of the General Manager, Swan River Trust on advice from the Town of Vincent. A detailed landscaping plan, including a list of plants and the landscaping and reticulation of the stepped retained area to the eastern boundary adjacent to the Parks and Recreation reserve, shall be submitted and approved prior to the issue of a Building Licence. The landscaping plan shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (v) no fill, building materials, sediment, rubbish or any other deleterious matter shall be placed on the Parks and Recreation reserve or allowed to enter the river as a result of development;*
- (vi) no vehicular access shall be permitted on the foreshore reserve;*
- (vii) upon completion of the development, all waste materials shall be removed and the site cleaned-up to the satisfaction of the General Manager, Swan River Trust;*

- (viii) *stormwater drainage shall be contained on-site or connected to the local government stormwater drainage system;*
- (ix) *the development shall be connected to the reticulated sewerage system prior to occupation;*
- (x) *prior to the issue of a Building Licence, the subject plans shall be submitted to and approved by Western Power, and a copy of Western Power's letter of endorsement and associated stamped plans shall be submitted to the Town. This shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies;*
- (xi) *first obtaining the consent of the owners of Nos. 34 and 38 Joel Terrace for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls and retaining walls facing Nos. 34 and 38 Joel Terrace in a good and clean condition;*
- (xii) *prior to the issue of a Building Licence:*
- (a) *the ground floor balcony and lower floor ~~alfresco~~ verandah along the eastern and northern elevation, within the 7.5 metre cone of vision, to the southern and northern boundaries;*
 - (b) *the ground floor lounge and dining room windows, within the 6 metre cone of vision, to the northern boundary;*
 - (c) *the upper floor Bedroom 1 windows on the eastern and western elevations, within the 4.5 metre cone of vision, to the northern boundary;*

being screened with a permanent obscure material to a minimum of 1.6 metres above the finished floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be a major opening as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 34 and 38 Joel Terrace stating no objection to the respective proposed privacy encroachment; and

- (xiv) *the proposed site levels shall match into the existing common property hardstand.*

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

COUNCIL DECISION ITEM 9.1.9

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (7-1)

For: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Lake, Cr Maier

Against: Cr Youngman

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

Landowner:	B R Tonkin
Applicant:	Design & Construct Residential
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Vacant land
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	283 square metres
Access to Right of Way	N/A

BACKGROUND:

22 January 2004 The Western Australian Planning Commission conditionally approved the subdivision of No. 36 (Lot Pt 379) Joel Terrace, East Perth, into three survey strata lots, with two of the lots fronting the recreational reserve. The subject lot was a product of this subdivision.

10 August 2004 The Council at its Ordinary Meeting resolved to approve an application for proposed retaining walls to a vacant residential lot (Strata Lot 1). The retaining enabled the common property area (the driveway) to be constructed, as required by the subdivision conditionally approved by the Western Australian Planning Commission on 22 January 2004.

DETAILS:

The proposal involves the construction of a single residential dwelling on the subject site. It is noted that a planning application for the construction of a single residential dwelling on the adjacent property at No. 34 Joel Terrace, is a separate item on this agenda being presented at this Ordinary Meeting of Council.

The applicant's Planning Consultant has provided a submission in support of the application, which is partially summarised below and is *"Laid on the Table"*:

- Compliance with Clause 40 is considered to have been achieved as evidenced by the written consent of the Swan River Trust (SRT). The consent provided by the SRT acknowledges that the style, bulk, scale, (Draft Policy SRT/D3) of each dwelling and their relationship with adjoining foreshore reserve is consistent with the amenity of the existing area.
- This approval, combined with the written support from the neighbouring land owners, confirm that "proper and orderly planning" has been achieved.
- It is also noted that only the central portion of each dwelling contains a third storey component, and when viewed from the street and/or foreshore reserve the dwellings are two storey. It is therefore concluded that consideration to the central third storey component is in accordance with Clause 7.4.5 of the Town's Residential Design Elements Policy.
- It is therefore concluded that when the necessary filling of the site to overcome the physical constraints within the rear of the site and environmental constraints within the front portion of the site, the resulting wall and ridge heights are considered justifiable and appropriate.
- Given that the proposed third storey component is minimal and could be viewed more so as a "link or foyer" between to the two, two storey components of each dwelling (when viewed from the respective ground levels), the application of a merit based approach is further re-enforced.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	1.58 dwellings	1 dwelling	Noted - No variation.
Plot Ratio	N/A	N/A	Noted - No variation.
Building Setbacks:			
Ground floor to northern boundary	5.7 metres	Nil – 1.989 metres	Supported - the setback variation is not considered to create an undue adverse impact on the adjoining property and no objection received from adjacent affected neighbour.
Ground floor to southern boundary	2.4 metres	Nil	Supported - as above.
Lower floor to southern boundary	1.5 metres	Nil	Supported - as above.
Upper floor to northern boundary	1.3 metres	1.2 metres	Supported - as above.
Overshadowing	A maximum of 50 per cent (142.5 square metres) of adjoining lot	64 per cent or 183 square metres	Supported - another application has been received, which is being considered at this Ordinary Meeting, which almost matches the outline of the subject place; hence, the subject development will not result in any further overshadowing on the adjacent property.
Fences	1.8 metres	Maximum height - 2.349 metres along eastern boundary to Swan River Trust Management Area	Supported - the Swan River Trust has supported this fence, which abuts the Parks and Recreation Reserve. The staggering of the fence and landscaping provides for both security and privacy, on this very undulating site, whilst creating a soft and appropriate interface to the reserve.

<p>Building Height Hipped Roof Section:</p> <p>Top of external wall</p> <p>To ridge</p> <p>Concealed Roof</p>	<p>6 metres</p> <p>9 metres</p> <p>7 metres</p>	<p>8.4 metres maximum</p> <p>9.2 metres maximum</p> <p>7.4 metres maximum</p>	<p>Supported- refer to "Comments" below.</p>
<p>Building on Boundary</p> <p>Northern wall</p> <p>Southern wall</p>	<p>Maximum Height - 3.5 metres</p> <p>Average Height - 3 metres</p> <p>As above.</p>	<p>Maximum Height - 5.2 metres</p> <p>Average Height - 4.6 metres</p> <p>Maximum Height - 7 metres</p> <p>Average Height - 6.1 metres</p>	<p>Supported - topographical constraints make it difficult to comply with the height requirements, no objection received from adjacent affected neighbour.</p> <p>Supported - another application has been received, which is being considered at this Ordinary Meeting, which proposes a similar Building on Boundary component that adjoins the subject dwelling. When viewed as a whole, the developments will contribute to an emerging River Reserve setting.</p>
<p>Retaining</p>	<p>No higher than 0.5 metre</p>	<p>Up to 0.979 metre along eastern property boundary.</p>	<p>Supported- the retaining walls will not have any undue impact on the amenity of the adjoining properties or the Reserve setting. The retaining, which has been approved by the Swan River Trust, will provide for a level outdoor living area on this undulating site.</p>

		Up to 1.424 metres to existing front hard stand.	Supported - the Council at its Ordinary Meeting held on 10 August 2004, approved an application to construct retaining walls only along the northern property boundary of No. 36 Joel Terrace, and along the proposed internal survey strata boundaries to allow the common property area (driveway) to be constructed on site (as determined by the subdivision conditionally approved by the Western Australian Planning Commission on 22 January 2004). The fill proposed as part of this application will ensure that the garage and driveway are on the same level.
	Setbacks of retaining walls:		
	1.5 metres from the southern boundary	Nil	Supported- the retaining walls will not have any undue impact on the amenity of the adjoining properties.
	1.5 metres from the northern boundary	Nil	Supported - as above.
	1.5 metres from the eastern boundary	Nil	Supported - the retaining walls will not have any undue impact on the amenity of the adjacent reserve, which has been approved by the Swan River Trust.
Privacy Setbacks			
Ground floor Balcony and lower floor verandah	7.5 metres or screening	1.989 metres to northern boundary 0.5 metre to southern boundary	Not supported - as it has the potential to impact on the amenity of adjacent neighbours. Not supported - as above.

Ground floor lounge and dining room windows to northern boundary	6 metres	1.989 metres	Not Supported - as above.
Upper floor Bedroom 1 window on eastern elevation	4.5 metre	2.2 metres to northern boundary	Not Supported - as above.
Upper floor Bedroom 1 window on western elevation	4.5 metres	2.2 metres to northern boundary	Not Supported - as above.

Consultation Submissions

Support (1)	No Comment Provided.	Noted.
Objection (1)	<ul style="list-style-type: none"> - The local amenity will be impacted upon in a negative manner due to the magnitude of the non-compliances of the proposed development. - The development will have a detrimental impact on the Swan River Foreshore Reserve. - The existing development within the proximity to the subject site is not as a comparable bulk and scale to the proposed subject site. 	<p>Noted – the variations proposed have been reviewed and revised to reduce any unreasonable impact on the amenity of the area.</p> <p>Not supported - the Swan River Trust have provided their conditional consent to the proposal.</p> <p>Not supported - it is noted that there are no comparable buildings abutting the reserve along the southern side of Banks Reserve; however, given the Residential R60 density coding of this area, and the topography of the site, it is anticipated that infill development of a similar scale, bulk and style will be proposed.</p>

Other Implications

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

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

Redevelopment- Swan River Trust

As per the statutory requirements, this application was referred to the Swan River Trust for their comments and recommendation. In a letter dated 29 June 2009, the Swan River Trust stated that they did not have any objections to the plans subject to appropriate conditions to address reticulation, drainage, fill and vehicle access.

Number of Storeys and Building Height

The subject site varies significantly from top to bottom, totalling 5.2 metres from the front to the rear boundary of the lot. Given the constraining topography of the site, it is difficult to design a compliant dwelling, particularly in terms of wall and pitched roof heights.

The Residential Design Elements Policy clearly states that variations to the maximum building wall and roof heights may be considered due to topographical or other environmental considerations, provided the streetscape and amenity of the affected adjacent properties is protected, particularly:

“The natural ground level of the site is sloping, provided that a compliant two storey height presence is maintained when viewed from the street.”

The proposal does not have a frontage to Joel Terrace; rather access from this road is gained via a communal driveway. When viewed from the communal accessway and the reserve however, the house is viewed as a two-storey dwelling. When viewed on plan, the dwelling appears to be a flat three storey development, however it is important to acknowledge that the third storey element is setback approximately 15.5 metres from the rear building line.

Given the topographical site constraints, it is considered that the application meets the aforementioned criteria, and the variation to height requirements can be supported.

Summary

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

9.1.5 No. 182 (Lot 131 D/P: 7489) Loftus Street, North Perth - Proposed Demolition of Existing Single House and Construction of Eight (8) Single Bedroom Multiple Dwellings

Ward:	North	Date:	4 August 2009
Precinct:	Smith's Lake; P06	File Ref:	PRO4781; 5.2009.272.1
Attachments:	001		
Reporting Officer(s):	D Pirone		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

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 R Luca on behalf of the owner Luna Pty Ltd for proposed Demolition of Existing Single House and Construction of Eight (8) Single Bedroom Multiple Dwellings, at No. 182 (Lot 131 D/P: 7489) Loftus Street, North Perth, and as shown on plans stamp-dated 15 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 Loftus Street setback area including along the side boundaries within these street setback areas, shall comply with the following:*
 - (a) the maximum height being 1.8 metres above the adjacent footpath level;*
 - (b) the maximum height of piers with decorative capping being 2.0 metres above the adjacent footpath level;*
 - (c) the maximum height of the solid portion of the wall being 1.2 metres above the adjacent footpath level, and a minimum of fifty percent visually permeable above 1.2 metres;*
 - (d) the piers having a maximum width of 355 millimetres and a maximum diameter of 500 millimetres;*
 - (e) the distance between piers should not be less than the height of the piers except where pedestrian gates are proposed;*

- (f) *the provision of a minimum 1.5 metres by 1.5 metres truncation where walls, fences and gates adjoin vehicle access points, or where a driveway meets a public street or right of way; and a minimum 3.0 metres by 3.0 metres truncation where two streets intersect. Walls, fences and gates may be located within this truncation area where the maximum height of the solid portion is 0.65 metre above the adjacent footpath level; and*
- (g) *the solid portion adjacent to the Loftus Street boundary from the above truncation(s) can increase to a maximum height of 1.8 metres above adjacent footpath level provided that the wall or fence has at least two (2) significant appropriate design features (as determined by the Town of Vincent) to reduce the visual impact – for example, significant open structures, recesses and/or planters facing the street at regular intervals, and varying materials; and the incorporation of varying materials, finishes and/or colours are considered to be one (1) design feature. Details of these design features shall be submitted to and approved by the Town prior to the issue of a Building Licence;*
- (v) *first obtaining the consent of the owners of No. 186 Loftus 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. 186 Loftus Street in a good and clean condition;*
- (vi) *no street verge tree(s) shall be removed/pruned unless written approval has been received from the Town's Parks Services. Should such an approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s);*
- (vii) *a detailed landscaping plan, including a list of plants and the landscaping of the Loftus Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*
- (viii) *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;*
- (ix) *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;*
- (x) *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;*
- (xi) *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;*

- (xii) *the support/approval of the Department of Planning 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 and Town of Vincent Technical Services with regard to traffic management, at the applicant(s)/owner(s)' full expense.*

COUNCIL DECISION ITEM 9.1.5

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

Cr Messina returned to the Chamber at 7.59pm.

Debate ensued.

MOTION PUT AND CARRIED (7-2)

For: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Lake, Cr Maier, Cr Messina

Against: Cr Ker, Cr Youngman

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

Landowner:	Luna Pty Ltd
Applicant:	R Luca
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R60
Existing Land Use:	Single House
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	979 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single house and construction of eight (8) two-storey single bedroom multiple dwellings.

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

ASSESSMENT:

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

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	8.85 single bedroom multiple dwellings. <u>R 60 - Maximum 5.9 multiple dwellings based on 166 square metres per dwelling.</u>	<u>R 60 - 8 single bedroom multiple dwellings based on one-third of (166.66 square metres) site area being 110.66 square metres.</u>	Noted – no variation. <u>Supported - Clause 7.1 of the Residential Design Codes (R Codes) and under the Town's Policy No. 3.4.7 Relating to Single Bedroom Dwellings states - that the Council has the discretion to allow a reduction of the site area by one-third. The discretion in the reduced site area is supported, as it is considered it does not unduly detract from the amenity of the area, and would also meet the diverse housing needs of the community.</u>
Plot Ratio:	0.7 or 685.3 square metres	0.54 or 573.5 square metres	Noted – no variation.
Single Bedroom Dwelling Plot Ratio:	70 square metres	Unit 1 = 70.69 square metres.	Supported – this is a very minor variation and not considered to have an undue impact as the overall plot ratio is compliant with the requirements of the R Codes.
Building Setbacks: Ground Floor -West (Loftus Street)	Average setback = 9.55 metres	Proposed setback = 3.8 metres – 4.25 metres	Supported – the average setback of the neighbouring properties reflects a large setback due to the existing single houses located in the centre of these large lots. It should be noted that the developed lots to the north of the subject property reflect a setback of approximately 3.7 metres and 4.8 metres. The proposed setback is not inconsistent with those of the developed lots, and as such, is not considered to have an undue impact on the amenity of the area.

-North Unit 1	1 metre	Nil – 1.8 metres	Supported – not considered to have an undue impact on the amenity of the neighbouring property.
Unit 2	1 metre	Nil – 1.8 metres	Supported – not considered to have an undue impact on the amenity of the neighbouring property.
Unit 3	1 metre	Nil – 1.8 metres	Supported – not considered to have an undue impact on the amenity of the neighbouring property.
Unit 4	1 metre	Nil – 1.8 metres	Supported – not considered to have an undue impact on the amenity of the neighbouring property.
-East	1.5 metres	1.2 metres	Supported – not considered to have an undue impact on the amenity of the neighbouring property.
First Floor -South	6.3 metres	5.85 metres – 9.6 metres	Supported – not considered to have an undue impact on the amenity of the neighbouring property.
Buildings on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (36.98 metres) of the length of the balance of the boundary behind the front setback, to one side boundary.	Wall on western boundary is compliant with the height and length requirements of the R Codes.	Noted – no variation.
Communal Open Space:	16 square metres	Nil	Supported – as each unit is provided with a courtyard area or balcony that is much larger than the requirement for a single bedroom multiple dwelling.
Consultation Submissions			
Support (1)	<ul style="list-style-type: none"> • Good quality high density development located on a major arterial road. 	<ul style="list-style-type: none"> • Noted. 	

<p>Objection (4)</p>	<ul style="list-style-type: none"> • Loss of privacy. • Lack of on-site car parking. • Building setbacks. • Adjacent vegetation will suffer. • Noise created from high density development. 	<ul style="list-style-type: none"> • Not supported – the proposed development is compliant with the privacy requirements of the R Codes. • Not supported – the proposed development provides one car bay for each unit and one visitor car bay, which is compliant with the car parking requirements of the R Codes. • Not supported – the proposed setbacks are not considered to have an undue impact on the amenity of the area and the neighbouring properties. • Not supported – the proposed development is compliant with the overshadowing requirements of the R Codes. • Not supported – this is a non-planning related matter, however will be required to comply with Health (Noise) Requirements.
Other Implications		
<p>Legal/Policy</p>	<p>TPS 1 and associated Policies, and Residential Design Codes (R Codes).</p>	
<p>Strategic Implications</p>	<p>Nil</p>	
<p>Financial/Budget Implications</p>	<p>Nil</p>	
<p>Sustainability Implications</p>	<p>Nil</p>	

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

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

COMMENTS:

Department of Planning

The proposed development was referred to the Department of Planning (DoP) as it abuts Loftus Street, which is an Other Regional Roads Reservation under the Metropolitan Region Scheme. At the time of writing this report, the Town had not received written advice from the DoP in relation to the subject development. Therefore, conditions have been imposed in the Officer Recommendation to ensure the support/approval of the Department of Planning and/or Western Australian Planning Commission, is obtained and to ensure compliance with its comments and conditions at the applicant(s)/owner(s) full expense.

Demolition

The subject brick and tile dwelling at No. 182 Loftus Street, North Perth was constructed in the Post-war Conventional Suburban Bungalow style of architecture. The WA Post Office Directories do not list No. 182 Loftus Street when its publication ceased in 1949 which illustrates that the subject dwelling had not been constructed prior to 1949. A preliminary heritage assessment was undertaken for No. 182 Loftus 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.

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.

9.1.13 No. 84 (Lot 154 D/P: 2001) Zebina Street, East Perth - Proposed Partial Demolition of and Alterations and Additions to Existing Single House and Change of Use of Two Storey Garage, Studio and Loft to Single House

Ward:	South	Date:	3 August 2009
Precinct:	Banks;P15	File Ref:	PRO1282; 5.2009.181.1
Attachments:	001		
Reporting Officer(s):	R Narroo		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

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 the owner P M Connelly for proposed Partial Demolition of and Alterations and Additions to Existing Single House and Change of Use of Two Storey Garage, Studio and Loft to Single House, at No. 84 (Lot 154 D/P: 200) Zebina Street, East Perth, and as shown on plans stamp-dated 29 July 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, 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) this approval is for a single house only. Any use of the building other than single house shall require Planning Approval to be applied to and obtained from the Town;*
- (iii) the building is to be used as a Single House as defined in the Residential Design Codes 2008;*
- (iv) the proposed screens to the windows of the first floor and loft shall be screened with a permanent obscure material and to a minimum of 1.6 metres above the finished first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the owners of Nos. 82 and 86 Zebina Street, stating no objection to the respective proposed privacy encroachments; and*
- (v) no street verge tree(s) shall be removed unless written approval has been received from the Town's Parks Services. Should such approval be granted all cost associated with the removal and replacement shall be borne by the applicant/owner(s).*

COUNCIL DECISION ITEM 9.1.13

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Youngman departed the Chamber at 8.03pm.

Debate ensued.

Cr Youngman returned to the Chamber at 8.05pm.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Doran-Wu, Seconded Cr Youngman

That the item be DEFERRED for further information and clarification.

PROCEDURAL MOTION PUT AND LOST (2-7)

For: Cr Doran-Wu, Cr Youngman

Against: Mayor Catania, Cr Burns, Cr Farrell, Cr Ker, Cr Lake, Cr Maier, Cr Messina

MOTION PUT AND CARRIED (6-3)

For: Mayor Catania, Cr Burns, Cr Farrell, Cr Lake, Cr Maier, Cr Messina

Against: Cr Ker, Cr Doran-Wu, Cr Youngman

Landowner:	P M Connelly
Applicant:	P M Connelly
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R20
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	491 square metres
Access to Right of Way	Eastern side, 4 metres wide, sealed, privately owned

BACKGROUND:

20 January 1999 A Building Licence was issued for a garage and upper floor studio subject to conditions, including; *"the structure is not to be used for industrial, commercial or habitable purposes"*.

16 August 1999 An objection was received regarding an amended roof pitch from 10 degrees to 45 degrees proposed by the owner.

26 August 1999 The Town issued a Planning Approval and a Building Licence (based on amended plans) for a two-storey garage and studio at the rear of an existing dwelling under delegated authority, subject to the following conditions:

- "(i) the structure is not to be used for industrial, commercial or habitable purposes;*
- (ii) the installation of fixed obscured glazing (excluding self adhesive material) to a minimum height of 1.4 metres above the finished floor level to the first floor windows on the northern and eastern elevations;*

- (iii) *the deletion of the western most window located on the first floor of the southern elevation;*
- (iv) *the installation of fixed obscured glazing (excluding self adhesive material) to the western most portion of the eastern most window on the first floor of the southern elevation;*
- (v) *any filling placed on the site shall not exceed a height of 300 millimetres above the established natural ground level of any adjoining lot. A height in excess of 300 millimetres to a maximum of 600 millimetres above the established natural ground level of any adjoining lot may be permitted, subject to the written consent of the owners of all adjoining properties to the proposed depth of filling;*
- (vi) *the roof space is to be used for storage space only; and*
- (vii) *compliance with the relevant Building, Environmental Health and Engineering requirements".*

18 December 2001 The Council at its Ordinary Meeting refused proposed alterations and additions to the existing dwelling and advised the owner and occupiers of the property that the unauthorised habitation of the two-storey with loft garage and studio at the rear of the existing dwelling shall cease immediately and the unauthorised building works shall be removed within 7 days.

12 February 2002 The Council at its Ordinary Meeting refused proposed alterations and additions to the Garage/Studio, and for the use of the Garage/Studio for Habitable Purposes and the Partial Demolition of Existing Dwelling.

2001 to January 2009 Extensive history relating to Planning and Building Notices served, appeal of those notices, complaints from adjoining neighbours and various legal advice obtained. A confidential summary of the history for the time period from 2001 to 2009 at Appendix 9.1.13 is "*Laid on the Table*".

DETAILS:

The proposal involves partial demolition of, and alterations and additions to, existing single house, and change of use of two storey garage, studio and loft, to single house.

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

A site visit by the Town's Officers on 16 June 2009 confirmed the following:

- (i) the ground floor garage is being used as a workshop and there were some internal modifications to the floor layout;
- (ii) the studio on the first floor is vacant; and
- (iii) the roof space is being used as storage.

ASSESSMENT:

Non-Compliant Requirements				
Requirements	Required	Proposed	Officer Pursuant to Clause 38(5) of TPS 1	Comments
Density	R20-1 dwelling	R20-1 dwelling		Noted- no variation.
Plot Ratio	N/A	N/A		Noted.
Consultation Submissions				
The Town's Community Consultation Policy No. 4.1.5 Clause 1.3 specifies that for "P" use, development applications that do not involve variation to development requirements do not require notification/consultation. In this regard, given that the change of use is for a single house which is a "P" use, and there are no variations to the proposal, there is no requirement to advertise.				
Other Implications				
Legal/Policy			TPS 1 and associated Policies, and Residential Design Codes (R Codes).	
Strategic Implications			Nil	
Sustainability Implications			Nil	
Financial/Budget Implications			Nil	

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

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

COMMENTS:

Use

The proposal is to convert and modify the existing two-storey garage, studio and loft structure at the rear of the existing residence to incorporate five bedrooms and two study rooms. In between the garage/studio and the existing house, a connection is being proposed, which includes a kitchen and a dining room. Some of the bedrooms and study rooms being proposed have attached bathrooms; however, given that the proposed building will have one common kitchen, dining, laundry, it is considered one dwelling (single house).

As per the Residential Design Codes 2008 (R-Codes 2008) a dwelling is defined as "*a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.*"

In the event of approval, a condition is to be imposed that the proposal is to comply with the definition of Single House as per the R-Codes.

Manoeuvring Depth

Vehicle access to the dwelling is via a 4 metres wide right of way. A manoeuvring depth of 6.0 metres is required for the car bays under the Town's Policy. The applicant is proposing to alter the existing garage/workshop and carport, to accommodate two cars, to the satisfaction of the Town's Technical Services.

It is to be noted that the applicant has been advised that a one-metre setback of any future development or subdivision/strata, will be required for the full length of the property boundary abutting the right of way to facilitate right of way widening as required by Western Australian Planning Commission Bulletin No. 33, which was adopted by the Town in 1999.

Setbacks and Privacy

The proposal involves the garage, studio and loft rooms being converted into habitable rooms, hence the applicant is proposing to screen all the windows on the first and second floors which are not considered major openings. Therefore, there is no change in the setbacks as the studio and loft were approved previously with no major openings. With regard to the ground floor, the requirement for the setbacks of the habitable rooms along the northern and southern boundaries is 1.5 metres. As shown on the plans, the setbacks from the northern and southern boundaries are 1.5 metres respectively and, therefore, the ground floor with major openings complies with this requirement.

Open space

The roof of the carport is being removed and a pergola is being proposed. As per the R-Codes, the pergola is considered as part of the open space. This application as proposed complies with the open space requirement.

Conclusion

Given the proposal complies with the requirements of the R-Codes as outlined above, the application is considered acceptable. The application is therefore supported, subject to standard and appropriate conditions to address the above matters.

9.1.15 Nos. 322-324 (Lots 551-562) William Street Corner Newcastle and Money Streets, Northbridge - Proposed Six (6) Storey Mixed Use (Commercial/Residential) Development, including a Subterranean Car Park under Washing Lane - Land within the East Perth Redevelopment Authority (EPRA) Area

Ward:	South	Date:	4 August 2009
Precinct:	EPRA's - Lindsay Street Precinct Design Guidelines	File Ref:	PRO0891
Attachments:	001 ; 002		
Reporting Officer(s):	R Rasiah		
Checked/Endorsed by:	H Smith; R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

ADVISES the East Perth Redevelopment Authority (EPRA) that it SUPPORTS IN PRINCIPLE the Proposed Six (6) Storey Mixed Use (Commercial/Residential) Development, including a Subterranean Car Park under Washing Lane, at Nos. 322-324 (Lots 551-562) William Street, Corner Newcastle Street and Money Street, Perth and as shown on plans stamp dated 4 June 2009, subject to Washing Lane being closed and subject to the following additional conditions:

- (i) all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), are designed integrally with the building, and be located so as not to be visually obtrusive;*
- (ii) prior to the issue of a Building Licence, a Construction Management Plan addressing noise, hours of construction, parking of trade person vehicles, footpath access, traffic and heavy vehicle access via William, Newcastle and Money Streets, dust and any other appropriate matters (such as notifying all affected landowners/occupiers of the commencement of construction works), shall be submitted to and approved by the Town;*
- (iii) all construction related vehicles are to be accommodated on-site for the entire duration of the construction period;*
- (iv) any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visually permeable and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the commercial and residential tenancies at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (v) a detailed landscaping plan, including a list of plants and the landscaping of the Money Street verge adjacent to the subject property, shall be submitted and approved prior to the issue of a Building Licence. The landscaping of the verge shall include details of the proposed watering system to ensure the establishment of species and their survival during the hot, dry summer months. The Council encourages landscaping methods which do not rely on reticulation. Where reticulation is not used, the alternative method should be described. All such works shall be undertaken prior to the first occupation of the development, and maintained thereafter by the owner(s)/occupier(s);*

- (vi) *doors, windows and adjacent floor areas fronting William, Newcastle and Money Streets are to maintain an active and interactive relationship with these streets;*
- (vii) *the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls in a good and clean condition;*
- (viii) *prior to the issue of a Building Licence, the owner(s) is to 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 Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings/commercial uses. This is because at the time the planning application for the development was submitted to EPRA, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development; and*
 - (b) *the use or enjoyment of the property may be affected by noise, traffic, car parking and other impacts associated with nearby commercial and non-residential activities.*

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

- (ix) *prior to the issue of a Building Licence, an acoustic report prepared in accordance with the Town's of Vincent's Policy relating to Sound Attenuation is to be submitted to the satisfaction of EPRA. The recommended measures of the acoustic report shall be implemented and certification from an acoustic consultant that the measures have been undertaken, prior to the first occupation of the development, and the applicant/owners shall submit a further report from an acoustic consultant 6 months from first occupation of the development certifying that the development is continuing to comply with the measures of the subject acoustic report;*
- (x) *prior to the issue of a Building Licence, Washing Lane is closed and all associated cost to be borne by the owners. Should ERPA wish to retain a 'street' through the development, then an access easement and/or private road should be created;*
- (xi) *prior to the issue of a Building Licence, the land area resulting from the closure of Washing Lane, and all the subject lots shall be amalgamated into one lot on Certificate of Title; OR alternatively, prior to the issue of a Building Licence the owner(s) shall enter into a legal agreement with and lodge an appropriate assurance bond/bank guarantee to the satisfaction of the Town, which is secured by a caveat on the Certificate(s) of Title of the subject land, prepared by the Town's solicitors or other solicitors agreed upon by the Town, undertaking to amalgamate the subject land into one lot within 6 months of the issue of the subject Building Licence. All costs associated with this condition shall be borne by the applicant/owner(s);*
- (xii) *the car parking area shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xiii) *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;*

- (xiv) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *the northern eastern facing balconies and bedroom windows within 7.5 metres and 4.5 metres respectively of the cone of vision being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the respective finished floor levels, OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties along the northern eastern boundary, stating no objections to the respective proposed privacy encroachments;*
 - (b) *bin compound to be constructed in accordance with the Town's Health Services Specifications, divided into commercial and residential areas and sized to contain:-*
 - *Residential*
 - 1 x Mobile Garbage Bin per Unit*
 - 1 x General Recycle Bin per 2 Units*
 - *Commercial*
 - 1 x Mobile Garbage Bin per Unit*
 - 1 x General Recycle Bin per Unit, or per 200m² of floor space;*
 - (c) *a laundry facility that complies with clause 17 of the Town of Vincent Health Local Law 2004 must be provided for Unit C20 and be detailed on revised plans;*
 - (d) *a Health Impact Assessment being undertaken by an appropriately qualified consultant, to comment on the potential impacts such small living quarters may have on the occupants, in addition to matters concerning noise, sanitation/waste disposal and management, access to leisure and exercise facilities, etc. The assessment should also comment on the positive and negative impacts that such high density housing is likely to have on surrounding, existing land uses, and in relation to negative impacts, what measures can be implemented to reasonably minimise these impacts;*
 - (e) *provision of bicycle parking facilities;*
 - (f) *provision of adequate car bays for persons with a disability;*
 - (g) *adequate sight line truncations to be provide for the access ramps for the basement car park;*
 - (h) *incorporation of additional design features for the blank wall indicated on the eastern elevation of the buildings behind Lot 562 Money Street;*

- (i) *a clause being placed on the sales contract for all residential tenancies and on the memorial of title for the property as follows:*
- “The Town of Vincent dissolves responsibility for enforcing provisions of the Environmental Protection (Noise Regulations) 1997, with respect to noise complaint disputes that arise between owners/occupants of the proposed strata, both residential and commercial. The responsibility to resolve noise compliance issues rests with the property developer, in the case of structural deficiencies that give rise to non-compliance with the ‘assigned levels’ detailed in the Environmental Protection (Noise Regulations) 1997, for a five (5) year period commencing from the date of the building being classified/approved for use. The responsibility to resolve noise compliance issues arising from the playing of stereos, televisions, washing machines or any other mechanical or human related source rests with the Strata Management. The Town may utilise its discretion to assist in resolving noise compliance issues when reasonable effort has been demonstrated to the Town, by the developer, and or Strata Management, whichever is most relevant;” and*
- (xv) *an updated management plan demonstrating the allocation of car bays for the residential and commercial units, which shall be used only by employees, tenants, and visitors directly associated with the development;*
- (xvi) *in keeping with the Town’s practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land along William and Newcastle Streets are to be upgraded, by the applicant, to a brick paved standard to the Town’s specification. A refundable footpath upgrading bond and/or bank guarantee shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town’s Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xvii) *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;*
- (xviii) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xix) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town’s Parking and Access Policy and Australian Standards AS2890.1 – “Off Street Parking”;*
- (xx) *prior to the issue of a planning approval, a Building Compliance report is recommended to be submitted;*
- (xxi) *compliance with EPRA's public art contribution requirement;*
- (xxii) *prior to the first occupation of the development, the car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents of the development; and*
- (xxiii) *areas indicated as "commercial" to indicate the type of use proposed.*

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Youngman

1. *That clause (xiv) (e) be amended as follows:*

“(e) provision of 30 secure bicycle parking facilities- bays;”

2. *That a new clause (xiv) (j) be added as follows:*

“(j) the original floor plan of the dwelling at No.192 Newcastle Street is retained, and should be incorporated into the design to provide greater context to the heritage value of the place;”

Cr Maier requested the amendment be considered and voted on in two parts.

The Presiding Member, Mayor Nick Catania agreed and ruled that he would consider and vote on the amendment in two parts.

AMENDMENT PART 1 PUT AND CARRIED (7-2)

For: Cr Burns, Cr Doran-Wu, Cr Ker, Cr Lake, Cr Maier, Cr Messina, Cr Youngman
Against: Mayor Catania, Cr Farrell

AMENDMENT PART 2 PUT AND CARRIED (8-1)

For: Mayor Catania, Cr Burns, Cr Farrell, Cr Ker, Cr Lake, Cr Maier, Cr Messina,
Cr Youngman
Against: Cr Doran-Wu

Debate ensued.

Cr Doran-Wu departed the Chamber at 8.24pm.

Debate ensued.

Cr Doran-Wu returned to the Chamber at 8.26pm.

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (7-2)

For: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Lake, Cr Maier,
Cr Messina
Against: Cr Ker, Cr Youngman

COUNCIL DECISION ITEM 9.1.15

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 - (a) the Town of Vincent will not issue a residential or visitor car parking permit to any owner or occupier of the residential units/dwellings/commercial uses. This is because at the time the planning application for the development was submitted to EPRA, the developer claimed that the on-site parking provided would adequately meet the current and future parking demands of the development; and*

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- (x) *prior to the issue of a Building Licence, Washing Lane is closed and all associated cost to be borne by the owners. Should ERPA wish to retain a 'street' through the development, then an access easement and/or private road should be created;*
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- (xiii) *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;*
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- (a) *the northern eastern facing balconies and bedroom windows within 7.5 metres and 4.5 metres respectively of the cone of vision being screened with a permanent obscure glazing and be non-openable to a minimum of 1.6 metres above the respective finished floor levels, OR alternatively, the provision of on-site effective permanent horizontal screening or equivalent preventing direct sight within the cone of vision to ground level of adjoining properties. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 2008. Alternatively, prior to the issue of a Building Licence, these revised plans are not required if the Town receives written consent from the affected owners of properties along the northern eastern boundary, stating no objections to the respective proposed privacy encroachments;*

- (b) *bin compound to be constructed in accordance with the Town's Health Services Specifications, divided into commercial and residential areas and sized to contain:-*
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1 x Mobile Garbage Bin per Unit
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- (c) *a laundry facility that complies with clause 17 of the Town of Vincent Health Local Law 2004 must be provided for Unit C20 and be detailed on revised plans;*
- (d) *a Health Impact Assessment being undertaken by an appropriately qualified consultant, to comment on the potential impacts such small living quarters may have on the occupants, in addition to matters concerning noise, sanitation/waste disposal and management, access to leisure and exercise facilities, etc. The assessment should also comment on the positive and negative impacts that such high density housing is likely to have on surrounding, existing land uses, and in relation to negative impacts, what measures can be implemented to reasonably minimise these impacts;*
- (e) *provision of 30 secure bicycle bays;*
- (f) *provision of adequate car bays for persons with a disability;*
- (g) *adequate sight line truncations to be provide for the access ramps for the basement car park;*
- (h) *incorporation of additional design features for the blank wall indicated on the eastern elevation of the buildings behind Lot 562 Money Street;*
- (i) *a clause being placed on the sales contract for all residential tenancies and on the memorial of title for the property as follows:*
- “The Town of Vincent dissolves responsibility for enforcing provisions of the Environmental Protection (Noise Regulations) 1997, with respect to noise complaint disputes that arise between owners/occupants of the proposed strata, both residential and commercial. The responsibility to resolve noise compliance issues rests with the property developer, in the case of structural deficiencies that give rise to non-compliance with the ‘assigned levels’ detailed in the Environmental Protection (Noise Regulations) 1997, for a five (5) year period commencing from the date of the building being classified/approved for use. The responsibility to resolve noise compliance issues arising from the playing of stereos, televisions, washing machines or any other mechanical or human related source rests with the Strata Management. The Town may utilise its discretion to assist in resolving noise compliance issues when reasonable effort has been demonstrated to the Town, by the developer, and or Strata Management, whichever is most relevant;” and*
- (j) *the original floor plan of the dwelling at No. 192 Newcastle Street is retained, and should be incorporated into the design to provide greater context to the heritage value of the place; and*

- (xv) *an updated management plan demonstrating the allocation of car bays for the residential and commercial units, which shall be used only by employees, tenants, and visitors directly associated with the development;*
- (xvi) *in keeping with the Town's practice for multiple dwellings, commercial, retail and similar developments the footpaths adjacent to the subject land along William and Newcastle Streets are to be upgraded, by the applicant, to a brick paved standard to the Town's specification. A refundable footpath upgrading bond and/or bank guarantee shall be lodged prior to the issue of a Building Licence and be held until all works have been completed and/or any damage to the existing facilities have been reinstated to the satisfaction of the Town's Technical Services Division. An application to the Town for the refund of the upgrading bond must be made in writing;*
- (xvii) *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;*
- (xviii) *all pedestrian access and vehicle driveway/crossover levels shall match into existing verge/footpath levels;*
- (xix) *all car-parking bays shall be dimensioned on the Building Licence application working drawings and all car parking facilities shall comply with the minimum specifications and dimensions specified in the Town's Parking and Access Policy and Australian Standards AS2890.1 – "Off Street Parking";*
- (xx) *prior to the issue of a planning approval, a Building Compliance report is recommended to be submitted;*
- (xxi) *compliance with EPRA's public art contribution requirement;*
- (xxii) *prior to the first occupation of the development, the car parking spaces provided for the residential component and visitors of the development shall be clearly marked and signposted for the exclusive use of the residents of the development; and*
- (xxiii) *areas indicated as "commercial" to indicate the type of use proposed.*

PURPOSE OF REPORT:

To advise the Council of the subject development application referred by the East Perth Redevelopment Authority (EPRA) to the Town for comment.

BACKGROUND:

The subject site consists of 12 lots (Lots 551 – 562) at the corner of William, Newcastle and Money Streets, inclusive of a subterranean car park below Washing Lane.

DETAILS:

Details of the above proposal have been summarised as follows:

- Six (6) storey (allowed 4 storeys) mixed use development, consisting of 30 commercial tenancies (shops, restaurant and offices) on the ground and first floors, and residential units on the second, third, fourth and fifth floors.
- A subterranean car park below Washing Lane, with all access off Money Street.
- A Traffic Assessment report dated July 2009 prepared by "Transcore".

- The retention of the heritage listed properties.
- A total of 119 residential multiple dwellings, consisting of 51 studios, 22 single bedrooms and 46 two bedrooms units. Of the 119 multiple dwellings, the 51 studios, 20 of the single bedrooms units and 11 of the two bedrooms units are for rental, with the remaining 2 single bedrooms units and 35 of the two bedrooms units are for sale. The smaller units are mainly to cater for student accommodation.
- Total of 103 car parking bays are proposed.
- The proposed density coding is R250 (allowed R100).
- Allowed plot ratio under EPRA requirements is 2:1 (8582 square metres). Proposed is 2.45:1 (10,512 square metres) if the proposal includes Washing Lane.
- The 51 stores provided for the studios with an area of between 2.5-2.9 square metres each and remaining 68 stores at a size of 4 square metres in area (total 119).
- Seeking reduction in the provision of public art contribution.

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

CONSULTATION/ADVERTISING:

To be undertaken by EPRA, as per their requirements.

LEGAL/POLICY:

East Perth Redevelopment Act 1991 and EPRA Scheme.

STRATEGIC IMPLICATIONS:

Adverse Impact on the Town Design Guidelines for William Street, Between Bulwer and Newcastle Streets, Perth- Appendix No. 18.

SUSTAINABILITY IMPLICATIONS:

This inner urban infill development is considered sustainable use of land.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

Heritage Comments

The proposed development comprises two places listed on the Town's Municipal Heritage Inventory as a Management Category B - Conservation Recommendation prior to the subject land being transferred to the EPRA.

The heritage listed properties comprise two duplex pairs of single storey Federation cottages at Nos. 1 - 7 Money Street constructed in 1894 representing the subdivision patterns for working housing in the inner city during the Gold Boom period and continue to contribute to the historical context of the locality; and the Federation Bungalow at No. 192 Newcastle Street also constructed in 1894 that previously operated as a boarding house.

It is acknowledged that the proposed development has sought to retain, adapt and conserve the heritage listed properties. In terms of the heritage listed properties along Money Street, it is considered that the development is appropriately set back from the properties ensuring that the heritage significance of the single storey cottages has been maintained. The encasement of the property at No. 192 Newcastle Street presents an innovative design response to the heritage listed property; however, it is recommended that the retention of the original floor plan of the dwelling, beyond just the facade, should also be incorporated into the design to provide greater context to the heritage value of the place.

Technical Services

Technical Services have advised that they do not support the subterranean car park if Washing Lane is to remain a dedicated road, which is vested under the care and control of the Town. Washing Lane was created by EPRA to provide access, service corridor and amenity to the newly created lots resulting from the subdivision of the previous 'Auto Masters' site.

There are further unresolved issues in respect of liability, land tenure, compensation and appropriate use of the road reserve. It potentially sets precedent whereby developers who cannot satisfy the car parking requirements may request similar consideration. Furthermore, the Town's Officers understand that while Landgate may favourably consider the said proposal, and will value the land and charge the applicant accordingly, the Town receives no benefit while potentially assuming the liability.

If the applicant intends to pursue a subterranean car park under Washing Lane, Technical Services position would be that the road is closed. If EPRA wishes to retain a 'street' through the development, an access easement and/or private road should be created.

In the event of the latter is approved, the car park is to fully comply with AS 2890.1 'Off Street Car Parking' in respect of dimensions, circulation, ramp grades, height clearances and sight distances including any truncations, while car bays abutting 'stores' are to be fitted with wheel stops.

Further, the applicant is to demonstrate the adequacy of the bin store, in respect of capacity and wash down facilities, how bins are to be conveyed to the road level and how the bin store will be mechanically ventilated.

In terms of the "Transport Assessment", given the classification of William and Newcastle Streets as District Distributor 'A' Roads, the traffic generated by the development will have negligible impact on the immediate surrounding road network. However, in reality it will be difficult exiting Washing Lane in the peak periods (both am and pm) because traffic already queues beyond the northern boundary of the site. Furthermore, motorists wishing to turn right into Newcastle Street west bound will have to cross three lanes of traffic.

If, as anticipated, William Street is converted to two-way between Newcastle and Brisbane Streets, as an extension of the current City of Perth works, the intersection of Washing Lane and William Street has the potential to become a safety problem. This does not comply with current standards in respect of proximity to the signalised intersection of William and Newcastle Streets, and only functions because William Street is one-way. If William Street were to become two-way, there will be sight distance issues, particularly during peak periods. Therefore, in this eventuality, Washing Lane would be required to be 'left in' and 'left out' only.

EPRA Officers have advised that they would not support the closure of Washing Lane, but would support the subterranean closure of Washing Lane to accommodate the proposed car park.

Building Services

The Town's Building Services have advised that car parking and other facilities for persons with a disability is required to be provided. A Building Compliance report is recommended to be submitted prior to the issue of a planning approval.

Health Services

The Town's Health Services have advised as follows:

- a laundry facility that complies with clause 17 of the *Town of Vincent Health Local Law 2004* must be provided for Unit C20 and be detailed on revised plans (refer to Drawing No. A2-06 Revision A). The current plans do not indicate provision of a laundry facility for the unit.
- a Health Impact Assessment is required to be undertaken by an appropriately qualified consultant, to comment on the potential impacts such small living quarters may have on the occupants, in addition to matters concerning noise, sanitation/waste disposal and management, access to leisure and exercise facilities, etc. The assessment should also comment on the positive and negative impacts that such high density housing is likely to have on surrounding, existing land uses, and in relation to negative impacts, what measures can be implemented to reasonably minimise these impacts.
- a clause is to be placed on the sales contract for all residential tenancies and on the memorial of title for the property:

“The Town of Vincent dissolves responsibility for enforcing provisions of the Environmental Protection (Noise Regulations) 1997, with respect to noise complaint disputes that arise between owners/occupants of the proposed strata, both residential and commercial. The responsibility to resolve noise compliance issues rests with the property developer, in the case of structural deficiencies that give rise to non-compliance with the ‘assigned levels’ detailed in the Environmental Protection (Noise Regulations) 1997, for a five (5) year period commencing from the date of the building being classified/approved for use. The responsibility to resolve noise compliance issues arising from the playing of stereos, televisions, washing machines or any other mechanical or human related source rests with the Strata Management. The Town may utilise its discretion to assist in resolving noise compliance issues when reasonable effort has been demonstrated to the Town, by the developer, and or Strata Management, whichever is most relevant.”

Planning Services

Height

The maximum height limit allowed under Appendix No. 18 of the Town's Design Guidelines for William Street, between Bulwer and Newcastle Streets, Perth is a maximum of 3 storeys adjacent to the primary streets and up to 4 storeys within the site.

Under the Town's Multiple Dwelling Policy 3.4.8, the Council may consider a greater height to a maximum of 3 storeys adjacent to primary streets and up to 5 storeys within sites.

The site is one of the main entry points into the Town. The fourth floor (5th storey) and fifth floor (6th storey) is located at the corner of William Street and Newcastle Street, resulting in an iconic element of interest. There is an incremental increase in height of the building from the lot to the north, which is within the Town, as demonstrated in the William Street elevation. On the above basis, the height is considered acceptable in this location. It is noted that the original application proposed an 8 storey building.

Plot ratio

No objection is raised to the proposed plot ratio variations, which is partly a result of the increased height supported as above.

Car and Motor Cycle Parking

A total of 103 car bays are provided, and allocated as follows:

Number of car bays	Allocation to use
5 tandem bays	2 bedroom dwellings
32 bays	For saleable dwellings
20 bays	For rental dwellings, based on one car bay per four dwellings
30 bays	Non-residential floor space
16 bays	To be distributed later, based on market demand

Sixteen (16) motor cycle bays have been provided, which can be converted to 32 bicycle bays, subject to market demand. Additional details in relation to bicycle parking facilities are required to be provided.

The number of car bays provided is in accordance with EPRA's requirement.

Stores

No objection is raised to the variation of the store size for the studios of between 2.5-2.9 square metres in area.

Dwelling size

The proposed single bedroom dwellings of between 38-59 square metres are considered small in the context of providing a minimum standard of living environment and amenity. It would seem that the developer is pursuing the provision of dwellings without due consideration of the amenity of future occupants, and this would be creating an adverse precedent for other similar developments in the area. The applicant has stated that the minimum size of dwellings in Melbourne for similar purposes is 27 square metres, and that the size of studio units in the City of Perth Town Planning Scheme No. 2 is 40 square metres.

It is noted that some of the single and two bedrooms units have an additional room identified as a study.

Public Art

There is concern in relation to the reduction of the 1 per cent public art requirement. If allowed, the above would result in a precedent for others to seek such dispensation.

Privacy

Privacy aspects as per the Residential Design Codes (R Codes) should be complied with, as there is no consideration given to compliance with the cone of vision under the R Codes for the balconies and bedroom windows on the north eastern elevation.

Conclusion

The proposed development is generally supportable, subject to Washing Lane being closed; and other appropriate conditions being imposed as recommended.

**9.1.18 Proposed Policy Amendment No. 58 - Draft Amended Policy No. 3.4.8
Relating to Multiple Dwellings**

Ward:	Both Wards	Date:	3 August 2009
Precinct:	All Precincts	File Ref:	PLA0213
Attachments:	001 ; 002		
Reporting Officer(s):	A Fox		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) ***RECEIVES the final amended version of the Policy No. 3.4.8 relating to Multiple Dwellings as shown in Attachment 9.1.18(a), resulting from the advertised version having been reviewed and with regard to six 6 written submissions received during the formal advertising period, as shown in Appendix 9.1.18(b), in accordance with Clauses 47 (4) and (5) (a) of the Town's Town Planning Scheme No. 1, subject to the Policy being further amendment as follows:***

- (a) Clause 9) paragraph 5 in relation to Major Roads be amended to read as follows:***

'For the purpose of this Policy, major roads include Beaufort Street, Bulwer Street, Charles Street, East Parade, Fitzgerald Street, Guildford Road, Loftus Street, London Street, Lord Street, Newcastle Street, Oxford Street (north of Richmond Street only), Scarborough Beach Road, Vincent Street (but not including the portion opposite Hyde Park between Ethel Street east to William Street), Walcott Street and William Street (but not including the portion opposite Hyde Park from the intersection with Glendower Street north to Vincent Street).' and

- (ii) ***ADOPTS the final amended version of the Policy No. 3.4.8 relating to Multiple Dwellings, as shown in Appendix 9.1.18(a), in accordance with Clause 47(5)(b) of the Town's Town Planning Scheme No. 1; and***
- (iii) ***AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy No. 3.4.8 relating to Multiple Dwellings as shown in Appendix 9.1.18(a), in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.***

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

Moved Cr Farrell, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 8.42pm.

Debate ensued.

Cr Farrell returned to the Chamber at 8.44pm.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Lake

That the item be DEFERRED to allow staff to do proper consultation involving writing letters to people on the main roads who would be affected and the people in the Cleaver and Hyde Park Precincts who are affected under the 40% density change.

PROCEDURAL MOTION PUT AND LOST (4-5)

For: Cr Ker, Cr Lake, Cr Maier, Cr Youngman

Against: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell Cr Messina

MOTION PUT AND CARRIED (5-4)

For: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell Cr Messina

Against: Cr Ker, Cr Lake, Cr Maier, Cr Youngman

COUNCIL DECISION ITEM 9.1.18

That the Council;

(i) *RECEIVES the final amended version of the Policy No. 3.4.8 relating to Multiple Dwellings as shown in Attachment 9.1.18(a), resulting from the advertised version having been reviewed and with regard to six 6 written submissions received during the formal advertising period, as shown in Appendix 9.1.18(b), in accordance with Clauses 47 (4) and (5) (a) of the Town's Town Planning Scheme No. 1, subject to the Policy being further amendment as follows:*

(a) *Clause 9) paragraph 5 in relation to Major Roads be amended to read as follows;*

'For the purpose of this Policy, major roads include Beaufort Street, Bulwer Street, Charles Street, East Parade, Fitzgerald Street, Guildford Road, Loftus Street, London Street, Lord Street, Newcastle Street, Oxford Street (north of Richmond Street only), Scarborough Beach Road, Vincent Street (but not including the portion opposite Hyde Park between Ethel Street east to William Street), Walcott Street and William Street (but not including the portion opposite Hyde Park from the intersection with Glendower Street north to Vincent Street).' and

(ii) *ADOPTS the final amended version of the Policy No. 3.4.8 relating to Multiple Dwellings, as shown in Appendix 9.1.18(a), in accordance with Clause 47(5)(b) of the Town's Town Planning Scheme No. 1; and*

(iii) *AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy No. 3.4.8 relating to Multiple Dwellings as shown in Appendix 9.1.18(a), in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.*

PURPOSE OF REPORT:

The purpose of this report is to provide the Council with feedback on the submissions received during the advertising period of the draft amended Policy and to present to the Council the final version of the Draft Amended Policy No. 3.4.8 relating to Multiple Dwellings.

BACKGROUND:

26 February 2008 The Council considered a report outlining the initiation of an Amendment to Town Planning Scheme No. 1 and a Draft Policy relating to multiple dwellings at its Ordinary Meeting and resolved as follows:

“That the Item be DEFERRED to allow for further discussion within Council on this topic.”

13 May 2008 The Council considered a further report relating to the proposed Scheme Amendment and Draft Policy relating to Multiple Dwellings and resolved as follows:

“That the item be DEFERRED to allow for further consideration.”

27 May 2008 The Council considered a further report relating to the proposed Scheme Amendment and Draft Policy relating to Multiple Dwellings and resolved to initiate an amendment, subject to modifying the Scheme Text.

26 August 2008 The Council considered a report relating to the Draft Policy relating to Multiple Dwellings and resolved as follows:

“That the Item be DEFERRED to;

- (i) enable Council Members to provide feedback to the Chief Executive Officer and Directors;*
- (ii) have the public gallery’s concerns that were voiced at tonight’s meeting, referred to the Officers for investigation; and*
- (iii) analyse the submissions already received.”*

28 October 2008 The Council considered a report relating to the Draft Policy relating to Multiple Dwellings and resolved to receive, adopt and advertise the final amended version of the Policy.

24 March 2009 The Council considered a report outlining the initiation of an Amendment to the Town’s Policy relating to Multiple Dwellings at its Ordinary Meeting and resolved as follows:

“That the Council;

- (i) RECEIVES the Draft Amended Policy Relating to Multiple Dwellings, as shown in Attachment 001;*
- (ii) ADOPTS the Draft Amended Policy Relating to Multiple Dwellings in the interim until the formal adoption of the Amended Policy;*

- (iii) *ADVERTISES the Draft Amended Policy Relating to Multiple Dwellings for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:*
 - (a) *advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;*
 - (b) *where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and*
 - (c) *forwarding a copy of the subject Policy to the Western Australian Planning Commission; and*
- (iv) *after the expiry of the period for submissions:*
 - (a) *REVIEWS the Draft Amended Policy Relating to Multiple Dwellings, having regard to any written submissions; and*
 - (b) *DETERMINES the Draft Amended Policy Relating to Multiple Dwellings, with or without amendment, to or not to proceed with them.'*

14 April 2009 Following the Ordinary Meeting of Council held on 24 March 2009, it was necessary to make further amendments to the Policy prior to it being advertised. The Council considered a further report outlining these amendments to the Policy at its Ordinary Meeting. The Council resolved to adopt the Officers Recommendation and to advertise the Draft Policy relating to Multiple Dwellings.

28 April 2009 The Draft Amended Policy relating to Multiple Dwellings was advertised for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1.

DETAILS:

Following the initial adoption of the Multiple Dwellings Policy on 28 October 2008, significant further consideration has been given to the concerns raised by both the residents during the initial public consultation period in relation to this Policy (Amendment No. 53) and from a number of Elected Members. Additionally, feedback from the Town's Statutory Planning Officers, who have been using the Policy since its adoption in October 2008, have led to the Policy being amended further.

Amendments to the Policy relate to the following issues:

Definition of Multiple Dwelling

The use of the Residential Design Codes of WA definition of what constitutes a Multiple Dwelling has previously resulted in varying interpretations of this definition in development applications determined by the Town. In two instances, applications have been appealed at the State Administrative Tribunal (SAT). In both situations, there was a discrepancy with regard to applying and interpreting what constitutes a 'multiple dwelling'.

As a result of this, a more specific definition of what constitutes a 'Multiple Dwelling' by the Town has been included in the amended Multiple Dwellings Policy. This expanded definition has been added in order to provide clarity and transparency in the assessment and determination of development applications by the Town.

Clause (2) relating to minimum lot area of 1000 square metres

The Council at its Ordinary Meeting held on 28 October 2008, approved the final adoption of Policy No. 3.4.8 relating to Multiple Dwellings. Clause (2) of the Policy required that all multiple dwelling developments are to have a minimum total lot area of 1000 square metres. This clause stemmed from the original intention of the 'No Multiple Dwellings' Scheme provision to protect the low scale and residential character within the Town's Cleaver, Smith's Lake, Hyde Park, Banks and Norfolk Precincts.

Following the initial adoption of the Policy relating to Multiple Dwellings, significant consideration has been given to the implications of Clause (2), (requiring a minimum of 1000 square metres for all multiple dwelling developments). While the original intention of Clause (2) is justified, the full implications of applying this clause required further consideration. The result of Clause (2) would potentially unfairly restrict the development of multiple dwellings in areas, namely District and Commercial that would benefit from a diversity of housing choice, affordable housing opportunities and a close proximity to the Central Business District and public transport opportunities.

As a result, the Policy has been amended to remove Clause (2). The Town's Officers consider that there is considerable scope within the Policy to ensure that the amenity of residential areas will not be unduly compromised by the deletion of this clause. In particular, the inclusion of the table outlining the acceptable height of Multiple Dwelling developments along major roads, where they abut both high and low density zoned areas, will ensure that height restrictions are appropriately applied.

Additional amendment to Clause (10)

In order to further strengthen the scope of the Policy to protect the amenity of existing residential areas, the Town's Officers propose an additional amendment to Clause (10) of the policy to read as follows:

~~"109)...~~

All Multiple Dwellings within Residential zoned areas not located along a major road are to be a maximum height of 2 storeys in accordance with the Town's existing policies relating to residential development.'...

It is intended that the inclusion of this clause will further support the Town's intention to protect the low scale amenity and character of residential areas and will assist in alleviating any concerns/confusion raised by residents with regard to the amenity of existing residential areas.

CONSULTATION/ADVERTISING:

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

Advertising of the draft amended Policy concluded on 15 June 2009. 6 submissions were received during the comment period, 2 of which objected to some aspects of the Policy. Four submissions were in support of the draft amended Policy. Details of these submissions have been provided in the Schedule of Submissions as attached to this report.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 states:

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

- (a) *Review the Town of Vincent Town Planning Scheme No1 within an agreed timeframe; and deliver a new Town Planning Scheme in accordance with the outcomes of Vincent Vision 2024 and associated documents.*
- (b) *Implement and promote planning policies and guidelines to enhance sustainability, amenity, universal access, neighbourhood interaction and crime prevention.*
- (c) *Continue to implement Vincent Vision 2024 objectives.*
- (d) *Adopt a policy to encourage a proportion of affordable housing, in partnership with the State Government and implement recommendations.”*

FINANCIAL/BUDGET IMPLICATIONS:

The current 2009/2010 Budget allocates \$66,000 for Town Planning Scheme Amendments and Policies.

LEGAL/POLICY:

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

SUSTAINABILITY IMPLICATIONS:

The principles of the Multiple Dwellings Policy are in line with those outlined in the State Government’s *Network City* strategy, which promote a sustainable future.

COMMENTS:

During the formal advertising period, six (6) submissions were received by the Town. Of the six (6) submissions received during the advertising period, four (4) were in support and two (2) were objections to the draft Multiple Dwellings Policy. A full summary of submission is attached to this report.

Of the two submissions that objected to the Draft Amended Policy, the Town’s Officers have considered the concerns raised and provided comment. Accordingly, it is considered that the main issues of concern have already been addressed during the initial development of the Multiple Dwellings Policy (Amendment No. 53), and in further amendments made to the draft Policy (Amendment No. 58) prior to it being advertised. In this regard, the Town’s Officers do not consider it necessary to amend the Policy further.

Substantial consideration has been given to developing a Policy that will facilitate the development of multiple dwellings in suitably located areas, while still protecting the amenity of the existing residential areas. In the development of this Policy, the Town’s Officers have carefully considered the future strategic objectives of the Town and the concerns raised by local residents. It is considered that the Policy relating to Multiple Dwellings adopted by Council on 28 October 2008, and the further amendments detailed within the Draft Amended Policy the subject of this report, demonstrate substantial provisions to ensure that Multiple Dwelling developments across the Town develop in an appropriate manner. Furthermore, it is considered that the application of the Draft Amended Policy will serve to support the Town’s objectives of providing housing diversity and affordable housing options, whilst also protecting the Town’s residential character and amenity.

It is therefore recommended that the Council receives and adopts the final version of the Draft Amended Policy relating to Multiple Dwellings, in accordance with the Officer Recommendation.

**9.1.19 Amendment No. 63 to Planning and Building Policies – Policy No. 3.4.9
Relating to Encroachments Over Crown Lands**

Ward:	Both	Date:	3 August 2009
Precinct:	All	File Ref:	PLA0206
Attachments:	001		
Reporting Officer(s):	E Lebbos		
Checked/Endorsed by:	H Smith, R Boardman	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) ***RECEIVES the Draft Amended Policy No. 3.4.9 relating to Encroachments Over Crown Lands, as shown in Attachment 001; subject to the Policy being further amended as follows:***

- (a) Clause 6 be amended to read as follows:***

“Note Relating to Existing Encroachments

~~(6)~~ The Chief Executive Officer has delegated authority to grant permission and recommendations to the relevant Minister to give approval, under the provisions of s400(1b) of the Local Government (Miscellaneous Provisions) Act 1960, for existing encroachments, such as footings, walls or the like, in accordance with the following conditions:

- (ii) ***ADVERTISES the Draft Amended Policy No. 3.4.9 relating to Encroachments Over Crown Lands for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:***

- (a) ***advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;***
- (b) ***where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and***
- (c) ***forwarding a copy of the subject Policy to the Western Australian Planning Commission; and***

- (iii) ***after the expiry of the period for submissions:***

- (a) ***REVIEWS the Draft Amended Policy No. 3.4.9 relating to Encroachments Over Crown Lands, having regard to any written submissions; and***
- (b) ***DETERMINES the Draft Amended Policy No. 3.4.9 relating to Encroachments Over Crown Lands, with or without amendment, to or not to proceed with it.***

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

Cr Burns departed the Chamber at 8.51pm.

COUNCIL DECISION ITEM 9.1.19

Moved Cr Farrell, Seconded Cr Ker

That the recommendation be adopted.

Debate ensued.

Cr Burns returned to the Chamber at 8.53pm.

Debate ensued.

MOTION PUT AND LOST (0-9)

Reasons:

- 1. The Policy does not add anything to the existing delegation.**
 - 2. The Policy would be more cumbersome to alter or amend the delegation.**
 - 3. The matter is more appropriately listed in the Delegation Register.**
-

PURPOSE OF REPORT:

The purpose of this report is to present a Draft Amended Policy No. 3.4.9 relating to Encroachments Over Crown Lands, and to seek the Council's approval to advertise the Draft Amended Policy.

BACKGROUND:

The Encroachments Over Crown Lands Policy was first adopted by the Council at its Ordinary Meeting held on 14 April 2009. At this meeting, the Council considered the draft Policy relating to Encroachments Over Crown Lands, and resolved as follows:

“That the Council;

- (i) RECEIVES the final amended version of the Policy relating to Encroachments Over Crown Lands as shown in Appendix 9.1.22, resulting from the advertised version having been reviewed and with regard to 1 written submission received during the formal advertising period, in accordance with Clauses 47 (4), and (5) (a) of the Town's Town Planning Scheme No. 1;*
- (ii) ADOPTS the final amended version of the Policy relating to Encroachments Over Crown Lands, as shown in Appendix 9.1.22, in accordance with Clause 47 (5)(b) of the Town's Town Planning Scheme No. 1; and*
- (iii) AUTHORISES the Chief Executive Officer to advertise the final amended version of the adopted Policy relating to Encroachments Over Crown Lands as shown in Appendix 9.1.22, in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1.”*

At its Ordinary Meeting held on 26 May 2009, the Council considered additional delegation in relation to encroachments, and resolved as follows:

"That pursuant to Section 5.42 of Division 4 of Part 5 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY the delegation of the exercise of its powers and duties to the Chief Executive Officer, the following to be included in the Delegation Register:

(i) *New Delegation No. 74.*

No.	Area	Description of Council Function Delegated to the Chief Executive Officer from Council	Assignee(s)	Conditions
74	Planning, Building and Heritage Services	Authority to grant permission and recommends to the relevant Minister to give approval, under the provisions of s400(1b) of the Local Government (Miscellaneous Provisions) Act 1960, for <u>existing</u> encroachments, such as walls or the like.	CEO	<p>(i) <i>The retention of existing encroachment(s) in its existing state, in the opinion of the Chief Executive Officer, will not endanger public safety or unreasonably interfere with the amenity of the neighbourhood;</i></p> <p>(ii) <i>does not object to the encroachment;</i></p> <p>(iii) <i>the Chief Executive Officer recommends and obtains the approval of the Minister before issuing a Certificate (Form 7);</i></p> <p>(iv) <i>prior to clearance of the Certificate of Local Government (Form 7), the Town is suitably indemnified against any claims for compensation for the encroachment(s) indicated on the relevant sheets of the (unapproved) Strata Plan, in any event requiring the removal of the encroachments, and stating that the use of and development on the land shall not be taken into consideration in determining any cost or compensation which may be payable by the Town. All costs associated with this condition shall be borne by the applicant/owner(s); and</i></p> <p>(v) <i>Reports to the Council on a quarterly basis."</i></p>

DETAILS:

There is no provision in any legislation that allows the Minister's office to approve encroachments. Certain encroachments are permitted under Section 400 of the Act, some of which require the Minister's approval (section 400(1)(b)) or consent (section 400 (1b)) - in either case only the local government can petition the Minister for his/her approval or consent and only when the local government has resolved to permit the encroachment(s). The Town's Officers have consistently advised builders/developers that the Town takes a strict approach with respect to building structures, except for awnings, in that they are required to be contained solely within the subject lot boundaries. Awnings can be supported by the Town, provided that they are not part of a building structure.

Prior to the Council resolution to provide greater delegation to the Chief Executive Officer to matters relating to encroachments, the Town's Officers did not have delegated authority to consider building encroachments. In order for the Town to consider building encroachments that do not unreasonably interfere with the amenity of the neighbourhood; the approval of the Council was required. This was resulting in delays to building certification. In order to provide for the efficient and orderly administration of the day to day functions of the Local Government, the Council resolved at its Ordinary Meeting held on 25 May 2009 to amend the Delegated Authority Register to delegate the Council's powers and function in respect to encroachments to the Chief Executive Officer.

To ensure that this delegation is implemented effectively, the Town' Policy No. 3.4.9 relating to Encroachments over Crown Lands has been amended as follows. A new clause (6) has been inserted:

- (6) *The Chief Executive Officer has delegated authority to grant permission and recommendations to the relevant Minister to give approval, under the provisions of s400(1b) of the Local Government (Miscellaneous Provisions) Act 1960, for existing encroachments, such as footings, walls or the like, in accordance with the following conditions:*
- (i) *The retention of existing encroachment(s) in its existing state, in the opinion of the Chief Executive Officer, will not endanger public safety or unreasonably interfere with the amenity of the neighbourhood;*
 - (ii) *the Chief Executive Officer supports the encroachment;*
 - (iii) *the Chief Executive Officer recommends and obtains the approval of the Minister before issuing a Certificate (Form 7); and*
 - (iv) *prior to clearance of the Certificate of Local Government (Form 7), the Town is suitably indemnified against any claims for compensation for the encroachment(s) indicated on the relevant sheets of the (unapproved) Strata Plan, in any event requiring the removal of the encroachments, and stating that the use of and development on the land shall not be taken into consideration in determining any cost or compensation which may be payable by the Town. All costs associated with this condition shall be borne by the applicant/owner(s).*

CONSULTATION/ADVERTISING:

The amended Encroachments Over Crown Lands Policy is required to be advertised for twenty eight (28) days.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

Also, section 5.42 of the Local Government Act 1995 gives power to a Council to:

- Delegate to the CEO the exercise of its powers and functions;
- Prescribes those functions and powers which cannot be delegated;
- Allows for a CEO to further delegate to an employee of the Town; and
- States that the CEO is to keep a register of delegations.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 - Key Result Areas:

One – Natural and Built Environment:

“1.1: Improve and Maintain the Environment and Infrastructure

(1.1.2) Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision “

Four – Leadership, Governance and Management:

“4.1 Provide good strategic decision-making, governance, leadership and professional management...”

(4.1.2) Manage the organisation in a responsible, efficient and accountable manner.

(4.1.4) Focus on stakeholder needs, values, engagement and involvement.”

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

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

COMMENTS:

In order to ensure the effective implementation of the delegation of the Council’s power and function in respect to encroachments being transferred to the Chief Executive Officer, it is requested that the Council support the Officer Recommendation to amend the Town’s Policy No. 3.4.9 relating to Encroachments over Crown Land in order to maintain statutory compliance and ensure continuous improvement in the service delivery and management of the Town.

9.1.23 Proposal for "Registered Lawns" in the Town of Vincent

Ward:	Both	Date:	5 August 2009
Precinct:	All	File Ref:	PKG0107
Attachments:	-		
Reporting Officer(s):	J MacLean, K Godfrey		
Checked/Endorsed by:	R Boardman, R Lotznicker	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report concerning Registered Lawns; and*
- (ii) *NOT SUPPORT the introduction of a "Registered Lawn Scheme" within the Town of Vincent for the following reasons:*
 - (a) *the control of parking on verges is already adequately covered in the Town's Parking and Parking Facilities Local Law;*
 - (b) *the current Parking and Parking Facilities Local Law operates in an efficient and effective manner;*
 - (c) *the introduction of such a scheme would cause confusion as to what legislation is applicable;*
 - (d) *the practice of "Registered Lawns" has been progressively discontinued by many local governments; and*
 - (e) *the introduction of such a scheme would have the potential to place substantial and unnecessary burden on the Town's Ranger Services with significant resource implications for little apparent benefit to the property owner and/or the Town.*

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

Moved Cr Maier, Seconded Cr Ker

That the item be DEFERRED to enable the staff to reassess the item.

PROCEDURAL MOTION PUT AND LOST (4-5)

For: Cr Ker, Cr Lake, Cr Maier, Cr Youngman

Against: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Messina

Debate ensued.

AMENDMENT

Moved Cr Ker, Seconded Cr Doran-Wu

That a new clause (iii) be inserted as follows:

“(iii) REQUESTS the Chief Executive Officer to investigate further options and provide a further report to the Council.”

AMENDMENT PUT AND CARRIED (9-0)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.1.23

That the Council;

- (i) *RECEIVES the report concerning Registered Lawns; and*
- (ii) *NOT SUPPORT the introduction of a "Registered Lawn Scheme" within the Town of Vincent for the following reasons:*
 - (a) *the control of parking on verges is already adequately covered in the Town's Parking and Parking Facilities Local Law;*
 - (b) *the current Parking and Parking Facilities Local Law operates in an efficient and effective manner;*
 - (c) *the introduction of such a scheme would cause confusion as to what legislation is applicable;*
 - (d) *the practice of "Registered Lawns" has been progressively discontinued by many local governments; and*
 - (e) *the introduction of such a scheme would have the potential to place substantial and unnecessary burden on the Town's Ranger Services with significant resource implications for little apparent benefit to the property owner and/or the Town; and*
- (iii) *REQUESTS the Chief Executive Officer to investigate further options and provide a further report to the Council.*

PURPOSE OF REPORT:

The purpose of the report is to inform the Council about the "Registered Lawn" Scheme.

BACKGROUND:

At the Ordinary Meeting of Council held on 14 July 2009, a report was presented outlining motions raised at the Annual General Meeting of Electors held on 8 December 2008, where it was resolved;

“That the Council;

- (i) *RECEIVES the report on the response to the motions carried at the Annual General Meeting of Electors held on 8 December 2008; and*

(ii) *REQUESTS:*

- (a) *the Chief Executive Officer investigate and report on policy changes required to enable :*
1. *owners or occupiers to apply for a sign which says that no unauthorised parking is allowed on the verge; and*
 2. *owners or occupiers to request rangers issue infringement notices without warning them to sign any further documentation; and*
- (b) *that the report referred to in clause (a) be presented to Council by the end of August 2009 and consider any costs to be charged for the sign."*

The former City of Perth operated a "Registered Lawn" Scheme for many years, but it was a constant source of complaint both from people who had been issued with an infringement notice and the people whose verge was being used.

The time taken to check and enforce these areas was substantial and resulted in very little revenue in return, as Parking Inspectors actually witnessed very few offences. There were regular complaints from residents that the Parking Inspectors had not checked the area for weeks and from recipients of infringement notices that Parking Inspectors were too strict.

The complaints mainly included the fact that vehicles were permitted to park on the next door verge and, since no signage (other than a small – 150 millimetres by 65 millimetres white sign on the ground) was displayed, they expected to be able to park there.

DETAILS:

In the 1980s, the City of Perth Parking Department assessed the value of a "Registered Lawn" Scheme and decided that the inconsistency of allowing parking on one verge, while prohibiting it on the adjacent verge, was confusing to a driver, along with the cost versus benefit analysis, suggested that the scheme should be withdrawn.

This Registered Lawn Scheme also placed a substantial and unnecessary burden on the resources of the City's Parking Department, as one Parking Inspector was designated to check "Registered Lawns" on a daily basis resulting in very few infringement notices being issued.

Around 1982, the City introduced a clause into the Parking Facilities Act 1954, which created an offence of "*Unauthorised Use of a Verge*". This had the effect of freeing up a Parking Inspector to undertake enforcement duties in an area where problems existed, while promoting a self-help message to residents.

By allowing a resident to permit a vehicle to park on his/her verge and to decide whether a vehicle had permission or not, the same outcome was achieved as with "Registered Lawns". If a vehicle was parked without permission, the resident called the Parking Department and an Inspector was dispatched to investigate the matter further.

When the City of Perth changed from the Parking Facilities Act 1954 to the City of Perth Parking Facilities Local Law, the verge parking clause was also transferred, to enable continued enforcement. With the City of Perth restructure, this clause was included in the Town of Vincent Parking Facilities Local Law and, subsequently was included in the current Town of Vincent Parking and Parking Facilities Local Law 2007.

In the Town's Parking and Parking Facilities Local Law, clause 4.11(1) creates the offence of "Parking on a Verge" and clause 4.11(2) allows for the adjacent occupier, or a person authorised by the occupier, to park on a verge.

"4.11 Parking on verges

(1) A person shall not—

- (a) park a vehicle;*
- (b) park a commercial vehicle or bus, or a trailer or caravan unattached to a motor vehicle; or*
- (c) park a vehicle during any period when the parking of vehicles on that verge is prohibited by a sign adjacent and referable to that verge,*

so that any portion of it is on a verge.

(2) Subclause (1)(a) does not apply to the person if he or she is the owner or occupier of the premises adjacent to that verge, or is a person authorised by the occupier of those premises to park the vehicle so that any portion of it is on the verge."

In the Local Law, clause 4.11(1)(c) allows for "No Verge Parking" signage to be erected and enforced. However, if only the verges of individual properties are signed as "No Verge Parking", it is both inconsistent and confusing for drivers.

There are a number of streets in the Town, where a problem has been identified and all houses in that section of the thoroughfare have been asked whether they would support "No Verge Parking" restrictions, between adjacent cross-streets. Where consensus is obtained from the householders, the Town erects appropriate signage and Rangers enforce the restriction.

It should be noted that "Registered Lawn" restrictions have been progressively removed from the Parking Local Laws of most metropolitan Local Governments, specifically because of the enforcement difficulties and the time required policing the areas.

It is considered that it would be a retrograde step to re-introduce "Registered Lawns" to the Town of Vincent, because of the time that a Ranger would need to spend to police these areas.

CONSULTATION/ADVERTISING:

Not required.

LEGAL/POLICY:

While there is no legal impediment to the introduction of "Registered Lawns", it is suggested that the inconsistency of (perhaps) having only one verge in a street, where restrictions are applied, may not be accepted by a Magistrate.

STRATEGIC IMPLICATIONS:

The above is in keeping with the Town of Vincent Strategic Plan 2009 - 2014, at Item 3.1.3(a) "Determine the requirements of the community and ensure that the services provided meet those needs."

SUSTAINABILITY IMPLICATIONS:

None.

FINANCIAL/BUDGET IMPLICATIONS:

Should the above scheme be introduced, this would have significant cost implications to the Town with the time involved and the cost of signage dependant on how many properties were involved.

COMMENTS:

While it is possible to introduce a "Registered Lawn" Scheme in the Town, it is considered both expensive and impractical. Provisions already exist in the current "Parking and Parking Facilities Local Law 2007" to achieve the same outcomes as a "Registered Lawn" Scheme. It is suggested that it should be the responsibility of a Resident to decide whether a vehicle can park on the adjacent verge and to call a Ranger if an offence is seen, rather than requiring a Ranger to check every "Registered Lawn" a number of times daily.

It is therefore recommended that the Town does not introduce a "Registered Lawn" Scheme.

9.2.1 Progress Report No. 5 - Strategies to Reduce Speed Limits on Higher Order Roads Within the Town – Proposed Oxford Centre Precinct "30 Kph Speed Zone"

Ward:	South	Date:	5 August 2009
Precinct:	Oxford Centre Precinct P4	File Ref:	TES0089/TES0136
Attachments:	-		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker	Amended by:	-

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES Progress Report No. 5 on Strategies to Reduce Speed Limits on Higher Order Roads within the Town;*
- (ii) *APPROVES the Main Roads WA proposal to:*
 - (a) *impose a 30 kph Speed Zone in Oxford Street, Leederville, from south of Melrose Street to Leederville Parade, and in Newcastle Street between Oxford Street and Carr Place, as a means of traffic calming and improving pedestrian safety;*
 - (b) *modify the traffic signals at the intersection of Oxford and Vincent Streets to install 'parallel walk phases' in-lieu of the current 'exclusive pedestrian phase'; and*
- (iv) *AUTHORISES the Chief Executive Officer and/or Director Technical Services to approve, in conjunction with Main Roads WA, the location of all speed, regulatory and advisory signage.*

Cr Messina departed the Chamber at 9.11pm.

Moved Cr Ker, Seconded Cr Youngman

That the recommendation be adopted.

Debate ensued.

Cr Messina returned to the Chamber at 9.13pm.

Debate ensued.

AMENDMENT NO 1

Moved Cr Ker, Seconded Cr Youngman

That subclause (ii)(b) be deleted.

AMENDMENT NO 1 PUT AND CARRIED (6-3)

For: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Youngman
Against: Cr Lake, Cr Maier, Cr Messina

AMENDMENT NO 2

Moved Cr Youngman, Seconded Cr Ker

That subclause (ii)(a) be amended to read as follows:

“(ii)(a) impose six month trial of a 30 kph Speed Zone in Oxford Street, Leederville, from south of Melrose Street to Leederville Parade, and in Newcastle Street between Oxford Street and Carr Place, as a means of traffic calming and improving pedestrian safety;”

The Mover, Cr Youngman advised that he wished to change his amendment and to be a “12 month trial” rather than a “six month trial”. The Seconder, Cr Ker did not agree.

AMENDMENT NO 2 PUT AND LOST (2-7)

For: Cr Burns, Cr Youngman

Against: Mayor Catania, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Lake, Cr Maier, Cr Messina

AMENDMENT NO 3

Moved Cr Youngman, Seconded Cr Farrell

That subclause (ii)(a) be amended to read as follows:

“(ii)(a) impose a 30 kph Speed Zone in Oxford Street, Leederville, from south of Melrose Vincent Street to Leederville Parade, and in Newcastle Street between Oxford Street and Carr Place, as a means of traffic calming and improving pedestrian safety;”

Debate ensued.

AMENDMENT NO 3 PUT AND LOST (1-8)

For: Cr Youngman

Against: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Lake, Cr Maier, Cr Messina

MOTION AS AMENDED PUT AND CARRIED (8-1)

For: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Lake, Cr Maier, Cr Messina

Against: Cr Youngman

SUBSEQUENT MOTION:

Moved Cr Ker, Seconded Cr Doran-Wu

That the Council opposes any diminution of pedestrian access and safety into its Town Centres through removal of dedicated pedestrian phases at traffic signals.

Debate ensued.

SUBSEQUENT MOTION PUT AND CARRIED (6-3)

For: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Messina

Against: Cr Lake, Cr Maier, Cr Youngman

COUNCIL DECISION ITEM 9.2.1

That the Council;

- (i) ***RECEIVES Progress Report No. 5 on Strategies to Reduce Speed Limits on Higher Order Roads within the Town;***
- (ii) ***APPROVES the Main Roads WA proposal to impose a 30 kph Speed Zone in Oxford Street, Leederville, from south of Melrose Street to Leederville Parade, and in Newcastle Street between Oxford Street and Carr Place, as a means of traffic calming and improving pedestrian safety; and***
- (iv) ***AUTHORISES the Chief Executive Officer and/or Director Technical Services to approve, in conjunction with Main Roads WA, the location of all speed, regulatory and advisory signage.***

SUBSEQUENT MOTION

That the Council opposes any diminution of pedestrian access and safety into its Town Centres through removal of dedicated pedestrian phases at traffic signals.

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of Main Roads WA (MRWA) proposal to impose a 30kph speed limit in Oxford Street, Leederville, from south of Melrose Street to Leederville Parade and in Newcastle Street between Oxford Street and Carr Place, as a means of traffic calming and improving pedestrian safety in the Oxford Centre Precinct.

BACKGROUND:

Ordinary Meeting of Council - 24 August 2004:

At its Ordinary Meeting of 24 August 2004, the Council adopted a Notice of Motion seeking, in part, a review of: *60kph speed limits in the Town, with particular reference to whether a lower speed limit would be appropriate for roads passing through or in close proximity to concentrations of activity and sensitive uses such as primary schools...*

Ordinary Meetings of Council - 24 April 2007 and 11 November 2007:

The Council subsequently received two progress reports advising of the Town's unsuccessful endeavours to have MRWA review the 60 kph speed limit on higher order roads.

December 2007:

MRWA contacted the Town's Technical Services directorate and advised that they had re-considered their stance and are now prepared to trial the use of "speed cushions" in selected locations as a means of reducing traffic speed. Further, they were considering two locations within the Town to conduct the first such trial in the Perth metropolitan area, being Beaufort Street, Mt Lawley/Highgate or Fitzgerald Street, North Perth.

MRWA finally selected Fitzgerald Street, based upon traffic accident statistics, volume and speed data, ease of implementation and as an acknowledgment of the work already undertaken by the Town within the precinct.

Ordinary Meeting of Council – 13 May 2008:

The Council considered a report on the proposed Fitzgerald Street speed cushion trial, where the following decision was, in part, adopted:

"That the Council;

- (iv) AUTHORISES the Director Technical Services to approve, in conjunction with Main Roads WA, the location of the speed cushions, regulatory signage and changes to on-road parking as part of the implementation of the trial;"*

The Fitzgerald Street speed cushion trial commenced in June 2008, with the interim results showing a sustained 10-15 kph drop in the 85th percentile speed through the trial zone.

If at the end of the trial it is judged a success MRWA will introduce an 'appropriate' speed limit, which is expected to be 40 kph.

Ordinary Meeting of Council – 14 April 2009:

The Council received a report on the proposed Beaufort Street Variable Speed Zone trial whereby the posted speed would be set at either 40 kph or 60 kph depending upon the time day and taking into consideration pedestrian activity and traffic volumes. Having considered the report Council, in part, decided:

That the Council;

- (ii) APPROVES IN PRINCIPLE the Main Roads WA proposal to trial a 40 kph Variable Speed Zone in Beaufort Street, Mount Lawley, between Chatsworth Road and Walcott Street, as a means of reducing traffic speed and improving pedestrian safety;*
- (iii) REQUESTS that Main Roads WA:*
 - (a) extend the trial south of Lincoln Street to include the school crossing for Highgate Primary School; and*
 - (b) to consider amending the starting time of the trial to commence at 7:30am;*

As a result of the City of Stirling withdrawing its support for project, the variable speed zone trial was extended to Lincoln Street and with the earlier start time as per the Council's request and became operational on Tuesday 4 August 2009.

DETAILS:

Black Spot Project

In 2007/08 the Town successfully applied for State Black Spot Improvement Project funding to modify the traffic signals at the intersection of Oxford and Vincent Streets, Leederville. The project involves installing a 'right turn filter arrow' from Oxford Street south bound, into Vincent Street west bound to reduce the number of right angle through accidents and general traffic congestion in the peak periods.

While MRWA has approved the project in principle, it is yet to sign off on the detailed electrical and civil design drawings, with final approval expected within weeks. Associated work includes widening the footpath outside the Luna Cinema to improve pedestrian safety and banning the right turn into Vincent Street east bound from Oxford Street north bound.

Council originally allocated funds in the 2008/09 budget for the project, which were subsequently carried forward to the 2009/10 budget.

Proposed 30 kph Speed Zone

In recognition of the Town's proactive approach to reducing speeds on higher order roads, in July 2009 MRWA wrote to the Town with a proposal to install a 30 kph speed zone through the Oxford Centre Precinct. MRWA, having considered the merits of the aforementioned Black Spot Project, and in acknowledgement of the high pedestrian activity in the precinct, and the likelihood that it will only increase with the implementation of the Leederville Master Plan, is keen to further improve pedestrian safety.

It is worth noting that this would be the second only 30 kph speed zone in the metropolitan area.

Currently, when heading south on Oxford Street, which is a District Distributor B Road, the speed limit drops from 60 kph to 50 kph south of Melrose Street. Under the MRWA proposal it would be reduced to 30 kph from this point through to Leederville Parade. Similarly, Newcastle Street between Oxford Street and Carr Place would be sign posted 30 kph.

While it is the Town's intention to have the remainder of Oxford Street, Melrose Street to Scarborough Beach, downgraded to 50 kph, MRWA will not consider the application further until the current streetscape enhancement works are completed.

Parallel Walk Phase in-lieu of Exclusive Pedestrian Phase

If there is trade off to MRWA's 30 kph proposal, it is that they are seeking to introduce parallel walk phases at the Vincent/Oxford intersection in-lieu of the existing 'exclusive pedestrian phase'.

MRWA are keen to implement parallel walk phases throughout the state and are currently looking at a wide scale 'roll-out' in the Perth CBD.

In discussions with MRWA it was suggested that the current 5 second head start for pedestrians was inadequate. While not conceding the point, MRWA indicated that they would be prepared to consider extending it to 10 seconds. This would enable the majority of pedestrians to be at least $\frac{3}{4}$ the way across the road before vehicles were given the green light. Currently many pedestrians, when using parallel walks, only get as far as the centre of the road whereupon vehicles start turning across them in contravention of the Road Traffic Code. By extending the 'head start' to 10 seconds, the pedestrian would either be clear of the turning vehicles or within their turning line effectively making them wait.

CONSULTATION/ADVERTISING:

MRWA will be responsible for all community consultation and advertising.

LEGAL/POLICY:

While Oxford and Newcastle Streets are under the care and control of the Town, MRWA are responsible for speed zoning, regulatory signage and line marking of all of the State's roads.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan – 2009-2014 – Key Result Area 1.1.6 *Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment.*

FINANCIAL/BUDGET IMPLICATIONS:

Funds were allocated in 2008/09 and brought forward to 2009/2010 for the Blackspot project. As the project has taken longer than expected to come to fruition, due mainly to cost increases for signal design requirements, Technical Officers are currently in discussion with MRWA regarding the cost increase and we are seeking additional funds. MRWA will fully fund the parallel walks proponent and this will also offset the overall signal modification costs.

COMMENTS:

The Town has for some considerable time been advocating lowering the posted speed limit on appropriate sections of District Distributor Roads within the Town.

It has always been the Town's contention that a posted speed limit of 60 kph, or indeed 50 kph, is excessive in high pedestrian traffic areas such as Beaufort Street through the Mt Lawley Centre Precinct and Fitzgerald Street through the North Perth Centre Precinct.

The proposed 30 kph speed limit through the Oxford Centre Precinct would further enhance the Town's reputation for making its Town Centres more pedestrian friendly.

9.2.2 Alternative Waste Disposal Options – Progress Report No 2

Ward:	Both	Date:	3 August 2009
Precinct:	All	File Ref:	ENS0008&FIN0078
Attachments:	-		
Reporting Officer(s):	R Lotznicker		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES progress report No 2 on alternative waste disposal options as at 4 August 2009;*
- (ii) *NOTES that;*
 - (a) *as from 1 July 2009 the fee for disposal of the Town's waste at Mindarie Regional Council (MRC) facility increased from \$59.40 per tonne (excl GST) to \$120.50 per tonne (excl GST);*
 - (b) *the Town's Chief Executive Officer and Director Technical Services recently met with the Chief Executive Officer of the Western Metropolitan Regional Council (WMRC) to further investigate the disposal of the Town's waste to the WMRC;*
 - (c) *the WMRC non member tipping rate for 2009/2010 is proposed to be \$132.73/tonne (excl GST); and*
 - (d) *the Town would not be able to commence tipping at WMRC until 1 January 2010 at which time the tipping rate could increase to \$153.73/tonne with the inclusion of the proposed \$20/tonne State landfill levy increase;*
- (iii) *CONTINUES to dispose of its Municipal Solid Waste (Processable Waste) at the MRC facilities until further notice, for the reasons outlined in the report;*
- (iv) *AUTHORISES the Chief Executive Officer to continue discussions/negotiations with the WMRC, with the long term aim of the Town entering into a long term contract/agreement for the Town's waste to be delivered to and processed by the WMRC DiCOM AWT; and*
- (v) *ADVISES the WMRC and MRC of its decision.*

COUNCIL DECISION ITEM 9.2.2

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

PROPOSED AMENDMENT

Moved Cr Maier, Seconded Cr

That a new clause (v) be inserted and the existing clause (v) be renumbered (vi):

“(v) REQUESTS that the Chief Executive Officer investigate the possibility of establishing a transfer station for use by the Town as well as the City of Perth, City of Stirling, Town of Cambridge and Town of Victoria Park.”

The Director Technical Services advised the Council that he and his staff are investigating various waste management matters, as part of the Town’s Waste Minimisation Plan.

The Presiding Member, Mayor Nick Catania stated he would not accept the amendment, as the matter is already being dealt with by the staff.

Cr Lake suggested changing the amendment to read “REQUESTS the Chief Executive Officer to report back to Council on the possibility of...”

The Presiding Member, Mayor Nick Catania asked the Director of Technical Services if there would be a report back to Council and the Director of Technical Services advised there would be.

The Presiding Member, Mayor Nick Catania stated he would not accept the amendment, as the matter is already being dealt with by the staff.

MOTION PUT AND CARRIED (9-0)

PURPOSE OF THE REPORT:

The purpose of this report is to provide further information to the Council on the progress of investigations regarding alternative waste disposal options available to the Town.

BACKGROUND:

A progress report on alternative waste disposal options was considered by the Council at its Ordinary Meeting held on 24 March 2009, where the following decision was made:

"That the Council;

- (i) RECEIVES the progress report on alternative waste disposal options as at 17 March 2009;*
- (ii) NOTES;*
 - (a) that as from 1 July 2009 the fee for disposal of the Town’s waste at Mindarie Regional Council facilities to increase from \$59.40 per tonne (excl GST) to an estimated \$127 per tonne (excl GST) (yet to be confirmed);*
 - (b) that the Town’s Chief Executive Officer and Director Technical Services recently met with the Chief Executive Officer of the Western Metropolitan Regional Council (WMRC) to further investigate the disposal of the Town’s waste to the WMRC; and*
 - (c) the information contained in the report regarding disposing of the Town’s waste at the WMRC prior to their DiCOM Alternative Waste Technology (AWT) being fully operational*

- (iii) *AUTHORISES the Chief Executive Officer to;*
- (a) *immediately enter into negotiations with the Chief Executive Officer of the WMRC with the short term aim of the Town disposing of its waste at the WMRC prior to their AWT being fully operational and with the long term aim of the Town entering into a long term contract/agreement with the WMRC for the Town's waste to be delivered to and processed by the WMRC DiCOM AWT;*
 - (b) *immediately enters into negotiations with the Chief Executive Officer Mindarie Regional Council (MRC) regarding the Town's approved exemption from disposal of all or part of its waste at Mindarie Regional Council facilities, as resolved by the Mindarie Regional Council at its meeting held on 11 October 2007; and*
 - (c) *examine measures to dispose of the Town's waste as soon as is practicable at WMRC, if negotiations are successful and if there are financial and/or environmental benefits to the Town;*
- (iv) *the Chief Executive Officer provide a further report to the Council; and*
- (v) *ADVISES the WMRC and MRC of its decision."*

DETAILS:

Meeting with Western Metropolitan Regional Council (WMRC):

In accordance with clause (iii) of the Council's decision, the Chief Executive Officer and Director Technical Services met with WMRC representatives in April 2009 to formally discuss the possibility of the Town disposing of part or all of its waste prior to the WMRC DiCOM AWT being fully operational.

The WMRC representatives advised that they supported the request 'in principle' however they would need to assess the operational issues associated with the request.

In addition, at the meeting the WMRC representatives were requested to provide a cost to receive/dispose of the Town's waste at the WMRC facility.

Proposed WMRC gate fees for 2009/2010 (for Town of Vincent):

The WMRC advised that the gate fees applicable to the Town (subject to adoption at the WMRC meeting to be held on 6 August 2009) will be as follows:

- Proposed non-member (Town of Vincent) gate fee for MSW \$132.73/tonne (excl GST)
- Green waste \$50.00/tonne (excl GST)

Note: The WMRC further advised that the proposed \$20.00/tonne increase in the landfill levy to become effective on 1 January 2010 will necessitate an adjustment to the above MSW fee at that time.

The WMRC will also require additional infrastructure to accommodate the Town's waste with an anticipated commencement date of 1 January 2010.

Mindarie Regional Council (MRC) gates fees for 2009/2010

A MRC Special Meeting was held on 30 June 2009 as a result of the State Government deferring the implementation of the 300% increase in the Land Fill Levy until 1 January 2010.

At the meeting, the Council decided to average the projected increased landfill levy over the 2009/2010 financial year to reduce the immediate impact and maintain the price for the financial year.

Therefore, the MRC members Processable* Waste gate fee for 2009/2010 is \$120.50 (exclusive of GST).

Note:* Processable and Non Processable Waste

As previously reported to the Council, the MRC had previously agreed a gate fee model, for implementation upon the establishment of the RRF, which comprised the categorisation of waste as follows:

- Processable Waste
- Non Processable Waste

The philosophy associated with this model recognised that not all processable material will be delivered to the Resource Recovery Facility initially. Therefore, an equitable charging model was required, in order to manage, in a fair manner, all processable material, with respect to charges.

It is estimated that in 2009/2010 the Town will dispose of about 13,000 to 13,500 tonnes of processable waste.

Officer Comments/Conclusions:

It is anticipated that the Town will dispose of between 13,000 to 13,500 tonnes of Municipal Solid Waste (processable waste) in 2009/2010.

At the MRC rate of \$120.5 per tonne, based on 13,500 tonnes, this would equate to \$1,626,750 for the financial year.

At the proposed WMRC gate rate of \$152.73 (the Town would not be able to commence tipping there until 1 January 2010 at which time the \$20 increase in landfill levy may apply), this would equate to an additional \$217,552 (assuming tipping to WMRC for six months of the year only), less another \$40,000 projected savings in operation costs.

It is therefore considered prudent that for 2009/2010 the Town continue to dispose of its processable waste to the MRC.

It is still recommended that as a long term aim, the Town continues to pursue entering into a long term contract/agreement with the WMRC for the Town's waste to be delivered to and processed by the WMRC DiCOM AWT once fully operational.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Health Act 1911 empowers the Town to collect household refuse.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.4 Minimise negative impacts on the community and environment. *"(d) Review and progress the implementation and promotion of the Sustainable Environment Plan 2007-2012 and (i) Adopt and implement the Town's Strategic Waste Minimisation Plan 2009-2013."*

SUSTAINABILITY IMPLICATIONS:

Waste of different types and quantities is generated by everyday consumption of goods by individuals, organisations and corporations. Local Government collects most of this waste and tries to ensure there is some sustainability in its practices whereby the material is separated and treated differently depending on what it is.

Disposal of waste nearer to the source and processing all of the Town's waste is considered to be the most sustainable option for the Town. Reduction in fuel, vehicle emissions and greenhouse gas would be achieved. These are yet to be precisely calculated.

FINANCIAL/BUDGET IMPLICATIONS:

As mentioned above, the MRC tipping rate for 2009/2010 is \$120.50 per tonne and the proposed WMRC gate rate is \$152.73 as the Town would not be able to commence tipping there until 1 January 2010, at which time the \$20 increase in landfill levy may apply.

The following table outlines the possible scenarios. It should be noted that scenario 2 (tipping at MRC for the 12 months) will save approximately \$178,000 for the financial year.

Scenario 1 - 6 Month MRC & 6 Month WMRC

Time Frame	Quantity	MRC	WMRC	WMRC	Total
	tonnes	\$120.50/tonne	\$132.73/tonne	\$152.73/tonne	
1 July 2009 - 1 Jan 2010	6,750	\$813,375.00	-	-	
1 July 2009 - 1 Jan 2010	<u>6,750</u>		-	<u>\$1,030,927.50</u>	
Total	13,500	\$813,375.00		\$1,030,927.50	\$1,844,302.50

Scenario 2 - 12 Month MRC

1 July 2009 - 1 Jan 2010	6,750	\$813,375.00	-	-	
1 July 2009 - 1 Jan 2010	<u>6,750</u>	<u>\$813,375.00</u>	-	-	
Total	13,500	\$1,626,750.00	-	-	\$1,626,750.00

Difference		<u>\$217,552.50</u>
<i>Less operating savings</i>		<i>\$40,000.00</i>
Additional Estimated Costs if disposed of at MRC for 6 months & WMRC for 6 months		<u>\$177,552.50</u>

COMMENTS:

The Town's Chief Executive Officer and Director Technical Services met with the Chief Executive Officer of the WMRC to investigate the disposal of the Town's waste to the WMRC, with the short term aim of the Town disposing of its waste at the WMRC prior to their AWT being fully operational and with the long term aim of the Town entering into a long term contract/agreement with the WMRC for the Town's waste to be delivered to and processed by the WMRC DiCOM AWT.

The proposed WMRC tipping fees of \$153.73 per tonne (effective 1 January 2010) would mean the Town would pay an additional \$33.23 per Tonne for part of the financial year.

It is recommended that the Town continue to dispose of its waste at the MRC until further notice.

9.2.5 Parks Outdoor Exercise Equipment

Ward:	Both	Date:	31 July 2009
Precinct:	All	File Ref:	RES0039
Attachments:	001		
Reporting Officer(s):	K. Godfrey; J Bennett, J. van den Bok		
Checked/Endorsed by:	R. Lotznicker;	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the report in relation to the installation of Parks Outdoor Exercise Equipment listed on the 2007/2008 Capital Works budget;
- (ii) **NOTES** that;
 - (a) a draft Physical Activity Plan has been completed and will be presented at a future Council forum;
 - (b) the draft Physical Activity Plan does not specifically identify locations for the Parks Outdoor Exercise Equipment, however, has provided staff with suitable criteria to assess each potential site; and
 - (c) further outdoor exercise induction sessions, will be held in selected parks over the summer month;
- (iii) **APPROVES** the proposed locations for the installation of new Parks Outdoor Exercise Equipment as indicated in appendix 9.2.5 as follows:
 - (a) Hyde Park - 10 items Life Trail Equipment;
 - (b) Charles Veryard Reserve – 2 items Outdoor Gym Equipment;
 - (c) Beatty Park Reserve - 2 items Outdoor Gym Equipment;
 - (d) Les Lilleyman Reserve - 2 items Outdoor Gym Equipment; and
 - (e) Forrest Park -2 items Outdoor Gym Equipment; and
- (iv) **AUTHORISES** the Chief Executive Officer to submit plans outlining the proposal for the installation of 10 items of Life Trail Equipment within Hyde Park to the Heritage Council of Western Australia (HCWA) for their assessment and approval.

COUNCIL DECISION ITEM 9.2.5

Moved Cr Farrell, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Lake

That subclause (iii)(c) be deleted and the remaining subclauses be renumbered and subclause (iii)(d) be amended to read as follows:

“(d) Les Lilleyman Reserve - ~~2~~ 4 items Outdoor Gym Equipment; and”

Debate ensued.

AMENDMENT PUT AND LOST (2-7)

For: Cr Lake, Cr Maier

Against: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Messina,
Cr Youngman

MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to update the Council as to the proposed locations for the installation of the additional Outdoor Exercise Equipment listed in the 2008/09 Capital works budget and carried forward into the 2009/10 financial year.

BACKGROUND:

At the Ordinary Meeting of Council held on 24 June 2008, a progress report was presented in relation to the recommendations and locations of Parks Exercise Equipment and the Physical Activity Plan Project which was then yet to be completed. At the meeting it was resolved:-

"That the Council;

- (i) RECEIVES the progress report in relation to the Parks Outdoor Exercise Equipment;*
- (ii) NOTES that;*
 - 1. as part of the Physical Activity Plan Project the consultants have been requested to investigate and make recommendations on the locations of additional Outdoor Exercise Equipment based on the following points;*
 - (a) suitability of locating equipment in each park;*
 - (b) available space;*
 - (c) demography of the park users;*
 - (d) heritage and any other relevant issues; and*
 - 2. a further report will be submitted to the Council upon completion of the Physical Activity Plan Project outlining the recommendations and locations of additional items of Outdoor Exercise Equipment."*

DETAILS:

Physical Activity Plan

As indicated in previous Outdoor Exercise Equipment progress reports, at the Ordinary Meeting of Council held on 25 March 2008 a report was presented on a Physical Activity Plan, where the Council endorsed the initiative to develop a Physical Activity Plan.

One of the many issues the consultants were to consider was the installation of additional outdoor exercise equipment and the most suitable locations for such facilities.

The draft Physical Activity Plan has been completed and will be presented to a future Council forum prior to being formally considered by Council for adoption.

Parks & Reserves Strategy/Recreational Needs Analysis:

In addition, at the Ordinary Meeting of Council held on 10 June 2008, a report was presented on the Parks and Reserves Strategy/Recreational Needs Analysis.

The following recommendations were made by the consultants, Jill Powell & Associates, in relation to Outdoor Exercise Equipment as part of the Parks and Reserves Strategy/Recreational Needs Analysis.

Officer's comments and a proposed timeline for the recommendations are also noted given that this matter was now to form part of the Physical Activity Planning process.

Facilities

Recommendation: That in recognition of the changing nature of participation, the Town, as a priority supports the placement of additional facilities for unstructured sport and recreation such as outdoor gym equipment.

Officer's Comments:

This is currently in progress and additional locations are to be reviewed as part of the Physical Activity Planning process.

Proposed Completion Date

February 2009

Responsible Section:

Community Development and Parks Services

Recommendation: That the placement of this equipment be focused on four (4) key areas throughout the Town to allow for ease of access for the Town's population.

Officer's Comments:

In progress and locations to be reviewed as part of the Physical Activity Planning process.

Proposed Completion Date

February 2009

Responsible Section:

Community Development and Parks Services

Following receipt of the Physical Activity Plan, an internal working group comprising of Parks Services and Community Development Officers was set up to review the recommendations that consultants, Stoneham & Associates, had identified.

In respect to the installation of Outdoor Exercise Equipment, the consultant's recommendations were somewhat generic in terms of locations for the installation. Parks Services and Community Development Officers inspected each prospective park/reserve and assessed each potential site based on some of the consultant's recommendations and our own criteria.

Also part of the assessment criteria was viewing the Australian Bureau of Statistics 2006 Census of Population and Housing for the Town of Vincent. This Census map gave an overall picture as to which precincts within the Town would benefit the most by having Outdoor Exercise Equipment.

In addition, an integral part of this assessment was to incorporate the proposed locations of the new exercise equipment to be adjacent to the Town's Wetlands Heritage Trail/Greenway. Utilising this trail would maximise exposure of the new exercise equipment to the public.

Therefore, based on the recommendations of the consultants and views of the Town's officers, all prospective sites were assessed based on the following criteria:-

Parkland

- A clear open visible site
- Available shade (existing trees)
- Proximity to dog exercise area and sporting facilities
- An level site (where possible)
- Available space between equipment
- Available space for provision of bicycle rack/s

Facilities

- Lighting of the site
- Seating/tidy bins
- Drinking fountain
- Existing playground equipment
- Public toilets
- Signage

Paths & Traffic

- Proximity to existing infrastructure such as dual use pathways/cycle routes including the Town's Wetlands Heritage Trail.
- Adequate distance from arterial roads to avoid vehicular traffic.

Streetscape

- Passive surveillance of equipment from adjacent residents and park patrons.

Universal Access

- Semi mountable kerbs
- Ramps (where required)
- Disabled parking bays.

Life Trail Exercise Equipment

Life Trail Equipment is a recreation program specifically designed to increase physical activity within older adults. It provides upper and lower body exercises for a comprehensive fitness program. Another feature in this range of equipment is that some of these exercise stations are wheelchair accessible.

These outdoor wellness stations come in a range of colours and the dimensions for each station and would not detract from the aesthetic landscape qualities of Hyde Park. However, it should be noted that discussion with the Town's Heritage Officers and the Heritage Council of Western Australia would be sought prior to installing this equipment.

Existing 'Life Trail Exercise Equipment' Locations:

Locations of existing items of Life Trail Exercise Equipment within the Town are as follows:

- Banks Reserve (*3 items*)
- Britannia Reserve, South – (*3 items*).

Proposed 'Life Trail Exercise Equipment' Locations:

Following assessment of all potential sites and based on the criteria listed above, the recommended location for the installation of the ten (10) items of Life Trail Exercise Equipment is at Hyde Park.

Hyde Park is one of the City's premier parks and attracts a diverse and varied age of patrons visiting and utilising all its facilities throughout the year. However, Hyde Park does attract a significant number of older adults who frequent the park on a daily basis and would benefit with the use of such equipment.

The perimeter pathway around the eastern and western lakes would be an ideal location for installation of the ten (10) items of LifeTrail Equipment and other than Banks Reserve and Britannia Road Reserve where it is already installed, Hyde Park is considered the only other suitable alternative location for this type of equipment within the Town.

Outdoor Gym Equipment:

As detailed in previous reports to the Council the "Outdoor Gym Equipment "comprises of eight (8) different exercise stations, each relying on a person's own weight rather than weights and pulleys which makes it easy to use.

This range of equipment has been designed to encourage adult physical activity (it is also suitable for a wide range of age groups) and to provide a general cardiovascular workout, developing most major muscle groups. Each item is accompanied by instructional signage to ensure it is used effectively and these items are surrounded by rubber surfacing so as to be more accessible to those with mobility issues.

Existing Outdoor Gym Equipment locations:

Locations of existing items of Outdoor Gym Equipment within the Town are as follows:-

- Britannia Reserve –South: *4 items*
- Banks Reserve: *4 items*
- Menzies Park: *4 items*
- Robertson Park: *4 items*

Proposed Outdoor Gym Equipment locations:

Following assessment of all potential sites and based on the criteria listed above, the recommended locations for the installation of the eight (8) items of Outdoor Gym equipment are as follows.

It should also be noted that all of the recommended locations have previously been identified for installation of Parks exercise equipment following requests from patrons, residents or precinct groups.

- *Charles Veryard Reserve.*

This reserve has an existing playground and meets all the essential criteria, in addition to this it is also located adjacent to the start of the Town's Wetlands Heritage Trail/Greenway. Locating two (2) new Outdoor Gym Equipment items near this playground would maximise its exposure to the general public, thus having the potential for an increase in the uptake of its use.

- *Beatty Park Reserve.*

Beatty Park Reserve has a new playground area and it also meets all the essential criteria. It is recommended that two (2) new Outdoor Exercise Equipment items are installed near the playground.

It is also located on the Town's Wetlands Heritage Trail/Greenway and being located so close to the Beatty Park Leisure Centre also gives the opportunity for pool patrons to utilise the equipment when they are exercising in the park.

- *Les Lilleyman Reserve*

Les Lilleyman Reserve is another ideal location for the installation of Outdoor Gym Equipment and meets all the essential criteria.

Currently there is no exercise equipment in or near this section of North Perth; therefore the addition of this exercise equipment would be of benefit to all the residents and the general public that utilise the facilities within this reserve.

There is ample room to locate two (2) items of equipment near the existing playground. This will provide the opportunity for residents/general public to participate in exercise whilst watching their children in the playground area.

- *Forrest Park*

Forrest Park is extremely popular with recreational and sporting groups including dog walkers. Currently there is an existing pathway within the reserve that commences at the Walcott Street end of the reserve and weaves around Curtis and Harold Streets.

In addition, Forrest Park is adjacent to Mt Lawley Tafe, locating the equipment on Harold Street frontage would offer students the opportunity to utilise this exercise equipment whilst walking/cycling to Tafe.

Therefore given the above and that the location meets all the essential criteria it is recommended that two (2) items of Outdoor Gym Equipment are installed along the Harold Street frontage of Forrest Park.

CONSULTATION/ADVERTISING:

Consultation will be undertaken with the Heritage Council of Western Australia (HCWA) seeking their comment/approval prior to the installation of the 10 items of Life Trial Equipment at Hyde Park.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan (Plan for the Future) 2009-2014 – 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment."*(a) Implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, Rights of way, parking and roads*".

Physical Activity Plan 2009 - 2013 - 1.3 Creating Environments that Support Physical Activity. *(g) Develop criteria for the purchase and placement of outdoor gymnasium equipment in local parks. Criteria should reflect usage of park, local demographics and ability to co-share institutions such as schools.*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

A total of \$80,000 was budgeted in the 2008/2009 financial year for the supply and installation of Outdoor Exercise Equipment.

This amount allowed for one (1) full set of "Outdoor Gym Equipment" (8 items) and one (1) full set of "Life Trail Exercise Equipment" (10 items) and these funds have now been carried forward to the 2010/2011 financial year.

COMMENTS:

Parks Services Officers have noticed an increase in the use of all the Exercise Equipment located through out the Town's parks and reserves. This is a testament to their increasing popularity and the public's awareness of the health benefits of regular exercise.

Increasing the distribution of the new exercise equipment throughout the Town will provide more opportunity for residents and the general public to access this equipment and thus increase their physical health and well being.

9.2.7 Further Report - Community Bus

Ward:	Both	Date:	3 August 2009
Precinct:	All	File Ref:	CMS0072
Attachments:	-		
Reporting Officer(s):	R Lotznicker; K Godfrey, C Wilson		
Checked/Endorsed by:	John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That;

(1) *at the Ordinary Meeting held on 9 June 2009, the Council resolved (in part) as follows [Item 9.3.3 – Clause (ii):*

“(i) AUTHORISES the Chief Executive Officer to call a tender for the purchase of a 20 to 25 seater Community Bus, subject to inclusion of a requirement for full accessibility for people with disabilities.”

(2) *Cr MOVES a motion to REVOKE or CHANGE the decision as specified in clause (1) above;*

(3) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three (3) Council Members, namely Mayor Catania, Cr Farrell and Cr Doran-Wu, being one third of the number of members of the Council, SUPPORT the motion to revoke or change a Council decision; and*

(4) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to REVOKE the decision adopted by the Council at its Ordinary Meeting held on 9 June 2009 {Item (9.3.3 – Clause (ii) “AUTHORISES the Chief Executive Officer to call a tender for the purchase of a 20 to 25 seater Community Bus, subject to inclusion of a requirement for full accessibility for people with disabilities”}, and APPROVES of the following;*

“(i) AUTHORISES the Chief Executive Officer to immediately purchase a 20 to 25 seater Community Bus, with the inclusion of a wheel chair lift for people with disabilities with the most appropriate vehicle being purchased utilising the WA State Government Vehicle Acquisition Contract.”

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Cr Doran-Wu moved clause (2).

Debate ensued.

**MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (9-0)**

COUNCIL DECISION ITEM 9.2.7

That;

- (1) *at the Ordinary Meeting held on 9 June 2009, the Council resolved (in part) as follows [Item 9.3.3 – Clause (ii):*
 - “(i) *AUTHORISES the Chief Executive Officer to call a tender for the purchase of a 20 to 25 seater Community Bus, subject to inclusion of a requirement for full accessibility for people with disabilities.*”
- (2) *Cr Doran-Wu MOVES a motion to REVOKE or CHANGE the decision as specified in clause (1) above;*
- (3) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, three (3) Council Members, namely Mayor Catania, Cr Farrell and Cr Doran-Wu, being one third of the number of members of the Council, SUPPORT the motion to revoke or change a Council decision; and*
- (4) *in accordance with Regulation 10 of the Local Government (Administration) Regulation 1996 as referred to in Section 5.25(e) of the Local Government Act 1995, the Council RESOLVES BY AN ABSOLUTE MAJORITY to REVOKE the decision adopted by the Council at its Ordinary Meeting held on 9 June 2009 [Item (9.3.3 – Clause (ii) “AUTHORISES the Chief Executive Officer to call a tender for the purchase of a 20 to 25 seater Community Bus, subject to inclusion of a requirement for full accessibility for people with disabilities”], and APPROVES of the following;*
 - “(i) *AUTHORISES the Chief Executive Officer to immediately purchase a 20 to 25 seater Community Bus, with the inclusion of a wheel chair lift for people with disabilities with the most appropriate vehicle being purchased utilising the WA State Government Vehicle Acquisition Contract.*”

PURPOSE OF REPORT:

To provide further information on the outcome of investigations, for the purchase of a Community Bus containing full accessibility for people with disabilities.

BACKGROUND:

At its Ordinary Meeting held on 9 June 2009, the following amended recommendation was adopted:

"That the Council;

- (i) *ADOPTS the guidelines and conditions of use for a Community Bus (Attachment 1);*
- (ii) *AUTHORISES the Chief Executive Officer to call a tender for the purchase of a 20 to 25 seater Community Bus, subject to inclusion of a requirement for full accessibility for people with disabilities;*
- (iii) *NOTES that the Town will prepare and maintain a list of volunteer drivers;*
- (iv) *ADVISES the North Perth Community Bank of the action taken with regard to the Community Bus; and*
- (v) *PROPOSES that at the first review of the Community Bus operation the Officers consider the provision of a shopping route service for residents."*

DETAILS:

At its Ordinary Meeting held on 9 June 2009 the Council amended *clause (ii)* of the officer's recommendation by adding the following words (as underlined).

"(ii) Authorises for the CEO to call a tender for the purchase of a 20-25 seater community bus, subject to inclusion of a requirement for full accessibility for people with disabilities;"

Following the Council decision, Technical Services officers investigated the availability and cost for a bus with full accessibility for people with disabilities and the following

Full accessibility for persons with disabilities:

Investigations revealed that there are only two (2) companies (Toyota and Mitsubishi) who produce a 20-25 seater community bus which would be priced within the Town's current budget. These buses, which are in common use, do not comprise a lower floor, wider aisles etc. These busses can, however, be fitted with a custom built wheelchair hoist at the rear and the rear seating modified to accommodate wheel chairs.

The Town's Officers contacted other suppliers for details regarding their range of buses.

Scania Australia advised they manufactured a bus which comprises internal body options to accommodate seating for between 28 to 55 passengers and has a low floor to comply with people with disabilities. Scania further advised that their 28-55 seater bus was essentially still a 55 seater bus with reduced seating fitted.

Scania do not supply/manufacture a smaller chassis to accommodate a smaller sized body to suit the Town's requirements.

Further investigations with other manufacturers confirmed that the only 20 - 25 seater buses available on the market are the Toyota Coaster and the Mitsubishi Rosa.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

Local Government can purchase vehicles from the WA State Government Vehicle Acquisition Contract. Officers have checked the contract pricing list and the required vehicles are included in the acquisition contract, thus obviating the need to go to tender on the product.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area Three: 3.1 Enhance and promote community development and wellbeing.

"3.1.2 Provide and develop a range of community programs and community safety initiatives;

3.1.3 Determine the requirements of the Community;

3.1.5 Focus on community and customer needs, value, engagement and involvement."

FINANCIAL/BUDGET IMPLICATIONS:

The North Perth Community Bank has donated \$120,000 towards the purchase of a Community Bus for the Town of Vincent.

The Scania K 230UBx4 automatic chassis is \$190,500 (ex GST). This is excluding on road registration and stamp duty. The body and associated fitout for the bus comes to \$240,000 (ex GST), thus bringing the total cost for a the bus to approximately \$430,000 (ex GST)

The cost for a 21 seater deluxe diesel model Toyota Coaster Bus (with automatic transmission) is around \$110,000 (ex GST).

A wheel chair lift fitted to the Toyota bus is approximately \$37,500 (ex GST).

Mitsubishi Rosa is similar in seating and overall design and is comparable to the Toyota Coaster in specification and cost.

COMMENTS:

The Council previously adopted the guidelines and conditions of use for a Community Bus and authorised the Chief Executive Officer to call a tender for the purchase of a 20 to 25 seater Community Bus, subject to inclusion of a requirement for full accessibility for people with disabilities.

Investigations have revealed that to purchase a bus with full accessibility for people with disabilities is not available in a 20 to 25 seater configuration and would be cost prohibitive as a totally different bus would be required, i.e. a 28-55 seater bus with reduced seating fitted.

It is therefore recommended that the Council authorises the Chief Executive Officer to immediately purchase a 20 to 25 seater Community Bus, with the inclusion of a wheel chair lift for people with disabilities with the most appropriate vehicle being purchased utilising the WA State Government Vehicle Acquisition Contract.

9.2.8 Mount Lawley Subway and Surrounds Beautification Project

Ward:	South	Date:	5 August 2009
Precinct:	Mt Lawley	File Ref:	TES0245
Attachments:			
Reporting Officer(s):	J. van den Bok		
Checked/Endorsed by:	R. Lotznicker; John Giorgi	Amended by:	

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the report in relation to the proposed Mount Lawley Subway and surrounds beautification project;*
- (ii) *APPROVES the Town's participation in a project to beautify the Mount Lawley Subway and surrounds in conjunction with the City of Bayswater, City of Stirling and the Public Transport Authority;*
- (iii) *AUTHORISES the Town's Chief Executive Officer to enter into discussions with the relevant stakeholders and determine the extent of the Town's participation in the proposed project; and*
- (iv) *NOTES that a further report will be submitted on this matter as the proposal is progressed and cost implications are determined.*

Moved Cr Farrell, Seconded Cr Messina

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Ker

That a new clause (v) be inserted as follows:

- “(v) *EXPRESSES its preference for waterwise Western Australian plants in keeping with previous plantings along East Parade in the vicinity.*”

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.2.8

That the Council;

- (i) *RECEIVES the report in relation to the proposed Mount Lawley Subway and surrounds beautification project;*
- (ii) *APPROVES the Town's participation in a project to beautify the Mount Lawley Subway and surrounds in conjunction with the City of Bayswater, City of Stirling and the Public Transport Authority;*

- (iii) *AUTHORISES the Town's Chief Executive Officer to enter into discussions with the relevant stakeholders and determine the extent of the Town's participation in the proposed project;*
 - (iv) *NOTES that a further report will be submitted on this matter as the proposal is progressed and cost implications are determined; and*
 - (v) *EXPRESSES its preference for waterwise Western Australian plants in keeping with previous plantings along East Parade in the vicinity.*
-

PURPOSE OF REPORT:

The purpose of this report is to advise the Council on the proposal to beautify the Mount Lawley Subway and surrounds and seek approval for the Town's involvement.

BACKGROUND:

Several weeks ago the member for Mount Lawley, Michael Sutherland MLA contacted the Town requesting that the many posters affixed to the walls of the Mount Lawley subway be removed. Subsequently, the removal of posters on the Town's side of the subway was completed the next day and further posters have been removed by the Town's Graffiti Officer since this time.

Posters on the City of Stirling and Bayswater's side of the subway walls were not removed immediately and following further investigation, the Town's officers were able to assist Michael Sutherland in providing contacts within these respective local governments.

A letter has been recently received from the member for Mount Lawley, Michael Sutherland MLA in relation to the untidy state of the Mount Lawley subway and surrounds and a proposal to include urban art on the walls of the subway and improve lighting.

Michael Sutherland has also commended the Town of Vincent on keeping our side of the subway clean of graffiti and posters.

DETAILS:

The Town's Chief Executive Officer recently attended a meeting with Michael Sutherland MLA Local Member for Mount Lawley and the Mayor and Councillors from the City of Bayswater to discuss a proposal to clean up and beautify the Mount Lawley subway and surrounds.

It was resolved at the meeting that the City of Bayswater would "co-ordinate the upgrade" of the area in conjunction with the City of Stirling, Town of Vincent and the Public Transport Authority.

The beautification of the area would possibly include improved lighting, urban artwork and entry statements.

A Project Team is suggested to be formed comprising Council Members, Local Government Officers and State Government Officers. This will be progressed, if the Council approves of the Town's participation in the project.

The Town's Arts Officer, who has previous experience in the coordination of mural projects, will be requested to provide advice to the working group, as will the Town's Safer Vincent Coordinator on an action plan for the removal of graffiti.

CONSULTATION/ADVERTISING:

Adjacent residents and businesses will be consulted prior to the undertaking of any beautification works.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One – 1.1.4 Minimise negative impacts on the community and environment. *“(g) Develop a policy and mechanisms to encourage public art and/or beautification on blank walls- both public and private properties” and “(h) Continue to improve aesthetics and amenity and encourage regeneration of degraded buildings and vacant land.”*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

No funds are included in the 2009-10 Budget, as this matter arose after the Council adopted the Budget. Possible funds are available from the State Government in the form of grants. These will be explored.

COMMENTS:

It is therefore recommended that the Council approve the Town’s participation in this project and notes that further reports are presented to the Council, once a proposal has been further developed and costed.

9.4.2 2009 International Public Works Conference

Ward:	-	Date:	4 August 2009
Precinct:	-	File Ref:	ADM0031
Attachments:	-		
Reporting Officer(s):	C Wilson		
Checked/Endorsed by:	R Lotznicker, John Giorgi	Amended by:	-

OFFICER RECOMMENDATION:

That the Council AUTHORISES the Manager – Asset and Design Services and up to one (1) Council Member, to attend the “2009 International Public Works Conference” to be held in Melbourne, Victoria, from 6 to 10 September 2009, at an estimated cost of \$3,500 each.

Moved Cr Youngman, Seconded Cr Farrell

That the recommendation be adopted.

Cr Ker nominated to attend the 2009 International Public Works Conference.

The Presiding Member, Mayor Nick Catania called for further nominations.

No further Nominations were received.

Debate ensued.

Cr Maier requested the recommendation be voted on in two parts, Part 1 being for the Manager – Asset and Design Services to attend the Conference and Part 2 being for Cr Ker to attend the Conference.

The Presiding Member, Mayor Nick Catania agreed and ruled that he would consider and vote on the recommendation in two parts.

MOTION PART 1 PUT AND CARRIED (9-0)

MOTION PART 2 PUT AND CARRIED (7-2)

For: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Ker, Cr Messina, Cr Youngman

Against: Cr Lake, Cr Maier

COUNCIL DECISION ITEM 9.4.2

That the Council AUTHORISES the Manager – Asset and Design Services and Councillor Ian Ker, to attend the “2009 International Public Works Conference” to be held in Melbourne, Victoria, from 6 to 10 September 2009, at an estimated cost of \$3,500 each.

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the Manager Engineering Design Services, Craig Wilson, and up to one (1) Council Member, to attend the 2009 International Public Works Conference to be held in Melbourne, Victoria, from 6 to 10 September 2009.

BACKGROUND:

The Institute of Public Works Engineering Australia (IPWEA) holds its national conference every two (2) years on a rotational basis whereby each state hosts the event, with this year's conference being held in Melbourne. However, as a major endorsement of IPWEA, the 2009 conference has been selected by the International Federation of Municipal Engineering (IFME) to co-host the bi-annual World Congress on Municipal Engineering, resulting in a greatly expanded conference of international significance.

DETAILS:

The theme of the 2009 International Public Works Conference is *Global Challenges, Local Solutions – Delivering for the Next Generation*. The aim of the presentations is *to address topical global issues that challenge the public works industry and local solutions that have been developed to meet these challenges both for the present and future generations*.

The conference is being held at the Melbourne Convention Centre from Sunday 6 to Thursday 10 September 2009 and involves addresses by 5 keynote speakers and 143 technical papers presented by speakers representing 12 countries.

Asset Management

Local Government in WA is moving towards a systematic and holistic approach to asset management and it is inevitable it will eventually be legislated accordingly.

Further, asset management, together with sustainability, is fast becoming a 'central plank' in the national local government agenda. This is highlighted by comments made by the Prime Minister, Kevin Rudd, at the 2008 and 2009 Australian Council of Local Government meeting.

In light of the above, and as an outcome of the Town's recent Organisational Review, the Manager – Asset and Design Services is set to assume responsibility for Asset Management.

The Conference

The conference is broken into 7 streams, one of which one is devoted entirely to Asset Management. The asset management stream consists of 22 technical sessions comprising case studies, best practice and future directions.

The asset management stream is predominantly Australian and New Zealand models and case studies with speakers from the US, Canada and the Netherlands offering an international perspective.

There will be a range of key issues of direct relevance to Local Government covered including:

- Linking asset management to community vision.
- Using financial planning to overcome the asset management funding gap.
- Service driven asset management.
- Strategic asset management.
- Practical resources for asset management.
- Using a framework to improve asset management outcomes.
- Transport planning, and
- Identifying common challenges for asset managers.

In addition, there are also 'streams' devoted to Climate Change, Managing Safer Roads, Alternative Transport, Stormwater Management, Road Pavement Management and Project Management.

The attendance of the Manager – Asset and Design Services at this conference is not only an opportunity to network with his peers but, more importantly, to gain an understanding of current trends and best practice in Local Government Asset Management. The Conference will provide essential knowledge on a range of infrastructure, asset and service managers who need to have a strategic understanding of this complex function.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

Council's Policy 4.1.15 - *"Conferences & Training - Attendance, Representation, Travel & Accommodation Expenses and Related Matters" Clause 1.1 (i) states:*

"(i) When it is considered desirable that the Council be represented at an interstate conference, up to a maximum of one Council Member and one Officer may attend;

It is not normal practice for the Town's Managers to attend interstate conferences (as they attend State conference only). However, the recent Organisational Review and Local Government Structural Reform Checklist has identified a need for more emphasis on Asset Management. Accordingly, the Chief Executive Officer supports the Manager's attendance at this interstate conference, on this occasion.

STRATEGIC IMPLICATIONS:

In keeping with the Town's Strategic Plan 2009-2014 – Objective 4.2 - *"Provide a positive and desirable workplace"*, in particular, 4.2.4(b) - *"Enhance employee empowerment, professional development and job satisfaction and create a workplace that encourages and rewards innovation, implements best practice, and positions the Town as an Employer of Choice"*.

SUSTAINABILITY IMPLICATIONS:

The sustainable management of assets is a direction that the Town needs to embark upon and the Town's Administration will be placing more emphasis on this practice in the future to ensure the level of service of its assets is optimised and adequate funding is allocated to achieve this.

FINANCIAL/BUDGET IMPLICATIONS:

Cost per person

Conference registration and Technical Tour:	\$1880.00
Economy Airfare/transfers (Including taxes)#:	\$450.00
Accommodation (5 nights @ \$166):	\$830.00
Expense Allowance (5 days):	\$340.00

Total: \$3,500.00

subject to availability

COMMENTS:

It is recommended that approval be granted for the Manager – Asset and Design Services, and up to one (1) Council Member, to attend the "2009 International Public Works Conference" to be held in Melbourne, Victoria from 6 to 10 September 2009.

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.

At 9.44pm Moved Cr Ker, Seconded Cr Youngman

That Council proceed “behind closed doors” to consider confidential item 14.1 as the matter contains legal advice obtained or which may be obtained by the local government and which relates to a matter to be discussed at the meeting.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

There were no members of the public or journalists present.

At 9.44pm the Council proceeded “Behind Closed Doors” to consider the follow items:

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

14.1 CONFIDENTIAL REPORT: No. 84 (Lot 154) Zebina Street, East Perth – Alleged non-compliance with the Town of Vincent Town Planning Scheme No. 1 and Health Act 1911

OFFICER RECOMMENDATION:

That the Council;

- (i) RECEIVES the report relating to alleged contravention of Town of Vincent Town Planning Scheme No. 1 and Health Act 1911 requirements concerning alleged unauthorised use and conversion of existing two storey garage and studio Structure as a dwelling at No. 84 Zebina Street, East Perth;*
- (ii) NOT PROCEED with legal action against the Owner of No. 84 Zebina Street, East Perth, for the reasons detailed in this report, including but not limited to:*
 - (a) full compliance has now been achieved with Health Act 1911 and Planning and Development Act 2005 requirements;*
 - (b) the Owner has submitted a Development Application, which is Item 9.1.13 on this Agenda and the Officer Recommendation is for “approval”;*

- (c) *there were no serious injuries or health hazards caused by the non-compliances;*
 - (d) *there is little public interest to institute a prosecution;*
 - (e) *the Owner is now co-operating with the Town; and*
 - (f) *the high cost to both parties to proceed with legal action; and*
- (iii) *AUTHORISES the Chief Executive Officer to proceed with this and any subsequent legal action against the Owner of No. 84 Zebina Street, East Perth for contravention of the Town's Town Planning Scheme No. 1 and committing an offence pursuant to the provisions of the Planning and Development Act 2005 and Health Act 1911 in relation to the unauthorised use and conversion of the two storey garage and studio structure at the subject property as a dwelling, if the Owner breaches legislation within the current statute of limitations, which expires on 14 January 2010.*
-

COUNCIL DECISION ITEM 14.1

Moved Cr Farrell, Seconded Cr Maier

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (6-3)

For: Mayor Catania, Cr Burns, Cr Doran-Wu, Cr Farrell, Cr Messina, Cr Youngman
Against: Cr Ker, Cr Lake, Cr Maier

DETAILS:

The Chief Executive Officer is of the opinion that this report is of a confidential nature as it relates to legal advice obtained, which relates to a matter to be discussed at this meeting. In accordance with Section 5.23 of the Local Government Act, the report is to be kept confidential until determined by the Council to be released for public information.

LEGAL:

The Local Government Act 1995, Section 5.23(2) prescribes that a meeting or any part of a meeting may be closed to the public when it deals with a range of matters.

The Town of Vincent Local Law Relating to Standing Orders states the following:

"2.15 Confidential business

- (1) *All business conducted by the Council at meetings (or any part of it) which are closed to members of the public is to be treated in accordance with the Local Government (Rules of Conduct) Regulations 2007.*

The confidential report is provided separately to Council Members and the Chief Executive Officer.

PROCEDURAL MOTION

At 9.55pm Moved Cr Lake, Seconded Cr Farrell

That an "open meeting" be resumed.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

15. CLOSURE

The Presiding Member, Mayor Nick Catania, declared the meeting closed at 9.55pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Anka Burns	South Ward
Cr Doran-Wu	North Ward
Cr Steed Farrell (<i>Deputy Mayor</i>)	North Ward
Cr Ian Ker	South Ward
Cr Sally Lake	South Ward
Cr Dudley Maier	North Ward
Cr Izzi Messina	South Ward
Cr Noel Youngman	North Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Rick Lotznicker	Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

No Members of the Public or journalists present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 11 August 2009.

Signed:Presiding Member
Mayor Nick Catania

Dated this day of 2009