



TOWN OF VINCENT

"Enhancing and celebrating our diverse community"

MINUTES

23 FEBRUARY 2010

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Nil. 183

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Nil. 183

15. CLOSURE

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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 23 February 2010, commencing at 6.00pm.

1. DECLARATION OF OPENING

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

2. APOLOGIES/MEMBERS ON APPROVED LEAVE OF ABSENCE

(a) Apologies:

Cr Steed Farrell – apology – due to work commitments, will have to depart the meeting at 8.00pm.

Rick Lotznicker, Director Technical Services – apology – due to attendance at conference on behalf of the Council.

(b) Present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward (from 6.19pm)
Cr Steed Farrell	North Ward (until 8.37pm)
Cr Taryn Harvey	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Mike Rootsey	Director Corporate Services
Jeremy van den Bok	A/Director Technical Services
Anita Radici	Executive Assistant (Minutes Secretary)
<u>Recipients of Awards</u>	
Dale Morrissy	Manager Beatty Park Leisure Centre (until approximately 7.00pm)
Robin Wilkinson	Lifeguard (until approximately 7.00pm)
Rob Barker	Lifeguard (until approximately 7.00pm)
Tahvia Andres	Lifeguard (until approximately 7.00pm)
George Gaylard	Lifeguard (until approximately 7.00pm)
Phynea Papal	Journalist – “ <i>The Guardian Express</i> ” (until approximately 8.02pm)

Approximately 32 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. Andrea Mayes of 63 McCourt Street, Leederville – Item 9.2.1, Chairperson of the Leederville Early Childhood Centre. Stated they are a non-profit community which runs the Centre with an excellent reputation not only in the Town but also within the wider community. Advised that the current Supervising Officer Barbara Wood recently won the Australian Childcare Director of the Year. Stated they pride themselves on the excellent service provided to the children. Seeking money from the Town to upgrade the bathroom facilities, the Centre is 17 years old and owned by the Town. Advised the bathroom is in a state of disrepair with 3 toilets for 45 children which they would like to increase. Stated supervision is currently very difficult and there is a lack of privacy for the children, which is not in keeping with the way they like to provide services. Advised that they have never approached the Town previously for money as they have always sourced money else (i.e. LotteryWest, the Department etc.) together with extensive fundraising. Believed the Centre is a community asset reflecting well on the Town. Advised that \$50,000 will cover all expenses and contingencies and would like to get onto the work urgently, before the children are inconvenienced by a temporary bathroom situation where they will have to trek out into the rain and storms during winter. Urged the Council to support this application.
2. Peter Simpson of TPG Town Planning and Urban Design, 182 St George’s Terrace, Perth – Item 9.1.14, representing McDonalds. Advised that they do not support the Officer’s Recommendation and respectfully request that the item be deferred as it has raised a number of issues that they would like to further discuss with the Town.
3. Teresa Fehlberg of 77 Raglan Road, Mt Lawley – Item 9.1.10. Stated she owns two properties adjacent to this proposal. Commended the Planners decision to refuse the DA based primarily on its negative affect on the streetscape however, believed the report did not go far enough with side setback compliance. Concerned about the 15.6m parapet wall, half of which is 3.1m high and the balance 6m over 2 lengths. Asked that the minimum side setbacks be applied therefore negating the necessity for parapets. Should the parapets be allowed together with a proposed excavation, it would require the complete demolition of a near new limestone block retaining wall and fence which she built with the agreement of the developer at No. 73 but without contribution. Stated her fence is 29m long, substantial with feature panels abutting the walkway from the front setback at No. 77 to her front door at No. 75 – 6m from the right of way with 2 return walls abutting it housing security gates which would be compromised. Stated her costs have been \$15,000. Advised that building parapets would require placing scaffolding on her property (newly brick paved walkway) impeding her access and potentially impeding emergency service for a period (which is important as she has a heart condition). Urged the Council to reject the application.
4. Marie Slyth of 89 Carr Place, West Perth – Item 9.1.18. Notes under “Character vs Heritage” the historic character of the area is not mentioned, especially those with heritage character streetscapes. Believed the history of the streets and character dwellings which still line the streetscapes and are precious to the Town were highlighted in the 25 October 2009 Cleaver Precinct Heritage Walk. Stated she was advised yesterday that the Heritage Council is keen to see that these are protected and preserved in Cleaver Precinct. Advised that sadly, some architects she has recently spoken to in the Town see themselves as “*making history now*” with their box design dwellings however, what about the early homes, federation and all that provide a record of early Australian life and what it was like in Perth as there are still a few of these left. Believed unless the Town can bring in a temporary protection

policy, feels the new policy will simply be a façade policy and a complete waste of the Council's time, money and ratepayer money if the multiple dwelling policy does go ahead which does not in anyway protect the streetscapes. Recommended including some sort of Temporary Protection Policy until the new Residential Streetscape Policy is in place.

5. Brian Adcroft of 544 Newcastle Street, West Perth – Item 10.2, representing 21 of 27 owners of private properties north of Newcastle Street between Charles and Loftus Streets. Advised that a group has been formed to represent interests regarding development of their properties. Advised that on 8 February 2010 they held their first meeting and wish to advise the Council that they support multiple dwellings in all areas of the Town and the West Perth Regeneration Masterplan (WPRM) Design Option 1. Also support the Town's Municipal Heritage Inventory (MHI) in its current form which they strongly believe there is no need for further reassessment of the properties along Newcastle Street as these have already been assessed as part of the MHI process and again with the WPRM area. Advised that the Newcastle Street properties need to be seen as a separate element either within or separate to the Cleaver Precinct. As they all slope down to and face onto Newcastle Street they believe they should be considered as an integral part of any future precinct that incorporates the WPRM area. Stated the possibility of applying for commercial or commercial/residential rezoning of all properties on north Newcastle Street if the progress of the WPRM became delayed through industrial zoning issues or the like has been discussed by the group however no decision has been made. Concerned that previous representations made to the Council by Cleaver Precinct regarding their properties were not their views as their members were not consulted. Noted that Cleaver Precinct is an incorporated association recognised by the Town as representing the Precinct therefore, they will meet with them to discuss the position. Advised they will formalise their group however form and structure is yet to be agreed. Thanked the Council for the opportunity to introduce themselves and welcome further discussions regarding policies that directly affect their properties.
6. Anna Rosemary Maughan of 88 Grosvenor Road, Mt Lawley – Item 9.1.10. Spoke against the application. Concerned, after evaluating the proposal, it deals with the eastern and western aspects of the balcony at the rear of the property however does not discuss southern aspects and the fact that it will be overlooking her back yard. Stated there is screening suggested at the height of 1.6m again addressing only eastern and western aspects. Believed the minimum setback for a balcony without screening is 7.5m however this is actually 2m closer to the right of way therefore asked should it go ahead, there should be screening on the southern aspects.

Cr Burns entered the Chamber at 6.19pm.

7. Mark Reid of Planning Solutions, 255 Beaufort Street, Perth – Item 9.1.10 on behalf of residents of 71 Raglan Road, Mt Lawley. Noted the recommendation for refusal based on orderly and proper planning, preservation of amenity and non-compliance with various standards and guidelines. Advised that they have reviewed the plans and consider there to be significant non-compliance with the Town Planning Scheme No. 1, the Residential Design Codes and various Town Local Planning Policies and Guidelines. Stated a site inspection revealed that the proposal is of a bulk and scale that is not consistent with the existing streetscape and character of the locality and it is entirely inconsistent with established streetscape patterns and would be an intrusive element which detracts from the traditional character of the locality. Requested the Council to support the recommendation for refusal.
8. James Bruining of 71 Raglan Road, Mt Lawley – Item 9.1.10. Endorsed the recommendation for refusal due to reasons mentioned by previous speakers.

Referred to pages 47 onwards of the Agenda which highlights that the required setback in relation to the eastern boundary wall ranges from 1-1.2m and the proposal has nil setback. Referred to "Buildings on Boundary" page 49 – the height of the proposal are 2 parapet walls on the eastern boundary of 5.7-6m with an average of 5.85m which is an enormous wall on the boundary of a property. Believed this will have a significant impact on the amenity of the neighbouring properties and is a significant contributing factor to the problems of scale and bulk which have been highlight by the Officer. Stated this lot has been subdivided for the sole purpose of building these 2 properties and he believed it send a wrong message if developers can effectively circumvent the Town's requirements in relation to setback and height of boundary walls by subdividing a property and creating 2 narrow lots. Advised that there are a significant degree of public submissions in opposition to this application which he believed provides a clear indication that the residents require a consistent and rigorous application of the Town's requirements.

9. Juliette Bruining of 71 Raglan Road, Mt Lawley – Item 9.1.10. Thanked the Mayor, Councillors and Officers for the time they have put into considering the application, objections lodged and preparation of the report. Supported refusal. Advised that they are not anti-development nor are they opposed to development of the property. Stated if the parapet walls are constructed, it would cause them considerable personal distress. Advised that they have had their own plans for extension and restoration of their heritage property approved by the Council with work due to commence shortly and plans being completely in accordance with the Guidelines. Stated currently they have a large existing driveway along the eastern side boundary of their property however, as they only have 1 car there is no need to retain it and the approved plans incorporate replacing the driveway with a veranda down the side of the house with access from their dining room, a grassed area and small open carport. They have also incorporated a setback from their side of the boundary in accordance with the Guidelines. Advised that the parapet walls proposed will significantly affect their enjoyment of the new veranda and outdoor living area and 2 storey parapet walls will not abut a driveway but an area they intend to use and have incorporated as a key aspect of their building plans. Believed the way the parapet walls have been divided and considered separate in the report creates an impression that the deviations from Guidelines required to allow them are not as serious as they are when viewed in their totality. Requested Councillors to look at the side and front elevations of the proposal carefully having particular regard to the overall affect which, in her view is unnecessarily extravagant and would lead the development to be excessively imposing from their eastern boundary and from 75 Raglan Road. Stated in the existing streetscape there is nothing like the amount of parapet wall proposed as most single houses have side setbacks that comply with Guidelines and, of the handful of side by side developments containing 2 storey houses in streets immediately surrounding them all include decent side setbacks i.e. a walkway down the side of each house. Advised that they have, on various occasion, indicated to the developer that they are happy to share the cost of a limestone fence to match the one on the western boundary.
10. Christine Bolley of 6 Trevally Way, Sorrento – Item 9.1.15, representing the proprietors. Thanked the Council for considering the item on 15 December 2009, and following that decision to refuse the application they applied to SAT for a review on 29 December 2009 and in accordance with Orders from 20 January 2010 they return this evening with strong evidence of availability of parking. Referred to the Parking Availability Survey conducted for 3 nearby parking locations at North Perth Plaza, Wasley Street Public Car Park and street parking on Forrest Street for the site. The Survey was conducted from 25 to 30 January 2010 inclusive and includes photos taken at 9am, 12pm and 4pm each day. Believed the Survey results clearly demonstrate that there is sufficient vacant car bays available across the 7 days from the 3 locations to accommodate the shortfall of 3.65 bays. Referred to similar

developments in the area where the report highlights 7 decisions of Council approvals where a subject of use application was approved with a shortfall in car parking and cash in lieu payment for it. Referred to another decision not in the report, 26 June 2007 a change of use to a 4 storey mixed use development at 448 Fitzgerald Street (cnr Wasley Street) comprising shops, office buildings, consulting room, eating house part alfresco and existing basement car park approved 5-4 subject to a cash in lieu payment. Advised that the proposal is approx. 50m away from traffic calming measures (speed hump on Forrest Street) and the location of the site has access to pedestrian, cyclist and public transport infrastructure with a 40km/hr speed limit directly in front on Fitzgerald Street. Maintained that given the strong evidence of car parking availability in addition to the proposed use being consistent with the intended direction and use for properties fronting Fitzgerald Street in the North Perth District Centre, urged the Council to support this.

11. Paul Rumble, Architect of 8 Euston Street, Wembley Downs – Item 9.1.2. Advised that he and his wife purchased Hammond Street with a view to redevelop and build 2 small town houses. Advised that the house was rundown but in a place where they thought it would be great to live and understood the zoning was R80. Stated for the ease of maintenance, minimising running costs and environmental sustainability which they considered to be most appropriate. Advised that when they discovered how badly maintained the existing weatherboard house was they discounted any thought of salvage. Believed as an architect he has a healthy respect for existing and new built environment however, also recognises it is the 21st Century and old methods and styles are not always appropriate. Respects the Hammond streetscape however, in deciding how their new building should look, he took the view that the sides were almost as important as the front, certainly more important and relevant to the adjoining neighbours. Believed the skillion design not only presents an interesting and albeit different shape and form to the Street, it also presents an interesting shape to the adjoining neighbours. Stated in addition to a single driveway some timber slat fencing for privacy and a landscape pergola facing the Street, they will also give some interesting treatment to the neighbours elevations by incorporating several face brick panels into the ground floor boundary walls. Advised that some time ago all the land was R80 and earmarked for high density development however, they are proposing a lesser density than zoning allows. Asked the Council to approve the application.
12. Ben Peterson of 11 Hammond Street, West Perth – Item 9.1.2. Believed the lot is too small to support the units. Stated the proposal builds right up their property edge when a 1.5m setback is required and the outside space is too small. Stated Codes are designed to help prevent neighbours from taking advantage of each others space. Stated they specifically brought 3 months ago so their 3 young children would have a safe place to run outside. Believed this breaks a number of zoning and Building Codes which are in place for good reason and by filling the block with bricks and concrete as proposed, the tight design would create a crowded feel to his property and the Street. Urged the Council to uphold the Codes and refuse the application.
13. Mark Sims of 123 Raglan Road, North Perth – Item 9.1.10. Supported previous speakers against the development. Believed it is entirely inconsistent with streetscape and heritage values and is a selfish and un-neighbourly development proposal. Urged the Council to exercise common sense and reject the application.

14. Simon Chester of 93 Chelmsford Road, Mt Lawley – Item 9.4.1 and 10.2. Referred to his original request in his motion (No. 8) and stated that he did not ask for another justification for multiple dwellings. Requested identification of what the impact is going to be of policy changes and scheme amendments to the streetscapes identified by Hocking and the Town previous. Therefore does not believe the Officer's Response answers his question. Referred to his Motion (No. 9) and stated that the Officer's seem to be of the opinion that this is an arduous request. Noted that many policies are purported to have come out of Vincent Vision 2024 and that they are causing concern, the Multiple Dwelling Policy being one of those. Requested that as a minimum the period of review that is proposed by the Officer's is brought forward so the community can provide comments based on an independent consultants advice. Urged Council to support Item 10.2 and asked for support in exploring option to the blanket removal of the no multiple dwelling provisions in Hyde Park and Cleaver Precincts.
15. Nicholas Duffy of 11 Auckland Street, North Perth – Item 9.1.11. Advised that when he moved in the premises operated as a Deli which his and his wife's view added value to the Street in terms of convenience, street activity, pedestrian activity and use of the heritage building. Believed the proposal would also add value to the Street in terms of providing amenity, retaining the heritage building, convenience and serving the park across the road. Stated that he strongly supports the application and urged the Council to also support it.

There being no further speakers, public question time closed at approx. 6.42pm.

(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 A petition was received from Mr I. Messina of Fitzgerald Street, North Perth, along with 198 signatures, supporting the application for Sunday Markets at 400 Fitzgerald Street, North Perth.

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

Moved Cr Burns, Seconded Cr Buckels

That the Petition be received, as recommended.

CARRIED (9-0)

6. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

Minutes of the Ordinary Meeting of Council held on 9 February 2010.

Moved Cr Maier, Seconded Cr Burns

Cr McGrath advised that Page 84 contained a typographical error as the word "not" was missing, as follows:

“(Mayor Catania and Cr Burns were absent from the Chamber and did not vote on this matter.)”

That the Minutes of the Ordinary Meeting of Council held 9 February 2010 be confirmed as a true and correct record, with the correction to page 84 as shown above.

CARRIED (9-0)

7. ANNOUNCEMENTS BY THE PRESIDING MEMBER (WITHOUT DISCUSSION)

7.1 Beatty Park Lifeguards are the Best in the West!

Beatty Park Leisure Centre Wins the 2010 Lifeguard Challenge

I am very pleased to announce that the 2010 Pool Lifeguard Challenge was held on Thursday 18th February at the Royal Life Saving Head Office in Mt Claremont (Challenge Stadium).

The Pool Lifeguard Challenge is an opportunity for Aquatic Centres to provide invaluable professional development for their aquatic staff as well as observing how other aquatic facility's teams react to the challenges presented by the competition.

The Challenge consists of a super lifeguard team challenge, a twenty five meter team relay and the much anticipated emergency simulation which includes multiple distressed swimmers and distractions. Each challenge tests the competitors on their physical fitness levels, reaction times, teamwork and first aid skills. Over the duration of the above events, teams are judged by trainers from Royal Lifesaving and their scores used to rank them in an overall position.

The challenge comprised of 11 of the major Aquatic Centres in Perth.

Beatty Park Leisure Centre's team of Robin Wilkinson (Captain), Rob Barker, Tahvia Andres, and George Gaylard came from behind after the first 2 timed events showing excellent teamwork, communication and first aid skills during the final scenario based event to take the trophy.

The Centre's training program has been recognised as industry "Best Practice" and the Centre's employees are trained to the highest standard.

Congratulations to Robin Wilkinson (Captain), Rob Barker, Tahvia Andres and George Gaylard.

Received with Acclamation!

7.2 Employee of the Month Award for the Town of Vincent for January 2010

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 January 2010, the award is presented to Kon Bilyk - Property Officer, Projects.

Kon was nominated by the Chief Executive Office for his outstanding works relating to the supervision of Property Projects - in particular construction of the Hyde Park Stage, Forrest Park Pavilion, Britannia Reserve Pavilion and the \$2.5 million upgrade of interim works at ME Bank Stadium.

Kon's position is extremely demanding and stressful - to meet the demands and needs of builders, suppliers and tenants. Kon goes about his work in a very professional and methodical way and achieves the various project objectives with a minimum of fuss.

Extremely positive feedback has been received from all the different stakeholders about Kon's 'can-do attitude' which was required to ensure that the interim upgrade works to ME Bank Stadium were completed in time for the first Super 14 Game.

Congratulations - well done, Kon!

Received with Acclamation!

7.3 Employee of the Month Award for the Town of Vincent for February 2010

For February 2010, the award is presented to the Beatty Park Leisure Centres Team comprising of Robin Wilkinson (Captain), Rob Barker, Tahvia Andres, and George Gaylard.

The team's outstanding win of the 2010 Pool Lifeguard Challenge is an outstanding achievement which not only reflects positively on the individuals themselves but also on Beatty Park Leisure Centre. The individuals displayed personal outstanding ability and also demonstrated excellent team work to come from behind and win the challenge.

The million or so patrons and visitors to Beatty park can rest be assured that they have the best in the state when it comes to lifeguards.

Congratulations and well-done.

Received with Acclamation!

7.4 Development Applications for Fences/Carports

You will note on tonight's Agenda that there are some 6 development applications which deal with front fences and carports which should not clog up the Agenda and if they comply with the rules and regulations, then in my opinion they should be dealt with by delegated authority to our Chief Executive Officer/Staff.

I advise the Council that a Notice of Motion to this effect will be submitted to the next meeting to ensure that these items be dealt with under delegation. We do not want 6 items dealing with a fence or an item dealing with a carport that are simple application that are clogging up our system and taking up time that we could devote to items that need more debate and discussion.

7.5 Multiple Dwellings Community Workshop and Presentation

The Town conducted 3 Multiple Dwellings Community Workshop and Presentation to give the ratepayers more information on what is proposed with the Multiple Dwelling Policy and the change in the Town Planning Scheme No. 1. After intensive advertising there was a criticism that in the first instance ratepayers did not received notification and it was only given to the 2 Precinct Groups. This time there was advertising both in the local papers advising members of our community that there were 3 Multiple Dwellings Community Workshop and Presentations to be conducted at the Town, 2 in the evening and 1 during the day so people could be given information with respect of what is proposed.

100 people attended over the 3 sessions and asked various questions and given responses. One person suggested a design advisory committee and on this evenings Agenda we see Cr Maier has a Motion seeking to obtain some support for the matter. Investigations on this matter noted that 3 out of 144 Councils actually had such committees and the City of Fremantle also had one however, abandoned it reverting to having the community input onto the Design Guidelines rather than putting it in the hands of a committee that consumed a lot of time.

Although over 3 meetings 100 people attended, it is not a great attendance to what many people have stated to be a very important issue and I was personally disappointed at the number that attended although, during the course of the Sessions, some very good questions were asked and some very good information was given to a lay some fears that some people had in respect to this matter.

8. DECLARATIONS OF INTERESTS

- 8.1 Mayor Catania declared a Financial interest in Item 9.3.1 – Investment Report. The extent of his interest being that he is the chairperson of the North Perth Community Bank in which the Town has investment shares.
- 8.2 Cr Burns declared a Financial interest in Item 9.3.1 – Investment Report. The extent of her interest being that she is a shareholder and her father is a director in the North Perth Community Bank in which the Town has investment shares.
- 8.3 Mayor Catania declared an interest affecting Impartiality in Item 9.2.1 - Leederville Early Childhood Centre (LECC), 244A Vincent Street, Leederville – Request for Financial Assistance to Upgrade Bathroom and Toilet Facilities. The extent of his interest being that one of his grandchildren attends the Centre.
- 8.4 Cr Farrell declared an interest affecting Impartiality in Item 9.2.1 – Leederville Early Childhood Centre (LECC), 244A Vincent Street, Leederville – Request for Financial Assistance to Upgrade Bathroom and Toilet Facilities. The extent of his interest being that one of his children attends the Centre.
- 8.5 Cr McGrath declared an interest affecting Impartiality in Item 9.1.15 – No. 408 (Shop 1, Lot 1, STR 14218) Fitzgerald Street, corner of Forrest Street, North Perth - Proposed Change of Use from Shop to Eating House (Café) and Associated Signage - Request from the State Administrative Tribunal (SAT) to Reconsider Decision - Review Matter No. DR 505 of 2009. The extent of his interest being that the shop owner for which the change in use is proposed placed a campaign poster of his in their window during the October 2009 Local Government Elections. He declared the extent of this interest when this item came to Council on 15 December 2009 however, he has received advice from the Department of Local Government that the extent of interest in this case appeared marginal.

All Councillors stated that as a consequence there may be a perception that their impartiality in the matter may be affected. They declared that they would consider the matter on its merits and vote accordingly.

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 9.2.1, 9.1.14, 9.1.10, 9.1.18, 10.2, 9.1.15, 9.1.2, 9.4.1 and 9.1.11.

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, 9.1.3, 9.2.1 and 9.3.4.

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

Item 9.3.1.

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

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

The Presiding Member, Mayor Catania advised for a period of time to attend to Council business, there are items that he would like to be present for the debate. Therefore he requested the follow Procedural Motion be moved.

Cr Farrell	Item 10.3 – Cr Farrell stated that as he needs to depart the Meeting early due to work commitments, he ask that this Item be brought forward and dealt with after the Items which were the subject of a question or comment from Members of the Public.
Cr Topelberg	Items 9.1.13, 9.1.19 and 9.4.6.
Cr Buckels	Item 9.1.16.
Cr McGrath	Nil.
Cr Harvey	Nil.
Cr Lake	Item 9.4.3.
Cr Burns	Nil.
Cr Maier	Item 9.4.5.
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 9.1.1, 9.1.4, 9.1.5, 9.1.6, 9.1.7, 9.1.8, 9.1.9, 9.1.12, 9.1.17, 9.2.2, 9.3.2, 9.3.3, 9.4.2 and 9.4.4.

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

Nil.

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

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

Items 9.1.1, 9.1.4, 9.1.5, 9.1.6, 9.1.7, 9.1.8, 9.1.9, 9.1.12, 9.1.17, 9.2.2, 9.3.2, 9.3.3, 9.4.2 and 9.4.4.

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

Items 9.2.1, 9.1.14, 9.1.10, 9.1.18, 10.2, 9.14.15, 9.1.2, 9.4.1 and 9.1.11.

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

Moved Cr Topelberg, Seconded Cr Farrell

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

Items 9.1.1, 9.1.4, 9.1.5, 9.1.6, 9.1.7, 9.1.8, 9.1.9, 9.1.12, 9.1.17, 9.2.2, 9.3.2, 9.3.3, 9.4.2 and 9.4.4.

CARRIED (9-0)

9.1.1 Further Report - No. 11 (Lot: 2 STR: 9151) Orange Avenue, Perth - Proposed Partial Demolition of and Alterations and Additions to Existing Single House including Garage and Studio

Ward:	South	Date:	15 February 2010
Precinct:	Hyde Park; P12	File Ref:	PRO4862; 5.2009.395.1
Attachments:	001;002		
Reporting Officer:	C Harman, Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

FURTHER OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by S P O'Brien on behalf of the owner S P & S I O'Brien for proposed Partial Demolition of and Alterations and Additions to Existing Single House including Garage and Studio, at No. 11 (Lot 2, STR 9151) Orange Avenue, Perth, and as shown on plans stamp-dated 13 January 2010 (as Laid on the Table and Attachment 002), 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 from Orange Avenue;*
- (ii) any new street wall, fence and gate within the Orange Avenue setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) first obtaining the consent of the owners of Nos. 9 and 13 Orange Avenue for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 9 and 13 Orange Avenue in a good and clean condition; and*
- (iv) the proposed garage at the rear is to be used as a single garage only.*

COUNCIL DECISION ITEM 9.1.1

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

FURTHER REPORT:

The Council considered the subject application at its Ordinary Meeting held on 15 December 2009, and resolved as follows:

"That the item be DEFERRED at the request of the Applicant."

The applicant has submitted amended plans on 13 January 2010 which demonstrate the following changes:

- Increase in the northern boundary setback of the house from nil to 0.8 metre;
- Reduction in the length of the wall on the northern boundary from 22.5 metres to 7 metres;
- Reduction in the length of the wall on the southern boundary from 33.1 metres to 30.4 metres; and
- Increase in open space from 38.2 per cent to 44.51 per cent.

Given the above information, additional comments are provided as follows.

The amended plans address most of the issues outlined in the initial application; however, the garage arrangement has not been amended. The Town's Technical Services have assessed the parking arrangement and resolved that the garage can only facilitate the parking of one car. This is an improvement to the current situation as there is currently no on-site car parking provided. Given that the amended plans show significant improvements to the initial application, the Officer's Recommendation has been changed to reflect support of the proposal subject to standard and appropriate conditions.

The following is a verbatim copy of the Minutes of the Item placed before Council at its Ordinary Meeting held on 15 December 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 S P O'Brien on behalf of the owner S P & S I O'Brien for proposed Partial Demolition of and Alterations and Additions to Existing Single House including Garage and Studio, at No. 11 (Lot 2, STR 9151) Orange Avenue, Perth, and as shown on plans stamp-dated 2 November 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 clause SADC 9 (b) of the Town's Policy No. 3.2.1 relating to Residential Design Elements, which requires 6 metres manoeuvring space located directly in front of the garage;*
- (iii) the non-compliance with clause 6.3.2 of the Residential Design Codes, which requires walls built up to the boundary to have an average height of 3 metres, a maximum height of 3.5 metres, and be limited to one side boundary only;*
- (iv) the non-compliance with clause 6.4.1 of the Residential Design Codes, which requires a minimum of forty five (45) per cent of the site be dedicated to open space;*
- (v) the non-compliance with clause 6.9.1 of the Residential Design Codes, which requires that overshadowing of adjoining properties does not exceed fifty (50) per cent; and*
- (vi) consideration of the objections received.*

COUNCIL DECISION ITEM 9.1.16

PROCEDURAL MOTION

Moved Cr Harvey, Seconded Cr McGrath

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

PROCEDURAL MOTION PUT AND CARRIED (6-0)

(Mayor Catania had departed the Meeting for Official duties. Cr Burns and Cr Farrell were absent from the Chamber and did not vote.)

Cr Burns and Cr Farrell returned to the Chamber at 7.19pm.

Cr Harvey departed the Chamber at 7.19pm.

Cr Farrell departed the Chamber at 7.20pm.

Cr Farrell and Cr Harvey returned to the Chamber at 7.21pm.

Landowner: S P & S I O'Brien
Applicant: S P O'Brien
Zoning: Metropolitan Region Scheme: Urban
Town Planning Scheme No. 1: Residential R80
Existing Land Use: Single House
Use Class: Single House
Use Classification: "P"
Lot Area: 206 square metres
Access to Right of Way: West side, 3 metres wide

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the extension of the existing dwelling and the construction of a garage with studio above, at the rear of the property. 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>Building Setbacks:</i>			
<i>- North.</i>	<i>1.7 metres.</i>	<i>Nil.</i>	<i>Not Supported – Considered to have an undue impact on adjoining property as the length and height of the wall is quite substantial.</i>

- South.	1.6 metres.	Nil.	Supported – Not considered to have an undue impact on adjoining property and no objections received relating to this.
Building Articulation.	Any portion of wall greater than 9 metres in length is required to incorporate horizontal or vertical articulation.	Wall on northern side of dwelling is 23.4 metres without articulation. Wall on southern side of the dwelling is 23.3 metres without articulation.	Not Supported – Considered to have an undue impact on adjoining property, as the walls without articulation are built up to the boundary on both sides.
Buildings on the Boundary.	Walls not higher than 3.5 metres, with an average height of 3 metres, for 2/3 (25.26 metres) the length of the balance of the boundary, behind the front setback line, to one side boundary only.	Two Boundary Walls. Wall on northern boundary. Wall height = 3.65 – 5.08 metres (average height = 4.32 metres). Length is compliant. Wall on southern boundary. Wall height = 3.7 – 5.08 metres (average height = 4.45 metres) Length = 33.1 metres.	Not Supported – Considered to have an undue impact on adjoining property. Whilst the lot is limited in size, the wall height and length is considered excessive for a single storey dwelling.
Solar Access.	Proposed development is not to overshadow more than 50% of the adjoining property at midday, 21 June.	Proposed development overshadows 76.44% of adjoining property.	Not supported – Considered to have an undue impact on adjoining property. Whilst overshadowing is somewhat inevitable, the proposed overshadowing of the adjoining property is considered excessive.
Carports and Garages.	Minimum 6 metres manoeuvring space.	4.5 metres manoeuvring space.	Not supported - Considered to have an undue impact on the amenity of the area.
Open Space.	45%	38.2%	Not Supported – Construction of the proposed additions will result in inadequate open space, and set an undesirable precedent for future developments.

<i>Consultation Submissions</i>		
<i>Support</i>	<i>Nil.</i>	<i>Noted.</i>
<i>Objection (4)</i>	<ul style="list-style-type: none"> <i>The height, bulk and scale of garage and study above is too excessive.</i> 	<ul style="list-style-type: none"> <i>Supported in part – The garage and studio are proposed to incorporate parapet walls on both side boundaries, which contribute to the adverse impact on adjoining properties; however, the garage and loft are confined to the rear of the lot, and would not have an adverse impact on the streetscape.</i>
	<ul style="list-style-type: none"> <i>Wants any windows in the study to have obscure glazing.</i> 	<ul style="list-style-type: none"> <i>Supported – The second storey study may have the potential to overlook adjoining properties. If approved, a condition should be applied to address this.</i>
	<ul style="list-style-type: none"> <i>Excessive bulk and height for the size of the lot.</i> 	<ul style="list-style-type: none"> <i>Supported – The lot is quite narrow which limits development potential; however, wall heights of up to 3.9 metres for a single storey building is considered far too excessive, and will have an adverse impact on the adjoining property.</i>
	<ul style="list-style-type: none"> <i>Building should be setback from the northern boundary to minimize the impact on No. 13 Orange Avenue.</i> 	<ul style="list-style-type: none"> <i>Supported – The wall on the northern side of the dwelling has a nil setback, is 3.8 metres high and is 23.4 metres in length without articulation which would adversely impact the adjoining property. Complying with the setback requirements will reduce the impact on the adjoining property.</i>
	<ul style="list-style-type: none"> <i>Overshadowing is too excessive on adjoining property.</i> 	<ul style="list-style-type: none"> <i>Supported in part – Due to the size of the lot, complying with the overshadowing requirements would significantly restrict the development options on the site. The current proposal however, which incorporates parapet walls for the full length of the boundary, excessively overshadows the adjoining lot.</i>
	<ul style="list-style-type: none"> <i>Approval would create an undesirable precedent, allowing all property owners to build large walls abutting the right of way.</i> 	<ul style="list-style-type: none"> <i>Supported – There are a number of variations which, if approved, would create an undesirable precedent for other properties in the locality.</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:

Greg Rowe and Associates, on behalf of S P O'Brien, have submitted a justification report regarding some of the variations involved with the proposal, which is summarised below, as well as a Traffic Engineer's report prepared by Transcore Pty Ltd (attached) in relation to vehicle manoeuvrability.

Vehicle Manoeuvrability

In relation to carports and garages, and in particular manoeuvring space, a Traffic Engineer's report prepared by Transcore Pty Ltd, was submitted to justify the proposed 4.5 metres manoeuvring space in lieu of 6 metres.

The Town's Technical Services Officers have viewed the report and do not believe that 4.5 metres of manoeuvring space can be justified given the lot is only 5.9 metres wide. The report also made no mention of any standard or regulation used to assess the ingress and egress to the proposed garage.

Boundary Walls

The applicant is seeking a performance based assessment regarding boundary walls, and provides the following reasons:

- "The boundary walls enhance the amenity of the development by virtue of allowing sufficient outdoor living areas, which could not otherwise be achieved if boundary setbacks were provided;*
- Given the size of the subject site and the adjoining properties, the proposed boundary walls are not considered to provide any greater impact on amenity than if the walls were set back at a distance of 1.2 metres from the boundary which is permissible under the R-Codes;*
- The proposed northern boundary walls will have no impact on direct solar access to No. 11 Orange Avenue."*

It is noted that complying with the setback requirements would limit development options; however, a nil setback on both boundaries increases the visual impact on adjoining properties, as the proposal involves long blank parapet walls along both boundaries. The lack of any setback also increases the extent of overshadowing to No. 9 Orange Avenue.

Overshadowing

The applicant is seeking a performance based assessment regarding overshadowing and their comments are summarised as follows:

- *The lot is relatively narrow and is east-west oriented; and*
- *The adjoining property has no solar collectors or balconies to be overshadowed and is therefore, compliant with the performance criteria of the R-Codes.*

Whilst it would be difficult to comply with the overshadowing requirements, the overshadowing could be reduced by reducing the height of the parapet wall which is located along the full length of the boundary.

Open Space

The applicant's justification for not complying with the open space requirements is summarised as follows:

- *The proposal does not involve any modifications to the front of the dwelling and, therefore, the open space provided, is sufficient to compliment the building and allow attractive streetscapes.*
- *The proposal allows for an outdoor living area which is double the size of that which is required, and the garage and study component allows for two land uses in an otherwise unutilised area of the site.*

Whilst the proposal will not significantly impact the streetscape, a variation to the open space requirement will create an undesirable precedent for future development in the Town. The garage and study are part of the one residential use, and if the garage or study is to be used for commercial or industrial purposes, a change of use application will be required to be submitted to, and approved by the Town.

Articulation of the Southern Wall

The applicant has stated that the provision for horizontal or vertical articulation do not apply, as Clause SADC 11 of the Town's Policy No. 3.2.1 relating to Residential Design Elements, requires that boundary walls be designed in accordance with the performance criteria of the R-Codes.

Clause SADC 11 states that buildings on the boundary are to be in accordance with Clause 6.3.2 A2 of the Residential Design Codes, which refers to the acceptable development criteria rather than the performance criteria. Notwithstanding this, both the northern and southern walls do not incorporate horizontal or vertical articulation.

In light of the variations to open space, boundary walls, carports and garages, building setbacks, building articulation and overshadowing, as well as the objections received, the proposal is not supported by the Town's Officers and the proposal is therefore recommended for refusal."

9.1.4 No. 8A (Lot: 4 STR: 54608) Byron Street, Leederville - Proposed Patio Addition to Existing Grouped Dwelling

Ward:	North	Date:	12 February 2010
Precinct:	Leederville; P03	File Ref:	PRO4984; 5.2010.26.1
Attachments:	001		
Reporting Officer:	J Pirone; Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owner W Atkinson for proposed Patio Addition to Existing Grouped Dwelling, at No. 8A (Lot: 4 STR: 54608) Byron Street, Leederville, and as shown on plans stamp-dated 25 January 2010, 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 from Byron Street; and*
- (ii) *the proposed patio shall not be greater than 0.5 metre above the natural ground level.*

COUNCIL DECISION ITEM 9.1.4

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

Landowner:	W Atkinson
Applicant:	W Atkinson
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Residential R30
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	268 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

22 August 2006 The Council at its Ordinary Meeting conditionally approved a planning application for proposed demolition of existing single house and construction of four (4) grouped dwellings.

22 August 2006 The Council at its Ordinary Meeting conditionally recommended approval for the proposed survey strata subdivision.

- 12 September 2006 The Town issued a Demolition Licence for the existing single house at No. 8 Byron Street.
- 15 September 2006 The Town received a State Administrative Tribunal (SAT) appeal for condition (viii)(b) of the planning approval for proposed demolition of existing single house and construction of four (4) grouped dwellings. The condition stated:
“the garages for Units 1 and 2 being located behind the main building, and vehicular access to all four (4) dwellings being from a single shared driveway.”
- 7 November 2006 As per the Order from the SAT Mediation dated 11 October 2006, the Council at its Ordinary Meeting did not support the deletion of condition (viii)(b) from the conditional planning approval for proposed demolition of existing single house and construction of four (4) grouped dwellings.
- 22 May 2007 As per the Order from SAT, condition (viii)(b) from the planning approval for proposed demolition of existing single house and construction of four (4) grouped dwellings was deleted.
- 20 November 2008 The Town issued a Building Licence for four (4), two storey grouped dwellings.
- 19 March 2009 The Town under delegated authority approved amended Building Licence plans.
- 4 January 2010 The Town approved a Building Licence for the installation of sliding doors in lieu of previously approved windows.
- 3 February 2010 The Town under delegated authority conditionally approved a planning application for a patio addition to the existing single house at No. 10 Byron Street, Leederville.

DETAILS:

The proposal involves planning 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
Building Setbacks: -South	1.5 metres	1.2 metres	Supported – The variation is not considered to have an undue impact on the adjoining property owner, and the neighbour’s consent has also been received.

Buildings on Boundary:	At least 16m ² without permanent roof cover.	11.64m ² without permanent roof cover.	Supported – The variation is not considered to have an undue impact on the adjoining property owner or the Byron Street streetscape. Furthermore, the proposed patio is in line with the existing building therefore, this is considered reasonable and supportable.
Consultation Submissions			
Support (1)	No comment received.		Noted.
Objection	Nil.		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

COMMENTS:

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

9.1.5 No. 10A (Lot 3; STR 54608) Byron Street, Leederville - Proposed Patio Addition to Existing Grouped Dwelling

Ward:	North	Date:	15 February 2010
Precinct:	Leederville; P03	File Ref:	PRO4946; 5.2009.556.1
Attachments:	001		
Reporting Officer:	J Pirone, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by L Kovac on behalf of the owner W Atkinson & L & M Kovac for proposed Patio Addition to Existing Grouped Dwelling, at No. 10A (Lot 3; STR 54608) Byron Street, Leederville, and as shown on amended plans stamp-dated 15 January 2010, 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 from Byron Street; and*
- (ii) the proposed patio shall not be greater than 0.5 metre above the natural ground level.*

COUNCIL DECISION ITEM 9.1.5

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

Landowner:	W Atkinson & L & M Kovac
Applicant:	L Kovac
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Residential R30
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	607 square metres
Access to Right of Way	Not applicable

BACKGROUND:

22 August 2006

The Council at its Ordinary Meeting conditionally approved a planning application for proposed demolition of existing single house and construction of four (4) grouped dwellings.

- 22 August 2006 The Council at its Ordinary Meeting recommended conditional approval for a proposed survey strata subdivision.
- 12 September 2006 The Town issued a Demolition Licence for the existing single house at No. 8 Byron Street.
- 15 September 2006 The applicant appealed to the State Administrative Tribunal (SAT) against condition (viii)(b) of the planning application. The condition stated:
“the garages for Units 1 and 2 being located behind the main building, and vehicular access to all four (4) dwellings being from a single shared driveway.”
- 7 November 2006 As per the Order from the SAT Mediation dated 11 October 2006, the Council at its Ordinary Meeting did not support the deletion of condition (viii)(b) from the conditional planning approval for proposed demolition of existing single house and construction of four (4) grouped dwellings.
- 22 May 2007 As per the Order from SAT, condition (viii)(b) from the planning approval for proposed demolition of existing single house and construction of four (4) grouped dwellings was deleted.
- 20 November 2008 The Town issued a Building Licence for four (4) two storey grouped dwellings.
- 19 March 2009 The Town under delegated authority approved amended Building Licence plans.
- 4 January 2010 The Town approved a Building Licence for an installation of sliding doors in lieu of previously approved windows.
- 3 February 2010 The Town under delegated authority conditionally approved a planning application for a patio addition to the existing single house for No. 10 Byron Street, Leederville.

DETAILS:

The proposal involves planning 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
Building Setbacks: -East	1.5 metres	1 metre	Supported – Not considered to have an undue impact on the adjoining property owner. Neighbour’s signature has been received.

Outdoor Living Area:	At least 16m ² without permanent roof cover.	10.6m ² permanent cover. without roof	Supported – Not considered to have an undue impact on the occupants of the dwelling as the proposed patio will increase the year round use of the private open space.
Consultation Submissions			
Support (1)	No Comments Provided		Noted.
Objection (0)	Not Applicable		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

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.

9.1.6 No. 11B (Lot 10; D/P 13850) Little Russell Street, North Perth - Proposed Carport and Patio Addition to Existing Grouped Dwelling

Ward:	South	Date:	15 February 2010
Precinct:	Norfolk; P10	File Ref:	PRO4959; 5.2009.562.1
Attachments:	001		
Reporting Officer:	J Pirone, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Softwood Timberyards Pty Ltd T/As Patio Living on behalf of the owner G W & D W Riley for Proposed Carport and Patio Addition to Existing Grouped Dwelling, at No. 11B (Lot 10; D/P 13850) Little Russell Street, North Perth, and as shown on plans stamp-dated 10 December 2010, 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 from Little Russell Street;*
- (ii) the proposed patio shall not be greater than 0.5 metre above the natural ground level;*
- (iii) prior to the issue of a Building Licence amended plans shall be submitted and approved demonstrating a 500 millimetre setback from the patio to the existing house (eastern elevation), as per the requirements of the Building Code of Australia;*
- (iv) any new street wall, fence and gate within the Little Russell Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences; and*
- (v) the proposed carport shall be one hundred (100) per cent open on all sides and at all times (open style gates/panels with a visual permeability of eighty (80) per cent are permitted).*

COUNCIL DECISION ITEM 9.1.6

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

Landowner:	G W & D W Riley
Applicant:	Softwood Timberyards Pty Ltd T/As Patio Living
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: Residential R60
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	168 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves a carport and patio addition to the existing grouped dwelling. The application is being referred to the Council as it involves a variation to the open space requirement as 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
Building Setbacks: -South (carport)	1.5 metres	Nil	Supported – Not considered to have an undue impact on the adjoining property owner. No objections were received during the community consultation period.
-North (patio)	1.5 metres	Nil	Supported – as above.
Buildings on Boundary:	1 Boundary Wall. Boundary Walls are to only be built on 2/3 of the length of the proposed boundary (17.26 metres)	2 Boundary Walls. Boundary wall (south) is proposed to be built to 21.5 metres.	Supported – Not considered to have an undue impact on the adjoining property owner. No objections were received during the community consultation period. Supported – as above.

Carports:	Carports are not to exceed more than 50% of building line frontage (3.25 metres).	Proposed carport has a frontage of 3.94 metres.	Supported – Not considered to have an undue impact on the existing streetscape as the proposed carport is replacing an existing one.
Parking:	2 car bays on-site.	1 car bay on-site	Supported – As above.
Open Space:	45%	39%	Supported – Not considered to have an undue impact on the adjoining property owners or on the Little Russell Street streetscape. In addition, as both of the structures are considered as ‘open style’, and replace ‘outmoded’ structures, it is considered the private open space will be better utilised.
Roof Forms:	Pitched Roof	Flat Roof	Supported – Not considered to have an undue impact on the streetscape. The existing carport has a flat roof and the extension of the roof will not impact the Little Russell Street streetscape.
Consultation Submissions			
Support (1)	No comments received.		Noted.
Objection (0)	Not applicable.		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

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.

9.1.7 No. 2 (Lot 17; D/P 1149) Scott Street, Leederville – Proposed Patio to Existing Grouped Dwelling

Ward:	South	Date:	15 February 2010
Precinct:	Leederville ; P03	File Ref:	PRO3510; 5.2009.573.1
Attachments:	001		
Reporting Officer:	J Pirone, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Classic Home & Garage Enhancements on behalf of the owner M B & M T Flynn for proposed Patio to Existing Grouped Dwelling, at No. 2 (Lot 17; D/P 1149) Scott Street, Leederville, and as shown on plans stamp-dated 18 December 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 from Scott Street;*
- (ii) the proposed patio shall not be greater than 0.5 metre above the natural ground level; and*
- (iii) proposed patio two (2) does not form part of this approval as it will cause obstruction to the turning circle of vehicles accessing the garage.*

COUNCIL DECISION ITEM 9.1.7

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

Landowner:	M B & M T Flynn
Applicant:	Classic Home & Garage Enhancements
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1: R40
Existing Land Use:	Grouped Dwelling
Use Class:	Grouped Dwelling
Use Classification:	"P"
Lot Area:	617 square metres
Access to Right of Way	Not applicable

BACKGROUND:

- 27 June 2006 The Council at its Ordinary Meeting conditionally approved an application for additional two (2) storey single house to existing single house.
- 8 January 2007 The Council conditionally approved a Building Licence application for additional two (2) storey single house to existing single house.
- 27 August 2007 The Council conditionally approved a Building Licence application for a swimming pool addition to existing dwelling.

DETAILS:

The proposal involves planning 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 as specified in 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
Building Setbacks: -North	1.5 metres	700 millimetres	Supported – Not considered to have an undue impact on the adjoining property owner. No objections have been received during the community consultation period. Supported – as above.
-East	1.5 metres	1 metre	
Outdoor Living Area:	13.3 m ² without permanent roof cover	7.8m ² without permanent roof cover	Supported - The proposed permanent roofing is not considered to have an undue impact on adjoining neighbours or on the Scott Street streetscape. Further, 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.
Consultation Submissions			
Support/Objection (0)	No comments received.		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.

* 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.

9.1.8 No. 263 (Lot 3; D/P 1925) Oxford Street, Leederville - Proposed Demolition of Existing Single House and Construction of Two-Storey Mixed Use Development, comprising One (1) Office and One (1) Multiple Dwelling

Ward:	North	Date:	15 February 2010
Precinct:	Leederville;P03	File Ref:	PRO4884; 5.2009.416.1
Attachments:	001		
Reporting Officer:	R Narroo, Senior Planning Officer (Statutory) H Au, Heritage Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by the owner PS & J Barbouttis for proposed Demolition of Existing Single House and Construction of Two-Storey Mixed Use Development comprising One(1) Office and One(1) Multiple Dwelling at No. 263 (Lot 3; D/P 1925) Oxford Street, Leederville and as shown on plans stamp-dated 14 January 2010 and 28 January 2010, 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 from Oxford Street;*
- (ii) 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;*
- (iii) first obtaining the consent of the owners of No. 265 and Nos. 257-261 Oxford Street, Leederville, for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 265 and Nos. 257-261 Oxford Street, Leederville, in a good and clean condition;*
- (iv) 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;*
- (v) 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 the Rights of Way and Oxford 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;*
- (vi) prior to the first occupation of the development, one (1) class one or two bicycle parking facility, shall be provided at a location convenient to the entrance 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;*

- (vii) *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;*
- (viii) *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;

- (ix) *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;*
- (x) *doors, windows and adjacent floor areas of the office component on the ground floor fronting Oxford Street shall maintain an active and interactive relationship with this street;*
- (xi) *prior to the first occupation of the development, 2 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;*
- (xii) *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;*
- (xiii) *the maximum gross floor area of the non-residential component shall be limited to 94 square metres of office, 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;*
- (xiv) *the car parking area for the office component shall be shown as 'common property' on any strata or survey strata subdivision plan for the property;*
- (xv) *prior to the first occupation of the development, the multiple dwelling shall be provided with a screened outdoor area for clothes drying or clothes tumbler dryer;*

- (xvi) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xvii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
- (a) *an awning is to be provided over Oxford 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 Oxford Street;*
 - (b) *the timber louvers to the rear balcony shall comply with the privacy requirements of the Residential Design Codes 2008;*
 - (c) *the disabled parking shall comply with a minimum width of 4.8 metres; and*
 - (d) *additional design features using colour and/or relief being incorporated on the north face of the building wall facing No. 265 Oxford Street to reduce the visual impact of that wall.*

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

- (xviii) *the car park shall be used only by employees, tenants, and visitors directly associated with the development;*
- (xix) *the undergrounding of powerlines for the subject development site along Oxford Street at the applicant's/owner's cost;*
- (xx) *any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visually permeability and shall be either open at all times or suitable management measures shall be implemented to ensure access is available for visitors for the office tenancy at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xxi) *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);*
- (xxii) *prior to the issue of a Building Licence, a management plan addressing how a vehicle will enter/exit a tandem parking bay when there is a vehicle already parked at the rear or front parking bay, to be submitted and approved by the Town;*
- (xxiii) *a right of way widening of 1 metre is required to be sealed and drained to the Town's specifications; and*
- (xxiv) *the right of way is required to be sealed up to Muriel Place (28.5 metres) at the expense of the applicant/owner(s) to the Town's specification relating to the construction and sealing of a right of way.*

***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 Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

Landowner:	PS & J Barbouttis
Applicant:	PS & J Barbouttis
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R 60
Existing Land Use:	Single House
Use Class:	Office, Multiple Dwelling
Use Classification:	“SA”, “P”
Lot Area:	301 square metres
Access to Right of Way	Western side, 3 metres wide, unsealed, private owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves demolition of the existing single house and construction of a two-storey mixed use development comprising one office on the ground floor and one multiple dwelling on the first floor.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density	One Multiple Dwelling- R 60	One Multiple Dwelling- R 33	Noted.
Plot Ratio	0.7 or 211 square metres	0.9 or 273 square metres	Supported-Oxford Street has been identified in the Local Planning Strategy as an Activity Corridor linking the Key Activity Centres (Town Centres) of Leederville and Mount Hawthorn. The proposed development, comprising a residential and commercial use, is considered to support best practice principles relating to Activity Centres.

			<p>A plot ratio variation of 0.88 has been supported along Oxford Street and it is considered that a plot ratio of 0.9 will not have an undue impact on the surrounding area. Moreover, it is considered that this development is in line with the strategic direction for Oxford Street, and as such, the variation to the plot ratio can be supported.</p>
<p>Building Setbacks:</p> <p>Ground Floor</p> <p>East-Front-Oxford Street</p>	2.3 metres	Nil	<p>Supported- As outlined above, the proposal is considered to be in line with the direction of the Local Planning Strategy for Oxford Street and in this context, it is expected that development will consist of a hard urban edge to Oxford Street. Moreover, the adjoining existing development has a nil street setback which this development will be consistent with.</p> <p>Supported- No overlooking or overshadowing of the adjoining northern property will occur as a result of this proposal. Given the urban edge to be created along Oxford Street, the variation is supported.</p> <p>Supported- The building on the adjoining property is located on the boundary and therefore there will be no impact. In this instance, the variation is supported.</p>
North	1.5 metres	Nil	
South	1.5 metres	Nil	

First Floor			
East-Front-Oxford Street	Balcony= 4.56 metres	Nil	Supported- The proposal is considered to be in line with the direction of the Local Planning Strategy for Oxford Street and in this context, it is expected that development will have a hard urban edge to Oxford Street. In this instance, the variation is supported.
North	3 metres	Nil	Supported- No overlooking or overshadowing of the adjoining northern property occurs as a result of this proposal. Given the urban edge to be created along Oxford Street, the variation is supported.
South	2.8 metres	Nil	Supported- The building on the adjoining property is located on the boundary and therefore there will be no impact. In this instance, the variation is supported.
Boundary Walls	Average Height= 3 metres Maximum Height= 3.5 metres Length= 18.54 metres One side of boundary	North Average height= 6.4 metres Maximum Height= 7 metres South Average Height= 5.8 metres Maximum Height = 6.2 metres Length= 29.3 metres	Supported- As outlined above; however, if this application is supported, the applicant will be required to provide at least two design features to the northern boundary wall to minimise the visual impact on the adjoining property.
Solar Access	50 per cent (301 square metres) of adjacent southern property	92 per cent (276 square metres). When this application was advertised, the two adjoining southern lots were not amalgamated into one lot. Therefore, the overshadowing of one lot would cover 92 per cent. However, as a result of amalgamation (now complete), the proposal complies with the overshadowing.	Supported- the proposal complies with the requirements of overshadowing as per the R-Codes.

Building Height	7 metres	Wall Height- 9 metres The applicant has amended the plans to have a maximum wall height of 7 metres, except, at the front, where the wall will be 7.2 metres in height.	Supported- The front wall of 7.2 metres will improve the elevation to the street. The variation is minor and it is not considered to have an undue impact on the surrounding area.
Awning	Awning is to be provided for commercial development	Not provided	Not supported- A condition has been recommended to require an awning.
Consultation Submissions			
Support	Nil		Noted.
Objection (3)	<p>Plot Ratio</p> <p>Increase in plot ratio is unacceptable.</p> <p>Building Setbacks</p> <p>The variations to setbacks are unacceptable and will impact on the adjoining neighbours.</p> <p>Boundary Walls</p> <p>Impact on the surrounding area.</p> <p>Solar Access</p> <p>Undue impact on the surrounding neighbours.</p> <p><i>“The southern boundary wall at over 7.0 metres will rise between 3.0 and 4.0 metres above the floor levels of our first floor units. At midday on the 21 June they will overshadow 100% of their northern courtyards, and will overshadow over 50% of the courtyard area between the months of March through to September.”</i></p>		<p>Not supported- Refer to comments in the Assessment Table.</p> <p>Not supported- Refer to comments in the Assessment Table.</p> <p>Not supported- Refer to comments in the Assessment Table.</p> <p>Not supported- As outlined in the Assessment Table, the proposed development complies with the overshadowing requirements.</p> <p>With regard to the southern boundary wall, the plans have been amended and the wall will have a maximum height of 6.2 metres and an average height of 5.7 metres from the natural ground level. Sections of the plans show that the proposed boundary wall will be consistent with the adjoining southern unit screens.</p>

	<p>Building Height</p> <p>Variation will impact on the adjoining neighbour</p> <p>Privacy</p> <p>Invasion of privacy</p> <p>Damages</p> <p>Concerns about the demolition of the existing house may impact on the adjoining building on the northern side.</p> <p>Parking</p> <p>Not meeting the parking provision.</p> <p>Guidelines</p> <p>The proposal is outside the guidelines and the application should not have been accepted.</p>	<p>Not supported- Refer to comments in the Assessment Table.</p> <p>Supported- The Applicant has submitted amended plans showing provision of louvers to the balcony. A condition is recommended requiring the louvers to comply with the requirements of the R Codes.</p> <p>Not supported- A civil, not a planning related matter.</p> <p>Not supported- The proposal complies with the Town's parking requirements as shown in the parking assessment table.</p> <p>Not supported- The application meets the minimum submission requirements.</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.

* 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 Parking

Four car bays have been provided for the proposed development. In accordance with the Residential Design Codes requirements for mixed-use development, on-site car parking 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. However, the applicant is providing 2 car bays for the residential component and 2 car bays for the office component.

Requirements as per Parking and Access Policy	Required
Total car parking required before adjustment factor (nearest whole car number)	

Office-1 car bay per 50 square metres gross floor area (proposed 94 square metres) = 1.88 car bays= 2 car bays	2 car bays
Apply the parking adjustment factors: <ul style="list-style-type: none"> ▪ 0.85 (within 400 metres of a bus stop) ▪ 0.8 (proposed development contains a mix of uses, where at least 45 percent of the gross floor area is residential) 	(0.68) 1.36 car bays
Car parking provided on-site	2 car bays
Minus the most recently approved on-site parking shortfall	Nil
Resultant surplus	0.64 car bay

Bicycle Parking

Requirements	Required	Provided
Office 1 per 200 (proposed 94 square metres) square metres gross floor area for employees (class 1 or 2).	0.47 = 1 spaces	Nil

Demolition

The subject dwelling at No. 263 Oxford Street, Leederville is an example of brick and iron Interwar Bungalow style of architecture constructed circa 1939. The subject dwelling features a hipped roof which has a gable covering the northern street facing room.

The WA Post Office Directories first documents the subject dwelling in 1940 as No. 261, with Charles Taylor as the occupant. Since then, the subject dwelling has been transferred several times to new owners and occupiers.

A full heritage assessment was undertaken for No. 263 Oxford Street, Leederville, based on the plan dated 7 October 2009, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

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

Strategic Planning

The Town's Local Planning Strategy identifies Oxford Street as a vital conduit between the Town Centres of Mount Hawthorn and Leederville. Oxford Street displays opportunities for linear intensification of land uses, supported by good levels of public transport. Accordingly, to promote a variety of commercial/employment and high density residential opportunities, the Strategy has proposed the portion of Oxford Street, where the subject place is located, between Bourke Street and Muriel Place, to be rezoned from Residential R60 to Residential/Commercial R100.

The proposal is considered to be in line with the direction of the Local Planning Strategy for Oxford Street, and will compliment the adjacent three-storey mixed use development currently being constructed at Nos. 257-261 Oxford Street, corner Bourke Street, in terms of street setback and land use.

In light of the above the development is recommended for approval.

9.1.9 No. 26 (Lot 45; D/P 555) Gill Street, North Perth - Proposed Front Fence and Boundary Wall Addition to Existing Single House (Part Application for Retrospective Approval)

Ward:	North	Date:	16 February 2010
Precinct:	North Perth; P08	File Ref:	PRO4431; 5.2009.508.2
Attachments:	001		
Reporting Officer:	A Reynolds, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Artique Building Pty Ltd on behalf of the owner W K Greene for proposed Front Fence and Boundary Wall Addition to Existing Single House (Part Application for Retrospective Approval), at No. 26 (Lot 45; D/P 555) Gill Street, North Perth, and as shown on plans stamp-dated 1 February 2010, 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 from Gill Street; and*
- (ii) *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 constructed works, 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 required building licence plans are to be amended as follows:*
 - (a) *the solid wall portions to 1.8 metres, accommodating the meter box, within the visual truncation area, as shown on the plans stamp dated 2 February 2010, being removed and made to comply with the provisions of the Town's Policy Nos. 3.2.1 Residential Design Elements and 2.2.6 Truncations.*

The subject works shall be completed within 28 days of the Building Approval Certificate.

COUNCIL DECISION ITEM 9.1.9

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

Landowner:	W K Greene
Applicant:	Artique Building Pty Ltd
Zoning:	Metropolitan Region Scheme (MRS): Urban Town Planning Scheme No. 1 (TPS 1): Residential R20
Existing Land Use:	Single House
Use Class:	Single House
Use Classification:	"P"
Lot Area:	539 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

7 October 2008 The Council at its Ordinary Meeting conditionally approved an application for Proposed Demolition of an Existing Single House and Construction of a Two-Storey Single House.

DETAILS:

The subject application involves a part retrospective, part proposed, front fence and boundary wall addition to the existing single house at No. 26 Gill Street, North Perth. The meter box wall portions along the western side boundary and the southern street boundary, parallel to the street, have been constructed prior to the receipt of the above mentioned application and thus require retrospective approval. The remaining portions of the front fence and boundary wall are proposed.

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.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Plot Ratio	N/A	N/A	Noted.
SADC 13. Street Walls and Fences	Maximum height of solid portion of wall to be 1.2 metres above adjacent footpath level and a minimum of fifty percent visually permeable above 1.2 metres.	A portion of the eastern boundary fence located within the front setback of the property proposed to be solid to 1.8 metres for a length of 2.2 metres.	Supported – The proposed solid portion of the western street wall has been designed to act as a screen wall for privacy purposes. The proposed screen wall is in keeping with the number of existing solid side boundary street walls and fence examples occurring within the street and thus does not detract from the visual integrity of the Gill Street streetscape. No objections received during advertising period.

		Portions of the existing western street wall and fence are solid to 1.8 metres abutting the western boundary and the existing meter box wall for 0.92 metre and 0.361 metre length of wall.	Not supported – As considered to have an undue impact on the Gill Street streetscape. The subject meter box wall portions are to comply with the Town’s Policy Nos. 3.2.1 Residential Design Elements and 2.2.6 Truncations.
	Meter box wall and fence must be perpendicular to the street boundary.	The proposed meter box wall is parallel to the street.	Not supported - As considered to have an undue impact on the Gill Street streetscape.
	Where a driveway intersects a road, street walls and fences are to incorporate a 1.5 metre by 1.5 metre visual truncation area free of obstructions above the height of 0.65 metre.	The retrospective meter box wall portions to 1.8 metres are located within the truncation area.	Not supported – The subject wall portions are not in accordance with the Town’s Policy Nos. 3.2.1 Residential Design Elements and 2.2.6 Truncations, as they impede a clear line of sight being maintained where the adjoining properties vehicle enters or egresses the property.

Consultation Submissions

Support	(1)	Noted.
Objection	Nil	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.

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

COMMENTS:

In light of the above, it is recommended that the Council approve the front fence and boundary wall addition, subject to standard and appropriate conditions.

9.1.12 Nos. 596-598 (Lot Y116; D/P 2360) Newcastle Street, corner Loftus Street, West Perth - Proposed Renewal of Planning Approval for Existing Signage

Ward:	South	Date:	15 February 2010
Precinct:	Cleaver; P05	File Ref:	PRO0799; 5.2009.581.1
Attachments:	001		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by WA Billboards on behalf of the owner G V Cerini for proposed Renewal of Planning Approval for Existing Signage, at Nos. 596-598 (Lot Y116; D/P 2360) Newcastle Street, corner of Loftus Street, West Perth, and as shown on plans stamp-dated 22 December 2009, subject to the following conditions:

- (i) the application is considered a special case and renewal of the approval should not be considered a precedent for allowing billboards within the Town of Vincent;*
- (ii) the signage shall not have flashing or intermittent lighting;*
- (iii) the applicant/owner shall maintain adequate setback from the motorists' line of sight through the traffic signals to the nearest edge of the billboards to the satisfaction of Main Roads Western Australia and the Town;*
- (iv) the billboards shall not display advertising which by virtue of colour or content may confuse the motorist or imitate the traffic signals or road signs to the satisfaction of Main Roads Western Australia and the Town;*
- (v) advertising content shall not contain material (by reasonable definition) that may be offensive to the public or cause unacceptable levels of distraction to the satisfaction of Main Roads Western Australia and the Town;*
- (vi) billboard sizes shall be in keeping with standard industry sizes and are found by Main Roads and the Town to be suitable for this site to the satisfaction of Main Roads Western Australia and the Town;*
- (vii) the landscaping as outlined in the plan dated 22 December 2009 shall be planted and maintained thereafter by the owner(s)/occupiers at their own expense; and*
- (viii) this approval for billboards (signage) is for a further period of 5 years only and should the applicant wish to continue the use after that period, it shall be necessary to reapply to and obtain approval from the Town prior to the continuation of use.*

COUNCIL DECISION ITEM 9.1.2

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED "EN BLOC" (9-0)

Landowner:	G V Cerini
Applicant:	WA Billboards
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Vacant Land with Billboard Signage
Use Class:	Vacant Land with Billboard Signage
Use Classification:	Not Applicable
Lot Area:	641 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

- 24 February 1997 A Health Notice was served on the subject property declaring the house unfit for human habitation.
- 19 November 2002 The Council at its Ordinary Meeting resolved to grant conditional Planning Approval for the demolition of the existing house and refused the Planning Application for signage (billboards) and associated retaining walls and landscaping on the subject property.
- 26 November 2002 The applicant submitted a new application for the proposed retaining walls, landscaping and signage. The proposal was similar to the previous application refused by the Council on 19 November 2002; however, the applicant submitted an addendum to the application.
- 17 December 2002 The Council resolved to refuse the abovementioned proposal for the same reasons as the previous application.
- 24 June 2003 Applicant submitted an application for signage (billboards) and associated retaining walls and landscaping. The Council resolved to defer the application to investigate alternative access options to the site.
- 26 August 2003 The Council resolved to conditionally approve the application for signage and associated retaining walls and landscaping.
- 21 January 2004 The application was considered under delegated authority and the Chief Executive Officer resolved to refer the application to an Ordinary Meeting of Council.
- 10 February 2004 The Council resolved to refuse an amended application to increase the size of the previously approved billboard, to include an identification plaque on the billboards and to delete condition (v) of the previous approval.
- 9 March 2004 The Council resolved to conditionally approve an application for signage (billboards) and associated retaining walls and landscaping, subject to conditions (including that the approval is for a period of 3 years only and the applicant would need to reapply for the continuation of use).
- 8 August 2006 The Council at its Ordinary Meeting resolved to approve an application for the renewal of the Planning Approval granted on 9 March 2004 for Existing Signage and Associated Retaining Walls with Modified Gardens and Landscaping.

DETAILS:

The proposal involves the renewal of the Planning Approval for billboard signage at the subject site.

ASSESSMENT:

Consultation Submissions		
Support	Nil.	Noted.
Objection (1)	No comments provided.	Nil.
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:

Signage

The subject signage is utilised by the general public/businesses and is not in any way related to the use of the subject site. The sign constitutes a billboard and is considered to be a form of bill posting. The signage does not comply with the Town's Policy relating to 'Signs and Advertising' as billboards/bill posting is not permitted and it exceeds more than 10 per cent of the total area of the wall in which that signage is located. The Policy states that "*no signage is permitted on fences, walls or the like structures which do not form an integral part of the building*". It follows that signage is not permitted as the predominant use of the land, and should be associated with and be ancillary and incidental to, the predominant use of the land.

It is acknowledged that the development possibilities of the site are limited and that any future development on the site would require some form of excavation in order to improve vehicular sight lines and a crossover to the site from Newcastle Street. However, the site forms an effective 'gateway' into the Town and there is a concern that the presence of such signage within the Town and in particular, on a prominent entry point into the Town, continues to impose an undesirable and inaccurate image of the Town.

Given the above, any renewal of approval for the signage should be limited to a further 5 years only. This time limit will allow the opportunity for a more appropriate development of the site in the longer term.

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

9.1.17 Perth-Peel Regional Water Plan 2010 – 2030

Ward:	Both Wards	Date:	15 February 2010
Precinct:	All Precincts	File Ref:	PLA0114
Attachments:	001		
Reporting Officer:	V Cusack, Sustainability Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council ADVISES the Department of Water that it SUPPORTS the intent and content of the draft report titled “Perth-Peel regional water plan 2010 – 2030: responding to our drying climate”, published by the Department of Water, (as Laid on the Table and attachment one), subject to the following:

- (i) a more integrated holistic approach to water supply-demand management;*
- (ii) the proposed water efficiency strategy to include an action plan that details specific targets and methods for reducing private water consumption; and*
- (iii) the Department of Water and the Water Corporation vigorously pursue the use of soakwells and treatment swales over and above the ‘piped’ stormwater management network.*

COUNCIL DECISION ITEM 9.1.17

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to inform the Council about the Perth-Peel regional water plan Report.

BACKGROUND:

The Perth Peel regional water plan 2010 – 2030 draft report builds upon a series of Department of Water strategic reports, including but not limited to, the *State Water Plan* (2007), *Water Forever: directions for our water future* (2009) and the *Gnangara Sustainability Strategy* (2009) draft report.

The draft plan is available for public comment from 19 December 2009 until 31 March 2010, which is longer than the usual 2-month period to allow for the Christmas/New Year holiday period.

DETAILS:

The Perth-Peel regional water plan (the Plan) sets the strategic direction for the sustainable management of the region’s water resources to the year 2030. It provides a blueprint for the next 20 years for the management, conservation and development of water resources in the region, as well as some of the challenges and the actions required to respond to those challenges.

The area covered by the Plan extends from Moora to just north of Waroona. It stretches from the Indian Ocean to the Darling Range. The Plan has been broken into three subregions consisting of Gingin, Perth and Peel, as identified in figure 1 on page 4 of the Plan.

The Plan contains seven main chapters relating to; *our drying climate; responsible water use; water security; alternative sources of water supply; waterways and wetlands health; water sensitive cities and plan implementation.*

The Plan outlines six objectives that reflect the challenges facing the region's water resources, which are:

1. *Take the drying climate into account in all aspects of water resource management.*
2. *Reduce water demand by using water more efficiently and effectively.*
3. *Provide water security for public and private water supply consumers.*
4. *Facilitate the use of alternative sources of water supply.*
5. *Restore and protect waterway and wetland health.*
6. *Create water sensitive cities and towns.*

The Town's Officers are of the view that the six objectives are appropriate, and should all be considered of equal importance.

The Plan does appear however, to overstate the impact of a drying climate, compared to the pressures placed on water resources from increasing population growth, relatively high per capita consumption rates, and increased runoff from urban development.

Predicted Population Growth

The Plan predicts the number of people living in the Perth-Peel region to rise from 1.7 million in 2009, to 2.3 million by 2030. In a further 20 year projection, the Australian Bureau of Statistics predicts the population to be 3.4 million for Perth alone by 2056.

Water Consumption

In its submission to the 2003 House Environment Committee's inquiry into the Future Sustainability of Australian Cities, the Water Services Association of Australian Cities stated the following:

"Perth's water consumption in 1960, at 57 GL, was atypical with consumption closer to 80 GL being closer to the norm of the period. High population growth and increasing per capita consumption pushed total consumption to a peak of 194 GL by 1976. Drought restrictions and the introduction of consumption based pricing combined to slash total water consumption to 107 GL in 1978. Pressure from population growth, a drier climate than earlier periods and a partial rebound from per capita consumption led to a return to growth in total water consumption – however, Perth's water consumption did not reach 194 GL (the previous peak) until 1988. By 2000 Perth's water consumption has reached 241 GL.

As for total consumption, per capita water consumption in Perth increased quite strongly until the mid 1970s reaching a peak of 230 KL. The imposition of drought restrictions and the introduction of consumption based pricing slashed per capita consumption. While per capita water consumption recovered somewhat by 1985 it had stabilised around a band of 165 to 185 KL".

The Plan states that since 2001, per capita consumption of scheme water has averaged 155 kL/y. The Water Corporation has set a per capita target of 125 kL/y of scheme water by 2030.

On Demand Management, the Plan states that:

“There is community support for greater emphasis on demand management in meeting our future water needs. This will require greater water conservation and more efficient and effective re-use of our stormwater and wastewater resources. The aim is to reduce the amount of high quality drinkable water being used for purposes that only require low quality water”.

On the Supply-demand gap, the Plan states that: *“there will be a supply-demand gap if current consumption rates of scheme water continue”.* The Plan then suggests that: *“the combined benefits of a 10 to 20 per cent reduction in demand and the implementation of the proposed Southern Seawater Desalination Plant would virtually prevent the requirement for additional sources of supply”.*

The Plan states that: *“additional supplies would be needed before 2030 under the dry climate scenario provided”.*

Stormwater management

The Plan states that: *“around 120 GL of water is discharged from urban stormwater and rural drainage networks to the Swan River and the Indian Ocean each year. It states that the percentage of stormwater harvested and reused is very small.*

It acknowledges that the extent to which stormwater could be harvested and reused is unknown and suggests that the following factors could limit stormwater re-use:

- *its role in recharging local groundwater*
- *its importance in providing environmental flows to urban wetlands and the Swan River*
- *the need for treatment to remove pollutants (for example, fertilisers)*
- *declining volumes of stormwater if the climate becomes drier.*

The Plan recognises in the water sensitive cities section that by replacing natural drainage structures by stormwater drains, with the sole objective of quickly removing ‘excess’ water from the landscape, often results in poor environmental outcomes”.

The fast moving water in the existing stormwater piped networks bypasses the natural filtration process picking up various contaminants such as nitrogen, phosphorous, leaf litter and animal faeces that can cause eutrophication.

There is the additional problem of less ‘natural’ recharge into wetlands and the ground water system resulting in some wetlands being in-filled, and others being topped up, placing increased pressure on the scheme water supply source.

The Town supports the concept of protecting wetlands and recharging aquifers with stormwater management that resembles, as close as possible, natural drainage processes. The Town has implemented the Gully Soakwell and the Right of Way programmes, which use soakwells rather than the street ‘piped’ system.

The Plan presents an opportunity to differentiate between stormwater ‘harvesting’ and more natural drainage systems, as there does appear to be some confusion over what the terms actually mean.

Stormwater harvesting is the capture and storage of stormwater run-off for reuse. It is generally on a scale larger than individual properties.

The use of soakwells for individual properties similar to the use of treatment swales for specific areas attempt to mimic as close as possible natural drainage systems.

The latter appears to be particularly suited to Perth’s topography and could be better utilised to help charge the aquifers.

CONSULTATION/ADVERTISING:

The draft plan is available for public comment from 19 December 2009 until 31 March 2010, which is longer than the usual 2-month period to allow for the Christmas/New Year holiday period.

LEGAL/POLICY:

Nil.

STRATEGIC IMPLICATIONS:

In addition to implementing the Town's Water Conservation Plan, the Town is fully supportive of the need to set strategic directions for the sustainable management of the region's water resources.

SUSTAINABILITY IMPLICATIONS:

The Plan acknowledges that the combined effects of reduced rainfall, increased vegetation density (for example, pine plantations) and groundwater abstraction for public and private water supply, has pushed the Gngangara Mound into an unsustainable condition.

FINANCIAL/BUDGET IMPLICATIONS:

Not Applicable.

COMMENTS:

The Plan covers both a relatively large area and a number of wide-ranging issues in a comprehensive manner. Since water is one of the few 'essential' elements of life, the importance of preserving it for current and future generations cannot be overstated.

There is scope to significantly reduce the quantity (120 GL) of water from urban stormwater and rural drainage networks being discharged into the Swan River and Indian Ocean each year.

In light of the above, it is considered that the Council receives the draft report titled "Perth-Peel regional water plan 2010 – 2030: responding to our drying climate", and advises the Department of Water that the Town generally supports the intent and content of the draft report.

9.2.2 Proposed Dedication of a Section of Right of Way Protruding into the Charles Street Road Reserve

Ward:	North	Date:	14 February 2010
Precinct:	Charles Centre (7)	File Ref:	TES0388
Attachments:	001		
Reporting Officer:	A Scott, Snr Technical Officer- Land & Development		
Responsible Officer:	R Lotznicker, Director Technical Services		

OFFICER RECOMMENDATION:

That the Council, in accordance with Section 56 of the Land Administration Act 1997, APPROVES the dedication as road reserve of a small, 3.6m x 3.0m, portion of Right of Way bounded by Howlett, Pennant, Charles and Kadina Streets, North Perth, as shown on attached plan No TES0388.

COUNCIL DECISION ITEM 9.2.2

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to seek the Council's approval for the dedication of a small portion right of way (ROW) which, while currently protruding into the existing road reserve, currently remains neither closed nor dedicated.

BACKGROUND:

The existing sealed and drained ROW, as shown on the attached Plan, created on Survey 1661, was recently the subject of a Taking by the Town, in accordance with Section 52 of the Land Administration Act.

A senior lands officer from State Land Services – Metropolitan, brought this matter to the Town’s attention during the ROW Taking process. In an attempt to resolve this anomaly the area comprising the ROW protrusion is required to be dedicated and amalgamated with road reserve.

DETAILS:

State Land Services have advised that a Council decision is required to enable the dedication under Section 56 of the Land Administration Act 1997 to be progressed.

CONSULTATION/ADVERTISING:

Notification will be passed on to the State Land Services when Council approval to proceed is given. The Town sees no need to seek further comment from the Department of Planning or Utility Services, following the approval in principle which has already been provided by all parties including the Western Australian Planning Commission for the initial Taking.

LEGAL/POLICY:

The process will be carried out in accordance with Section 56 of the Land Administration Act 1997.

STRATEGIC IMPLICATIONS:

In accordance with the objective of Strategic Plan 2009-2014 – Key Result Area One: 1.1.6 Enhance and maintain the Town's infrastructure to provide a safe, healthy, sustainable and functional environment. *“(a) implement adopted annual infrastructure upgrade programs, including streetscape enhancements, footpaths, rights of way, car parking and roads.”*

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

There are no cost implications for proceeding with the Dedication.

COMMENTS:

The area comprising the ROW protrusion is required to be dedicated and amalgamated with the Charles Street road reserve.

It is recommended that the officer's recommendation be supported to enable this matter to be progressed.

9.3.2 Authorisation of Expenditure for the Period 1 – 31 January 2010

Ward:	Both	Date:	3 February 2010
Precinct:	All	File Ref:	FIN0032
Attachments:	001		
Reporting Officer:	K. Ball, Finance Officer – Accounts Payable; B. Tan, Manager Financial Services		
Responsible Officer:	M. Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council CONFIRMS the;

- (i) *Schedule of Accounts for the period 1 January – 31 January 2010 and the list of payments;*
- (ii) *direct lodgement of payroll payments to the personal bank account of employees;*
- (iii) *direct lodgement of PAYG taxes to the Australian Taxation Office;*
- (iv) *direct lodgement of Child Support to the Australian Taxation Office;*
- (v) *direct lodgement of creditors payments to the individual bank accounts of creditors; and*
- (vi) *direct lodgement of Superannuation to Local Government and City of Perth superannuation plans.*

as shown in Appendix 9.3.2.

COUNCIL DECISION ITEM 9.3.2

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

DECLARATION OF INTEREST

Members/Officers	Voucher	Extent of Interest
Nil.		

PURPOSE OF REPORT:

To seek authorisation of expenditure for the period 1 – 31 January 2010.

BACKGROUND:

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

DETAILS:

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

FUND	CHEQUE NUMBERS/ PAY PERIOD	AMOUNT
Municipal Account		
Automatic Cheques	067471-067634	\$200,603.83
Transfer of Creditors by EFT Batch	1010, 1012-1016, 1018, 1020-1022	\$1,855,219.66
Transfer of PAYG Tax by EFT	December 2009	\$205,157.80
Transfer of GST by EFT	December 2009	
Transfer of Child Support by EFT	December 2009	\$1,198.10
Transfer of Superannuation by EFT:		
• City of Perth	December 2009	\$31,981.21
• Local Government	December 2009	\$108,070.90
Total		\$2,201,627.67
Bank Charges & Other Direct Debits		
Bank Charges – CBA		\$5,321.12
Lease Fees		\$2,919.63
Corporate Master Cards		\$7,210.38
Loan Repayment		\$59,208.28
Rejection Fees		\$17.50
Total Bank Charges & Other Direct Debits		\$74,676.91
Less GST effect on Advance Account		0.00
Total Payments		\$2,476,908.41

STRATEGIC IMPLICATIONS:

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

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

ADVERTISING/CONSULTATION:

N/A.

COMMENT:

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

9.3.3 Financial Statements as at 31 January 2010

Ward:	Both	Date:	10 February 2010
Precinct:	All	File Ref:	FIN0026
Attachments:	001		
Reporting Officer:	B. Tan, Manager Financial Services		
Responsible Officer:	M. Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Financial Statements for the month ended 31 January 2010 as shown in Appendix 9.3.3.

COUNCIL DECISION ITEM 9.3.3

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to present the financial statements for the month ended 31 January 2010.

BACKGROUND:

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

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

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

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

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

DETAILS:

The following documents represent the Statement of Financial Activity for the period ending 31 January 2010:

- 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 34-42);
- Monthly Financial Positions Graph (page 43-45).

Comments on the financial performance are set out below:

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

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

YTD Actual	-	\$7.9 million
YTD Budget	-	\$15.8 million
Variance	-	-\$7.9 million
Full Year Budget	-	\$12.9 million

Summary Comments:

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

Operating Revenue

YTD Actual	-	\$29.3 million
YTD Budget	-	\$28.8 million
YTD Variance	-	\$0.5 million
Full Year Budget	-	\$34.7 million

Summary Comments:

The total operating revenue is currently on budget.

Major variances are to be found in the following programmes:

Governance – 102% over budget;

Law Order and Public Safety – 26% below budget;

Education and Welfare – 19% below budget;

Community Amenities – 27% over budget;

Economic Services – 48% over budget

Other Property and Services – 65% over budget;

Administration General – 79% over budget.

More details on variance comments are included on the page 34 – 41 of this report.

Operating Expenditure

YTD Actual	-	\$21.9 million
YTD Budget	-	\$21.6 million
YTD Variance	-	-\$0.3 million
Full Year Budget	-	\$36.2 million

Summary Comments:

The operating expenditure is currently on budget.

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

Governance – 17% over budget;

Education and Welfare – 23% below budget;

Administration General – 80% below budget.

Detailed variance comments are included on the page 34 – 41 of this report.

Income Statement by Nature and Type Report

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

Capital Expenditure Summary

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

Capital Works shows total expenditure including commitment for year to date at the 31 January 2010 of \$5,198,781 which represents 22% of the revised budget of \$23,260,889.

	Budget	Revised Budget	Actual to Date (Includes commitment)	%
Furniture & Equipment	132,900	132,900	68,200	51%
Plant & Equipment	1,229,450	1,317,450	545,740	41%
Land & Building	12,659,500	14,635,124	2,699,453	18%
Infrastructure	7,570,415	7,175,415	1,885,388	26%
Total	21,592,265	23,260,889	5,198,781	22%

Balance Sheet and Statement of Changes in Equity

The statement shows the current assets of \$23,638,313 and non current assets of \$142,068,887 with total assets of \$165,707,200.

The current liabilities amount to \$8,070,507 and non current liabilities of \$14,558,712 for the total liabilities of \$22,629,219. The net asset of the Town or Equity is \$143,077,981.

Restricted Cash Reserves

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

The balance as at 31 January 2010 is \$9.2m. The balance as at 30 June 2009 was \$7.3m.

General Debtors

Other Sundry Debtors are raised from time to time as services are provided or debts incurred. Late payment interest of 11% per annum may be charged on overdue accounts. Sundry Debtors of \$285,505 is outstanding at the end of January 2010.

Of the total debt \$109,531 (38%) relates to debts outstanding for over 60 days, which is related to Cash in lieu Parking.

The Debtor Report identifies significant balances that are well overdue.

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

Rate Debtors

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

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

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

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

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

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

Rates outstanding as at 31 January 2010 including deferred rates was \$2,895,467 which represents 14.46% of the outstanding collectable income compared to 13% at the same time last year.

Statement of Financial Activity

The closing surplus carry forward for the year to date 31 January 2010 was \$7,252,417.

Net Current Asset Position

The net current asset position as at 31 January 2010 is \$16,497,779.

Beatty Park – Financial Position Report

As at 31 January 2010 the operating deficit for the Centre was \$231,609 in comparison to the year to date budgeted deficit of \$179,735.

The cash position showed a current cash surplus of \$32,991 in comparison year to date budget estimate of a cash surplus of \$136,259. The cash position is calculated by adding back depreciation to the operating position.

Variance Comment Report

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

9.4.2 Items Approved under Delegated Authority 2009-2010 - Receiving of Status Report

Ward:	-	Date:	17 February 2010
Precinct:	-	File Ref:	ADM0018
Attachments:	001		
Reporting Officers:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council NOTES the items approved under Delegated Authority over the period 16 December 2009 to 8 February 2010.

COUNCIL DECISION ITEM 9.4.2

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of this report is to advise the Council of the items approved under Delegated Authority for the period 16 December 2009 to 8 February 2010.

BACKGROUND:

At the Ordinary Meeting of Council held on 1 December 2009, this matter was considered and Council resolved as follows;

“That pursuant to Section 5.42 of the Local Government Act 1995, the Council APPROVES BY AN ABSOLUTE MAJORITY, delegated authority to the Chief Executive Officer to deal with any items of business (other than those requiring an Absolute Majority) that may arise from 16 December 2009 to 8 February 2010, subject to:

- (i) *the action taken being in accordance with the Officer’s recommendation;*
- (ii) *the Chief Executive Officer being authorised to make minor amendments to the Officer Recommendation which may be necessary, as a result of responses received from Council Members;*
- (iii) *reports being issued to all available Council Members for a period of three (3) days prior to approval and a simple majority of the responses received be accepted;*
- (iv) *items being displayed in the Town of Vincent Administration Centre, the Library and on the Town’s website for a period of three (3) days prior to approval;*
- (v) *a report summarising the items of business dealt with under delegated authority being submitted for information to the Council at its meeting to be held in February 2010; and*
- (vi) *a delegation register of items being kept and made available for public inspection during the period that the delegation applies.”*

The items that were dealt with under Delegated Authority are listed in Appendix 9.4.2.

The reports are "Laid on the Table", but will be included in the Council Minutes.

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY:

The Local Government Act 1995 states:

*“Delegation of some powers and duties to CEO
5.42(1) A local government may delegate to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act (other than those referred to in section 5.43 and this power of delegation).”*

Matters requiring an Absolute or Special Majority decision of the Council cannot be approved under Delegated Authority.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town’s Strategic Plan 2009-2014 - Objective 4 – “*Leadership, Governance & Management*” – 4.1 – Provide good strategic decision-making, governance, leadership and professional management.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The use of Delegated Authority was in keeping with the Council’s practice of providing a high standard of customer service to continue processing ratepayer requests and development applications.

A complete list and copy of the reports considered under Delegated Authority will be included in the Council Minutes.

9.4.4 Loftus Centre, 99 Loftus Street, Leederville – Management Committee

Ward:	South	Date:	16 February 2010
Precinct:	Oxford Centre	File Ref:	PRO3829
Attachments:	001		
Reporting Officer:	M Rootsey, Director Corporate Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Unconfirmed Minutes of the Loftus Centre Management Committee Meeting held on 9 February 2010, as shown in Appendix 9.4.4.

COUNCIL DECISION ITEM 9.4.4

Moved Cr Topelberg, Seconded Cr Farrell

That the recommendation be adopted.

CARRIED “EN BLOC” (9-0)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the Loftus Centre Management Committee meeting held on the 9 February 2010.

BACKGROUND:

At the Ordinary Meeting of Council held on 19 December 2006, Item 10.4.9 the Council approved of a Management Committee for the Loftus Centre, as follows:

“OFFICER RECOMMENDATION:

That the Council APPROVES BY AN ABSOLUTE MAJORITY;

- (i) *pursuant to Section 5.9(2)(c) of the Local Government Act 1995, to establish a Committee to determine the day-to-day operational issues of the Loftus Centre, 99 Loftus Street, Leederville;*
- (ii) *the Committee shall comprise of the following persons;*
 - (a) *the Town's Chief Executive Officer or his representative;*
 - (b) *a representative of Belgravia Leisure Pty Ltd;*
 - (c) *a representative of Gymnastics WA;*
 - (d) *a representative of the Loftus Community Centre; and*
 - (e) *the Town's Manager Library and Information Services;*
- (iii) *in accordance with the Lease between the Town and Belgravia Leisure Pty Ltd, to APPOINT the Chief Executive Officer (with the and Executive Manager Corporate Services as Deputy) to the Committee; and*

- (iv) *to delegate the following functions to the Committee;*
- (a) *to determine day to day operational issues (including without limitation, use of the Premises, Common Areas cleaning, security issues, and use of the car park) which may arise as a result of the Lessee's use of the Loftus Centre Facilities with a view to ensuring the safe and efficient use of the Centre's Facilities by all users;*
 - (b) *to establish and review risk management plans for the Centre's Facilities;*
 - (c) *to consider and approve, if satisfactory, temporary structures within the Centre's Facilities;*
 - (d) *to make recommendations for the maintenance of Common Areas;*
 - (e) *to make recommendations for any capital improvements to the Centre's Facilities; and*
 - (f) *to do all such other things and to determine all such other issues in respect of the Centre's Facilities as are incidental or conducive to the above objects or any of them."*

CONSULTATION/ADVERTISING:

N/A.

LEGAL/POLICY

It is the Town's practice that Committee Meeting Minutes be reported to the Council.

STRATEGIC IMPLICATIONS:

The Town of Vincent's Plan for the Future, Strategic Plan 2009 – 2014:
*"Key Result Area Four – Leadership, Governance and Management - Objective 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."*

SUSTAINABILITY IMPLICATIONS:

N/A.

FINANCIAL/BUDGET IMPLICATIONS:

N/A.

COMMENTS:

The reporting of the Town's Committee Minutes to the Council Meeting is in keeping with the Local Government Act 1995 and its regulations.

9.2.1 Leederville Early Childhood Centre (LECC), 244A Vincent Street, Leederville – Request for Financial Assistance to Upgrade Bathroom and Toilet Facilities

Ward:	South	Date:	12 February 2010
Precinct:	Oxford Centre	File Ref:	PRO0885
Attachments:	001 , 002		
Reporting Officers:	M Rootsey, Director Corporate Services R Lotznicker, Director Technical Services		
Responsible Officer:	M Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council APPROVES BY AN ABSOLUTE MAJORITY;

- (i) *the proposed upgrade to the Kindergarten/Playschool bathroom and toilet facilities at the Leederville Early Childhood Centre, 244A Vincent Street, Leederville, as outlined in the report and Plans shown in Appendix 9.2.1A and B; and*
- (ii) *to reallocate \$50,000 as part of the 2009/10 Budget Review to enable the requested works to be undertaken as a priority, and this be funded from the additional revenue received.*

COUNCIL DECISION ITEM 9.2.1

Moved Cr Harvey, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

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

PURPOSE OF REPORT:

The purpose of this report is advise of a request received from the Leederville Early Childhood Centre (LECC) for financial assistance to enable them to undertake some essential works to upgrade the bathroom and toilet facilities, as a priority.

BACKGROUND:

The LECC is leased from the Town of Vincent by the Department of Community Services. The current lease commenced on 1 May 1993 and is due to expire on the 30 April 2014.

LECC has been providing high quality childcare to Town of Vincent families for 17 years. The Centre services around 150 families per year, approximately 80% of whom live in the Town. LECC is a not-for-profit, community based childcare centre with a committed Management Committee of local parents who strive to provide quality services for those in most need within the Town.

Due to the ongoing uncertainty regarding the Centre's possible relocation, the LECC committee delayed undertaking some essential major works, some for a number of years, as there was a reluctance to spend money on an aging facility which appeared more than likely to be demolished and rebuilt in a new location.

DETAILS:

LECC improvements undertaken over the last 3 years:

The LECC Management Committee approved some recent improvements, sought external grant funding and contributed half of the funds for these themselves.

Kindergarten/Playschool Top Garden Renovation:

- Construction of a mud pit;
- Mini sensory garden installed;
- Extended sandpit with climbing apparatus installed;
- Grass replaced;
- Construction of a climbing net;
- Synthetic grass installed around climbing net;
- Installation of two drinking fountains - \$1,500.

Kitchen Renovations 2009:

- Ceiling lowered (removal of metal roof over food preparation area);
- Removal and installation of a walk-in-pantry;
- Removal and installation of new cabinets;
- Removal of all existing bench/sink works and installation of new ones;
- New commercial dishwasher purchased;
- New refrigerator purchased - \$1,400;
- New exhaust fan installed;
- Tiled all surrounding walls;
- Commercial oven purchased (2004) - \$2,030;
- Added hideaway cupboard for storage of children's chairs.

Other:

- Replacement of fences in Toddlers and Babies yard (2009);
- Added a hill to the Babies Garden and covered with synthetic grass (2009);
- Installation of new floor coverings in the foyer, kitchen, corridor, staff room and the office (2009);
- New office furniture - \$514
- Removal of concertina wall between two rooms and replaced with a mattress cabinet (2008);
- Removal of cubby to extend foyer area (2008) - \$2,700.

Overall, the Centre has spent \$105,668. on building improvements and Centre equipment over the last 18 months.

Grants received:

- LotteryWest – for kitchen and garden renovations (2009) - \$40,042;
- LotteryWest (2005) - \$10,000;
- Chevron (2009) - \$5,000;
- Bendigo Bank (2009) - \$2,500;
- The Department of Community Services reimbursed the Centre for the cost of the extractor fan.

Outstanding Essential Works:

Several remaining essential works are as follows:

- Kindergarten/Playschool bathroom renovations;
- Repainting of the inside - \$10,000;
- Air-conditioning units require new belts at an estimated cost of \$1,000.

With the proposed relocation of the Centre now unlikely, in at least the short to medium term, the LECC have advised the Town that they are keen to progress some of the essential works, with the priority being to renovate the Kindergarten/Playschool bathroom area situated between the kindergarten and playschool rooms.

Kindergarten/Playschool bathroom Renovations:

The LECC have advised that the current issues with bathroom area include the following:

- *There are two single tap hand basins for around 45 children, all of the toilet training age. It is important that children of this age are able to use the toilet and sinks when needed. This is to develop their sense of self care and independence, as opposed to potties and nappies;*
- *There is no external access to these toilets, so supervision is difficult when most of the children are playing outside. The change tables are not big enough to accommodate children over the age of two, creating an occupational health and safety hazard.*
- *The children are afforded little privacy while using the toilets as they can be seen from the entrance to both the kindergarten room and the playschool room. Anyone visiting the rooms, including those being shown around the Centre, is able to see them potentially raising child protection issues.*

The proposal includes the following:

- Removal of an internal wall to create one large bathroom, instead of two smaller ones
- New bathroom to include four small toilets, two urinals and two hand basins, as well as better storage and changing areas
- Moving the internal doors to the toilets so children cannot be seen from the entrance to the rooms. An external door would allow easy access to the bathroom from the outside play area.

The Centre has stated that these renovations would greatly improve the toileting experience for the children, help the staff of the Centre to comply with the relevant occupational, health and safety and child protection laws and to improve the ability of staff to supervise the children.

Request for Financial Assistance from the Town:

The LECC is seeking financial assistance from the Town for the bathroom renovations. The estimated cost of the project is \$50,000 including contingencies.

Although the LECC is owned by the Town, and is an outstanding community asset with a first class reputation, it has received no funding from the Town over the last five years. The LECC have obtained funds from a variety of sources, as outlined above, including from fundraising.

The LECC have requested that the works start immediately to minimise disruption during the summer months as more outdoor play takes place and the temporary toilets would need to be set up outside. The winter months would be too cold and wet for the children to trek outside to use the temporary toilets.

The LECC also believe the bathroom facilities are in urgent need of upgrade and any delay could increase the cost of the project significantly. Plans have been prepared and quotations have been obtained with work ready to commence as soon as the funding is available.

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The LECC is leased from the Town by the Department of Community Services (now Department for Communities) until 30 April 2014.

The Town is responsible for structural items – such as the upgrade to the bathroom, as prescribed in the Lease.

STRATEGIC IMPLICATIONS:

The Town of Vincent's Plan for the Future, Strategic Plan 2009 – 2014: *“Key Result Area One – Natural and Built Environment - Objective 1.1: Improve And Maintain The Environment And Infrastructure: 1.1.5 Enhance and maintain parks, landscaping and community facilities.”*

SUSTAINABILITY IMPLICATIONS:

The renovations to the bathroom will include the use of environmentally friendly “waterwise” tap fittings.

FINANCIAL/BUDGET IMPLICATIONS:

The proposed work has been estimated at \$50,000, which is to be funded as part of the 2009/10 Budget Review.

COMMENTS:

As outlined in the report, the LECC is seeking financial assistance from the Town for the bathroom renovations. The cost of the project is estimated to cost \$50,000 and although the LECC is owned by the Town, and is an outstanding community asset with a first class reputation, it has received no funding from the Town over the last five (5) years.

The proposed bathroom renovations are required to be undertaken as a priority and the Town's officers have prioritised this essential work to be funded as part of the current Budget Review.

It is therefore recommended that the Town provide the LECC with the required funding assistance to enable the requested works to be undertaken immediately.

9.1.14 Nos. 208-212 (Lot: 123 D/P: 9320) Beaufort Street, Perth - Proposed Demolition of Existing Building and Construction of a Drive-In Fast Food Outlet/Restaurant and Associated Signage (McDonalds)

Ward:	South	Date:	15 February 2010
Precinct:	Beaufort Precinct - P13	File Ref:	PRO3329; 5.2009.583.1
Attachments:	001;002		
Reporting Officer:	A Dyson, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by TPG on behalf of the owner Major Holdings Pty Ltd & G T Gunning for proposed Demolition of Existing Building and Construction of a Drive-In Fast Food Outlet/Restaurant and Associated Signage (McDonalds), at Nos. 208-212 (Lot 123; D/P 9320) Beaufort Street, Perth, and as shown on plans stamp-dated 1 February 2010, 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 development is considered an under development of the site in accordance with the Town of Vincent Policy No. 3.3.13 relating to the Beaufort Precinct;*
- (iii) the non-compliance with the Town's Policy No. 2.2.4 Relating to Crossover Specifications;*
- (iv) the non compliance with the Town's Policy 3.5.2 Relating to Signs and Advertising Policies; and*
- (v) consideration of the objections received.*

PROCEDURAL MOTION

COUNCIL DECISION ITEM 9.1.14

Moved Cr McGrath, Seconded Cr Farrell

That the item be DEFERRED to enable the applicant to provide the following additional information:

- (i) a further Transport Statement incorporating assessment of traffic loads and intersection performance, based on Beaufort Street being a two way road, as currently planned by the City of Perth and under consideration by the Town of Vincent;*
- (ii) the development of a single storey restaurant is seen as a significant underutilisation of the subject site. The Council strongly encourages the applicant to consider options to allow for the site to be developed into a modern three storey mixed use building (demonstrating best practice sustainable design) and potentially accommodating an eating house/fast food outlet on the ground floor; and*
- (iii) a Social Impact Statement being provided as part of any proposed development of this site for a fast food outlet.*

PROCEDURAL MOTION PUT AND CARRIED (9-0)

Landowner:	Major Holdings Pty Ltd & G T Gunning
Applicant:	TPG Town Planning and Urban Design
Zoning:	Metropolitan Region Scheme: (MRS) Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Vacant Site
Use Class:	Drive-Thru & Fast Food Restaurant
Use Classification:	"AA"
Lot Area:	3048 square metres
Access to Right of Way	N/A

BACKGROUND:

19 October 2007 The Town approved under Delegated Authority demolition of the existing building on-site and Extension of the Approved Fee Paying Car Park.

17 December 2009 The Town recommended approval to the Western Australian Planning Commission under Delegated Authority for a plan to subdivide the existing site into two lots and a boundary realignment of the eastern half of the adjoining property with Nos. 173-179 Stirling Street.

DETAILS:

The proposal involves the development of the vacant site on the corner of Beaufort and Parry Streets, Perth for a "McDonalds" take-away restaurant and associated drive-thru. The development of the site includes the main restaurant building, terrace and playground fronting Beaufort Street, with a drive-thru area and car park fronting Parry Street, at the rear of the site. The restaurant provides seating for 98 persons and is proposed to open 24 hours a day, 7 days per week.

The land uses within the immediate locality along Beaufort Street are a mixture of commercial, office and residential uses. The height of buildings in the surrounding area ranges from single storey to a maximum of four storeys in height. The property is adjacent to Weld Square.

The applicant's submission for the proposal, including a transport statement, is "*Laid on the Table and as Attachment 002*" and summarised below:

- The development is for a Fast Food Take Away Restaurant.
- The site is currently vacant and contains the remnants of a previous commercial building.
- The proposed layout of the site takes advantage of the active commercial strip of Beaufort Street and sensitively locates parking to the rear of the site.
- The site is located in close proximity to various transport options including bus services on Beaufort Street and nearby William Street and the Perth Train Station.
- Restaurant offers patrons the full range of services and facilities found in the company's other Restaurants.
- The proposal will provide a suitable transition of scale between the central city and nearby residential areas and will develop a currently underutilised site.
- The scale of the development is consistent with surrounding uses.
- The proposed access has been specifically designed from Parry Street as opposed to Beaufort Street to take access away from major streets.
- The proposed use will provide convenience to visitors and residents of the locality.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Beaufort Street Precinct - Commercial Area	The Beaufort Precinct is designed to become a mixed- use area of predominately Residential Uses. A diverse range of dwelling types to be incorporated with compatible commercial activities. A sensitive mix of uses, built form and development intensity is to be attained through the establishment of residential/commercial areas.	Single Storey Commercial – Fast Food Take Away Outlet	Not Supported – The Beaufort Precinct encourages development to accommodate a mix of uses and of a height of two to four storeys.
Parking and Access -Bicycle Parking - End of Trip Facilities	5 Class 1 or 2 Bicycle Facilities 10 Class 3 Bicycle Facilities Total= 15 Bike Racks As there are more than 10 Bike Racks required, end of trip facilities are required as per the Town's Policy.	12 Bike Racks No end of trip facilities Proposed.	Not Supported – An adequate number of Bike Racks should be provided for the development. Not Supported – As per the Town's Parking and Access Policy for Bicycles, where 10 or more bicycles are required for any development, end of trip facilities are to be provided.
Awnings	Continuous Awnings are encouraged over the adjoining footpaths.	A continuous awning over the south western corner of the building fronting Parry Street is not provided.	Supported – The proposed awning along the corner of Beaufort and Parry Street provides adequate cover for pedestrians and provides interaction with the streetscape.

<p>Signs and Advertising</p>	<p>Monolith Signs</p> <p>Not to be located within 1.0 metre of lot boundaries.</p> <p>Not exceed 6 metres in height or 2 metres in width.</p> <p>Be limited to no more than one Monolith sign per lot in relation to a business, shop or premises unless it is a corner lot where one sign per lot frontage may be permitted.</p> <p>Be the only freestanding sign permitted on the lot.</p>	<p>The monolith sign in the south western corner of the site abuts the boundary.</p> <p>The monolith sign is 8.9metres in height and 2.8metres wide.</p> <p>There are four examples of Monolith Signs proposed as part of the development.</p>	<p>Not supported – The design of the building could be amended to ensure that the sign is located 1.0 metre off the site boundary.</p> <p>Not supported – The height of the sign should comply with the provisions of the signage policy.</p> <p>Supported – The main monolith sign “McDonalds” facing north/south is the only major sign on site. The other three monolith signs are minor in nature and can be supported.</p> <p>As above</p>
<p>Consultation Submissions</p>			
<p>Support (1)</p>	<p>No comments provided</p>		<p>Noted.</p>
<p>Objections (9)</p>	<p>One comment provided</p> <ul style="list-style-type: none"> • Traffic Congestion – Traffic Congestion is a problem along Parry Street between Beaufort and Stirling Streets. There are repeated congested delays travelling off Beaufort into Parry Street and then across Stirling Street. The bus routes will also increase due to a denser mass of persons accessing the area. 		<p>Supported - The proposed development will increase the amount of patronage to the area significantly as the existing site is vacant. However the DoP has provided comment that the existing road network and the entry and exit paths are adequate for the use.</p>
	<ul style="list-style-type: none"> • Hours of Trade – 24 hour opening of Restaurant will present continual traffic noise throughout the night to the existing Residential and soon to be residents in the area. 		<p>Supported- In any mixed use area, the presence of people at night will be a by product of any retail area. This adds to the ambience of the area. However, having a commercial activity open 24 hours a day 7 days a week will facilitate in some form a reduction in amenity of the area.</p>

	<ul style="list-style-type: none"> • Encouragement of Wrong Element – At night time especially, this style of restaurant in this location to Northbridge will attract people who have been to Entertainment Area with the potential to cause noise and violence, causing greater Police presence with the potential to effect Residents enjoyment of their property. 	<p>Supported- In any mixed use area, the presence of people at night will be a by product of any retail area. This adds to the ambience of the area. However, having a commercial activity open 24 hours a day 7 days a week will facilitate in some form a reduction in amenity of the area.</p>
	<ul style="list-style-type: none"> • An acceptable commercial application should be presented on the site including shops and offices. 	<p>Supported – The proposed development is an under utilisation of the site and a mixed use development would be preferred on the site in accordance with the Beaufort Precinct Policy which encourages this type of development.</p>
<p>Department of Planning – (DoP) Urban Transport Systems</p>	<p>In its letter dated 12 January 2010 – the DoP noted:</p> <ul style="list-style-type: none"> • <i>The subject property abuts Beaufort Street, and is affected by an ORR reservation widening requirement for Beaufort Street.</i> • <i>The submitted plans shows the accesses are from Parry Street (Local Road). The Local Government’s Engineering Department is to ensure the design and compliance of the proposed crossover is to the desired standard.</i> • <i>It is noted that a subdivision application is with the WAPC and hence any condition imposed by the WAPC on the subdivision application needs to be taken into consideration.</i> • <i>Given the type and nature of the proposed development, the Department is of the view that the proposal might become a significant traffic generator for the future.</i> 	<p>Noted.</p> <p>Supported – Any approval of the proposed application will be conditional on the Town’s Engineering Policies being adhered to.</p> <p>Supported – Any approval of the application will be conditional on the WAPC’s conditions of approval being adhered to.</p> <p>Noted.</p>

	<p>In its letter dated 10 February 2010 following amendments to the plans and the provision of a Transport Statement, the DoP advised;</p> <ul style="list-style-type: none"> • <i>It is noted that two accesses proposed from Parry Street are dedicated entry and exit only. It is recommended that proper line marking and signage are placed to complement the proposed access arrangement.</i> • <i>Advertising Signs- Given the type and nature of the proposed signage, the Department would be prepared to support the placement of advertising signage on the condition that:</i> <ul style="list-style-type: none"> - <i>The advertisements do not interfere with sightlines, distract drivers or have the potential to become confused with traffic signals or road signs. This position reflects the Commission's Advertising on Reserved Land Policy DC 5.4, Paragraph 3.3.1; and</i> - <i>If the signage is within the land reserve, the proponent agrees to remove the signage structure without seeking compensation.</i> - <i>All signage should comply with the requirements of Main Roads (Control of Advertising) Regulations 2007. Please liaise with the Technical Advertising Officer prior to erecting any signage.</i> 	<p>Supported – A condition may be imposed in the event the application is supported.</p> <p>Supported – Any signage proposed would have to be referred to Main Roads before the issue of a Building Licence.</p>
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Other Implications

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

Car Parking

Car Parking Requirement (nearest whole number)	16 Car Bays Required
Queuing Area – 10.5m ² – 4.2 bays Seating Area - 54.4m ² - 12.088 bays	
Apply Adjustment Factors	(0.7225)
0.85 (Within 400m of Car Park) 0.85 (Within 400m of Bus Stop)	11.768 (12 Car Bays Required)
Minus the Car Parking provided on Site	13 Car Bays
Minus the most recently approved on-site car parking shortfall (apply above adjustment factors to shortfall)	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.

As noted above, the provision of car parking on the site complies with the provisions of clause 3.7.1 of the Town's Policy relating to Parking and Access. The provision of parking on-site is a total of 13 car bays, including 4 bays for staff and one ACROD Bay, with the remainder specifically for patrons of the Fast Food Restaurant. A calculation of the available parking on site, indicates a surplus of one car bay. In addition, it is anticipated that a significant number of persons will access the site, via walk up, or public transport.

COMMENTS:

TPG Planning and Design, on behalf of McDonalds, have submitted a report providing justification for the application, in addition to a transport statement, prepared by Transcore.

Transport Statement

The Transport Statement provided by the applicant details the existing nature of the site in terms of access and traffic ability, and the impact of the development on the existing road network. It also details the likely traffic flows into the site and how they can be disbursed upon leaving the area.

The site currently has two crossovers on Parry Street, with one crossover on the eastern lot boundary and the other crossover in the middle of the Parry Street lot frontage. The proposal is to have two crossovers to Parry Street, with the crossover adjacent to the eastern boundary designated as the entry only crossover (servicing entry traffic to the car park and drive thru), whilst the second crossover is designed for exit only traffic. The one way circulation through the site is designed "*to provide for efficiency, legibility and improving safety.*"

In addition to parking, the site is well accessed by public transport in the form of bus services, which pass the site at various times of the day. Pedestrian access is available to the site via the extensive footpath networks within the vicinity, and a pedestrian crossing available along Beaufort Street. Cycling access is catered for on the site through the provision of bike racks, as well as extensive Perth Bicycle Network Pathways.

Transcore, in their transport statement for the site, note that "*the site has satisfactory access by the existing road network, bus services and footpaths and that no particular transport or safety issues are presented by the development.*"

Technical Services Comments

The Town's Technical Services have reviewed the plans and have highlighted two issues presented by the development:

- Firstly, the loss of on-street parking presented by the development, which through the creation of entry and exit paths necessitates the loss of three street bays. These bays are currently free but are time restricted bays.
- Secondly, the provision of an entry and exit crossover as well as an extra width entry crossover, to allow for two entry paths to the drive thru, provides for a variation to the Town's Engineering Policies in terms of width of the crossover proposed. The Town's Policy relating to Crossovers stipulates that a maximum of a 7.5metre wide crossover is allowed on lots. The proposed development provides for a 9.0 metre wide crossover, as well as a 5.0 metre wide crossover.

Heritage

The site has previously been subject to a Heritage Assessment in 2007, where it was revealed that the subject building on the site, built in 1963 was used for various uses including offices, shops, warehouse and consulting rooms. ~~The subject place is considered to have minimal aesthetic value, architectural merit and is not considered as a place for entry on the Town's Municipal Heritage Inventory. Heritage Services has no objection to the proposal subject to a Demolition Licence being obtained prior to the commencement of any demolition works on site. The building was demolished in 2009.~~

Strategic Planning

The Beaufort Precinct (P13) Commercial area is seen as an extension to the Northbridge area and is characterised by its mix of shops, restaurants and other interactive uses continuing to be the predominant uses creating a link to Northbridge.

The Beaufort Precinct Policy indicates that the subject site could facilitate a maximum development of the site of three storeys accommodating a mix of uses. Accordingly, the proposed single storey development of the site as a Fast Food Take Away Outlet is considered to be an underdevelopment of the site. It is not discounted however, that when considering the surge in development and the urban design improvements in the East Perth Redevelopment Authority Area, to the south and west of the subject site, the proposed development could be considered to not detrimentally affect developer confidence or the holistic vision for the area.

~~It is acknowledged that the proposal only covers half of the substantial 3048 square meters lot, which is currently subject to a subdivision application with the WAPC. Therefore, the opportunity remains on the balance of the land for development of a more intense nature, which could offer a range of uses and housing types. The application also incorporates landscaping within the car parking area as well as providing articulation and a variety of material finishes, which whilst conforming to the franchise 'brand' requirements, is compatible with the new contemporary surrounding environment.~~

Overall, it is noted that the proposed development at one storey, covering less than half of the site with built area is considered an underutilisation of the site in this precinct, and the intended development potential under the Beaufort Precinct Policy.

Site Issues

Given the site's proximity to Weld Square, it is important to note that any future use of the subject property provides an active surveillance role, and does not add to, or promote, undesirable elements in the area.

The presence of an open car park area and the nature of the fast food premises being open 24 hours a day, 7 days per week will also likely promote a reduction to the amenity of the area and the Residential/Commercial mix being pursued by the Town.

In general, the proposal is not supportable, as the development of a single storey fast food restaurant and drive-thru, is an under development of the site and does not meet the development potential of the area. In addition, the presence of nine (9) objections to the development indicates community opposition to a development of this nature. In view of the above, it is recommended that the application be refused.

9.1.10 No. 73 (Lot: 137 D/P: 1237) Raglan Road, Mount Lawley - Proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Single Houses

Ward:	South	Date:	15 February 2010
Precinct:	Norfolk Precinct; P10	File Ref:	PRO4954; 5.2009.543.1
Attachments:	001 ; 002		
Reporting Officer:	T Cappellucci, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES the application submitted by T Noonan on behalf of the owner D & R Di Virgilio for proposed Demolition of Existing Single House and Construction of Two (2), Two-Storey Single Houses, at No. 73 (Lot 137: D/P 1237) Raglan Road, Mount Lawley, and as shown on plans stamp-dated 2 December 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 clause SADC 5 (a) of the Town's Residential Design Elements Policy No. 3.2.1, which requires the primary street setback to reflect the predominant streetscape pattern for the immediate locality which is defined as being the average setback of the five (5) adjoining properties on each side of the development;*
- (iii) *the non-compliance with clause BDADC 4 (a) of the Town's Residential Design Elements Policy No. 3.2.1, which requires in a predominately single storey streetscape, new development to minimise the impact of any upper floor at the primary street frontage;*
- (iv) *the non-compliance with clause 6.4.1 of the Residential Design Codes, which requires a minimum of forty five (45) per cent of the site be dedicated to open space; and*
- (v) *consideration of the objections received.*

Moved Cr Farrell, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 7.08pm.

Debate ensued.

Cr Farrell returned to the Chamber at 7.09pm.

Debate ensued.

AMENDMENT

Moved Cr Lake, Seconded Cr Harvey

That a new clause (vi) be inserted to read as follows:

“(vi) the non-compliance with side setbacks.”

Debate ensued.

The Mover, Cr Lake advised that she wished to change her amendment and reword it to include the words “and buildings on boundary requirements”.

The Seconder, Cr Harvey agreed.

AMENDMENT PUT AND CARRIED (9-0)

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.1.10

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 T Noonan on behalf of the owner D & R Di Virgilio for proposed Demolition of Existing Single House and Construction of Two (2), Two-Storey Single Houses, at No. 73 (Lot 137: D/P 1237) Raglan Road, Mount Lawley, and as shown on plans stamp-dated 2 December 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 clause SADC 5 (a) of the Town’s Residential Design Elements Policy No. 3.2.1, which requires the primary street setback to reflect the predominant streetscape pattern for the immediate locality which is defined as being the average setback of the five (5) adjoining properties on each side of the development;*
 - (iii) the non-compliance with clause BDADC 4 (a) of the Town’s Residential Design Elements Policy No. 3.2.1, which requires in a predominately single storey streetscape, new development to minimise the impact of any upper floor at the primary street frontage;*
 - (iv) the non-compliance with clause 6.4.1 of the Residential Design Codes, which requires a minimum of forty five (45) per cent of the site be dedicated to open space;*
 - (v) consideration of the objections received; and*
 - (vi) the non-compliance with side setbacks and buildings on boundary requirements.*
-

Landowner:	D & R Di Virgilio
Applicant:	T Noonan
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R40
Existing Land Use:	Single House
Use Class:	Single Houses
Use Classification:	"P"
Lot Area:	577 square metres
Access to Right of Way	South side, 4 metres wide

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

The proposal involves the demolition of the existing single storey house and the construction of two (2), two storey single houses, side by side, with both houses having their garages accessed via the right of way to the south.

The applicant's submission, along with the petition objecting to the proposed development, is "*Laid on the Table and Attachment 002*".

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Front Setbacks: <i>Ground Floor</i>	To be consistent with existing streetscape, in line with 5 adjoining properties. Average of 5.8 metres.	Front setback to Raglan Road is 3.88 metres.	Not Supported – The front setback to Raglan Road does not maintain the streetscape character along that portion of Raglan Road. The demolition of the existing single house, to be replaced by the construction of two (2), two-storey single houses does not preserve and enhance the visual character of the adjacent dwellings when viewed from the street. In addition, lot widths proposed side by side, is not consistent with the lot widths within the immediate street block on both sides of the street.

<p>Boundary Setbacks: Ground Floor <i>73A Raglan Road</i></p> <p>Side 2 (East) – Family/Meals</p>	<p>1 metre</p>	<p>Nil</p>	<p>Supported - Not considered to have an undue impact on the neighbouring property as the length and height of the wall is not substantial for a two storey single house on a narrow lot.</p>
<p>Side 2 (East) – Laundry/Home Theatre</p>	<p>1 metre</p>	<p>Nil</p>	<p>Supported - Not considered to have an undue impact on the neighbouring property as the length and height of the wall is not substantial for a two storey single house on a narrow lot.</p>
<p><i>73B Raglan Road</i></p> <p>Side 1 (West) – Family/Meals</p> <p>Side 1 (West) – Laundry/Home Theatre</p>	<p>1 metre</p> <p>1 metre</p>	<p>Nil</p> <p>Nil</p>	<p>Supported - Not considered to have an undue impact on the neighbouring property as the length and height of the wall is not substantial for a two storey single house on a narrow lot.</p> <p>Supported - Not considered to have an undue impact on the neighbouring property as the length and height of the wall is not substantial for a two storey single house on a narrow lot.</p>
<p>Upper Floor <i>73A Raglan Road</i></p> <p>Side 2 (East) – Ensuite</p>	<p>1.2 metres</p>	<p>Nil</p>	<p>Supported – Length of the ensuite wall on the boundary is 3.85 metres which is considered a minor variation. In addition, significant vertical and horizontal articulation of the eastern upper floor has been incorporated. The variation is not considered to have an undue impact on the neighbouring property’s amenity and active habitable spaces as the proposed boundary wall is built against the existing driveway of No. 71 Raglan Road.</p>

Side 2 (East) – Bed 2	1.2 metres	Nil	Supported – The length of the Bed 2 wall on the boundary is 4.4 metres which is considered a minor variation. In addition, significant vertical and horizontal articulation of the eastern upper floor has been incorporated. The variation is not considered to have an undue impact on the neighbouring properties amenity and active habitable spaces as the proposed boundary wall is built against the existing driveway of No. 71 Raglan Road.
Side 2 (East) – Balcony <i>73B Raglan Road</i>	2.8 metres	1.26 metres	Supported – Not considered to have an undue impact on the amenity of the adjoining property.
Side 1 (West) – Ensuite	1.2 metres	Nil	Supported – Length of the ensuite wall on the boundary is 3.85 metres which is considered a minor variation. In addition, significant vertical and horizontal articulation of the western upper floor has been incorporated. The variation is not considered to have an undue impact on the neighbouring properties amenity and active habitable spaces as the proposed boundary wall is built against a pedestrian accessway for the rear property at No. 77 Raglan Road.
Side 1 (West) – Bed 2	1.2 metres	Nil	Supported – Length of the Bed 2 wall on the boundary is 4.4 metres which is considered a minor variation. In addition, significant vertical and horizontal articulation of the western upper floor has been incorporated. The variation is not considered to have an undue impact on the neighbouring properties amenity and active habitable spaces as the proposed boundary wall is built against a pedestrian access way for the rear property at No. 77 Raglan Road.

Side 1 (West) – Balcony	2.8 metres	1.26 metres	Supported – Not considered to have an undue impact on the amenity of the adjoining property.
Buildings on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 of the length of the boundary behind the front setback, to one side boundary.	Four boundary walls proposed on two side boundaries for both 73A and 73B Raglan Road. <i>73A Raglan Road</i> Two Parapet Walls on Eastern Boundary: Wall Height – 5.7 metres to 6 metres (average = 5.85 metres) Wall Length – Required: 2/3 = 22.89 metres Proposed length = 15.66 metres <i>73B Raglan Road</i> Two Parapet Walls on Western Boundary: Wall Height – 5.7 metres to 6 metres (average = 5.85 metres) Wall Length – Required: 2/3 = 22.89 metres Proposed length = 15.66 metres	Supported - Not considered to have an undue impact on neighbouring properties of No. 71 Raglan Road (east) and Nos. 75 & 77 Raglan Road (west) as it does not represent a building of excessive bulk and scale, as the length of the portions of walls on the boundaries are only 3.85 metres and 4.4 metres. The walls do not alter the ability for direct sun to major openings of habitable rooms and outdoor living areas. As the lot is limited in size, the wall heights and lengths on the adjoining boundaries, are not considered excessive for two (2), two storey single houses.
Building Articulations:			
For 73B Raglan Road, East upper floor wall for Study/Bath/Bed 3 and West upper floor for void.	Any portion of wall greater than 9 metres in length is required to incorporate horizontal and vertical articulation.	The length of the eastern subject wall is 14.1 metres without articulation while the western is 9.3 metres.	Supported – The eastern upper floor wall of 14.1 metres is acceptable as it abuts the proposed No. 73A Raglan Road. The western wall of the upper floor void of 9.3 metres contains four windows, therefore providing articulation and represents a minor variation.

<p>For 73A Raglan Road, West upper floor wall for Study/Bath/Bed 3 and East upper floor for void.</p>		<p>The length of the western subject wall is 14.1 metres without articulation while the eastern is 9.3 metres.</p>	<p>Supported – The western wall is acceptable as it abuts the proposed No. 73B Raglan Road. The eastern wall of the upper floor void of 9.3 metres contains four windows, therefore providing articulation and represents a minor variation.</p>
<p>Building Bulk:</p>	<p>In a predominately single storey streetscape, new development to minimise impact of any upper floor at primary street frontage.</p>	<p>Proposed two (2), side by side, two storey single houses with upper floors setback 7 metres.</p>	<p>Not Supported – The streetscape of Raglan Road is predominately single storey and the proposed new development is for two (2), two-storey single houses, which it is considered will dominate, rather than complement, the immediate streetscape and adjacent properties. While the proposed development does setback the upper floors in accordance with front setback requirements and incorporates articulation to both side elevations to the adjoining properties of Nos. 71, 75 & 77 Raglan Road, as well as the front elevation to Raglan Road, the development still dominates the streetscape rather than complementing it.</p>
<p>Open Space:</p>	<p>Minimum total of 45% of site.</p>	<p>41.77% for both 73A & 73B Raglan Road.</p>	<p>Not Supported – Given the non-compliant ground floor front setback of the subject properties, the proposal results in a development inconsistent with the existing streetscape, in line with five adjoining properties. As per the Performance Criteria of the R-Codes under clause 6.4.1 “Open Space Provision”, there is insufficient open space around the buildings to allow an attractive streetscape towards Raglan Road, the open space variations for both Nos. 73A & 73B cannot be supported. This open space variation does not allow the prominent characteristics of the streetscape, in particular, the front setback of the ground floor, to be compliant with the Town’s requirements.</p>

Outdoor Living Area:	Minimum length and width dimensions to be 4 metres.	Length for both outdoor living areas is 3.61 metres.	Not Supported – Considered to have an undue impact on the amenity of the dwellings.
	To have at least 2/3 of the required area (20 square metres) without permanent roof cover.	Both outdoor living areas have only 10.53 square metres without permanent roof cover in-lieu of the required 13.32 square metres.	Not Supported – Considered to have an undue impact on the amenity of the dwellings.
Site Works: 73A Raglan Road	Consideration is given to the impact of cut or fill on the visual privacy, amenity and overshadowing of adjoining properties.	Excavation to a maximum of 1000 millimetres from natural ground level is proposed for the paved courtyard adjacent to 71 Raglan Road and the family/kitchen rooms and porch adjacent to 73B Raglan Road.	Supported – In regards to the courtyard, the excavation reduces the potential for overlooking and reduces any overshadowing effecting the adjoining property at No. 71 Raglan Road. Whilst the family/kitchen rooms and porch are adjacent to 73B Raglan Road, it is not considered the excavation will have an impact.
Privacy Setbacks: 73A Raglan Road - Balcony (towards Raglan Road)	7.5 metres	1.505 to 4.9 metres to western property boundary and 1.26 to 2.5 metres to eastern property boundary.	(Western Boundary) – Supported – The reduced setback affects No. 73B Raglan Road; hence, the variation can be supported. (Eastern Boundary) – Supported – The balcony faces and overlooks the front yard of No. 71 Raglan Road and not into any active habitable spaces or outdoor living areas.
- Balcony (towards ROW)	7.5 metres	0.7 metre to western property boundary and 5.7 metres to eastern property boundary from the southern elevation.	(Western Boundary) – Supported – The balcony faces No. 73B Raglan Road; hence not an issue, as same owner. (Eastern Boundary) – Not Supported – Considered to have an undue impact on the amenity of the adjoining property.

<p>73B Raglan Road - Balcony (towards Raglan Road)</p>	<p>7.5 metres</p>	<p>1.505 to 4.9 metres to eastern property boundary and 1.26 to 2.5 metres to western property boundary.</p>	<p>(Eastern Boundary) – Supported – The balcony faces No. 73A Raglan Road hence not an issue, as same owner. (Western Boundary) – Supported – The balcony faces and overlooks the front yard of No. 75 Raglan Road and not into any active habitable spaces or outdoor living areas.</p>
<p>- Balcony (towards ROW)</p>	<p>7.5 metres</p>	<p>0.7 metre to eastern property boundary and 5.7 metres to western property boundary from the southern elevation.</p>	<p>(Eastern Boundary) – Supported - Is towards No. 73A Raglan Road therefore not an issue as same owner. (Western Boundary) – Not Supported – Condition will need to be placed for screening to a minimum of 1.6 metres above the finished upper floor level, in the event of approval.</p>
<p>- Bed 1 facing South</p>	<p>4.5 metres</p>	<p>2.5 metres to western property boundary.</p>	<p>Not supported – Considered to have an undue impact on the neighbouring property and an objection has been received from the directly affected neighbour.</p>

Consultation Submissions

<p>Support (0)</p>	<ul style="list-style-type: none"> • Nil 	<ul style="list-style-type: none"> • Noted.
<ul style="list-style-type: none"> • Objection (10) • Petition signed by 32 residents in the surrounding area objecting to the proposal. 	<ul style="list-style-type: none"> • The bulk and scale of the development is excessive in comparison with other homes in the existing streetscape of Raglan Road. 	<ul style="list-style-type: none"> • Supported – The streetscape of Raglan Road is predominately single storey. The proposed two (2) two storey single houses are considered to dominate, rather than complement, the immediate streetscape and adjacent properties. While the proposed development achieves an upper floor setback in accordance with front setback requirements and incorporates articulation to both the side elevations to the adjoining properties of Nos. 71, 75 & 77 Raglan Road, as well as the front elevation to Raglan Road, the development dominates the streetscape.

	<ul style="list-style-type: none"> The open space proposed for the development is insufficient as it needs more open space to complement the buildings existing and respect the streetscape. 	<ul style="list-style-type: none"> Supported – The open space around the building, in addition to the outdoor living area being non-compliant with the required length dimension and not having at least two-thirds of the required area without permanent roof cover, is not supported, as it results in a development not having a primary street setback on the ground floor which is consistent with the existing streetscape.
	<ul style="list-style-type: none"> The development does not respect the streetscape as the majority of houses on Raglan Road are single storey homes with consistent front and side setbacks. 	<ul style="list-style-type: none"> Supported – The ground floor setback to Raglan Road of 3.88 metres does not reflect the streetscape pattern for the immediate locality.
	<ul style="list-style-type: none"> Amenity impacts on properties immediately adjacent to, in front of, and behind the proposed development. 	<ul style="list-style-type: none"> Supported in Part – The length and height of boundary walls on the side boundaries is minimal for a lot limited in size, and is considered a minor variation. In addition, significant vertical and horizontal articulation of the western and eastern upper floors have been incorporated towards Nos. 71, 75 & 77 Raglan Road, with undue impacts on the neighbouring properties habitable spaces.
	<ul style="list-style-type: none"> Height of development. 	<ul style="list-style-type: none"> Not Supported – Proposal complies with height requirements.
	<ul style="list-style-type: none"> No concern for heritage values. 	<ul style="list-style-type: none"> Not Supported – A full heritage assessment was undertaken for No. 73 Raglan Road. 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, the Heritage Officers have no objection to the proposal.

	<ul style="list-style-type: none"> The proposed outdoor living areas do not respond to the site context and should be designed to satisfy the acceptable development and performance criteria provisions of the R-Codes. 	<ul style="list-style-type: none"> Supported – As a result of the outdoor living area being not the required minimum length dimension and not providing at least two-thirds of the required area without permanent roof cover, in addition to the open space variation mentioned above, the development is inconsistent with the existing streetscape.
	<ul style="list-style-type: none"> Privacy setback of balcony (near right of way). 	<ul style="list-style-type: none"> Supported – The second storey balcony (near the right of way) has the potential to overlook adjoining properties. If approved, a condition should be applied to address this.
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:

Heritage

The subject dwelling at No. 73 Raglan Road, Mount Lawley was originally built in a Federation Bungalow style of architecture circa 1903; however, it has been adapted into a contemporary dwelling in the 1960s which features a Post-war conventional suburban style of architecture.

The WA Post Office Directories first list the subject dwelling in 1903, with the earliest occupant H. Reay. Since then, the subject dwelling has been transferred several times to new owners and occupiers.

A full heritage assessment was undertaken for No. 73 Raglan Road, Mount Lawley, based on the plan dated 2 December 2009, which indicates that the place has little aesthetic, historic, scientific or social heritage significance. In accordance with the Town's Policy relating to Heritage Management – Assessment, the place does not meet the threshold for entry on the Town's Municipal Heritage Inventory.

In light of the above, the Heritage Officers have no objection to the proposal.

Planning

The proposed demolition of the existing single storey house and the construction of two (2), two storey single houses, side by side, does not maintain the prominent streetscape character along Raglan Road. The lot dimensions of the subject single houses are not consistent with the existing pattern of development in the immediate street block, resulting in the subject proposal dominating rather than complementing the immediate streetscape and adjacent properties.

There is opportunity for the ground floor front setback to Raglan Road to be increased to be consistent with the existing streetscape. In addition, by having a ground floor setback consistent with the existing streetscape of Raglan Road, this will result in the open space and private open space and associated dimensions variations, being compliant with the requirements of the Residential Design Codes.

Therefore, in light of the variations to open space, private open space and associated dimensions, building bulk and the setback to the primary street of Raglan Road detailed above, as well as the objections received, the proposal is not supported by the Town's Officers and the proposal is therefore recommended for refusal.

9.1.18 Progress Report No. 2 – Research into Policies and Processes Relating to Streetscape Management within the Town

Ward:	Both	Date:	16 February 2010
Precinct:	All Precincts	File Ref:	PLA 0197
Attachments:	001		
Reporting Officer:	E Lebbos, Strategic Planning Officer S Kendall, Senior Planning Officer (Strategic)		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) **RECEIVES** the Progress Report No. 2 relating to research into an appropriate Policy and process concerning streetscape management of ‘character’ streets within the Town;
- (ii) **NOTES that:**
 - (a) the Town’s Officers have undertaken research into other appropriate policies and processes relating to streetscape management currently operational in Local Authorities within Western Australia, to address clause (iii) (a) of the Council resolution made at its Ordinary Meeting held on 22 September 2009 relating to Item 9.1.5 - Research into Engaging with the Community to Establish Views on Streetscape Management and to Develop Policies to Support those Views – Progress Report No. 1; and
 - (b) the Town’s Officers will report back to the Council by April 2010, with a draft Streetscape Policy, where streetscapes are identified by a community nomination process;
- (iii) **AUTHORISES** the Chief Executive Officer to;
 - (a) include specific provisions relating to the importance of maintaining the Town’s established residential character in the preparation of the Town of Vincent Town Planning Scheme No. 2;
 - (b) include a statement detailing the type of housing stock and associated residential character, which is valued by the Town in each of the new Precinct statements, which are being prepared as part of the Review of the Planning and Building Policy Manual alongside the review of the Town of Vincent Town Planning Scheme No. 1;
 - (c) review and amend for further consideration the Town’s Policy No. 3.2.1 relating to Residential Design Elements to require an Amenity Impact Statement to be prepared by the developer, to ensure compatibility of development with the established character areas, taking into consideration setbacks, roof pitches, materials, design and landscaping, in the following instances:
 - (1) where a dwelling originally constructed prior to 1945 is being demolished; and
 - (2) the replacement dwelling is two-storey in height.

COUNCIL DECISION ITEM 9.1.18

Moved Cr Lake, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

PURPOSE OF REPORT:

The purpose of this report is to present to the Council, the further research into the development of an alternative Policy and process, relating to the management of 'character' streets within the Town of Vincent, in accordance with the Council resolution made at its Ordinary Meeting held on 22 September 2009.

Commentary on community engagement on streetscape management will also be outlined in this report.

BACKGROUND:

At the Ordinary Meeting of Council held on 25 August 2009, the Council considered a report relating to Amendment No. 43 to Planning and Building Policies – Draft Policy Relating to Residential Streetscapes. This Draft Policy was prepared in response to a Council resolution at its Ordinary Meeting held on 23 January 2007, resolving that a new Policy relating to Streetscapes be prepared. Following an overview of the outcomes of the formal advertising period for the Draft Policy relating to Residential Streetscapes, the Council resolved not to proceed with the adoption of the Policy in its then current form, and instructed as follows:

- (a) *ENGAGE with the community to establish views on streetscape management and to develop appropriate policies to support those views;*
- (b) *REQUESTS the Chief Executive Officer to provide a report to the Council on an appropriate process and timeline by September 2009; and*
- (c) *REVIEW the format of the consultation letter and guidelines to accurately reflect how comments are to be considered.'*

In light of the above resolution, a progress report was presented to the Council at its Ordinary Meeting held on 22 September 2009. In relation to the progress report, the Council resolved as follows:

“That the Council;

- (i) *RECEIVES Progress Report No. 1 relating to research into engaging the community to establish views on streetscape management and to develop policies to support those views;*
- (ii) *NOTES that the Town’s Officers;*
 - (a) *have undertaken preliminary research into appropriate policies relating to streetscape management currently operational in Local Authorities both within Western Australia and interstate;*

- (b) *have undertaken preliminary research into appropriate processes to engage the community in order to establish views on streetscape management; and*
 - (c) *are in the process of reviewing the consultation letter and guidelines to accurately reflect how comments are to be considered, as part of the review of the Town's Community Consultation Policy No. 4.1.5; and*
- (iii) *ADOPTS the following indicative timeline relating to streetscape management;*
- (a) *further research including consultation focused on residential localities to be undertaken by the Town's Officers between September 2009 and June 2010 into the development of appropriate policies to support the community's views on streetscape management; and*
 - (b) *report back to the Council regarding the research undertaken by no later than July 2010, with progress reports in February and April 2010."*

DETAILS:

At its Ordinary Meeting held on 22 September 2009, the Council considered a report of preliminary research into other Local Government approaches to streetscape management to inform the Town's revised Streetscapes Policy. In particular, the City of Subiaco and Town of Victoria Park in Western Australia, as well as Bayside City Council in Victoria, were examined in relation to how these local authorities manage important streetscapes within their municipalities.

The analysis of these Council's management measures is continued in the attachment 001 to this report in table form, and also incorporates the City of Stirling provisions relating to Heritage Protection Areas. Four separate tables are presented with the following headings, to provide an easy reference and comparative tool:

1. Scheme Provisions - this table outlines the scheme provisions relating to each Municipality, which are geared to encourage and facilitate streetscape protection.
2. Demolition Provisions - this table outlines in which instances the Local Government will refuse an application for the demolition of a building and what mechanisms are in place to enable them to do so.
3. General Policy Provisions - this table outlines the various policy provisions, to ensure development is cognizant and respectful of existing established character for all residential development across a municipality. It does not include information on specific design guidelines for a particular area.
4. Design Guidelines for Specific Areas/Precincts - this table identifies specific policy/guidelines which have been adopted by the various Local Governments to protect certain areas.
5. From an analysis of the different Local Government approaches to character retention, the following observations have been made that are considered important guiding points for the Town's own revised approach to streetscape:

1. Character vs. Streetscape

The Town's previous approach whereby individual streets were listed generated significant objection and concern. Concern regarding inconsistency in selection and assessment criteria all led to some residents feeling unfairly targeted, especially when other streets of similar dwelling composition were not identified.

Comparisons can be made to the Town of Victoria Park and City of Bayside where it is apparent that the visual character is not always presented in a uniform or cohesive manner, say in an intact streetscape (for example Brookman and Moir Precinct). Rather the character is more identifiable in broader precinct areas, as a result of the different development history of a suburb (for example the predominance of Inter-war Bungalows in Mount Hawthorn, which contrast to the Federation Bungalows and Georgian Dwellings evident in Highgate).

In both examples, the respective Councils prepared a Neighbourhood Character Review (also referred as a Residential Character Study), which documented and defined the particular characteristics of each residential area that make it distinctive and valued by the local community. Precincts were defined to comprise only residential properties, and were based on the delineation of areas of similar character elements. Having a detailed analysis/description of the valued character of an area, would help create and/or further entrench the identity of each suburb.

One of the main recommendations from the Town of Victoria Park study was to '*encourage the retention of places of traditional residential character. Where there are concentrated aggregations of places of traditional residential character to recognise these as special control areas.*' To partially achieve this, section 3.29 relating to the Retention of Dwellings (3.2.9) in their *Local Planning Policy – Streetscape* outlines the particular residential character to be protected as follows:

- those places listed on the State Register of Heritage Places;
- those places listed in the Municipal Inventory;
- original places identified in the *Town of Victoria Park Residential Character Study*;
- those places located in Weatherboard Precincts and Weatherboard Streetscapes; and
- those dwellings constructed in or prior to 1945.

The Policy further provides a place will not be granted demolition approval unless it satisfies one or more of the following:

- the dwelling is structurally unsound; or
- the dwelling is wholly clad in fibro cement or asbestos wall cladding; or
- the dwelling is constructed after 1945; or
- if the dwelling is 'original,' planning approval has been obtained for the subsequent development proposed on-site.

The above provisions therefore extend the Town of Victoria Park's ability to refuse demolition of character places, or alternatively give the Town more leverage to ensure the replacement dwelling is of an appropriate form prior to demolition approval being granted.

The City of Bayside on the other hand, have a less prescriptive requirement for the retention of character dwellings in its *Neighbourhood Character Policy*, which states "*attempt to retain wherever possible intact and good condition dwellings that contribute to the valued character of the Precinct in designing new development.*"

2. Character vs Heritage

The case studies have demonstrated that in the Town of Vincent and the Cities of Stirling and Subiaco, for a place to be conserved for future generations, it must be listed on a Heritage list, which is protected under the Local Planning Scheme. It is noted that the City of Stirling was the only example where character was embedded in its 'Heritage Framework', in the form of Character Areas.

In compiling the Town's Municipal Heritage Inventory (MHI), the Town recognised that there are places, which may not be assessed to be of cultural heritage significance, but are of value for their overall contribution to the character of an area, such as townscapes or character areas. At the time, the Town defined Townscapes as *'collections of places that share, or have predominate characteristics such as common lot widths, building setbacks, roof forms and construction materials'*.

The Town considered it important that this Townscape value or areas of character should not be confused with the particular methodology and criteria applied for assessing and assigning particular cultural heritage value, to ensure the process of heritage listing was not undermined or weakened. When the significance of a place is mainly through its contribution to a defined area, then its retention and future development is best managed through development controls in the Planning Scheme and related policies, that address particular elements of that contribution. Places of cultural heritage significance will have management categories and processes applied to conserve their identified heritage value, whereas a Townscape will have planning policies that will retain their group aesthetic. Based on this rationale, the Town made a deliberate choice not to include 'streetscapes' or 'character areas' on the MHI, and rather opted to list individual properties, or small collections of properties, which had clear cultural heritage value.

It is recommended that this approach be maintained and that broad character areas should not be provided for as Heritage Areas under the Town's Scheme.

3. Outline Opportunities for Discretion

A criticism of the Town's Streetscape Policy was that it was too prescriptive and restrictive; thus highlighting the need for flexibility with regard to building style and to facilitate the appropriate integration of old and contemporary architecture.

In all case studies where a stringent requirement was imposed (that is, to retain a 'traditional house' as per the Town of Victoria Park; or restrict development to single storey in the City of Subiaco), the respective Councils clearly articulated those instances where discretion could be granted.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Town of Vincent Town Planning Scheme No. 1 (TPS No. 1) and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 – Strategic Objectives: Natural and Built Environment:

"1.1.2 Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision; ...

1.1.4 Minimise negative impacts on the community and environment."

SUSTAINABILITY IMPLICATIONS:

It is anticipated that a Policy relating to the management of 'character' streets within the Town, will have social and environmental dividends, by virtue of the retention and reuse of original housing stock, whilst also enabling contemporary development which embraces sustainable design principles.

FINANCIAL/BUDGET IMPLICATIONS:

The current 2009/2010 Budget allocates \$66,000 for Town Planning Scheme Amendments and Policies.

COMMENTS:

As part of the Council resolution at its Ordinary Meeting held on the 22 September 2009, it was requested that consultation focused on residential localities, be undertaken by the Town's Officers between September 2009 and June 2010.

The Town has exhaustively engaged the community on their views on streetscape management and also on various draft streetscape policies. The first part of this process has been carried out through the *Vincent Vision 2024* community visioning project that highlighted the community's desire to see the preservation and enhancement of the residential character of the Town. The consultation undertaken, as part of the consideration of the former proposed Streetscape Policy, presented at the Special Meeting of Council held on 28 October 2008, highlighted the following concerns:

- Objection to restrictions on building height and upper storey setbacks;
- Objection to restrictions on demolition;
- Objection to restrictions on ability for contemporary, different and innovative building styles; and
- Objection to overall restrictive and prescriptive nature of the Policy.

It is considered that the Town's consultation has been sufficient to gauge the community's views on the subject of streetscape and that further consultation on the issue, would be fruitless, until such time as the Town has formed a proposed position/planning framework to address streetscape management.

The preliminary research undertaken into the various local authorities streetscape management policies, has presented a number of different approaches to the subject. The research clearly demonstrates that what is needed for successful streetscape management is a holistic planning framework, where streetscape is embedded first as an important objective in a Town Planning Scheme, and then established through planning policies. In light of this research, the associated various observations; the previous community concerns relating to streetscape protection; and an understanding that streetscape protection is important, the following measures are proposed:

Neighbourhood Character Projection

Move away from the concept of 'streetscape' and adopt an approach whereby the distinctive elements of 'character' of an area are the main focus.

Scheme Provisions

To formally establish that the preservation of the established/character housing is important to the Town, with specific provisions relating to the importance of maintaining established 'Neighbourhood Character' being included in the Town's Town Planning Scheme No. 2.

Policy Direction

It is considered that the Town's Policy No. 3.2.1 relating to Residential Design Elements contains appropriate provisions to ensure new developments respond to an existing streetscape, by virtue of the requirements relating to street setback (upper and lower), garage setback and roof form requirements. However, the policy is flexible to enable discretion for contemporary development.

It is considered that the key element to a streetscape or character of the area is the original dwelling itself, and that once removed, the character and reference to the past is permanently lost. However, it is not considered appropriate to require a blanket prohibition on demolition of character buildings as this would stifle innovative development, hamper the evolution of the locality and generate significant community distain. What is needed is guidance and education on what character is valued.

The Town's Policy No. 3.2.1 relating to Residential Design Elements aims to protect the existing established areas through appropriate development, but does not critique or recognize what the different styles that should be protected are.

To establish what 'character' is valued, statements detailing the type of housing stock and associated residential character, which is valued by the Town in each of the new Precinct statements, should be prepared as part of any new Planning Policy Manual to support the Town's Draft Town Planning Scheme No. 2. Such statements would be similar to the commentary that was provided in the Town's former Locality Statements, which were rescinded when the Town's Residential Design Elements Policy was adopted. The statements should also provide simple detail on the preferred development outcomes for such buildings.

Such a description would be a useful tool in establishing what character is valued by the Town, and would ground any decision for the development of a building of recognised character.

Design Responses

It is considered that the onus should be put on a developer to examine a streetscape and to ensure their design responds and contributes to the area accordingly, as opposed to the Town advising that a development is not appropriate after the submission of a development application (where considerable time and money has been spent on architect/designer fees).

The Residential Design Elements Policy has provisions to require an Amenity Impact Statement 'where appropriate'. It is considered that the Amenity Impact Statement should be greater utilised to ensure designers and homeowners are mindful of the compatibility of the proposed new development with the established character of the area. Recognising the varying degree of character within the Town, it is considered appropriate for an Amenity Impact Statement to be required in the following instances:

- (1) where a dwelling originally constructed prior to 1945 is being demolished; and
- (2) the replacement dwelling is two-storey in height.

To reduce potential disdain for such a requirement, the Statement would not be required for alterations and additions to existing dwellings, for the construction of single storey development or for the demolition of buildings constructed after 1945 (standard demolition procedures undertaken in accordance with the Town's Heritage Management Policies, would still be applied). An Amenity Impact Statement template would be prepared to assist in this regard.

Specific Policy

The community consultation undertaken to date has clearly demonstrated that the community is opposed to target, arbitrary policy requirements that restrict their ability to develop. This suggests that a specific policy relating to streetscapes imposed on a section of the community may not be appropriate, and rather, the above points which aim to give streetscape a more prominent position in the general day-to-day planning would offer a more sound approach.

However, it is recognised that there are those in the community who aspire greater streetscape protection. To address these wishes, the Town's Officers propose an alternative draft Streetscapes Policy based on a nomination process of 'character' streets. To ensure that the management of nominated streetscapes is carried out with the support of affected residents, the nominator would be required to obtain the consent of 80 per cent of residents in the street prior to the Nomination Form being accepted for consideration by the Town.

In light of the above, it is recommended that the Council receives the progress report relating to research into an appropriate Policy and process concerning streetscape management of 'character' streets within the Town, in line with the Officer Recommendation.

10.2 Notice of Motion – Councillor Maier – Relating to Multiple Dwellings

That the Council REQUESTS the Chief Executive Officer to include an analysis of options considered for the Cleaver and Hyde Park Precincts, giving the arguments for and the arguments against, in the forthcoming report on Amendment 25 to the Town Planning Scheme. These options are to include but not be limited to:

- (i) no change to the current Town Planning Scheme (i.e. multiple dwellings prohibited);*
- (ii) allow multiple dwellings;*
- (iii) allow multiple dwellings but maintain the current effective density by recoding to R60 (i.e. recode areas shown as R80 to R60);*
- (iv) only allow multiple dwellings on commercially zoned land and designated main roads within these precincts;*
- (v) allow multiple dwellings throughout the precincts and recode residential areas to the current effective density of R60 except for properties along designated main roads which are to remain at R80; and*
- (vi) identifying smaller areas (street bounded blocks) within each precinct to actively promote regeneration with multiple dwellings and higher densities while recoding residential areas to the current effective density of R60.*

COUNCIL DECISION ITEM 10.2

Moved Cr Maier, Seconded Cr Buckels

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (9-0)

9.1.15 No. 408 (Shop 1, Lot 1, STR 14218) Fitzgerald Street, corner of Forrest Street, North Perth - Proposed Change of Use from Shop to Eating House (Café) and Associated Signage - Request from the State Administrative Tribunal (SAT) to Reconsider Decision - Review Matter No. DR 505 of 2009

Ward:	South	Date:	15 February 2010
Precinct:	North Perth Centre; P09	File Ref:	PRO4892; 5.2009.430.1
Attachments:	001;002		
Reporting Officer:	T Cappellucci, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That, given the decision by the Council at its Ordinary Meeting held on 15 December 2009 to refuse the application, the Council;

- (i) *RECEIVES the report relating to No. 408 (Shop 1, Lot 1, STR 14218) Fitzgerald Street, corner of Forrest Street, North Perth – Proposed Change of Use from Shop to Eating House (Café) and Associated Signage – State Administrative Tribunal (SAT) Review Matter No. DR 505 of 2009;*
- (ii) *in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, REFUSES, as part of the State Administrative Tribunal Review Matter No. DR 505 of 2009, the application submitted by Dynamic Planning and Developments on behalf of the owner N M Ferguson for proposed Change of Use from Shop to Eating House (Cafe) and Associated Signage, at No. 408 (Shop 1, Lot 1, STR 14218) Fitzgerald Street, corner of Forrest Street, North Perth, and as shown on plans stamp-dated 13 October 2009, for the following reasons:*
 - (a) *lack of car parking in the area;*
 - (b) *the business is located on a very busy corner; and*
 - (c) *the development would impact on other businesses in the area; and*
- (iii) *FILES and SERVES the following draft “without prejudice” conditions if SAT is inclined to uphold SAT Review Matter DR 505 of 2009 and approve the proposed development:*
 - (a) *the total public floor area of the café shall be limited to 50 square metres;*
 - (b) *the signage shall not have flashing or intermittent lighting;*
 - (c) *all signage shall be subject to a separate Sign Licence application being submitted and approved prior to the erection of the signage;*
 - (d) *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;*
 - (e) *the canvas awning sign “Tobys Estate” shall have a minimum clearance of 2.75 metres from the finished ground level to the lowest part of the sign;*

(f) *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;*

(g) *bin compounds are required under the Town's Health Local Laws 2004, as follows for commercial properties:*

General Waste: One (1) Mobile Garbage Bin or equal to 240 litres per commercial unit or 200 square meters of floor space, or part thereof (collected weekly); and

Recycle Waste: One (1) Mobile Recycle Bin or equal to 240 litres per commercial unit or 200 square meters of floor space, or part thereof (collected fortnightly); and

(h) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*

(1) *pay a cash-in-lieu contribution of \$10,200 for the equivalent value of 3.65 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2009/2010 Budget; OR*

(2) *lodge an appropriate assurance bond/bank guarantee of a value of \$10,200 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*

A. *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*

B. *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*

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

Moved Cr Farrell, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Burns, Seconded Cr Farrell

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

“(iii)(i) the one allocated car parking bay shall be sign posted for use by and used exclusively for eating house (café) customers.”

Debate ensued.

AMENDMENT PUT AND CARRIED (9-0)

Debate ensued.

MOTION AS AMENDED PUT AND LOST (4-5)

For: Mayor Catania, Cr Burns, Cr Farrell, Cr Harvey

Against: Cr Buckels, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg

Reasons:

1. Lack of car parking is a management issue.
2. Car parking shortfall is supportable.

ALTERNATIVE RECOMMENDATION

Moved Cr Topelberg, Seconded Cr Buckels

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES, as part of the State Administrative Tribunal Review Matter No. DR 505 of 2009, the application submitted by Dynamic Planning and Developments on behalf of the owner N M Ferguson for proposed Change of Use from Shop to Eating House (Café) and Associated Signage, at No. 408 (Shop 1, Lot 1, STR 14218) Fitzgerald Street, corner of Forrest Street, North Perth, and as shown on plans stamped-dated 13 October 2009, subject to the following conditions:

- (i) *the total public floor area of the café shall be limited to 50 square metres;*
- (ii) *the signage shall not have flashing or intermittent lighting;*
- (iii) *all signage shall be subject to a separate Sign Licence application being submitted to and approved by the Town prior to the erection of the signage;*
- (iv) *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;*
- (v) *the canvas awning sign "Tobys Estate" shall have a minimum clearance of 2.75 metres from the finished ground level to the lowest part of the sign;*
- (vi) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), be designed integrally with the building, and be located so as not to be visually obtrusive from Fitzgerald and Forrest Streets;*
- (vii) *bin compounds are required under the Town's Health Local Laws 2004, as follows for commercial properties:*

General Waste: One (1) Mobile Garbage Bin or equal to 240 litres per commercial unit or 200sqm of floor space, or part thereof (collected weekly); and

Recycle Waste: One (1) Mobile Recycle Bin or equal to 240 litres per commercial unit or 200sqm of floor space, or part thereof (collected fortnightly); and

(viii) within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:

(a) pay a cash-in-lieu contribution of \$10,200 for the equivalent value of 3.65 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2009/2010 Budget; OR

(b) lodge an appropriate assurance bond/ bank guarantee of a value of \$10,200 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:

(1) to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or

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

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

Debate ensued.

AMENDMENT

Moved Cr Burns, Seconded Cr Farrell

That a new clause (ix) be inserted to read as follows:

“(ix) the one allocated car parking bay shall be sign posted for use by and used exclusively for eating house (café) customers.”

AMENDMENT PUT AND CARRIED (9-0)

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (5-4)

For: Cr Buckels, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg

Against: Mayor Catania, Cr Burns, Cr Farrell, Cr Harvey

COUNCIL DECISION ITEM 9.1.15

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES, as part of the State Administrative Tribunal Review Matter No. DR 505 of 2009, the application submitted by Dynamic

Planning and Developments on behalf of the owner N M Ferguson for proposed Change of Use from Shop to Eating House (Café) and Associated Signage, at No. 408 (Shop 1, Lot 1, STR 14218) Fitzgerald Street, corner of Forrest Street, North Perth, and as shown on plans stamped-dated 13 October 2009, subject to the following conditions:

- (i) *the total public floor area of the café shall be limited to 50 square metres;*
- (ii) *the signage shall not have flashing or intermittent lighting;*
- (iii) *all signage shall be subject to a separate Sign Licence application being submitted to and approved by the Town prior to the erection of the signage;*
- (iv) *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;*
- (v) *the canvas awning sign "Tobys Estate" shall have a minimum clearance of 2.75 metres from the finished ground level to the lowest part of the sign;*
- (vi) *all external fixtures, such as television antennas (of a non-standard type), radio and other antennas, satellite dishes, solar panels, external hot water heaters, air conditioners, and the like, shall not be visible from the street(s), be designed integrally with the building, and be located so as not to be visually obtrusive from Fitzgerald and Forrest Streets;*
- (vii) *bin compounds are required under the Town's Health Local Laws 2004, as follows for commercial properties:*

General Waste: One (1) Mobile Garbage Bin or equal to 240 litres per commercial unit or 200sqm of floor space, or part thereof (collected weekly); and

Recycle Waste: One (1) Mobile Recycle Bin or equal to 240 litres per commercial unit or 200sqm of floor space, or part thereof (collected fortnightly);

- (viii) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) *pay a cash-in-lieu contribution of \$10,200 for the equivalent value of 3.65 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2009/2010 Budget; OR*
 - (b) *lodge an appropriate assurance bond/ bank guarantee of a value of \$10,200 to the satisfaction of the Town. This assurance bond / bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*

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

(ix) *the one allocated car parking bay shall be sign posted for use by and used exclusively for eating house (café) customers.*

Landowner:	N M Ferguson
Applicant:	Dynamic Planning and Developments
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): District Centre
Existing Land Use:	Shop
Use Class:	Eating House
Use Classification:	"P"
Lot Area:	490 square metres
Access to Right of Way	N/A

BACKGROUND:

2 April 1984 Under the provisions of the Metropolitan Region Scheme (MRS), an application for the demolition of an adjoining residence at the rear of an existing pharmacy, in order to establish a doctor’s surgery on-site with a consulting room, theatre, staff room and reception area, was referred to the Metropolitan Region Planning Authority for determination. The application was granted Approval subject to nil conditions.

15 December 2009 The Council at its Ordinary Meeting refused an application for the proposed change of use of an existing shop to eating house (café) at the above site for the following reasons:
*“1. Lack of car parking in the area.
 2. The business is located on a very busy corner.
 3. The development would impact on other businesses in the Area.”*

29 December 2009 The applicant lodged an application to the State Administrative Tribunal (SAT) to review the Council decision of 15 December 2009.

20 January 2010 SAT Directions Hearing held and below are the relevant orders:
*“1. The applicant is to provide additional information to the respondent by Monday, 8 February 2010.
 2. Pursuant to Section 31 of the State Administrative Tribunal Act 2004 the respondent is invited to reconsider the reviewable decision at its meeting of 23 February 2010.
 3. The matter is listed for directions hearing at 4.00pm on Thursday, 4 March 2010.”*

DETAILS:

The proposal involves the change of use of the existing shop (formerly *Finishing Touches*) to an eating house (café). The application has been referred to the Town for reconsideration.

The applicant's additional information submission (attached), as requested at the SAT Directions Hearing, to address the reasons the Council initially refused the application at its Ordinary Meeting held on 15 December 2009.

LEGAL/POLICY:

Planning and Development Act 2005 (WA), State Administrative Tribunal Act 2004 (WA) and Town's Policy No. 4.1.25 - Procedure for State Administrative Tribunal.

STRATEGIC IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

Potential cost of employing a private consultant to represent the Town.

SUSTAINABILITY IMPLICATIONS:

Nil.

COMMENTS:

State Administrative Tribunal Act 2004

Section 31 states as follows:

"31. Tribunal may invite decision-maker to reconsider

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

Under Section 31 of the SAT Act 2004, the Town has been invited to determine the subject application; that is, to (a) affirm the decision; (b) vary the decision; or (c) set aside the decision and substitute its new decision. After the Ordinary Meeting of Council to be held on 23 February 2010, the Town's Officers will convey the decision to SAT. SAT will then decide how to proceed with the review matter.

Officer Comments

Comments on the additional information provided is summarised below.

Parking Availability

The applicant has conducted a parking availability survey for three (3) near-by car parking locations at the North Perth Plaza Carpark, Wasley Street Public Carpark and street parking on Forrest Street for the subject site at No. 408 Fitzgerald Street, North Perth. The survey data

was conducted by the applicant during the period from Monday 25 January 2010 to Sunday 31 January 2010 inclusive, including photographs taken at 9am, 12pm and 4pm each day in the above-mentioned period.

It is considered that from the survey results conducted for the three (3) car parking locations, that there is a sufficient amount of vacant/free car bays available, in total, from the three car parking locations, in particular on Tuesday and Sunday, to accommodate the car parking shortfall of 3.65 car bays.

Similar Developments

The applicant has provided a table with seven (7) decisions of Council Approvals where a change of use application was approved with a shortfall in car parking subject to a cash-in-lieu payment for the shortfall. In addition, a table with two (2) decisions of Council Approvals for a change of use application where Council did not require a cash-in-lieu payment for the parking shortfall is also provided.

While the applications mentioned in the submission are noted, the applications of relevance to this subject change of use application are those for Nos.30-44 Angove Street, as this site is within close proximity of the subject site at No. 408 Fitzgerald Street, in addition to also being within 250 metres of the North Perth Plaza Carpark and Wasley Street Public Carpark. Both the applications for Nos. 30-44 Angove Street, for change of use to an Eating House are similar to that proposed for the subject site at No. 408 (Shop 1, Lot 1) Fitzgerald Street, North Perth. Therefore, the examples of similar developments at Nos. 30-44 Angove Street, North Perth, should be noted.

Responses to Council reasons for initial Refusal

In regard to a lack of parking in the area, the applicants Parking Availability Survey demonstrates that there is potentially sufficient car parking available at the adjacent car parks of North Perth Plaza and Wasley Street, as well as on-street parking on Forrest Street to accommodate the 3.65 car parking shortfall; however, the Council considered the shortfall to be excessive.

With respect to the Council's reasons stating the business is located on a very busy corner, the location of the subject site at the corner of Fitzgerald and Forrest Streets does actually provide traffic calming measures in the form of a speed hump on Forrest Street, approximately 50 metres away from the intersection of Forrest and Fitzgerald Streets. In addition, the location of the subject site has access to pedestrian, cyclist and public transport infrastructure; hence the dependence on the private motor vehicle to access the proposed café (Eating House) is potentially diminished.

While in terms of Council's comments regarding the development impacting on other businesses in the area, the subject site is within the North Perth District Centre. As such, it is foreseeable to expect patrons coming to the area to perform more than one task; for example, do some convenience shopping, go to the post office, bank, go to a café, etc, which in turn would benefit other businesses, as it promotes the opportunity to go to more than just one business when visiting the area.

Should the above development be allowed by the SAT, it is recommended that the conditions as stated in the Officer Recommendation be imposed. One of the SAT orders requires a further Directions Hearing to be held on 4 March 2010 if required.

The application was refused by the Council at its Ordinary Meeting held on 15 December 2009, against the Officer's Recommendation for approval. The Town's Officers

still maintain that the shortfall in car parking of 3.65 car bays, which equates to a cash-in-lieu contribution of \$10,200, in addition to the proposed use being consistent with the intended direction and use for properties fronting Fitzgerald Street in the District Centre of the North Perth Precinct, is worthy of conditional support.

9.1.2 No. 9 (Lot 17; D/P 785) Hammond Street, West Perth - Proposed Demolition of Existing Single House and Construction of Two, (2) Two-Storey Grouped Dwellings

Ward:	South	Date:	16 February 2010
Precinct:	Cleaver; P05	File Ref:	PRO4729; 5.2009.545.1
Attachments:	001 , 002		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY the application submitted by P Rumble on behalf of the landowners P & J Rumble for proposed Demolition of Existing Single House and Construction of Two (2) Two-Storey Grouped Dwellings, at No. 9 (Lot 17; D/P 785) Hammond Street, West Perth, and as shown on plans stamp-dated 2 December 2009 and 29 December 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) 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 from Hammond Street;*
- (iii) first obtaining the consent of the owners of Nos. 7 and 11 Hammond Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 7 and 11 Hammond Street in a good and clean condition;*
- (iv) prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) a minimum of two (2) appropriate significant design features being incorporated into the vehicular door of the proposed garage of unit 2;*
 - (b) the proposed solid portion of fence to unit 1 facing Hammond Street to be reduced to a maximum height of 1.2 metres above the footpath level; and*
 - (c) the proposed gate to unit 2 being a minimum of 50 percent visually permeable.*

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

Cr Burns departed the Chamber at 7.49pm.

COUNCIL DECISION ITEM 9.1.2

Moved Cr Farrell, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

Cr Burns returned to the Chamber at 7.50pm.

Debate ensued.

MOTION PUT AND LOST (4-5)

For: Mayor Catania, Cr Burns, Cr Farrell, Cr Topelberg

Against: Cr Buckels, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier

Reasons:

1. **Non-compliance with open space and minimum lot size requirements.**
2. **Non-compliance with density.**

Landowner:	P L & J Rumble
Applicant:	P L Rumble
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential R80
Existing Land Use:	Single House
Use Class:	Grouped Dwellings
Use Classification:	"P"
Lot Area:	324 square metres
Access to Right of Way	South side, 6 metres wide, sealed, Town owned

BACKGROUND:

No specific background directly relates to the proposal.

DETAILS:

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

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:	1.8 dwellings at R60	2 dwellings (11.11 percent density bonus).	Supported – see "Comments" below.
Minimum Site Area:	160 square metres	Unit 1 = 138 square metres (13.75 per cent minimum site area bonus.)	Supported – see "Comments" below.

-West	1.5 metres	1.2 metres	Supported – Not considered to have an undue impact on the neighbouring property as the elevation is considered to achieve the objectives of articulation as varying setbacks and materials have been proposed in this elevation.
Buildings on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (26.82 metres) of the length of the balance of the boundary behind the front setback, to one side boundary.	<p>-East (Unit 2) Wall Height – 3.1 metres – 4.15 metres (average height = 3.68 metres); Wall Length = 12 metres</p> <p>-West (Unit 1) Wall Height – 2.7 metres – 3.5 metres (average height = 2.95 metres); Wall Length = 11.2 metres</p> <p>-West (Unit 2) Wall Height – 2.65 metres – 3 metres (average height = 2.83 metres); Wall Length = 12 metres</p> <p>Total wall length on western boundary = 23.2 metres</p>	<p>Supported – No objections received from affected land owner.</p> <p>Supported – The proposed walls on the western boundary are compliant with the requirements of the R Codes in that the maximum height is 3.5 metres, the average height is less than 3 metres and the length is less than 2/3 of the length of the boundary.</p>
Open Space:	45 per cent of the site area.	<p>Unit 1 = 40 per cent of the site area.</p> <p>Unit 2 = 42 per cent of the site area.</p>	Supported – see “Comments” below.

Outdoor Living Area:	To be provided behind the street setback area.	Unit 1 – provided within the street setback area.	Supported – Not considered to have an undue impact on the amenity of the area as the open courtyard in the front setback area allows for surveillance of the street and continuity in the streetscape.
Building Height:	Maximum height of 7 metres to the top of the roof.	Maximum height proposed = 8.3 metres.	Supported – The proposed height variation exists in the highlight windows only. The vast majority of the dwelling is less than 7 metres across all elevations, which is demonstrated on the plans via a 7 metre height line.
Roof Forms:	The roof form shall be compatible with the existing streetscape.	Concealed roof proposed.	Supported – see “Comments” below.
Street Walls and Fences:	Maximum height of solid portion of wall is 1.2 metres. Posts and piers are to have a maximum width of 355 millimetres.	-North Maximum height of solid portion is 1.3 metres. “9a” Post width = 1.2 metres “9b” Post width = 550 millimetres	Not supported – Condition applied to be reduced to 1.2 metres. Supported – The “9a” post is located on an angle to comply with visual truncations and, therefore, will not have an undue impact on the streetscape. The width of the “9b” post is also supported in order to contain a larger mail box.
	The portion of fence above 1.2 metres shall be 50 percent visually permeable.	Proposed gate to unit 2 is solid to a height of 1.7 metres.	Not supported – Condition applied for fence to be a minimum of 50 percent visually permeable.
Essential Facilities:	An enclosed, lockable storage area, constructed in a design and material matching the dwelling, accessible from outside the dwelling, with a minimum dimension of 1.5 metres with an internal area of at least 4 square metres, for each grouped dwelling.	The proposed store room for unit 2 has a dimension of 1 metre and an aggregate area of 5.94 square metres.	Supported – As the total area of the store is greater than the required 4 square metres.

Consultation Submissions		
Support	Nil.	Noted.
Objection (5)	<ul style="list-style-type: none"> • Setbacks to western boundary. • Overshadowing. • Lack of car parking bays and congestion. • The land area does not support two dwellings. • Two-storey dwellings amongst single storey dwellings. • Concealed roof design. • Street setbacks. • Building height. 	<ul style="list-style-type: none"> • Not supported – Not considered to have an undue impact on the neighbouring property as the elevation is considered to achieve the objectives of articulation as varying setbacks and materials have been proposed in this elevation. Furthermore, the proposed boundary wall is compliant with the requirements of the R Codes. • Not supported – The proposal is compliant with the overshadowing requirements of the R Codes. • Not supported – The proposal is compliant with the car parking requirements of the R Codes. • Not supported – see “Comments” below. • Not supported – The Town’s Residential Design Element’s Policy allows for a two-storey height limit. • Not supported – see “Comments” below. • Not supported – see “Comments” below. • Not supported – see “Comments” below.
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:

Demolition

The subject place is a single storey timber and iron house in the Interwar Cottage style constructed circa 1925. The dwelling has a double room street frontage set underneath a hipped corrugated iron roof, with a gable frontage.

The Wise’s Post Office Directories first document the subject place in 1926, with David Hannah as the first resident. Since then the subject dwelling has been transferred several times to new owners and occupiers.

A full heritage assessment was undertaken for No. 9 Hammond Street, West Perth in June 2009, 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.

Density and Minimum Site Area:

The zoning of the subject site and the surrounding area is Residential R80; however, the Town of Vincent Town Planning Scheme No. 1 states that multiple dwellings are not permitted in the Cleaver Precinct. The Town's Officers are currently in consultation with the community in respect of an amendment to remove this and other clauses affected by the restriction from the Scheme. In the event the amendment receives approval by the Minister for Planning, the subject site would be able to accommodate two multiple dwellings that would comply with the density requirements of the R Codes. It is considered that a grouped dwelling development will result in a better outcome for the street in terms of building bulk and scale, than a multiple dwelling development in this instance.

The total area of the lot is 324 square metres and divided evenly, would allow for 162 square metres per dwelling, which would comply with the requirements of the R Codes; however, an average site area of 180m² per dwelling is required also. The variation to the minimum site area for unit 1 exists mainly because of the pedestrian access way that leads to unit 2, that is for the exclusive use of unit 2 which results in a site area of 186 square metres for unit 2.

Open Space:

The proposed open space for the site is 40 percent for unit 1 and 42 percent for unit 2; approximately 12.5 square metres less than the required 45 percent for the entire site. This is not considered to have an undue impact on the surrounding area and the amenity of the residents as the proposal demonstrates significant compliance with the performance criteria for open space provision as stated in the R Codes. The R Codes suggest that a variation to open space can be considered if there is sufficient open space around buildings to complement the building, to allow attractive streetscapes and to suit the future needs of residents, having regard to the type and density of the dwelling. In this instance, the proposed open space complements the building, and allows for the continuation of an attractive streetscape, given the outdoor living area is located within the front setback and is much larger than the required 16 square metres for both dwellings. In addition, the site is within close proximity to several parks, including Beatty Park Reserve and Dorrien Gardens.

Roof Forms and Design

The Residential Design Elements Policy states that: *'the Town recognises that in some residential areas there may be more opportunity for innovative design and architectural styles and, in these instances, the Town may consider alternative roof forms to a pitch roof style'*. In this instance, the proposal illustrates an innovative and contemporary design that is appropriate for the evolving Hammond Street streetscape.

The application proposes variations to the Acceptable Development standards of the Residential Design Elements Policy; however, the proposal satisfies the Performance Criteria for each of these variations. The development is not considered to compromise the streetscape, but rather contribute to its emerging range of styles and built form.

Absolute Majority

Clause 40 of the Town of Vincent Town Planning Scheme No. 1 states that in determining a non-complying application that Council is required to be satisfied by an absolute majority. A non-complying application is defined as *"an application which does not comply with a standard or requirement of this Scheme ... where the standard of requirement does not provide any permitted variation."* In the instance the proposal is required to be considered by an absolute majority due to the proposed density bonus not being pursuant to clauses 20(2), 20(4)(c), 20(4)(e)(ii), 20(4)(f)(ii), 20(4)(h) and 27(1) of the Scheme and the proposed minimum site area for unit 1 has a bonus of more than 5 percent as permitted in the R Codes.

In light of the comments above, it is recommended the Council approves the application by an absolute majority.

9.4.1 Minutes of the Annual General Meeting of Electors 2009 held on 23 November 2009 – Responses

Ward:	Both	Date:	16 February 2010
Precinct:	All	File Ref:	ADM0009
Attachments:	-		
Reporting Officers:	R Lotznicker, Director Technical Services R Boardman, Director Development Services John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council NOTES the responses as detailed in the Officer Report concerning the decisions made at the Annual General Meeting of Electors held on Monday 23 November 2009.

Moved Cr Maier, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

Cr Farrell departed the Chamber at 8.03pm.

Debate ensued.

Cr Farrell returned to and Cr Buckels departed the Chamber at 8.05pm.

Debate ensued.

AMENDMENT NO 1

Moved Cr Maier, Seconded Cr Topelberg

That the Officer Recommendation be amended to read as follows:

“That the Council:

(i) NOTES the responses as detailed in the Officer Report concerning the decisions made at the Annual General Meeting of Electors held on Monday 23 November 2009;

(ii) REQUESTS that:

(a) a document be prepared which defines what is meant by "amenity" and what are reasonable expectations for each of the elements identified;

(b) this document be presented to Council for endorsement prior to seeking community feedback; and

(c) this document be incorporated in the Community Consultation Policy when finally accepted by Council.”

Debate ensued.

Cr Buckels returned to the Chamber at 8.07pm.

Debate ensued.

AMENDMENT NO 1 PUT AND LOST (3-6)

For: Cr Harvey, Cr McGrath, Cr Maier

Against: Mayor Catania, Cr Buckels, Cr Burns, Cr Farrell, Cr Lake, Cr Topelberg

Debate ensued.

AMENDMENT NO 2

Moved Cr Maier, Seconded Cr Buckels

That the Officer Recommendation be amended to read as follows:

“That the Council:

- (i) NOTES the responses as detailed in the Officer Report concerning the decisions made at the Annual General Meeting of Electors held on Monday 23 November 2009; and*
- (ii) REQUESTS a further report be presented at the meeting of 9 March 2010 which identifies how an independent 'desktop review' can best be undertaken, the likely costs and a timeframe for such a review.”*

Debate ensued.

AMENDMENT NO 2 PUT AND CARRIED (7-2)

For: Cr Buckels, Cr Farrell, Cr Harvey, Cr Lake, Cr McGrath, Cr Maier, Cr Topelberg

Against: Mayor Catania, Cr Burns

MOTION AS AMENDED PUT AND CARRIED (9-0)

COUNCIL DECISION ITEM 9.4.1

That the Council:

- (i) NOTES the responses as detailed in the Officer Report concerning the decisions made at the Annual General Meeting of Electors held on Monday 23 November 2009; and*
- (ii) REQUESTS a further report be presented at the meeting of 9 March 2010 which identifies how an independent 'desktop review' can best be undertaken, the likely costs and a timeframe for such a review.*

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Town’s Administration responses to decisions made at the Annual General Meeting of Electors held on 23 November 2009.

FURTHER REPORT:

This report was listed for consideration at the Ordinary Meeting of Council held on 15 December 2009. Due to the lateness of the hour it was not considered or determined at that meeting. This item was also report to the Ordinary Meeting of Council held on 9 February 2010 however, it was deferred to Ordinary Meeting of Council held on 23 February 2010 in order to allow further consideration of the matter.

BACKGROUND:

At the Ordinary Meeting of Council held on 1 December 2009 the Council considered this matter and resolved as follows:

“That the Council;

- (i) RECEIVES and CONFIRMS the Minutes of the Annual General Meeting of Electors (AGM) held at 6.00pm on Monday 23 November 2009, attached at Appendix 9.4.4; and*
- (ii) NOTES that a further report will be submitted to the Ordinary Meeting of Council to be held on 15 December 2009 concerning the Decisions made at the Annual General Meeting of Electors.”*

The Annual General Meeting of Electors of the Town of Vincent was held on Monday 23 November 2009 at 6.00pm. It was attended by eleven (11) Electors and four (4) Councillors, as shown in the Attendance Register attached to the Minutes.

DETAILS:

It is standard practice for the Minutes of the Meeting of Electors to be presented to the Council for information. In accordance with the Local Government Act 1995, Section 5.33, all decisions made at Electors Meetings are required to be considered at the next Ordinary Meeting of the Council.

The following decisions were made at that meeting.

1. Moved Sally Lake, 51 Chatsworth Road Highgate, Seconded Marie Slyth, 89 Carr Street West Perth

“That the Council take effective action to stop cyclists from commuting in Hyde Park, and from using Hyde Park as a venue for exercising on their bicycles; and further that the Council will liaise with the Cycling branch of the Dept of Transport so that they may take effective steps to bar commuting cyclists from Hyde Park or at the very least ensure that cyclists are required to reduce their speed to a walking pace.”

MOTION PUT AND CARRIED (6-2)

Director Technical Services Comments:

The issue of cyclist commuting through Hyde Park was raised a number of years ago. The main concern at the time was cyclists travelling in a north – south direction (Norfolk Street across Vincent Street to Glendower Street).

At the time certain works were undertaken on the north – south pathway to restrict cyclists to the path. The works included some limestone retainers and garden beds on the edges of the pathway.

A previous request was received for the installation of signage around the entrances of the Park depicting a bicycle with a red cross through it would clearly indicate to the general public that bicycles are not permitted within Hyde Park. This was not supported as bicycles are permitted in the park.

Signage was recently erected at the entrances to the park advising cyclists to dismount however the Town's Rangers do not have the authority to stop/infringe any moving vehicle, including a bicycle utilising any road/park within the Town of Vincent.

In addition, should an infringement/fine apply for failing to comply with the above then this could only be enforced by Western Australian Police as a bicycle is classified as a moving vehicle and their presence within the park is spasmodic.

In accordance with the motion, the Director Technical Services contacted the cycling branch of the Department of Transport. They advised that they would not support banning cyclist from the park however they indicated that they would support measures to force cyclists to reduce speeds while still allowing general access for other park users.

The cycling branch representative indicated that these measures could include chicanes and/or other measures soon to be trailed by the City of Stirling on the foreshore dual use path.

This information was not available at the time the discussion took place however the representative advised that when this information was available it would be forwarded to the Director Technical Services.

It is recommended that these measures be further investigated and that if they are considered feasible (and in compliance with the requirements of Hyde Park) appropriate funding should be included in the 2010/2011 draft budget for these measures to be implemented.

2. Moved Brian Fleay, 59 View Street, North Perth, Seconded Warren McGrath, 4/142 Palmerston Street, Perth

“That the Town of Vincent explore engaging with the City of Perth to develop a joint policy on development and related issues for the land between the Perth Railway Line and Bulwer Street.”

MOTION PUT AND CARRIED (11-2)

Director Development Services Comments:

The Town's Officers consider that the Capital City Planning Framework project, as outlined below, facilitates the above request for a joint initiative between the Town of Vincent and the City of Perth, in the development of the land between the Perth Railway Line and Bulwer Street.

This project is focused on establishing an agreed vision for the type of City that Perth will be in 20 years, in order to ensure a unified framework between Councils and Service Providers for the Central Perth Area, despite the numerous studies undertaken in relation to directing the future development of Perth.

As part of the project, a steering group, consisting of the Department for Planning, EPRA, and various inner city Local Government Authorities (Town of Vincent, City of Perth, City of Subiaco, Town of Cambridge, Town of Victoria Park and City of South Perth), has been setup. This Group meets fortnightly, and is the key decision making body, in determining the best way to run the project program, and achieve the project's objectives.

In addition, a Technical Advisory Group, including the Town of Vincent, meets monthly, to discuss the progress of the project team, give advice on the project program, and listen to various presentations on relevant program studies and initiatives that need to be integrated into the Capital City Planning framework process. An additional Reference Group, encompassing a broader group of representatives, has been canvassed to meet at key intervals in the project's development, of which the first meeting has been scheduled for February 2010.

A progress report on the development of the Capital City Framework, will be presented to an Ordinary Meeting of Council, following the Reference Group meeting scheduled for February 2010.

3. Moved Brian Fleay, 59 View Street, North Perth, Seconded Simon Chester, 93 Chelmsford Road, Mt Lawley

“That the Town of Vincent engage with it’s residents to more explicitly define the meaning of “amenity” when it is used to justify in-fill development proposals requiring concessions to conditions under the Town Planning Scheme, often with damaging social and other impacts.”

MOTION PUT AND CARRIED (8-3)

Director Development Services Comments:

According to the Model Scheme Text (Appendix B of the Town Planning Regulations 1967), ‘amenity means all those factors which combine to form the character of an area and include the present and likely future amenity.’

As per the current processes relating to community consultation, the Town’s Officers consider it appropriate to engage with the Town’s residents on a case by case basis in relation to the amenity of an area when justifying in-fill development proposals requiring concessions to conditions, as per Clause 38 of the Town’s Town Planning Scheme No. 1 relating to ‘Determination of Applications – General Provisions’, which states:

‘(5) Without limiting the scope of the Council's discretion to determine an application under sub clause (3), the Council is to have regard to–

(h) the conservation of the amenities of the locality ...’

4. Moved Colin Scott, 17 Deague Court, North Perth, Seconded Simon Chester, 93 Chelmsford Road, Mt Lawley

“That the Town of Vincent form a Working Group to address issues of how the revenue stream of Tamala Park monies will be administered into the community.”

PROCEDURAL MOTION

Moved Colin Scott, 17 Deague Court, North Perth, Seconded Warren McGrath, 4/142 Palmerston Street, Perth

“That the above motion be DEFERRED and be further considered at the Annual General Meeting 2010.”

MOTION PUT AND CARRIED UNANIMOUSLY

Chief Executive Officer’s Comments:

As this matter was deferred, no further action is required at this stage.

5. Moved Colin Scott, 17 Deague Court, North Perth, Seconded Simon Chester, 93 Chelmsford Road, Mt Lawley

“That the Town of Vincent investigate ways to take out a full or half page advertisement in Local Newspapers in line with other Councils where information about Council activities and events can be brought to the community’s attention.”

MOTION PUT AND CARRIED UNANIMOUSLY

Chief Executive Officer’s Comments:

This matter is supported and is currently being implemented by the Town’s Administration. Changes to the way the Town’s Administration carries out its advertising was raised as a recommendation which arose out of the Internal Organisational Review which was conducted in mid 2009.

Effective from 1 January 2010, it is proposed to trial a full or half page feature in a local community newspaper on a fortnightly or monthly basis. This new procedure will incorporate information relating to community events, consultation on new and amended policies, strategies and plans. Once implemented, the number of single advertisements which appear in each edition will diminish.

The Town’s Directors and Section Managers have been advised of this change and the Town’s Public Relations Officer will co-ordinate the matter.

A review will be carried out in mid 2010.

6. Moved Marie Slyth, 89 Carr Street, West Perth, Seconded Colin Scott, 17 Deague Court, North Perth

“That the Town of Vincent:

- (a) **not make the Multiple Dwellings Policy changes to the Town Planning Scheme until full and comprehensive consultation has been conducted by the Town; and**
- (b) **further review and identify the likely impacts of the approval of the changes to the Town Planning Scheme on the “to be” newly developed type of Residential Streetscapes Policy.”**

MOTION PUT AND CARRIED (9-2)

Director Development Services Comments:

- (a) *The Town’s Officers consider that comprehensive consultation has been conducted by the Town in relation to the Multiple Dwellings Policy.*

Policy No. 3.6.8 relating to Multiple Dwellings is a local planning policy adopted pursuant to clause 47 of the Town's Town Planning Scheme No. 1. In terms of advertising a draft Policy, the provisions of clause 47 (3) of the Town Planning Scheme No. 1 apply, as follows:

“(3) Having prepared a draft planning policy, the Council is –

- (a) *to advertised a summary of the draft once a week for four consecutive weeks in a newspaper circulating in the locality;*
- (b) *where practicable, to notify those persons who, in the opinion of the Council, might be directly affected by the draft; and*
- (c) *to forward a copy of the draft to the Western Australian Planning Commission.”*

In line with the above requirements, an advertisement was placed in a newspaper circulated in the locality (The Guardian Express) for four consecutive weeks, a notice of the advertisement was forwarded to all Precinct Groups and relevant government stakeholders (including the Western Australian Planning Commission), and a notice was placed on the Town's website, at the Library and Local History Centre, at the Town's Administration and Civic Centre, and at Beatty Park Leisure Centre advising of the proposed planning policy.

This Policy, as with the majority of local planning policies adopted pursuant to the Town's Town Planning Scheme No. 1, relate to development of the entire Scheme Area, and not specific to certain areas in the Town. Unlike the proposed Streetscape Policy, which was unique in that it related to a selection of streets within the Town, it was considered practical and appropriate, that individual letters be sent to affected property owners.

In addition to the above, it is considered that the Town followed due process as outlined in clause 3.6 (4.2) 'Nature and Extent of Advertising', within the Town's Policy No. 4.1.5 relating to Community Consultation.

(b) *A review of the likely impacts of the approval of the changes to the Town Planning Scheme on the “to be” newly developed type of Residential Streetscapes Policy will be identified in a progress report to be presented to the Council in February 2010, as per the Council Resolution at the Ordinary Meeting of Council held on 22 September 2009, whereby it was requested that the Town’s Officers ‘report back to the Council regarding the research undertaken by no later than July 2010, with progress reports in February and April 2010.’*

7. Moved Simon Chester, 93 Chelmsford Road, Mt Lawley, Seconded Colin Scott, 17 Deague Court, North Perth

“That the Town of Vincent’s Consultation Policy No. 4.1.5 be reviewed so that changes that may have significant impact on ratepayers and residents (such as the Multiple Dwelling Policy), are advertised in a manner that is consistent with the consultation which was undertaken for the Residential Streetscapes Policy.”

MOTION PUT AND CARRIED (13-0)

Chief Executive Officer’s Comments:

The Town’s Community Consultation Policy and Guidelines are very comprehensive and well documented. The Policy contains sufficient provisions to cover a wide range of consultation scenarios (including those referred to in the Motion). Clause 3.13 (page 48) – Variations to Policy states:

“The Chief Executive Officer has the discretion to vary the provisions of this policy with regards to a Planning, Building and Heritage Matter due to specific exceptional circumstances relating to that matter.

A greater extent and nature of notification and consultation than that required by this policy may be undertaken due to the unique scale and nature of the development; the existing development has received substantial opposition, concerns or complaints; or the proposed development has a substantially greater potential undue impact on the locality compared to a similar ‘standard’ development.”

It is considered that the Policy is sufficiently comprehensive to deal with the Motion. Accordingly, it is considered that no change is necessary.

The Town’s Officers have significantly reviewed Policy No. 4.1.5 relating to Community Consultation. A report comprehensively outlining the proposed amendments to the Policy will be presented to the Council at its Ordinary Meeting to be held on 15 December 2009.

8. Moved Simon Chester, 93 Chelmsford Road, Mt Lawley, Seconded Marie Slyth, 89 Carr Street, West Perth

“That the Town of Vincent appoint an Independent Consultant to provide a “Desktop Review” of the potential impact of the following:

- (a) **the Multiple Dwelling Policy 3.4.8;**
- (b) **the Town Planning Scheme Amendment No. 25 (relating to multiple dwellings;**
- (c) **the effective density increase to R80 in areas previously coded R60 with no multiple dwellings allowed; and**
- (d) **Clause 40 of the Town’s Town Planning Scheme No. 1 in combination with rules governing multiple dwellings;**

on the characteristics of the building stock within the Town previously designated as either a Residential Streetscape or Townscapes in either:

- 1. the formerly proposed residential streetscapes policy; or**
- 2. the District Survey & Municipal Heritage Inventory Review conducted by Hocking Planning & Architecture Collaboration;”**

and provide a report to the Council no later than March 2010.”

MOTION PUT AND CARRIED (12-1)

Director Development Services Comments:

The Town’s Officers consider that the abovementioned Policies and Scheme Amendments relating to multiple dwellings, are in line with ‘best practice’ principles as outlined in the Town’s Local Planning Strategy, Vincent Vision 2024, and various State Planning Policies and documents, including Directions 2031, and the Multi-Unit Housing Code currently out for public comment. A “Desktop Review” to be undertaken, is not supported for the following reasons:

- *According to the Local Planning Strategy, given the Town’s proximity to the Central Business District and its excellent access to public and private transport networks, the restriction of ‘multiple dwellings’ in these areas along major roads is considered to be contrary to contemporary planning direction in Western Australia. In fact, the restriction on multiple dwellings is somewhat questionable and unnecessarily restrictive given contemporary building forms and given the inner urban context of the Town. Therefore, consistent with the Strategy, it is considered appropriate to proceed with this approach by formalising the removal of ‘no multiple dwellings’ in the Town;*
- *Amendment No. 25 to the Town’s Town Planning Scheme No. 1 is consistent with the principles of transit oriented development and Vincent Vision 2024 whereby ‘A compatible mix of older and contemporary buildings in Vincent offers diverse housing that respects sustainability principles’ and ‘High-density developments exist in town centre nodes and along main streets that complement existing streetscapes, setbacks and scale’, to facilitate greater opportunities for higher density housing in those restricted precincts. In line with this, Policy No. 3.4.8 relating to Multiple Dwellings has been adopted to provide guidance and requirements for all multiple dwelling developments within the Town;*
- *At a State Government level, the Western Australian Planning Commission has recently released a proposed amendment to the Residential Design Codes of Western Australia, proposing to establish development provisions for multiple dwellings, and the residential component of mixed use developments. The related discussion paper states ‘in order to increase the incidence of multiple dwelling developments it was necessary either to change the quantum of r-coded land which could accommodate this form of development or change the controls themselves.’ It is obvious therefore, that there is impetus at a State level to encourage multiple dwelling development; and*
- *Directions 2031, a draft spatial framework for Perth and Peel released in June of this year (also by the Western Australian Planning Commission), states ‘a more compact City is desirable: which means we must continue our efforts to achieve more consolidated development in appropriate locations.’ As such, the Town of Vincent, as an inner city Local Authority, is considered an appropriate location to consolidate development, and therefore, the abovementioned issues, particularly relating to Policy No. 3.4.8 relating to Multiple Dwellings, as well as Amendment No. 25 to Town Planning Scheme No. 1, are in line with the strategic objectives at a State Government level.*

9. Moved Simon Chester, 93 Chelmsford Road, Mt Lawley, Seconded Marie Slyth, 89 Carr Street, West Perth

“That the Town of Vincent appoint an Independent Consultant to undertake a “Desktop Review” to assess the alignment and effectiveness of the Town of Vincent Local Area Planning Strategy in addressing the findings of the Community Visioning final report and 6 Vision statements identified in Vincent Vision 2024 and provide a report to the Council no later than March 2010.”

MOTION PUT AND CARRIED (10-3)

Director Development Services Comments:

As part of the review of the Town's Town Planning Scheme, the Council have resolved to engage independent consultants to undertake a Peer Review of the Town's Local Planning Strategy and proposed Town Planning Scheme No. 2, which will be undertaken during the three month advertising period for both documents. It is considered that this will provide the necessary review to address the above request.

CONSULTATION/ADVERTISING:

Nil.

LEGAL/POLICY:

The Local Government Act 1995 states;

- “5.27 (1) A general meeting of the electors of a district is to be held once every financial year.
- (2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.”
- “5.33 (1) All decisions made at an electors’ meeting are to be considered at the next ordinary council meeting or, if that is not practicable -
- (a) at the first ordinary meeting after that meeting; or
- (b) at a special meeting called for that purpose,
- whichever happens first.
- (2) If at a meeting of the council a local government makes a decision in response to a decision made at an electors’ meeting, the reasons for the decision are to be recorded in the minutes of the council meeting.”

STRATEGIC IMPLICATIONS:

Nil.

SUSTAINABILITY IMPLICATIONS:

Nil.

FINANCIAL/BUDGET IMPLICATIONS:

There are no funds available in the 2009/10 Budget to implement the Annual General Meeting decision nos. 1, 8 and 9. Decision nos. 2, 3, 5, 6 and 7 will be carried out by the Town's Administration and no additional funds are required. (Decision no. 4 was deferred and no further action is required at this stage).

COMMENTS:

It is recommended that Council approve of the Officer Recommendation.

9.1.11 Nos. 45 - 45A (Lot 199; D/P 2334) Hobart Street, Corner Auckland Street, North Perth - Proposed Retention of Existing Single House and Change of Use from Shops to Shop and Eating House

Ward:	North	Date:	15 February 2010
Precinct:	North Perth; P08	File Ref:	PRO0041; 5.2010.15.1
Attachments:	001 ; 002		
Reporting Officer:	A Reynolds, Statutory Planning Officer H Au, Heritage Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by Ginger Nominees Pty Ltd on behalf of the owner T K & V M Nguyen for proposed Retention of Existing Single House and Change of Use from Shops to Shop and Eating House, at Nos. 45 – 45A (Lot 199; D/P 2334) Hobart Street, corner Auckland Street, North Perth, and as shown on plans stamp-dated 15 January 2010 (as Laid on the Table and Attachment 002), 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 from Hobart and Auckland Streets;*
- (ii) *the hours of operation for the eating house shall be limited to 7am to 5pm Monday to Friday and 8am to 3pm Saturday and Sunday;*
- (iii) *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;*
- (iv) *the public floor area of the eating house shall be limited to 40 square metres;*
- (v) *prior to the first occupation of the development, one (1) class 1 or 2 bicycle parking facility plus three (3) class 3 bicycle parking facility shall be provided at a location convenient to the entrances and within the approved development. Details of the design and layout of the bicycle parking facilities shall be submitted and approved prior to installation of such facilities;*
- (vi) *within 28 days of the issue date of the 'Approval to Commence Development', architectural drawings and a building compliance report (BCA), which are prepared by a qualified Practising Building Consultant demonstrating the building complying with the Building Code of Australia (BCA) requirements for a Class 6 Building shall be submitted to, and approved by the Town; and*
- (vii) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
 - (a) *pay a cash-in-lieu contribution of \$7,868 for the equivalent value of 2.81 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2009/2010 Budget; OR*

(b) *lodge an appropriate assurance bond/bank guarantee of a value of \$7,868 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*

- (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
- (2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
- (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*

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

COUNCIL DECISION ITEM 9.1.11

Moved Cr Farrell, Seconded Cr Topelberg

That the recommendation be adopted.

MOTION PUT AND CARRIED (9-0)

Landowner:	T K & V M Nguyen
Applicant:	Ginger Nominees Pty Ltd
Zoning:	Metropolitan Region Scheme (MRS): Urban Town Planning Scheme No. 1 (TPS 1): Residential R20
Existing Land Use:	Single House and Shops
Use Class:	Single House, Shop and Eating House
Use Classification:	"P" and "SA"
Lot Area:	506 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

27 May 2003 The Council at its Ordinary Meeting conditionally approved an application for Proposed Retention of Existing Shops and Partial Demolition of and Alterations and Additions, including Second Storey Additions, to Existing Single House.

12 January 2006 The Town under delegated authority from the Council conditionally approved Shade Sails Additions to Existing Single House.

DETAILS:

The site is currently a dual use site, being two single-storey shops, which have frontage to both Hobart Street and Auckland Street, and a two-storey single house located behind the shops with frontage to Auckland Street.

The proposal involves Retention of Existing Single House and Change of Use from Shops to Shop and Eating House.

The applicant has prepared a submission in support of the application, which is partially summarised below and is "*Laid on the Table*".

- The building at No. 45A Hobart Street was previously used as a Delicatessen; however, it remains vacant and has been for some time now.
- Having received encouragement from local residents, the applicant wishes to draw on his involvement and subsequent experience with business ventures of a similar nature and his local knowledge of the area to start a successful café business.
- It is understood that the building holds significant heritage value. The applicant therefore proposes only internal changes and minor cosmetic alterations to the external façade of the building.
- The cafés operating hours would be 7am to 5pm weekdays and 8am to 3pm weekends.
- At any one time, employees would not exceed 4 persons and based on the proposed floor area of the site, the maximum number of expected visitors is to be 40 persons.
- Adequate toilets and disabled facilities have been provided and no machines will be operating on-site other than those found at a normal café.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Non-Residential/ Residential Development Interface Policy	Non-residential developments shall be restricted to District and Local Centre zones.	Commercial use in a residential zone.	Supported – see “Comments”.
Car Parking			
Car parking requirement (nearest whole number)		Total car bays required = 11 car parking bays	
<ul style="list-style-type: none"> • 45 Hobart Street (Shop) – 1 space per 15 square metres of gross floor area. Gross floor area = 36 square metres (requires 2.4 car bays) • 45A Hobart Street (Restaurant) – 1 space per 4.5 square metres of public area = 40 square metres (requires 8.9 car bays) 			
Total car bays required = 11.3 car bays			
Apply the adjustment factors.		0.68	
<ul style="list-style-type: none"> ○ 0.85 (within 400 metres of a bus stop) ○ 0.80 (contains a mix of uses, where at least 45 percent of the gross floor area is residential) 		= 7.48 car bays	
Minus the car parking provided on-site		Nil	
Minus the most recently approved on-site car parking shortfall		4.76 car bays	
Resultant shortfall		2.81 car bays	

Bicycle Parking	
<p>45 Hobart Street (Shop)</p> <ul style="list-style-type: none"> • 1 space per 300 square metres gross floor area (class 1 or 2) = 0.12 space • 1 space per 200 square metres (class 3) = 0.18 space <p>45A Hobart Street (Restaurant)</p> <ul style="list-style-type: none"> • 1 space per 100 square metres of public area for employees (class 1 or 2) = 0.4 space • 2 spaces plus 1 space per 100 square metres of public area for visitors (class 3) = 2.4 spaces <p>Total class one or two bicycle spaces = 0.52 space = 1 space Total class three bicycle spaces = 2.58 spaces = 3 spaces</p>	
Consultation Submissions	
Support (6)	<ul style="list-style-type: none"> • Enhanced ‘liveliness’ and passive surveillance via increased pedestrian activity. Supported – see “Comments”. • Activity may help to slow traffic along Hobart Street. Supported – see “Comments”. • Missed convenience and street activity generated by previous deli. Supported – see “Comments”. • Services people using adjacent park. Supported – see “Comments”. • Sufficient on-street parking. Supported – see “Comments”. • Previously used for commercial purposes. Supported – see “Comments”.
Objection (2)	<ul style="list-style-type: none"> • Commercial quantities of stored rotting food waste. Noted – Not a planning related matter; however, all food premises are subject to health requirements. • Parking on surrounding verges. Not supported – On-street parking is not included in the provision of parking for the café. • Litter and noise issues. Noted. • Possibility of alfresco dining. Noted –An outdoor eating area does not form part of this application.
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:

Heritage

The subject place at Nos. 45-45A Hobart Street, North Perth is listed on the Town's Municipal Heritage Inventory as Management Category B – Conservation Recommended.

The subject place currently comprises a photography shop at No. 45 and a vacant shop at No. 45A, both fronting the intersection of Hobart and Auckland Streets. A single house, situated to the south of the shops, forms part of the heritage place.

Archival evidences suggest that the subject place operated as shop (grocer, mixed businesses and delicatessen) since the 1930s. The shop at No. 45A was operated as a delicatessen, which was formerly known as Hobart Deli, until at least 2007.

The subject application involves the retention of the existing single house and change of use of the previous delicatessen to eating house at No. 45A. The plans dated 15 January 2010 and the information provided with the development application indicates that the proposal involves the following alterations:

Internal alterations:

- Installation of benches, front counter, oven and fridges in the kitchen area;
- Construction of a new disabled toilet and bin store enclosure;
- Repainting of existing internal walls, ceilings and doors; and
- Replacing the damaged jarrah floorboards in a 'like with like' manner.

External alterations:

- Removing the existing security screens and advertising on the shop front windows and exterior walls; and
- Repainting the façade in original colour.

It is noted that the proposed new disabled toilet and bin store enclosure are largely contained to the rear of the shop, whilst the proposed kitchen fit-outs are capable of being removed without causing damage to the fabric of the place. It is considered that the proposal does not involve structural changes or extensive alterations to the existing heritage building and the interior and exterior features are conserved in an appropriate manner.

In addition, the new proposal demonstrates that the change of use will provide for the continued conservation of the place. It is considered that the subject heritage place is to be used for a purpose with which it has a long association as a corner local shop.

Given that the proposal does not involve any alteration to the significant fabric, there are no known detrimental impacts on the heritage significance of the place. In light of the above, the Heritage Officers have no objection to the subject application.

Eating House

As previously highlighted, the site at No. 45A Hobart Street had been operating as a Delicatessen, however the site now remains vacant. The applicant proposes to change the use of the building from 'shop' to 'eating house'.

The application is in keeping with the prior commercial nature of the site and proposes only minor cosmetic works, including re-invigorating the façade and enhancing the character of the building. The Town's Policy No. 3.4.3 Non-Residential/Residential Development Interface strongly encourages the re-use of existing building stock, in particular those identified as having heritage significance. The proposed change of use ensures that the conservation of the place is continued.

The proposed café is to be low scale, low intensity and seeks to serve the day-to-day needs of the local resident population. The use will generate pedestrian activity and contribute to the passive surveillance of the street and the adjacent reserve.

Car Parking

The subject change of use application includes a variation to the number of required on-site car parking bays. Currently, no bays are provided on-site as no space is available; however, as per the Town's Policy No. 3.7.1 Parking and Access a total of 2.81 bays are required. The prior use of the subject building and the adjoining building as 'shops' have functioned with a parking short fall since their initial operation.

The ample on-street car parking bays surrounding the site is sufficient to continue to provide parking opportunities for café customers. However, it is expected that a number of the customers will walk to and from the café as it is expected to serve the needs of the local residents.

It is considered that the proposal will not have a detrimental impact on the amenity of the area and in light of the above, it is recommended that Council approve the application subject to standard and appropriate conditions to address the above matters.

PROCEDURAL MOTION

Moved Cr Lake, Seconded Cr McGrath

That the Item 10.3 be brought forward due to Cr Farrell having to depart the Meeting.

PROCEDURAL MOTION PUT AND CARRIED (9-0)

10.3 Notice of Motion – Councillor Maier – Relating to a Proposed Design Advisory Committee

That the Council:

- (i) *APPROVES IN PRINCIPLE the establishment of a Design Advisory Committee in accordance with Clause 36 of the Town of Vincent Town Planning Scheme No. 1;*
- (ii) *REQUESTS that the Chief Executive Officer provide a report to the Council by May 2010 which includes, but is not limited to:*
 - (a) *Terms of Reference for the Design Advisory Committee including the recommended membership and criteria for determining which development applications should be considered by the committee;*
 - (b) *the potential for the committee to assist in policy development as well as the assessment of development applications;*
 - (c) *possible staffing and financial implications; and*
 - (d) *possible impact on development approval times; and*
- (iii) *REQUESTS the Chief Executive Officer to consult with other local governments and the Office of the Government Architect to determine the current best practice and experiences with similar committees.*

Moved Cr Maier, Seconded Cr McGrath

That the Motion be adopted.

Debate ensued.

Cr Farrell departed the Meeting at 8.37pm and did not return.

Debate ensued.

The Mover, Cr Maier advised that he wished to change clause (i) of the Motion Recommendation to delete “APPROVES IN PRINCIPLE” and insert “CONSIDERS”. The Seconder, Cr McGrath agreed.

MOTION PUT AND CARRIED (8-0)

(Cr Farrell had departed Meeting and did not vote.)

COUNCIL DECISION ITEM 10.3

That the Council:

- (i) *CONSIDERS the establishment of a Design Advisory Committee in accordance with Clause 36 of the Town of Vincent Town Planning Scheme No. 1;*
 - (ii) *REQUESTS that the Chief Executive Officer provide a report to the Council by May 2010 which includes, but is not limited to:*
 - (a) *Terms of Reference for the Design Advisory Committee including the recommended membership and criteria for determining which development applications should be considered by the committee;*
 - (b) *the potential for the committee to assist in policy development as well as the assessment of development applications;*
 - (c) *possible staffing and financial implications; and*
 - (d) *possible impact on development approval times; and*
 - (iii) *REQUESTS the Chief Executive Officer to consult with other local governments and the Office of the Government Architect to determine the current best practice and experiences with similar committees.*
-

9.1.3 No. 315 (Lot 43; D/P 1554) Pier Street, Perth - Proposed Five (5), Single Bedroom Multiple Dwellings

Ward:	South	Date:	15 February 2010
Precinct:	Beaufort; P13	File Ref:	PRO0763; 5.2009.559.1
Attachments:	001 ; 002		
Reporting Officer:	D Pirone, Statutory Planning Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES BY AN ABSOLUTE MAJORITY the application submitted by D Vertannes on behalf of the owner R D Schairer & SV Australia Pty Ltd for proposed Five (5) Single Bedroom Multiple Dwellings, at No. 315 (Lot 43; D/P 1554) Pier Street, Perth, and as shown on plans stamp-dated 9 December 2009 and 7 January 2010, 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 from Pier Street;*
- (ii) any new street/front wall, fence and gate within the Pier Street setback area, including along the side boundaries within this street setback area, shall comply with the Town's Policy provisions relating to Street Walls and Fences;*
- (iii) first obtaining the consent of the owners of Nos. 313 and 317-319 Pier Street and No. 16 Lacey Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing Nos. 313 and 317-319 Pier Street and No. 16 Lacey Street in a good and clean condition;*
- (iv) 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;*
- (v) 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;*
- (vi) the car parking area(s) on the subject land shall be sealed, drained, paved and line marked in accordance with the approved plans prior to the first occupation of the development and maintained thereafter by the owner(s)/occupier(s) to the satisfaction of the Town;*
- (vii) 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;*
- (viii) any proposed vehicular entry gates to the car parking area shall have a minimum 50 per cent visually permeable;*

- (ix) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the windows to the bedroom/study of units 1, 2, 3, 4 and 5 on the loft floor, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the first floor level. A permanent obscure material does not include a self-adhesive material or other material that is easily removed. The whole windows can be top hinged and the obscure portion of the windows openable to a maximum of 20 degrees; OR prior to the issue of a Building Licence revised plans shall be submitted and approved demonstrating the subject windows not exceeding one square metre in aggregate in the respective subject walls, so that they are not considered to be major openings as defined in the Residential Design Codes 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. 317-319 Pier Street and No. 18 Lacey Street stating no objection to the respective proposed privacy encroachments. The revised plans shall not result in any greater variation to the requirements of the Residential Design Codes and the Town's Policies; and*
- (x) *prior to the issue of a Building Licence for the single bedroom dwellings, the owner(s) shall agree in writing to a notification being lodged under section 70A of the Transfer of Land Act notifying proprietors and/or (prospective) purchasers of the single bedroom dwellings that:*
- (a) *a maximum of one (1) bedroom and two (2) occupants are permitted in the single bedroom dwelling at any one time;*
 - (b) *the 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*
 - (c) *the Town will not issue a residential or visitor car parking permit to any owner or occupier of the single bedroom dwellings.*
- This notification shall be lodged and registered in accordance with the Transfer of Land Act prior to the first occupation of the single bedroom dwellings; and*
- (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.*

COUNCIL DECISION ITEM 9.1.3

Moved Cr Topelberg, Seconded Cr Lake

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED
BY AN ABSOLUTE MAJORITY (5-3)

For: Mayor Catania, Cr Buckels, Cr Burns, Cr Harvey, Cr Topelberg
Against: Cr Lake, Cr McGrath, Cr Maier

(Cr Farrell had departed the Meeting and did not vote.)

ADDITIONAL INFORMATION

It has come to the attention of the Town's Officers that certain elements of the planning assessment have not been provided in the Assessment Table. These relate to open space and the single bedroom dwellings policy. Furthermore, a late submission was received on 19 February 2010 (community consultation closed on 8 February 2010) after the Agenda Report had been prepared and the Agenda finalised. The detail of the submission is outlined in the Corrected Assessment table, and it should be noted that this objection does not result in any changes to the Officer Recommendation or the Officer Comments to any of the proposed variations.

At 9.00pm the Presiding Member, Mayor Nick Catania called an Adjournment of the meeting for 5 minutes.

The Meeting resumed at 9.10pm, with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Jeremy van den Bok	A/Director Technical Services
Mike Rootsey	Director Corporate Services
Anita Radici	Executive Assistant (Minutes Secretary)

Landowner:	R D Schairer & SV Australia Pty Ltd
Applicant:	D Vertannes
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Residential/Commercial R80
Existing Land Use:	Vacant Land
Use Class:	Multiple Dwelling
Use Classification:	"P"
Lot Area:	319 square metres
Access to Right of Way	Not Applicable

BACKGROUND:

- 9 December 1996 The Council at its Ordinary Meeting conditionally approved an application for a two-storey single house and office at the subject lot.
- 22 February 1999 The Council at its Ordinary Meeting conditionally approved an application for a three-storey single house at the subject lot.
- 10 May 1999 The Council at its Ordinary Meeting approved amended plans to the Planning Approval granted on 22 February 1999.

- 26 April 2000 The Council at its Ordinary Meeting conditionally approved an application for a three-storey single house at the subject lot.
- 25 July 2000 The Council at its Ordinary Meeting conditionally approved an application for a front fence addition to the previously approved three-storey single house.
- 27 May 2008 The Council at its Ordinary Meeting conditionally approved an application for proposed three-storey mixed use development comprising two multiple dwellings, one office and basement car parking.

DETAILS:

The proposal involves the construction of a three-storey development, comprising of 5 single bedroom multiple dwellings. The applicant's submission is "*Laid on the Table*".

ASSESSMENT:

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

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Density:	2.5 multiple dwellings or 3.8 single bedroom multiple dwellings.	5 single bedroom multiple dwellings (30.7 percent density bonus for single bedroom dwellings; <u>95.9 total density bonus</u>)	Supported – see “Comments” below.
Plot Ratio:	1.0	1.0	Noted – no variation.
Single Bedroom Dwelling Plot Ratio:	70 square metres	Unit 1 = 70 square metres Unit 2, 3 and 4 = 57 square metres Unit 5 = 63 square metres	Noted – no variation. Noted – no variation. Noted – no variation.
Building Setbacks: Ground Floor -North	1.5 metres	Nil	Supported – Not considered to have an undue impact on the neighbouring commercial property and no objections received from adjoining land owner.

-South	1.5 metres	Nil	Supported – Not considered to have an undue impact on the neighbouring property as the wall is abutting a neighbouring 4.5 metre high boundary wall, and no objections received from adjoining land owner.
-West	1.5 metres	Nil	Supported – The height of the boundary wall ranges from 2.62 metres – 2.87 metres and is therefore compliant with the Buildings on Boundary height requirements of the R Codes.
First Floor -East (Pier Street) Balcony	1 metre behind the ground floor main building line.	1.5 metres in front of the ground floor main building line.	Supported – see “Comments” below.
Main Building	2 metres behind the ground floor main building line.	In line with the ground floor main building line.	Supported – see “Comments” below.
-North	2.3 metres	2.07 metres	Supported – Not considered to have an undue impact on the neighbouring commercial property and no objections received from adjoining land owner.
-South	2.6 metres	2 metres	Supported – Not considered to have an undue impact on the neighbouring property as the wall is abutting a neighbouring 4.5 metre high boundary wall, and no objections received from adjoining land owner.
Second Floor -North	2.6 metres	2 metres	Supported – Not considered to have an undue impact on the neighbouring commercial property and no objections received from adjoining land owner.
-South	2.6 metres	1.5 metres	Supported – Not considered to have an undue impact on the neighbouring property as the wall is abutting a neighbouring 4.5 metre high boundary wall, and no objections received from adjoining land owner.

Buildings on Boundary:	Walls not higher than 3.5 metres with average of 3 metres for 2/3 (17.36 metres on the northern and southern boundaries and 8.13 metres on the western boundary) of the length of the balance of the boundary behind the front setback, to one side boundary.	-North Wall Height – 4 metres – 5.9 metres (average height = 4.95 metres); Wall Length = 24.7 metres -South Wall Height – 5.5 metres – 5.85 metres (average height = 5.68 metres); Wall Length = 24.7 metres	Supported – Not considered to have an undue impact on the neighbouring commercial property and no objections received from adjoining land owner. Supported – Not considered to have an undue impact on the neighbouring property as the wall is abutting a neighbouring 4.5 metre high boundary wall, and no objections received from adjoining land owner.
		-West Wall Height – 2.62 metres – 2.87 metres (average height = 2.74 metres); Wall Length = 12.19 metres	Supported – The height of the boundary wall ranges from 2.62 metres – 2.87 metres and is therefore compliant with the Buildings on Boundary height requirements of the R Codes.
Articulation:	Walls on the upper floor that are longer than 9 metres and involve a setback variation are required to incorporate horizontal and/or vertical articulation.	Wall on the southern elevation is 23.3 metres with no articulation.	Supported – Not considered to have an undue impact on the neighbouring property as the wall is abutting a neighbouring 4.5 metre high boundary wall, and no objections received from adjoining land owner.
Visitor Parking:	Car 1 visitor car bay	No visitor car bay proposed.	Supported – see “Comments” below.
Number of Storeys:	2 storeys	3 storeys	Supported – see “Comments” below.
<u>Open Space:</u>	<u>60 percent of the total site area or 191.4 square metres</u>	<u>30.6 percent of the total site area or 97.7 square metres</u>	<u>Supported – The proposed development provides larger private outdoor living areas than the required 6.5 square metres, as well as an open style front setback area that provides a significant amount of landscaping.</u>

<u>Single Bedrooms Dwelling Policy:</u>	<u>The dwelling is to contain one living area</u>	<u>Two living areas proposed for unit 1.</u>	<u>Supported – The subject ground floor plan has been amended further to show the only access to the unit being through the courtyard sliding doors and, therefore, would be inappropriate for a second bedroom. Furthermore, the plot ratio floor area of unit 1 is 70 square metres.</u>
Consultation Submissions			
Support	Nil.	Noted.	
Objection (1)	No comments provided.	Noted.	
<u>Objection (2) – One late submission received on 19 February 2010.</u>	<ul style="list-style-type: none"> • <u>Density.</u> • <u>Visitor car parking.</u> • <u>Building height.</u> • <u>Design of the building is not in-keeping with the streetscape.</u> 	<ul style="list-style-type: none"> • <u>Not supported – see “Comments”.</u> • <u>Not supported – see “Comments”.</u> • <u>Not supported – see “Comments”.</u> • <u>Not supported – the proposed development is sympathetic to an existing streetscape that is predominantly made up of commercial tenancies.</u> 	
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:

Density

The Town’s Local Planning Strategy indicates that a return to residential uses along Pier Street is a major objective for the Perth area. Whilst the proposal demonstrates a variation to the density requirements of the area, the proposal will contribute to housing diversity in the area, as well as contributing to the streetscape and vitality of the area. Furthermore, within the immediate vicinity, a significant density bonus of 175 percent was supported by the Council at Nos. 59-61 Brewer Street as it was considered that the development is consistent with the objectives of Clause 40 of the Town’s Town Planning Scheme No. 1, in terms of enhancing the amenity of the area and its consistency with the planning vision for the area.

As a result of a site inspection, it is clearly evident that a large majority of the properties along Pier Street between Brisbane Street and Brewer Street are entirely commercial with most of the uses being office. Eleven of the properties have been converted into offices, whilst the remaining three properties are residential properties. In light of this, it is considered that the proposal meets the aims of the Local Planning Strategy in terms of housing diversity and wholly residential uses as well as the potential to act as a catalyst and precedent for future development along Pier Street.

Street Setbacks

The upper floor street setbacks of the proposed development are non-compliant with the acceptable development criteria of SADC 5 Street Setbacks as outlined in the above Assessment Table. However, it is considered the proposed street setbacks are compliant with the Performance Criteria for this standard, in that the contemporary façade is staggered, comprises a select range of attractive external wall surface treatments that will provide articulation and interest to Pier Street, and that the setback of the balcony will assist in the passive surveillance of the street.

It should be noted that the proposed building wall that extends to the upper floor balcony facing Pier Street is not considered as a front fence or wall, as this wall is considered as a structure of the main building. A condition has been applied to the Officer Recommendation, for any new front fence or wall to comply with the requirements of the Residential Design Elements Policy.

Building Height

The proposed building height is not considered to have an undue impact on the amenity of the area as the second floor attempts to reflect a loft floor. The R Codes state that the building wall height and the pitch height for a three-storey development is 9 metres and 12 metres respectively. The proposed development reflects heights much less than this, with a maximum wall height of 7.7 metres and overall pitch height of 9.3 metres.

Visitor Car Parking

Pier Street provides a significant amount of on-street car parking as well as the 'M.E. Bank Stadium Car Park' which is located directly adjacent to the property and is open 8:00am to 10:00pm, Monday to Sunday. Furthermore, as stated above, eleven of the properties on Pier Street are commercial and only 3 are residential. Accordingly, it is likely that after office hours and on weekends, the on-street car parking will primarily be used by the residential dwellings.

Absolute Majority

Clause 40 of the Town of Vincent Town Planning Scheme No. 1 states that in determining a non-complying application that Council is required to be satisfied by an absolute majority. A non-complying application is defined as "*an application which does not comply with a standard or requirement of this Scheme ... where the standard of requirement does not provide any permitted variation.*" In the instance, the proposal is required to be considered by an absolute majority due to the proposed density bonus not being pursuant to clauses 20(2), 20(4)(c), 20(4)(e)(ii), 20(4)(f)(ii), 20(4)(h) and 27(1) of the Scheme.

In light of the comments above, it is recommended the Council approves the application by an absolute majority.

9.1.13 No. 21 (Lot 22; D/P 2028) Angove Street, North Perth - Proposed Demolition of Existing Building and Construction of Three-Storey Commercial Building, comprising One (1) Eating House, Four (4) Offices and Associated Car Parking

Ward:	North	Date:	16 February 2010
Precinct:	North Perth; P03	File Ref:	PRO1011; 5.2010.13.1
Attachments:	001		
Reporting Officer:	R Narroo, Senior Planning Officer (Statutory) H Au, Heritage Officer		
Responsible Officer:	R Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

in accordance with the provisions of the Town of Vincent Town Planning Scheme No. 1 and the Metropolitan Region Scheme, APPROVES the application submitted by D Christou on behalf of the owner D & D Christou & Angove Property Investments Pty Ltd for proposed Demolition of Existing Building and Construction of Three-Storey Commercial Building comprising, One (1) Eating House, Four (4) Offices and Associated Car Parking, at No. 21 (Lot 22; D/P 2028) Angove Street, North Perth, and as shown on plans stamp-dated 25 January 2010 and 15 February 2010 , 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 from Angove Street;*
- (ii) *prior to the issue of a Building Licence, revised plans shall be submitted and approved demonstrating the following:*
 - (a) *the bin compound being redesigned to accommodate the following bins:*

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;

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;

A Waste Management Plan is to be submitted to the Town's Wastes Management Team prior to the first occupation of the development; and
 - (b) *a minimum of ten per cent of site area (40.7 square metres) of landscaping is to be provided.*

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

- (iii) *prior to the issue of the Building Licence, revised plans and details shall be submitted and approved demonstrating the balconies to offices on the first and second floors on the southern elevation, being screened with a permanent obscure material and be non-openable to a minimum of 1.6 metres above the respective finished floor levels. 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. 2-10 Woodville Street, stating no objection to the respective proposed privacy encroachments;*

- (iv) *within twenty-eight (28) days of the issue date of this 'Approval to Commence Development', the owner(s) or the applicant on behalf of the owner(s) shall comply with the following requirements:*
- (a) *pay a cash-in-lieu contribution of \$28,476 for the equivalent value of 10.17 car parking spaces, based on the cost of \$2,800 per bay as set out in the Town's 2008/2009 Budget; OR*
 - (b) *lodge an appropriate assurance bond/bank guarantee of a value of \$28,476 to the satisfaction of the Town. This assurance bond/bank guarantee will only be released in the following circumstances:*
 - (1) *to the Town at the date of issue of the Building Licence for the development, or first occupation of the development, whichever occurs first; or*
 - (2) *to the owner(s)/applicant following receipt by the Town of a Statutory Declaration of the prescribed form endorsed by the owner(s)/applicant and stating that they will not proceed with the subject 'Approval to Commence Development'; or*
 - (3) *to the owner(s)/applicant where the subject 'Approval to Commence Development' did not commence and subsequently expired.*
- The car parking shortfall and consequent cash-in-lieu contribution can be reduced as a result of a greater number of car bays being provided on-site and to reflect the new changes in the car parking requirements;*
- (v) *a detailed schedule of external finishes (including materials and colour schemes and details) shall be submitted and approved prior to the issue of a Building Licence;*
 - (vi) *first obtaining the consent of the owners of No. 23 Angove Street and No. 459 Fitzgerald Street for entry onto their land, the owners of the subject land shall finish and maintain the surface of the boundary (parapet) walls facing No. 23 Angove Street and No. 459 Fitzgerald Street in a good and clean condition;*
 - (vii) *all signage that does not comply with the Town's Policy relating to Signs and Advertising shall be subject to a separate Planning Application, and all signage shall be subject to a separate Sign Licence application, being submitted and approved prior to the erection of the signage;*
 - (viii) *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 to the site, 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;*
 - (ix) *doors, windows and adjacent floor area of the cafe fronting Angove Street, shall maintain an active and interactive relationship with this street;*
 - (x) *prior to the first occupation of the development, the car parking spaces provided for the café and offices shall be clearly marked and signposted;*

- (xi) *the maximum gross floor area for the commercial development shall be limited to 102.75 square metres of eating house and 493.5 square metres of office space, and further increase or decrease in the area of eating house and number of offices may be 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;*
- (xii) *the car park shall be used only by employees, tenants, and visitors directly associated with the development;*
- (xiii) *a detailed landscaping plan, including a list of plants and the landscaping and reticulation shall be submitted and approved prior to the issue of a Building Licence. 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). Any landscaping at the intersection of the driveway access and Angove Street must comply with the Town's Visual Truncation Policy. A list of Planting is to be submitted to the Town's Parks Services to assesses and approve prior to the issuing of the Building License;*
- (xiv) *a Demolition Licence shall be obtained from the Town prior to commencement of any demolition works on the site;*
- (xv) *any proposed vehicular entry gates adjacent to the commercial car parking area shall 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 at all times. Details of the management measures shall be submitted to and approved by the Town prior to the first occupation of the development;*
- (xvi) *all turntable maintenance agreements/contracts are to be current for the life of the building and renewed annually;*
- (xvii) *the applicant/owner will undertake to provide, maintain and ensure the turntable system is operable and in good working order at all times for the life of the building, and all tenants shall be provided with a written instruction procedure, which is to also be signposted appropriate to the control panel;*
- (xviii) *the applicant/owner agrees to indemnify the Town for any claims, actions or litigation arising from the turntable system; and*
- (xix) *in the event of a power failure, the turntable is to be able to be operated manually.*

COUNCIL DECISION ITEM 9.1.13

Moved Cr Buckels, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

Cr Topelberg departed the Chamber at 9.16pm.

Debate ensued.

Cr Topelberg returned to the Chamber at 9.18pm.

Debate ensued.

AMENDMENT

Moved Cr Maier, Seconded Cr Burns

That clause (ii)(b) be amended as follows:

“(ii)(b) a minimum of ten per cent of site area (40.7 square metres) of landscaping is to be provided and such landscaping shall not be adjacent to the driveway.”

Debate ensued.

The Mover, Cr Maier advised that he wished to change his amendment and reword it to delete the words “adjacent to the driveway” and insert the word ‘in’. The Seconder, Cr Burns agreed.

Debate ensued.

AMENDMENT PUT AND LOST (2-6)

For: Cr McGrath, Cr Maier

Against: Mayor Catania, Cr Buckels, Cr Burns, Cr Harvey, Cr Lake, Cr Topelberg

(Cr Farrell had departed Meeting and did not vote.)

MOTION PUT AND CARRIED (7-1)

For: Mayor Catania, Cr Buckels, Cr Burns, Cr Harvey, Cr McGrath, Cr Maier, Cr Topelberg

Against: Cr Lake

(Cr Farrell had departed Meeting and did not vote.)

Landowner:	D & D Christou & Angove Property Investments Pty Ltd
Applicant:	D Christou
Zoning:	Metropolitan Region Scheme: Urban Town Planning Scheme No. 1 (TPS 1): Commercial
Existing Land Use:	Shop
Use Class:	Eating House, Office Building
Use Classification:	"P"
Lot Area:	407 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 shop and construction of a three-storey commercial building comprising one eating house, four offices and associated car parking.

ASSESSMENT:

Non-Compliant Requirements			
Requirements	Required	Proposed *	Officer Comments Pursuant to Clause 38(5) of TPS 1
Building Setbacks Rear	As per Non-Residential Residential Interface Policy= 6 metres	Ground, First and Second Floors= 5.05 metres	Supported- The proposal complies with the overshadowing requirements and there will be no undue impact on the adjoining rear property. No objection received from the adjoining (rear) owners and in this instance, the variation is supported.
Number of Storeys and Height	Two Storeys- 7 metres	Three Storeys- 11.77 metres	Supported- There will be no undue impact on the surrounding area. No objections from the adjoining neighbours and in this instance, the variation is supported.
Landscaping	Ten per cent of site to be landscaped = 40.7 square metres	Nil	Not supported- In the event of approval, a planning condition will be imposed to ensure compliance with this requirement.
Car parking	15.17 car bays	5 car bays Shortfall= 10.17 car bays	Supported- Refer to "Comments" below.
Bicycle Parking	4 Class 1 or 2 3 Class 3	2 bicycle parking	Not supported- A condition is recommended to comply with the provision and number of bicycle bays required.
Awnings	Maximum depth of fascia 300 mm	700 mm	Supported- The proposed awning will match with existing neighbouring shops and in this instance, the variation is supported.
Privacy	Balcony- 7.5 metres setback to boundary	Balcony to first and second floors (rear)- 5.05 metres	Not supported- It will impact on the privacy of the rear property. The balcony is required to be screened.

Shop fronts	The solid portion of the shop front and front façade to non-residential buildings measured vertically from the adjacent footpath is to be no greater than 700 mm	900 mm Applicant submitted amended plan to comply with the requirement.	Noted.
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Consultation Submissions

Support (2)	<p><i>“I confirm our support for the planning application. On behalf of the Owners of the Rosemount Hotel, I confirm our support for the planning application (for a three storey development) currently before Council in relation to the above site.</i></p> <p><i>The Hotel currently has a surplus of available bays during office hours and in support of the said application advise that Agreement has been reached pursuant to which the Hotel will provide the occupiers of the above lot with reciprocal access to and use of 5 car parking bays from 8.30am until 5.30pm Monday to Friday; in return for the Owners of the above property in the future making available 5 bays for the benefit of the Hotel for all trading hours outside 8.30am to 5.30pm Monday to Friday.”</i></p>	Noted. This agreement is a private matter between two adjoining owners. The five car bays are not included in the car parking provision.
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Objection	Nil	Noted.
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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

* 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 Parking and Bicycle Calculations

Car Parking- Commercial Component	
Car parking requirement (nearest whole number)	21 car bays
Eating House- 1 space per 4.5 metres of public area (proposed 48.88 square metres)= 10.86 Office-1 space per 50 square metres of gross floor area (proposed 493.5 square metres)= 9.87 Total= 20.73= 21	
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	5 car bays	
Minus the most recently approved on-site car parking shortfall	Not applicable	
Resultant shortfall	10.17 car bays	
Bicycle Parking Facilities		
Requirements	Required	Provided
Eating House-	Class 1 or 2- 1 space per 100 square metres public area= 0.49= 1 Class 3- 2 spaces plus 1 space per 100 square metres of public area= 3	Bicycle Parking shown on plan.
Office Building	Class 1 or 2- 1 space per 200 square metres of gross floor area= 2.47=3	

COMMENTS:

Demolition

The subject rendered brick and iron shop and attached house at No. 21 Angove Street, North Perth was constructed in the Inter-war Retail style of architecture circa 1921.

The subject property was identified as a place of interest as part of the review of the Town's Municipal Heritage Inventory (MHI) in 2006. During the consultation period of the MHI review, no objection was received for the proposed listing, and subsequently it was included on the Town's MHI on 12 September 2006.

After being included on the MHI, the Town received a 'Nomination to Delete' the place from the MHI. A full heritage assessment was undertaken at this time, which is contained as an attachment to this report, and revealed as follows:

'whilst the place has some aesthetic and historic value as outlined in the statement of significance and forms part of the collection of shops constructed along Angove Street during the Inter-war period, which together have some cultural heritage significance to the locality, it is considered that individually, the place does not meet the threshold for entry onto the Town's Municipal Heritage Inventory.'

In line with the above assessment, the Council at its Ordinary Meeting held on 17 June 2007, resolved to delete the place from the MHI. In light of this, the Town's Heritage Services have no objection to the demolition of the subject place, subject to standard conditions.

Car Parking

The Town's Policy relating to Parking and Access suggests that the Council may determine to accept a cash-in-lieu payment where the shortfall is greater than 0.5 car bay to provide and/or upgrade parking in other car parking areas.

Clause 22 (ii) of the Town's Parking and Access Policy states that in determining whether this development should be refused on car parking grounds, the following percentage should be used as a guide:

"If the total requirement (after adjustment factors have been taken into account) is between 11-40 bays, a minimum of 15 per cent of the required bays is to be provided."

In this instance, the applicant is providing 15 per cent of the required bays on-site (2.28 car bays required, 5 car bays provided).

The shortfall in parking, whilst significant, is supported, given the unique nature of the lot, its narrowness and the inability to fit in all the parking required. There exists on-street parking, which people use to access the commercial uses between Woodville Street and Fitzgerald Street, along Angove Street. Further, this section of Angove Street is a pedestrian oriented strip, and the proposed development, with fewer cars entering the property from Angove Street, will assist in maintaining the pedestrian environment of this area. The proposed development will contribute to the regeneration of the surrounding commercial area and enhance the vitality and uniqueness of Angove Street.

Given the above, the variation to parking is supported, and it is recommended that the application be approved as per the Officer Recommendation.

9.1.16 Leederville Masterplan Progress Report No. 10 – Partial Rescinding of Policy No. 3.1.4 relating to the Oxford Centre Precinct, and Replacement with the Amended Leederville Town Centre Masterplan and Built Form Guidelines and Amendment No. 68 to Planning and Building Policies – Draft Amended Policy No. 3.1.4 relating to the Oxford Centre Precinct

Ward:	South	Date:	16 February 2010
Precinct:	Oxford Centre, P4	File Ref:	PLA0147
Attachments:	001		
Reporting Officer:	E. Lebbos, Strategic Planning Officer		
Responsible Officer:	R. Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *RECEIVES the Leederville Masterplan Progress Report No. 10;*
- (a) *RECEIVES the Amended Leederville Town Centre Masterplan and Built Form Guidelines, adopted at the Special Meeting of the Council held on 16 March 2009, pursuant to clause 47 of the Town of Vincent Town Planning Scheme No. 1, to assist in the development and implementation of the Leederville Masterplan, as shown in Attachments 001, 002 and 003;*
- (b) *RECEIVES the Draft Amended Policy No. 3.1.4 relating to the Oxford Centre Precinct, as shown in Attachment 004, subject to clause (2) (ii) of the Draft Amended Policy being amended as follows;*

“(2) DEVELOPMENT GUIDELINES FOR RESIDENTIAL/COMMERCIAL AREAS OUTSIDE THE LEEDERVILLE TOWN CENTRE MASTERPLAN

(ii) Development Standards

Development is to be in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1, Residential Design Codes and with all the relevant policies contained in the Town of Vincent Policy Manual.

In addition, the following standards apply:

(a) Residential Development:

Residential development is to be in accordance with the R80 standards and a maximum plot ratio of 0.75 is to apply to all development types; however, the Town of Vincent may consider variations to the Residential Design Codes, including density, to accommodate heritage requirements or specific site and location circumstances, provided acceptable levels of residential amenity can be maintained.

(b) Mixed Residential/Commercial Development:

Developments comprising residential and commercial uses are to take measures to minimise conflict between non-residential and residential and residential uses when approval is sought for a mixed use development.

(c) Car Parking

Car parking is not to be located within the street setback area. Car parking areas are to be planted with shade trees at the rate of one tree per four parking spaces.”

- (ii) ***AUTHORISES the Chief Executive Officer to advertise the;***
- (a) ***Final Amended version of the Leederville Town Centre Masterplan and Built Form Guidelines, in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1; and***
 - (b) ***Draft Amended Policy No. 3.1.4 relating to the Oxford Centre Precinct for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:***
 - (1) ***advertising a summary of the subject Policy once a week for four consecutive weeks in a newspaper circulating in the locality;***
 - (2) ***where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and***
 - (3) ***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. 3.1.4 relating to the Oxford Centre Precinct, having regard to any written submissions; and***
 - (b) ***DETERMINES the Draft Amended Policy No. 3.1.4 relating to the Oxford Centre Precinct, 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.**

Moved Cr Buckels, Seconded Cr McGrath

That the recommendation be adopted.

Debate ensued.

AMENDMENT

Moved Cr Buckels, Seconded Cr Harvey

That clause (ii)(b)(1) be amended to read as follows:

“(ii)(b)(1) advertising a summary of the subject Policy once a week for four consecutive weeks in The Voice Newspaper ~~a newspaper circulating in the locality;~~”

Debate ensued.

AMENDMENT PUT AND CARRIED (8-0)

(Cr Farrell had departed the Meeting and did not vote.)

Debate ensued.

Cr Burns departed the Chamber at 9.25pm.

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (7-0)

(Cr Farrell had departed the Meeting and Cr Burns was absent from the Chamber and did not vote.)

COUNCIL DECISION ITEM 9.1.16

That the Council;

- (i) ***RECEIVES the Leederville Masterplan Progress Report No. 10;***
- (a) ***RECEIVES the Amended Leederville Town Centre Masterplan and Built Form Guidelines, adopted at the Special Meeting of the Council held on 16 March 2009, pursuant to clause 47 of the Town of Vincent Town Planning Scheme No. 1, to assist in the development and implementation of the Leederville Masterplan, as shown in Attachments 001, 002 and 003;***
- (b) ***RECEIVES the Draft Amended Policy No. 3.1.4 relating to the Oxford Centre Precinct, as shown in Attachment 004, subject to clause (2) (ii) of the Draft Amended Policy being amended as follows;***

**“(2) DEVELOPMENT GUIDELINES FOR RESIDENTIAL/
COMMERCIAL AREAS OUTSIDE THE LEEDERVILLE TOWN
CENTRE MASTERPLAN**

(ii) Development Standards

Development is to be in accordance with the provisions of the Town of Vincent Town Planning Scheme No.1, Residential Design Codes and with all the relevant policies contained in the Town of Vincent Policy Manual.

In addition, the following standards apply:

~~(a) Residential Development:~~

~~Residential development is to be in accordance with the R80 standards and a maximum plot ratio of 0.75 is to apply to all development types; however, the Town of Vincent may consider variations to the Residential Design Codes, including density, to accommodate heritage requirements or specific site and location circumstances, provided acceptable levels of residential amenity can be maintained.~~

~~(b) Mixed Residential/Commercial Development:~~

~~Developments comprising residential and commercial uses are to take measures to minimise conflict between non-residential and residential and residential uses when approval is sought for a mixed use development.~~

~~(c) Car Parking~~

~~Car parking is not to be located within the street setback area. Car parking areas are to be planted with shade trees at the rate of one tree per four parking spaces.~~

- (ii) ***AUTHORISES the Chief Executive Officer to advertise the;***
- (a) ***Final Amended version of the Leederville Town Centre Masterplan and Built Form Guidelines, in accordance with Clause 47 (6) of the Town's Town Planning Scheme No. 1; and***
 - (b) ***Draft Amended Policy No. 3.1.4 relating to the Oxford Centre Precinct for public comment, in accordance with Clause 47 of the Town of Vincent Town Planning Scheme No. 1, including:***
 - (1) ***advertising a summary of the subject Policy once a week for four consecutive weeks in The Voice Newspaper;***
 - (2) ***where practicable, notifying those persons who, in the opinion of the Town, might be directly affected by the subject Policy; and***
 - (3) ***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. 3.1.4 relating to the Oxford Centre Precinct, having regard to any written submissions; and***
 - (b) ***DETERMINES the Draft Amended Policy No. 3.1.4 relating to the Oxford Centre Precinct, with or without amendment, to or not to proceed with it.***

ADDITIONAL INFORMATION:

To ensure consistency in relation to residential development within existing Policy No. 3.1.4 relating to the Oxford Centre Precinct, it is recommended that new provisions relating to development within the Residential/Commercial R80 zoned area, bounded by Melrose, Oxford and Vincent Streets and the Mitchell Freeway, that falls outside the Leederville Masterplan Area, are not included in the Draft Amended Policy at this stage. It is noted however, that as part of the review of the Town Planning Scheme and associated preparation of the Planning, Building and Policy Manual, guidance relating to maintaining a majority residential component in this area can be considered, similar to the provisions currently within the Beaufort Precinct Policy No. 3.1.13.

PURPOSE OF REPORT:

The purpose of this report is to request that the Council support the Officer Recommendation to receive the amended version of the Leederville Town Centre Masterplan and Built Form Guidelines, that were adopted at the Special Meeting of the Council held on 16 March 2009, subsequent to the amendment of Policy No. 3.1.4 relating to the Oxford Centre Precinct.

BACKGROUND:

For detailed background prior to 2008, refer to previous Council Progress Reports relating to the Leederville Masterplan.

19 February 2008 A Progress Report and Presentation on the Leederville Masterplan by the Chief Executive Officer and Directors to a Council Member Forum.

- 18 March 2008 The Consultants JCY presented their progress and draft Built Form Guidelines to a Council Member Forum along with the first presentation relating to the West Perth Regeneration Masterplan.
- 9 April 2008 The Town's Officers met with Consultants JCY to discuss the progress of the Built Form Guidelines and the West Perth Regeneration Masterplan.
- 14 April 2008 The Town's Officers met with Consultants JCY and representatives of the Department of Planning (former Department for Planning and Infrastructure) to discuss the inception of studies relating to the Leederville Station Study, the Transport Study and the Carr Place Precinct.
- 2 July 2008 The Council considered a progress report on the Leederville Masterplan at a Special Meeting.
- 14 October 2008 The Council considered a progress report on the Leederville Masterplan at a Special Meeting.
- 19 November 2008 A community workshop regarding the Leederville Masterplan and Draft Built Form Guidelines was held at the Town's Administration Offices.
- 22 December 2008 The Town's Officers presented to a Council Member Forum a summary of the outcomes of the community consultation period and the community workshop.
- 10 February 2009 The Council at its Ordinary Meeting resolved to include the olive trees located on the south-east corner of No. 1 (Lot 34) The Avenue, Leederville onto the Town's Municipal Heritage Inventory as a Management Category B - Conservation Recommended.
- 11 February 2009 A recommendation was presented at the meeting of the Heritage Advisory Group stipulating that the location of the heritage listed olive trees be included on all planning documents associated with the Leederville Masterplan.
- 16 March 2009 The Council adopted the Built Form Guidelines, subject to a number of amendments, as stipulated in Clause (iv) of the report.
- 4 February 2010 The final amended version of the Leederville Town Centre Masterplan and Built Form Guidelines were received, following numerous amendments as outlined in clause (iv) of Item No. 7.2 that was presented to the Council at its Special Meeting held on 16 March 2009, as well as implications relating to Western Power requirements.

DETAILS:

At the Special Meeting of the Council held on 16 March 2009, the Draft Built Form Guidelines were adopted by the Council, pursuant to clause 47 of the Town Planning Scheme No. 1, with a number of amendments as outlined in clause (iv) of Item No. 7.2.

Following the adoption of the Draft Guidelines, the Town's Planning Officers have been in liaison with Consultants Jones Coulter Young (JCY), in order to finalise the amendments to the Leederville Town Centre Masterplan and Built Form Guidelines. Detailed information relating to the amendments that have been carried out is outlined in the 'Changes to the Built Form Guidelines' section below.

In addition, following the adoption of the Draft Built Form Guidelines, the development requirements within Policy No. 3.1.4 relating to the Oxford Centre Precinct no longer applies to the Leederville Masterplan area. Certain areas within the Oxford Centre Precinct however, have not been incorporated into the Leederville Masterplan area, or addressed in the Built Form Guidelines, and therefore, a section below ('Amendments to Policy No. 3.1.4 relating to the Oxford Centre Precinct') examines how these areas will be dealt with until such a time as the revised Planning and Building Policy Manual is adopted. It is noted that this is an interim measure, until the adoption of the Town's Town Planning Scheme No. 2.

Changes to the Leederville Town Centre Masterplan and Built Form Guidelines

A summary of changes that have been incorporated into the Leederville Town Centre Masterplan and Built Form Guidelines in line with the recommendations of the Special Meeting of Council held on 16 March 2009 is detailed in the table below:

Resolution at the Special Meeting of the Council held on 16 March 2009	Officer Comment	Relevant Section in the Leederville Town Centre Masterplan and Built Form Guidelines
(a) <i>the YMCA HQ Facility being incorporated into the Oxford Town Square Precinct;</i>	The YMCA HQ Facility has been incorporated into the Oxford Town Square Precinct.	Precinct 6 – Oxford Town Square Precinct (specifically refer to pgs. 37 and 39).
(b) <i>the location of the heritage-listed Olive Trees at No. 1 (Lot 34) The Avenue being incorporated into the Oxford Market Precinct;</i>	The heritage-listed Olive Trees at No. 1 (Lot 34) The Avenue, have been incorporated into the Oxford Market Precinct.	Precinct 4 – Oxford Markets Precinct (specifically refer to pg. 30).
(c) <i>a transitional zone from commercial to residential detailing preferred land uses and a ratio of land uses being incorporated into the Carr Place Residential Precinct;</i>	A transitional zone from commercial to residential has been incorporated into the Carr Place Residential Precinct, stipulating a minimum of 50% residential development, with the other portion suitable for low impact commercial uses compatible with residential use, facing Carr Place and the possibility of higher impact commercial uses facing Vincent Street. The affected lots within the transition zone are as follows:	Precinct 7 – Carr Place Residential Precinct (specifically refer to pgs. 42 and 43).

Resolution at the Special Meeting of the Council held on 16 March 2009	Officer Comment	Relevant Section in the Leederville Town Centre Masterplan and Built Form Guidelines
	<ul style="list-style-type: none"> • No. 297 (Lot 5) Vincent Street, Leederville; • No. 295 (Lot 6) Vincent Street, Leederville; • No. 291 (Lot 7) Vincent Street, Leederville; • No. 289 (Lot 8) Vincent Street, Leederville; • No. 287 (Lot 100) Vincent Street, Leederville; • No. 1/218 (Lot 1) Carr Place, Leederville; • No. 1/214 (Lot 1) Carr Place, Leederville; and • No. 212 (Lot 72) Carr Place, Leederville. 	
(d) <i>the existing laneway between Vincent Street and Carr Place being recommended as widened to 6 metres;</i>	The existing laneway between Vincent Street and Carr Place has been identified as being widened to a 6 metre laneway access in the future.	Precinct 7 – Carr Place Residential Precinct (specifically refer to pgs. 42 and 43).
(e) <i>introduce sliding residential densities and corresponding sliding maximum building heights into the Carr Place Precinct to encourage higher density development;</i>	Sliding residential densities and corresponding sliding maximum building heights have been incorporated into the Carr Place Precinct, in order to encourage higher density development, as they relate to land area.	Precinct 7 – Carr Place Residential Precinct (specifically refer to pg. 43).
(f) <i>include provisions for the 2.0 metre setback from Vincent Street in the Carr Place Precinct;</i>	Provisions have been included for a 4 metre setback from Vincent Street for 1-2 storey developments, and a minimum of 7 metres for development above 2 storeys, as opposed to the 2 metre setback proposed in clause (iv) of the Council resolution. This is due to Western Power requirements that have recently been identified. In addition, the Oxford Markets Precinct and the Entertainment Precinct now state ‘ <i>set-backs to Vincent Street are subject to approval from Western Power, and may be subject to Metropolitan Region Scheme road widening requirements;</i> ’	Precinct 7 – Carr Place Residential Precinct (specifically refer to pg. 45).

Resolution at the Special Meeting of the Council held on 16 March 2009

Officer Comment

Relevant Section in the Leederville Town Centre Masterplan and Built Form Guidelines

- (g) *incorporate a more staggered setback approach for buildings greater than two storeys fronting Carr Place in the Carr Place Residential Precinct;* A more staggered setback approach for buildings greater than two storeys fronting Carr Place in the Carr Place Residential Precinct has been incorporated into the Guidelines. Developments above 2 storeys are now required to be setback 1.5 metres to 4 metres from the lower storey building line. Precinct 7 – Carr Place Residential Precinct (specifically refer to pg. 44).
- (h) *incorporate provisions for vehicular access in the Carr Place Residential Precinct;* This amendment relates to a reduction in crossovers and encouraging rear vehicular access in order to create an open and interactive streetscape. Precinct 7 – Carr Place Residential Precinct (specifically refer to pg. 43).

It is considered that this amendment has partially been addressed, in that land amalgamation has been encouraged through sliding densities and building heights incentive in order to increase lot frontages, thereby reducing the number of crossovers by reducing the number of lots.

However, given that the existing right of way does not continue the length between Carr Place and Vincent Street, it was considered unnecessary to incorporate provisions for rear vehicular access. Nevertheless, it is noted that there are existing provisions in Policy No. 3.2.1 relating to Residential Design Elements, which encourage parking, garages and carports to be located at the rear of the property and accessed via a right of way, where a right of way exists, and the property has legal right of access to the right of way.

Resolution at the Special Meeting of the Council held on 16 March 2009

Officer Comment

Relevant Section in the Leederville Town Centre Masterplan and Built Form Guidelines

- (i) *demonstrate a new pedestrian overpass and new civic/space mixed use development to create an improved entry point in the Oxford Markets Precinct;* A new pedestrian overpass has not been incorporated into the Built Form Guidelines, as this will discourage pedestrian activity along Oxford Street, resulting in less people accessing the café strip, which will in turn impede economic and social sustainability within the Masterplan area. Rather, an at-grade pedestrian link has been added. Precinct 4 – Oxford Markets Precinct (specifically refer to pg. 31).
- (j) *height of the icon towers proposed in the Oxford Markets Precinct and the Oxford Town Square being changed from 16 to 24 storeys to a minimum of 8 storeys and a maximum of 16 storeys;* The height of the icon towers proposed in the Oxford Markets Precinct and the Oxford Town Square have been amended to a minimum of 8 storeys and a maximum of 16 storeys, as opposed to a minimum of 16 storeys and a maximum of 24 storeys. Precinct 4 – Oxford Markets Precinct (specifically refer to pg. 30); and Precinct 6 – Oxford Town Square Precinct (specifically refer to pgs. 38 and 39).
- (k) *incorporate a provision that all development of land abutting heritage listed properties in the Oxford Street Precinct to be assessed with due regard to the Town's Policy relating to Heritage Management Development Guidelines No. 3.6.1 and the State Planning Policy No. 3.5 relating to Historic Heritage Conservation;* A provision that all development of land abutting heritage listed properties in the Oxford Street Precinct are to be assessed with due regard to Town and State Policies relating to heritage management has been incorporated into the Built Form Guidelines. Precinct 1 – Oxford Street Precinct (specifically refer to pg. 21).
- (l) *incorporate a provision that all development within the Oxford Street Precinct (south) requires a detailed site analysis to provide a contextual overview of the impact on the existing scale, form and bulk of the buildings addressing Oxford Street;* A provision relating to the requirement of a detailed site analysis providing a contextual overview of the impact on the existing scale, form and bulk of for all development within the Oxford Street Precinct (south), has been incorporated into the Built Form Guidelines. Precinct 1 – Oxford Street Precinct (specifically refer to pg. 21).

Resolution at the Special Meeting of the Council held on 16 March 2009	Officer Comment	Relevant Section in the Leederville Town Centre Masterplan and Built Form Guidelines
(m) <i>include reference to the Town's Noise Abatement and Sound Attenuation Policies in the Carr Place Residential Precinct and the Entertainment Precinct;</i>	Reference has not been made regarding the Town's Noise Abatement and Sound Attenuation Policies in the Carr Place Residential Precinct and the Entertainment Precinct. All Development Applications within the Town are assessed in line with relevant Town Policies. Therefore, it is considered unnecessary to include specific reference to this Policy in the Built Form Guidelines, to the exclusion of other Policies.	N/A
(n) <i>include provisions relating to shade and shelter in the Oxford Town Square and other references made to the public realm; and</i>	Additional provisions relating to shade and shelter in the Oxford Town Square, as well as references to the public realm have not been included. Following discussion with Consultants JCY, it is considered that sufficient reference has been made in the Built Form Guidelines in relation to shade and shelter in the Oxford Town Square. Further, detailed reference relating to shade and shelter provisions will be addressed by landscape designers/architects, once the development of the Precinct is at the design stage.	N/A
(o) <i>include provisions for a minimum requirement for the icon towers in the Oxford Markets Precinct and the Oxford Town Square to have a minimum 5 star green building rating.</i>	Provisions for a minimum 5 star green building rating has been included for the icon towers in the Oxford Markets Precinct and the Oxford Town Square.	Section 4.3 – Environmental Sustainability (pg. 11).

Amendment of Policy No. 3.1.4 relating to the Oxford Centre Precinct

Following the adoption of the Built Form Guidelines by the Council at its Special Meeting held on 16 March 2009, development requirements within Policy No. 3.1.4 relating to the Oxford Centre Precinct no longer applies to the Leederville Masterplan area. However, because the boundaries of the Precinct relate to the boundaries as set out in the Town's Town Planning Scheme No. 1, these cannot be removed or changed until such a time that the Town Planning Scheme itself is amended.

As shown in Figure 1, certain areas within the Oxford Centre Precinct have not been incorporated into the Leederville Masterplan area, or addressed in the Built Form Guidelines. Therefore, the provisions of the Oxford Centre Precinct Policy will continue to apply in these areas, until such a time as the revised Planning and Building Policy Manual has been adopted, as part of the review of the Town's Town Planning Scheme No. 1.

In line with this, it is considered appropriate that the development requirements of Policy No. 3.1.4, as shown in Attachment 004, are amended, by removing the provisions relating to development within the Masterplan area, and retaining the provisions relating to the areas bounded by Bourke Street and Richmond Street, and Melrose Street and Vincent Street (other than the lots directly abutting Oxford Street, as these are partially within the Masterplan area). More specifically, a summary of the amendments that have been proposed include:

- Removing section 2 relating to the Core Area and various Precincts, which are not in line with the Precincts as set out in the Leederville Town Centre Masterplan and Built Form Guidelines;
- Incorporating a section outlining guidelines specifically relating to the residential/commercial area outside of the Leederville Town Centre Masterplan area;
- Incorporating a section outlining guidelines specifically relating to the commercial area outside of the Leederville Town Centre Masterplan area;
- Updating references relating to outdated Policies;
- Removing the section within the Policy relating to reserves, as the reserve within the Oxford Centre Precinct is now located within the Leederville Town Centre Masterplan area; and
- Removing reference to vehicular access to properties abutting Loftus Street and Scarborough Beach Road, as this does not relate to the residential/commercial and commercial areas addressed in the Policy.

By amending Policy No. 3.1.4, this will ensure that the two documents are complementary and easily read simultaneously.

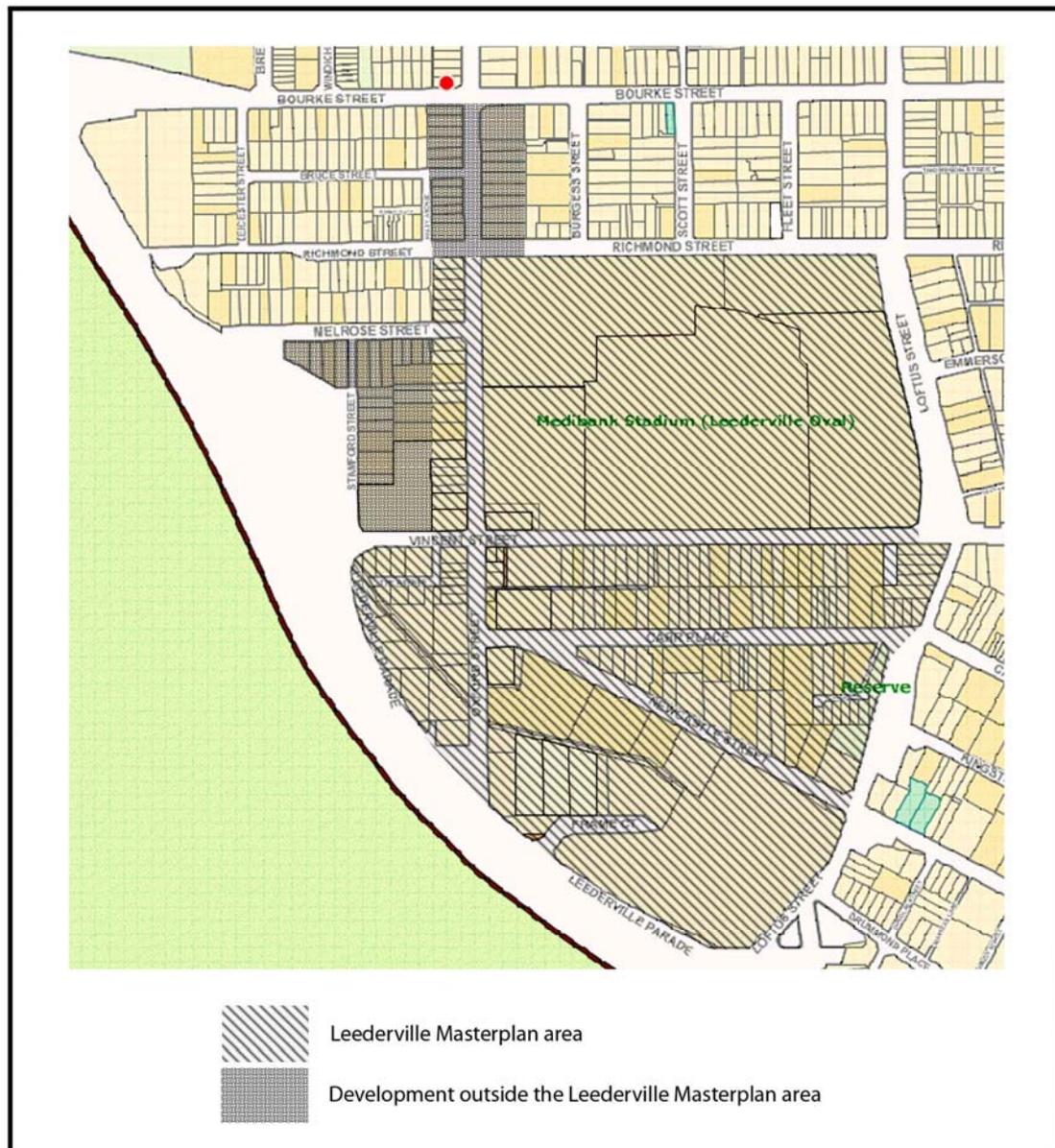


Figure 1: Development outside the Leederville Masterplan area, for which the amended Oxford Centre Precinct Policy will continue being utilised, until the adoption of the revised Planning and Building Policy Manual.

CONSULTATION/ADVERTISING:

The Built Form Guidelines, together with a number of related Studies, underwent a 4 week advertising period from 28 October 2008 and concluded on 24 November 2008. Letters were sent out to all affected landowners and occupiers, including business owners, all relevant Government departments/agencies, Precinct Groups, and all respondents from previous consultation undertaken in July 2007.

Refer to Attachment 001 of Item No. 7.2, presented to the Council at its Special Meeting held on 16 March 2009, for the summary of submissions.

However, in relation to the Draft Amended Policy No. 3.1.4 relating to the Oxford Centre Precinct Policy, clause 47 (3) (a) of the Town's Town Planning Scheme No. 1 states, '*having prepared a draft planning policy, the Council is – to advertise a summary of the draft once a week for four consecutive weeks...*' In line with this, the Draft Amended Policy No. 3.1.4 relating to the Oxford Centre is required to be advertised for twenty eight (28) days.

LEGAL/POLICY:

Town Planning Scheme No. 1 and associated Policies.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 states:

"Natural and Built Environment

- 1.1 *Improve and maintain the environment and infrastructure.*
 - 1.1.1 *Capitalise on the Town's strategic location, its centres and commercial areas.*
 - 1.1.2 *Develop and implement a Town Planning Scheme and associated policies, guidelines and initiatives that deliver the community vision."*

"Economic Development

- 2.1 *Progress economic development with adequate financial resources.*
 - 2.1.1 *Promote the Town as a place for investment, appropriate to the vision for the Town.*
 - 2.1.3 *Promote business development.*
 - 2.1.7 *Implement the Leederville Masterplan..."*

FINANCIAL/BUDGET IMPLICATIONS:

The current 2009/2010 Budget allocates \$146,000 for the Leederville Masterplan and \$66,000 for Town Planning Scheme Amendments and Policies.

SUSTAINABILITY IMPLICATIONS:

It is considered that the Leederville Masterplan will direct future development to occur in a manner that meets the community's changing needs, through the provision of a range of housing types and employment choices consistent with transit-oriented design principles and green building design. In particular, provisions for green building design are set out in Section 4.3 of the Guidelines, relating to Environmental Sustainability.

In addition, it is envisaged that by improving the amenity for pedestrians, particularly along Oxford Street, as well as by providing universal access provisions (as stipulated in Section 4.2 of the Guidelines), this will encourage more foot traffic, resulting in more people accessing the café strip, which will in turn stimulate economic and social sustainability within the Masterplan area.

COMMENTS:

Following liaison with Consultants JCY, the Town's Officers consider that the amended Built Form Guidelines reflect the Council's resolution relating to clause (iv) of Item No. 7.2 at its Special Meeting held on 16 March 2009. It is considered that the amended Guidelines will facilitate 'people-oriented' urban design with innovative development, in order to create a sustainable and vibrant Precinct, in line with the vision for Leederville as established in the community visioning project *Vincent Vision 2024*.

In light of the above, it is recommended that the Council approves the amendments to Policy No. 3.1.4 relating to the Oxford Centre Precinct Policy, and progresses this document in accordance with the Officer Recommendation, and, in addition, receive the amended Leederville Town Centre Masterplan and Built Form Guidelines.

9.1.19 Economic Development Strategy Report

Ward:	Both	Date:	16 February 2010
Precinct:	All Precincts	File Ref:	ADM0067
Attachments:	001		
Reporting Officer:	E. Lebbos, Strategic Planning Officer		
Responsible Officer:	R. Boardman, Director Development Services		

OFFICER RECOMMENDATION:

That the Council;

- (i) *NOTES that the preparation of a new Economic Development Strategy is required to;*
- (a) *develop goals and objectives relating to the Town's five town centres;*
 - (b) *provide an economic analysis and develop goals and objectives relating to the four major regeneration projects within the Town, namely the;*
 - (1) *Leederville Masterplan;*
 - (2) *West Perth Regeneration Masterplan;*
 - (3) *Glendalough Station Precinct; and*
 - (4) *ME Bank Stadium Precinct;*
 - (c) *reinforce the Town of Vincent's position as a desirable place in metropolitan Perth to live, work and do business;*
 - (d) *promote the Town as a 'location of choice' to facilitate economic development;*
 - (e) *develop economic rationale to achieve the Town's vision, in line with the Local Planning Strategy;*
 - (f) *develop economic rationale to implement and promote a strategy for each of the Town's five town centres; and*
 - (g) *be accompanied with an Implementation and Action Plan to ensure the delivery of the key recommendations of the Economic Development Strategy;*
- (ii) *APPROVES the Draft Project Brief, as shown in Attachment 001;*
- (iii) *AUTHORISES the Chief Executive Officer to call a quotation for the preparation and delivery of an Economic Development Strategy, and report back to the Council by no later than 30 May 2010; and*
- (iv) *LISTS for consideration an amount of \$30,000 in the Draft 2010/2011 Budget to fund the Economic Development Strategy, and associated Implementation and Action Plans.*

Moved Cr Topelberg, Seconded Cr McGrath

That the recommendation be adopted with the following wording:

“(ii) APPROVES the Draft Project Brief, as shown in Attachment 001, subject to section 8.0 of the Draft Project Brief being amended as follows;

8.0) PRIMARY PRODUCT/PROJECT METHODOLOGY

.....

- *Conducting interviews with relevant stakeholders including representatives involved with Economic Development from State Government Agencies, East Perth Redevelopment Authority, and local business owners and groups;*

.....”

Debate ensued.

Cr Burns returned to the Chamber at 9.36pm.

Debate ensued.

MOTION AS AMENDED PUT AND CARRIED (8-0)

(Cr Farrell had departed the Meeting and did not vote.)

COUNCIL DECISION ITEM 9.1.19

That the Council;

- (i) *NOTES that the preparation of a new Economic Development Strategy is required to;*
- (a) *develop goals and objectives relating to the Town’s five town centres;*
 - (b) *provide an economic analysis and develop goals and objectives relating to the four major regeneration projects within the Town, namely the;*
 - (1) *Leederville Masterplan;*
 - (2) *West Perth Regeneration Masterplan;*
 - (3) *Glendalough Station Precinct; and*
 - (4) *ME Bank Stadium Precinct;*
 - (c) *reinforce the Town of Vincent’s position as a desirable place in metropolitan Perth to live, work and do business;*
 - (d) *promote the Town as a ‘location of choice’ to facilitate economic development;*

- (e) *develop economic rationale to achieve the Town's vision, in line with the Local Planning Strategy;*
- (f) *develop economic rationale to implement and promote a strategy for each of the Town's five town centres; and*
- (g) *be accompanied with an Implementation and Action Plan to ensure the delivery of the key recommendations of the Economic Development Strategy;*
- (ii) **APPROVES** *the Draft Project Brief, as shown in Attachment 001, subject to section 8.0 of the Draft Project Brief being amended as follows;*
- 8.0) **PRIMARY PRODUCT/PROJECT METHODOLOGY**
-
- *Conducting interviews with relevant stakeholders including representatives involved with Economic Development from State Government Agencies, East Perth Redevelopment Authority, and local business owners and groups;*
-”
- (iii) **AUTHORISES** *the Chief Executive Officer to call a quotation for the preparation and delivery of an Economic Development Strategy, and report back to the Council by no later than 30 May 2010; and*
- (iv) **LISTS** *for consideration an amount of \$30,000 in the Draft 2010/2011 Budget to fund the Economic Development Strategy, and associated Implementation and Action Plans.*

PURPOSE OF REPORT:

The purpose of this report is to present the Council with the Draft Project Brief relating to a new *Economic Development Strategy*, together with an *Implementation and Action Plan*, for the Town of Vincent.

BACKGROUND:

The *Economic Development Strategy 2005-2010* was prepared as a result of a priority initiative from the Town of Vincent's *Strategic Plan 2003-2008*. This Plan identified economic development as one of the four key result areas for the Town of Vincent.

- | | |
|-----------------|--|
| 24 June 2003 | At its Ordinary Meeting, the Council considered a Notice of Motion and resolved to prepare a Marketing and Business Development Strategy for the Town. |
| 9 November 2004 | At its Ordinary Meeting, the Council resolved to accept the quotation submitted by Pracsys to prepare an Economic Development Strategy 2005-2010, for the Town of Vincent. |
| 12 April 2005 | At its Ordinary Meeting, the Council resolved to receive the <i>Economic Development Strategy 2005-2010</i> report, submitted by Pracsys, and authorised the draft <i>Economic Development Strategy 2005-2010</i> to be advertised for community consultation (including placing the document on the Town's webpage) for a period of two months. |

- 9 August 2005 At its Ordinary Meeting, the Council resolved as follows;
“*That the Council;*
(i) *RECEIVES and gives consideration to the submissions received about the Economic Development Strategy 2005-2010 report, submitted by Pracsys as shown in Appendix 10.4.7 “Laid on the Table” and previously provided separately to Elected Members;*
(ii) *ADOPTS the draft Economic Development Strategy subject to it being amended to include comments received during the community consultation period as detailed in the report...*”
- 27 June 2006 At its Ordinary Meeting, the Council considered a Notice of Motion and resolved to authorise the Chief Executive Officer to prepare a project brief and the terms of reference for Council’s approval for a consultant to be engaged to provide a further report relating to the governance of the Town’s *Economic Development Strategy*. In addition, the Council requested that the *Economic Development Strategy Governance and Implementation Report* project brief and the terms of reference be prepared for the Council’s consideration, no later than August 2006.
- 22 August 2006 At its Ordinary Meeting, the Council resolved as follows;
“*That the Council;*
(i) *APPROVES the Terms of Reference relating to the Economic Development Strategy Governance and Implementation Report – Appointment of Consultant; and*
(ii) *AUTHORISES the Chief Executive Officer to call quotations for a consultant to prepare an Economic Development Strategy Governance and Implementation Report.*”
- 12 September 2006 At its Ordinary Meeting, the Council resolved to approve the Terms of Reference relating to the *Economic Development Strategy Governance and Implementation Report – Appointment of Consultant*, and authorise the Chief Executive Officer to call quotations for a consultant to prepare an *Economic Development Strategy Governance and Implementation Report*.
- 22 April 2008 At its Ordinary Meeting, the Council resolved to receive the draft final report of the *Economic Development Plan – Implementation and Governance* dated March 2008 prepared by Pracsys.
- 23 September 2008 At its Ordinary Meeting, the Council resolved to receive the final report of the *Economic Development Plan – Implementation and Governance* dated March 2008 and prepared by Pracsys Consultants.

DETAILS:

The *Economic Development Strategy 2005-2010*, was prepared as a result of a priority initiative from the Town of Vincent’s *Strategic Plan 2003-2008*. Whilst effective, in that Mount Hawthorn, Leederville, Mount Lawley, and North Perth are all high performing town centres, the Strategy is due for renewal.

Given the Town is a ‘not for profit’ enterprise, it is envisaged that any new *Economic Development Strategy* would focus on promoting the Town as a ‘location of choice’ to facilitate economic development.

The Town's Officers have considered the existing *Economic Development Strategy 2005-2010*, along with the more recent Draft *Economic Development Promotional Strategy*, with the view of appointing Consultants to develop a single document relating to economic development in the Town.

In preparing an *Economic Development Strategy*, the Consultants will be required to develop goals and objectives, together with an *Implementation and Action Plan*, that addresses the Town's five town centres and the four (4) major regeneration projects, notably the Leederville Masterplan, the West Perth Regeneration Masterplan, the Glendalough Station Precinct, and the ME Bank Stadium Precinct. In addition, the Consultants will also be required to develop economic rationale to achieve the Town's vision for these areas in line with the Local Planning Strategy (LPS), which was endorsed by the Council at its Ordinary Meeting held on 14 April 2009, and referred to the WAPC on 12 May 2009 for consideration and certification.

In light of this, and the Council decision relating to the Draft *Economic Development Promotional Strategy* (presented to the Council at its Ordinary Meeting held on 14 April 2009), which was '*deferred for further consideration (including the preparation of an implementation plan with recommended courses of action, timeframes and cost implications)*', the Town's Officers envisage, that in order to develop an effective and operative *Economic Development Strategy*, the document must be developed simultaneously with an *Implementation and Action Plan*.

It is also suggested that any new Strategy incorporate the findings of the Draft *Economic Development Promotional Strategy*.

A way forward

A number of Local Councils were examined as part of the review process, including the Shire of Mundaring, the City of Subiaco, the City of Wanneroo, and the City of Nedlands. The findings indicated that the Town has taken a different approach to the various Local Councils examined, in that the *Economic Development Strategy* was developed independent of an *Implementation and Action Plan*.

The Town's Officers envisage that the *Implementation and Action Plan*, relating to the new *Economic Development Strategy*, should address the following main themes, in order to ensure that an integrated/whole of local government approach is adopted:

- Development and Construction;
- Branding;
- Employment and Skills Development;
- Integrated Transport;
- Tourism and Entertainment;
- Sports and Recreation Facilities;
- Business Development; and
- Business Support and Facilitation.

As mentioned above, a Draft *Economic Development Promotional Strategy* has recently been prepared by the Town's Public Relations Officer, to help facilitate select aspects of the Town's strategic objectives, relating to economic development. This Strategy explores promotional options and opportunities to help endorse Vincent as a 'location of choice', with a particular focus on the activity/commercial centres of Leederville, North Perth, Mount Hawthorn, Mount Lawley and William Street, Perth. As outlined in the Minutes of the Ordinary Meeting of Council held on 14 April 2009, '*a key component in this Promotional Strategy is to establish a 'brand'...and 'image' for Vincent and to 'position' Vincent and its localities.*' Therefore, by focusing on the above themes, it is possible to incorporate the findings of the Draft *Economic Development Promotional Strategy* under the 'branding' theme proposed for the *Economic Development Strategy*.

In light of the above, a Draft Consultants Brief and request for Quotation have been prepared, stipulating the preparation of the *Economic Development Strategy* concurrently with an *Implementation and Action Plan*.

CONSULTATION/ADVERTISING:

In line with the consultation process that occurred for the *Economic Development Strategy 2005-2010*, it is recommended that, once a Draft *Economic Development Strategy* is developed, this should be advertised for a period of thirty (30) days. The business community will be engaged by means of a workshop/forum.

LEGAL/POLICY:

It is not a legal requirement to have an *Economic Development Strategy*, however it is considered "*Best Practice*" management that a Strategy be adopted, in order to complement the Council's *Strategic Plan 2009-2014* and the Annual Budget.

STRATEGIC IMPLICATIONS:

Strategic Plan 2009-2014 states:

"Natural and Built Environment

- 1.1 *Improve and maintain the environment and infrastructure*
 - 1.1.1 *Capitalise on the Town's strategic location, its centres and commercial areas."*

"Economic Development

- 2.1 *Progress economic development with adequate financial resources*
 - 2.1.1 *Promote the Town of Vincent as a place for investment appropriate to the vision for the Town.*
 - 2.1.3 *Promote business development.*
 - 2.1.4 *Identify the needs and expectations of the business community and facilitate outcomes in the Town."*

SUSTAINABILITY IMPLICATIONS:

The development of an *Economic Development Strategy*, together with an *Implementation and Action Plan*, will have dividends in the long term, in relation to providing clear guidance for economic and social sustainability.

FINANCIAL/BUDGET IMPLICATIONS:

The current 2009/2010 Budget allocates \$10,000 for the *Economic Development Strategy*. Depending on quotations received however, it is envisaged that additional funding will be required.

COMMENTS:

It is recommended that the Council support the Officer Recommendation, and notes the necessity to develop an *Implementation and Action Plan* concurrently with the Strategy, to ensure the Strategy's operational success.

The Chief Executive Officer advised that Mayor Catania and Cr Burns declared a financial interest in Item 9.3.1. They departed the Chamber at 9.29pm. They did not speak or vote on this matter.

Deputy Mayor, Cr Sally Lake assumed the Chair at 9.29pm.

9.3.1 Investment Report as at 31 January 2010

Ward:	Both	Date:	3 February 2010
Precinct:	All	File Ref:	FIN0033
Attachments:	001		
Reporting Officer:	N. Makwana, Accounting Officer		
Responsible Officer:	M. Rootsey, Director Corporate Services		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Investment Report for the month ended 31 January 2010 as detailed in Appendix 9.3.1.

COUNCIL DECISION ITEM 9.3.1

Moved Cr Topelberg, Seconded Cr Maier

That the recommendation be adopted.

MOTION PUT AND CARRIED (6-0)

(Mayor Catania and Cr Burns were absent from the Chamber and did not vote on this matter.)

(Cr Farrell had departed the Meeting and did not vote.)

Mayor Catania and Cr Burns returned to the Chamber at 9.30pm. The Chief Executive Officer advised that the item was carried.

Mayor Catania, assumed the Chair.

PURPOSE OF REPORT:

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

BACKGROUND:

Interest from investments is a significant source of funds for the Town, where surplus funds are deposited in the short term money market for various terms. Details are attached in Appendix 9.3.1.

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

DETAILS:

Total Investments for the period ended 31 January 2010 were \$17,274,076 compared with \$18,774,076 at 31 December 2009. At 31 January 2009, \$16,473,265 was invested.

Total accrued interest earned on Investments as at 31 January 2010:

	Budget	Actual	%
	\$	\$	
Municipal	350,000	247,463	70.70
Reserve	300,000	216,321	72.11

COMMENT:

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

The funds invested have reduced from previous period due to payment to creditors.

The report comprises of:

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

9.3.4 Review of the 2009/2010 Annual Budget

Ward:	Both	Date:	17 February 2010
Precinct:	All	File Ref:	FIN0025
Attachments:	001 , 002		
Reporting Officer:	M Rootsey, Director Corporate Services R Lotznicker, Director Technical Services R Boardman, Director Development Services		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council APPROVES BY ABSOLUTE MAJORITY the adjustments to the 2009/10 Annual Budget as reported in Appendix 9.3.4(a) and the Revised Budget 2009/10 as reported in Appendix 9.3.4(b).

COUNCIL DECISION ITEM 9.3.4

Moved Cr Topelberg, Seconded Cr Burns

That the recommendation be adopted.

Debate ensued.

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

(Cr Farrell had departed Meeting and did not vote.)

PURPOSE OF REPORT:

The purpose of this report is review the progress of the Annual Budget 2009/10 and to recommend adjustments to account for any major variances, funding reallocations, additional requirements or reflect Council decisions and provide amended estimates for the annual budget.

BACKGROUND:

The Local Government Act (Amended 2005) now requires a Local Government to undertake a review of its budget at least once a year. In the period between January and March of a financial year.

The budget review must then be submitted to the Department of Local Government and Resource Development within the thirty (30) days of the end of the period.

No prescribed format has been requested by the Local Government Department as to the format of the budget review.

DETAILS:

A review has been undertaken as at 31 December 2009 to adjust for any major variances, funding reallocation, additional items required and the inclusion of previous decisions of the Council.

As at 31 December 2009 the operating expenditure was 98.3% of the year to date operating budget:

Operating Expenditure:

Actual as at 31/12/2009	Budget YTD 31/12/2009	Annual Budget
\$18.3m	\$18.6m	\$36.2m

The major adjustment to the Operating Expenditure Budget is the increase of \$645,000 required to cater for the funding requirement for the City of Perth Superannuation Fund. The first instalment of \$345,00 has been paid and the second instalment of \$295,000 was paid in January 2010.

The adjustments for the Wetlands Nature Appreciation Programme Project and the AWARE Programme are due to receipt of grant funding for the expenditure.

Operating Expenditure Budget Programmes total adjustments as per the review.

	Actual 31/12/2009	Budget 2009/10	Revised Budget 2009/10
Governance	(\$1,190,137)	(\$1,829,295)	(\$2,469,713)
Law, Order and Public Safety	(\$473,933)	(\$935,470)	(\$1,014,470)
Recreation and Culture	(\$7,199,844)	(\$14,168,485)	(\$14,228,996)
Transport	(\$4,171,612)	(7,826,340)	(7,851,340)

Detailed comments on the individual operating expenditure budget amendments are listed below:

(1) Increase to the DSR Building Maintenance budget by \$14,470

Comment:

To be used for Specified maintenance painting works approved at the Ordinary Meeting of Council held on 28 July 2009, Item No. 9.2.2.

(2) Increase to the Perth Oval Specific Maintenance Budget by \$25,000

Comment:

Demolition of the Caretakers Cottage and landscape works approved at the Ordinary Meeting of Council held on 22 September 2009, Confidential Item No. 14.5.

(3) Increase to the Other Governance Superannuation budget by \$630,000

Comment:

Contribution required for City of Perth Superannuation Plan approved at the Special Meeting of Council, held on 13 October 2009, Item No. 8.1.

- (4) **Increase to the Other Law budget for the All West Australians Reducing Emergencies Programme (AWARE) by \$79,000.**

Comment:

To be used for the AWARE programme in the preparation of Emergency Management Strategies and Plans, this is funded by a grant (see operating revenue budget adjustment).

- (5) **Increase to the Wild Wetlands Nature Appreciation Programme budget by \$29,000**

Comment:

To be utilised for the Wild Wetlands Nature Appreciation Programme this is funded by a grant from the Department of Environment and Conservation (see operating revenue section).

- (6) **Increase in Maintenance Budget for Frame Court Car Park by \$25,000**

Comment:

Trees planted in the Frame Court car park are causing serious kerb/pavement problems with potential liability issues with the Town and require immediate action to be taken.

- (7) **Decrease in Building Maintenance Emergency Fund Budget by (\$8,361)**

Comment:

These monies are used for Capital items related to Hearing Loops for the Function and Council Chambers approved at the Ordinary Meeting of Council held on 1 December 2009, Item No. 9.4.3.

Operating Revenue:

Actual as at 31/12/2009	Budget YTD 31/12/2009	Annual Budget
\$27.6m	\$27.9m	\$34.7m

The operating revenue is 1.1% over the year to date budgeted revenue as at 31 December 2009.

The Operating Revenue Budget adjustments have been made due to increased revenue received to therefore, the following adjustments will be made to the annual budget estimates listed below:

- General Rates - \$80,000
- Information Fees - \$40,000
- Income – Non Rated Properties - \$50,000
- Development Applications - \$100,000
- Building Licences - \$150,000

Other adjustments to increase revenue are a result of the accounting for grants received that were not included in the budget.

In addition, an adjustment to decrease revenue estimates for the Operating Surplus at Leederville Gardens Retirement Village has been made due to the fact that no surplus will be transferred from Leederville Gardens Inc. this financial year as previously budgeted.

Operating Revenue Budget Programmes total adjustments:

	Actual 31/12/2009	Budget 2009/10	Revised Budget 2009/10
General Purpose Funds	\$20,688,132	\$21,568,571	\$21,688,571
Education and Welfare	\$75,589	\$180,903	\$150,903
Community Amenities	\$453,044	\$588,430	\$738,430
Economic Services	\$286,477	\$345,190	\$495,190

Detailed comments on the individual Operating Revenue item budget adjustments are listed below:

(1) Increased Budget for the Other Law Specified Grants by \$79,000

Comment:

Grant received from Fire and Emergency Services Authority (FESA) for the AWARE Programme.

(2) Increase Grant Budget income for Community Development by \$29,550

Comment:

Grant received from Department of Environment and Conservation for the Wild Wetlands Nature Appreciation Programme.

(3) Increase General Rates Revenue for the General Purpose Funding Programme by \$80,000

Comment:

General Rates raised more than budgeted estimates due to timing between when the rates were raised and the modelling for rates raised were prepared.

(4) Increase Information Fees Budget for General Purpose Funding by \$40,000

Comment:

The revenue from the supply of information has surpassed budgeted expectations and therefore annual estimates are to be amended to reflect this increase.

(5) Increase Revenue Budget for Town Planning Development Applications by \$100,000

Comment:

The revenue received from development applications is currently 150% over budget. At the time of the budget preparation, it was anticipated that the world financial crisis would have a severe impact on the number of development applications received in this financial year. This has not materialised and the increased revenue is expected to be maintained for the rest of the financial year. These additional funds are to be used to fund the contribution to the City of Perth Superannuation Plan.

(6) Increase Revenue Budget for Building Licences by \$100,000

Comment:

As above the revenue received from Building Licences has exceeded budgeted expectations and impact of the global financial crisis has not been reflected in this revenue. These surplus funds are also to be utilised to fund the contribution to the City of Perth Superannuation Plan.

(7) Increased Revenue Budget for Non-Rated properties \$50,000

Comment:

Increase due to the Town's leased properties being charged for the use of commercial bins.

(8) Reduce Revenue Budget for Leederville Gardens Surplus (\$30,000):

Comment:

The surplus for the financial year 2008/09 for the Leederville Gardens Village did not reach the required value as determined by the formula for an amount to be transferred to the Town, therefore the surplus was retained by the Village and this budgeted item should be amended."

Capital Expenditure:

	Annual Budget	Revised Budget	Annual as at 31/12/2009	%
Furniture and Equipment	\$132,900	\$141,261	\$46,029	47%
Plant and Equipment	\$1,229,450	\$1,329,500	\$500,645	38%
Land and Buildings	\$12,659,500	\$3,637,624	\$2,705,544	18%
Infrastructure	\$7,570,415	\$7,290,415	\$1,714,153	26%
TOTAL:	\$21,592,265	\$12,398,800	\$5,124,698	22%

Furniture and Equipment

Budget adjustments for the inclusion of hearing loop equipment in both the Function Room and the Council Chambers have been listed.

Plant and Equipment

This budget has been amended to provide for the purpose of CCTV equipment with Grant funding received.

Land and Buildings

The budget has been revised for the inclusion of the funds for the purchase of 81 Angove Street, North Perth at \$1,725,000.

It is also proposed to reduce the budget allocation for the Beatty Park Leisure Centre Redevelopment. The Town has a number of Grant funding applications pending for this project, however even if the Town is successful the development would not commence in this financial year and therefore it is recommended that the budget is adjusted by \$11,000,000.

The budget furthermore has been amended for inclusion of the Capital Works undertaken at ME Bank Stadium as part of the upgrade to cater for Rugby WA's requirements.

A budget adjustment has also been included to cater for the essential works for the bathroom area at the Leederville Child Care Centre to be undertaken.

Infrastructure

An increased funding contribution is required from the Town for works to be undertaken in conjunction with Main Roads Western Australia (MRWA) for the works to be undertaken at the intersection of Vincent and Oxford Streets.

This project for the Local Bicycle Network for the Accessible Path at Green Street will not proceed as the grant funding was unsuccessful and the budget has been amended to reflect this.

The projects for Moir Street and Fitzgerald/Randall Street Crossing have been deferred this financial year and the funds saved have been utilised to finance the requirements of the City of Perth Superannuation Fund payment.

Detailed comments on the individual Capital Expenditure Budget items are listed below:

(1) Increase Budget expenditure to Beatty Park Leisure Centre buildings by \$10,524

Comment:

The supply and installation of static lines to the grandstand roof and the upgrade of the electrical switchboard as approved at the Ordinary Meeting of Council held on 14 July 2009, Item No. 9.3.6.

(2) Increase Expenditure Budget to Law and Order Plant and Equipment purchase for Closed Circuit Television Cameras (CCTV) by \$88,000

Comment:

The Town received a grant for the amount above from the Office of Crime Prevention for this equipment.

(3) Increase Expenditure Budget to the ME Bank Stadium by \$228,000

Comment:

To be utilised for the contribution to Rugby WA for the interim upgrade and repairs to ME Bank Stadium for their move to this facility, this item was approved at the Ordinary Meeting of Council held on 22 September 2009, Item No. 14.5.

(4) Increase Expenditure Budget for the Department of Sport and Recreation Building by \$14,600

Comment:

This increase is for the replacement of the air conditioning control panel, which was approved at the Ordinary Meeting of Council, held on 24 November 2009, Item No. 9.4.3.

(5) Increase Expenditure Budget for the Administration and Civic Centre building by \$8,361

Comment:

This budgeted increase is for the installation of a Hearing Loop in the Function Room, a replacement of the Hearing Loop in the Council Chambers and the upgrade of the receptionist's security system. These items were approved at the Ordinary Meeting of Council held on 1 December 2009.

(6) Increase Budget expenditure for Land by \$1,725,000

Comment:

This new budget item is for the purchase of 81 Angove Street (formally the North Perth Police Station), this was approved at the Special Meeting of Council, held on the 13 October 2009, Item No. 8.3.

(7) Increase Budget expenditure for Beatty Park Leisure Centre Buildings by \$12,100

Comment:

This increase is required for the installation of air conditioning in the Cycling Fitness Room as approved at the Ordinary Meeting of Council, held on 15 December 2009, Item No. 9.3.7.

(8) Expenditure Budget for the Leederville Child Care Centre (LECC) bathroom renovation to be included - \$50,000

Comment:

With the relocation of the Child Care Centre now unlikely, in the medium term the LECC is keen to progress some essential works. A priority is to renovate the bathroom area situated between the kindergarten and the playschool area. See Item 9.2.1.

(9) Increase Budget expenditure for Black Spot Project by \$80,500

Comment:

Currently on budget = \$75,000 (State's contribution is 2/3 - \$50,000 Town of Vincent contribution \$25,000)

Revised cost = \$155,500 (State's contribution is 2/3 - \$100,000 Town of Vincent contribution to be \$55,500)

Funding shortfall = \$30,500 (additional Town of Vincent contribution)

Reasons

The original budget was based upon advice received from Main Roads nominated Electrical consultant at the time of the Black Spot submission in mid 2007.

The project was deferred and carried forward to 2009/10 as Main Roads expanded the scope of works thereby insignificantly increasing the costs.

As a consequence the Town applied for and received approval (dated 26/11/09) for an additional \$55,500 of Black Spot Funding. Therefore in accordance with the agreement the Town's contribution should increase by the same percentage (100%) or \$30,500, resulting in a total project budget of \$155,500.

Main Roads final approval was issued 17/12/2009.

(10) Increase Budget expenditure for Sekem Street (Street Lighting) - \$10,500

Comment:

There is a strong community support for a solar powered street light to be installed in Sekem Street. There is currently no budget allocation for this item in the 2009/10 Budget.

(11) Decrease Budget amount for Local Bicycle Network for Accessible Pathways-Green Street by (\$50,000)

Comment:

This amount is no longer required as the grant application to the Public Transport Authority that was to be used to fund part of this project was unsuccessful.

(12) Decrease Budget amount for Moir Street Reconstruction Project by (\$190,000)

Comment:

This project was deferred in order that the Town can fund the City of Perth Superannuation Plan. This was approved by Council at the Special Meeting of Council held on 13 October 2009.

(13) Decrease the Budget amount for the Fitzgerald/Randall Crossing Project by (\$155,000)

Comment:

This project was deferred in order to fund the City of Perth Superannuation Plan. This was approved at the Special Meeting of Council, held on 13 October 2009.

(14) Decrease the Budget amount for Beatty Park Leisure Centre by (\$11,000,000).

Comment:

The Town is yet to obtain Federal funding for this project and therefore this project will not be undertaken in this financial year. The Town has grant submissions pending with both Federal and State Governments and it is anticipated that this project will now commence in the next financial year.

(15) Decrease Expenditure for Pental Lane by (\$7,500)

Comment:

The funds for this project were carried forward from the 2008/09 budget, however the installation of an additional light cannot currently be undertaken as it is adjacent to a proposed development site, it is therefore proposed not to proceed with this project and reallocated these funds to the Sekem Street site.

(16) Decrease expenditure for Little Walcott Street for Street Lighting by (\$3,000)

Comment:

There has been little support for the Little Walcott Street Lighting, other than the initial letter. In respect of Pental Lane we cannot at this time, install an additional light as the logical location is adjacent a proposed development site (HomesWest) and in all likelihood it will get damaged during construction.

However, we have strong support for a Solar Powered streetlight in Sekem Street, North Perth which is approximately \$9,000.

Capital Grants:

- (1) **Increase Grant Budget for Law and Order by \$88,000**

Comment:

Grant received from Department of Crime Prevention to fund CCTV expenditure.

- (2) **Increase Grant Funding Budget for Black Spot projects by \$55,500**

Comment:

Main Roads WA increased contribution to the Black Spot Project for Vincent/Oxford Street intersection.

- (3) **Decrease Grant Budget income for Local Bicycle Network Accessible Path – Green Street by (\$25,000)**

Comment:

The grant submission to the Public Transport Authority for this project was unsuccessful.

- (4) **Decrease Grant/Contribution Budget for the Beatty Park Leisure Centre by (\$11,000,000)**

Comment:

The Town is awaiting the outcome of grant applications from both the State and Federal Governments. Even if the Town is successful with the applications, the work will not commence in this financial year.

Reserve Funds:

- (1) **Increase Reserve Funding from Beatty Park Reserve Fund by \$22,264**

Comment:

This is to fund expenditure for the supply and installation of static lines for the roof, upgrade of the electrical switchboard and installation of air conditioning in the Cycle Fitness Room. Approved at the Ordinary Meeting of Council held on 15 December 2009.

- (2) **Increase Reserve Funding from Perth Oval No. 1 Reserve Fund by \$253,000**

Comment:

Reserve Funding to finance the upgrade work for Rugby WA at ME Bank Stadium. Approved at the Ordinary Meeting of Council held on 22 September 2009.

- (3) **Increase Reserve Funding from Department of Sport and Recreation Office Building Reserve Fund by \$29,340**

Comment:

The increase in the Reserve fund Budget is for painting works and the installation of a new air conditioning control panel unit at the DSR office building. Approved at the Ordinary Meeting of Council held on 1 December 2009.

- (4) **Increase Reserve Funding from Land and Building Reserve Fund by \$172,500**

Comment:

The reserve funds were utilised as a deposit for the purchase of the property at 81 Angove Street.

Borrowings:

(1) Loans Budget to be increased by \$1,600,000

Comment:

The loan budget is required to be increased for the amount of \$1,600,000 to purchase of 81 Angove Street, North Perth as approved at the Ordinary Meeting of Council, held on 15 December 2009, Item No. 9.3.3.

A summary table of the complete Budget Review transactions are included in Attachment 9.3.4(a).

CONSULTATION/ADVERTISING:

N/A

LEGAL/POLICY:

The Local Government Act 1995 (Amended 2005) requires that a budget review be undertaken each financial year, in the period between January and March of a financial year.

STRATEGIC IMPLICATIONS:

Plan for the Future Strategic Plan 2009-2014 - Key Result Area 4 – Leadership, Governance and Management:

“4.1 Provide Good Strategic Decision-Making, Governance, Leadership And Professional Management:

4.1.2(a) Adopt “best practice” to manage the financial resources and assets of the Town.”

SUSTAINABILITY IMPLICATIONS:

N/A

FINANCIAL/BUDGET IMPLICATIONS:

The most significant issue with the review of the Town’s Budget 2009/10, is the impact of the funding for the City of Perth Superannuation Plan requirements has had on the Budget with two significant projects deferred and increased revenue used to fund the Town’s obligation.

As a result of the amendments included in this review, it is estimated that an increased **surplus** of **\$17,500** will still be achieved.

COMMENTS:

The Town is required, under the Local Government Act (1995) to conduct a review of its budget between January and March each financial year. The Town is able to carry out further budget reviews and if required, may conduct a further review at the end of March 2010.

9.4.3 ME Bank Stadium Management Committee Meeting - Receiving of Unconfirmed Minutes - 15 February 2010 and Confirmed Minutes of the Special Stadium Committee Meeting 2 February 2010

Ward:	South	Date:	17 February 2010
Precinct:	Beaufort, P13	File Ref:	RES0082
Attachments:	001		
Reporting Officer:	L Rogers, Personal Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Unconfirmed Minutes of the ME Bank Stadium Management Committee Meeting held on 15 February 2010 and Confirmed Minutes of the Special ME Bank Stadium Management Committee Meeting held on 2 February 2010, as shown in Appendix 9.4.3.

COUNCIL DECISION ITEM 9.4.3

Moved Cr Lake, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

PROCEDURAL MOTION

At 9.31pm Moved Cr Burns, Seconded Cr Farrell

That Council proceed “behind closed doors” for confidential discussions concerning a possible lease of ME Bank Stadium to the State Government, which involve:

- *lease negotiations;*
- *legal advice obtained, or which maybe obtained by the local government and relates to a matter to be discussed at the meeting; and*
- *a matter that if discussed would reveal information that has a commercial value to a person.*

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr Farrell had departed the Meeting and did not vote.)

The Chief Executive Officer provided a confidential verbal report on the progress of discussions between the Town and the Department of Sport and Recreation concerning a possible lease of ME Bank Stadium, as follows;

- The Council’s official position is as per OMC 24 March 2009;
- The Mayor and Chief Executive Officer had attended 3 meetings and the Chief Executive Officer and Director Corporate Services had attended 1 meeting;
- A number of lease drafts had been prepared. The final draft lease still require vetting by solicitors;
- Advice has been obtained from the Town’s Valuers/Property Consultants, which disagrees with the Department’s advice;

- **The principle clauses of a draft lease have been agreed, at officer level;**
- **A letter has been sent to the Minister for Sport and Recreation advising that the amount of rent/financial contribution being offered by the Department and that requested by the Town were significantly different. As such, it was considered that this important matter needed to be resolved prior to any further meetings being held;**
- **At the time of this meeting, a response had not been received by the Minister and/or the Department;**
- **Council approval is still required.**

PROCEDURAL MOTION

At 10.00pm Moved Cr Topelberg, Seconded Cr McGrath

That Council resume an "open meeting".

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr Farrell had departed Meeting and did not vote.)

MOTION PUT AND CARRIED (8-0)

(Cr Farrell had departed Meeting and did not vote.)

PURPOSE OF REPORT:

The purpose of the report is for the Council to receive the Unconfirmed Minutes of the ME Bank Stadium Management Committee meeting held on 15 February 2010 and Confirmed Minutes of the Special ME Bank Stadium Management Committee Meeting held on 2 February 2010.

BACKGROUND:

At the Ordinary Meeting of Council held on 14 September 2004, the Council considered the establishment of a Committee for the management of the Stadium (known as "ME Bank Stadium" - formerly "Members Equity Stadium") and resolved inter alia as follows;

"That the Council APPROVES BY AN ABSOLUTE MAJORITY; ...

- (iii) *to delegate the following functions to the Committee;*
- (a) *to establish and review the Heads of Agreement (HOA) Key Performance Indicators (KPIs) in conjunction with Allia;*
 - (b) *to assess whether each proposed Licensing Agreement is consistent with the KPIs and the provisions of the HOA and to approve the proposed Licensing Agreement if it is consistent;*
 - (c) *to supervise the performance of the Services by Allia and to ensure that Allia performs the Services in accordance with the KPIs and the HOA;*
 - (d) *to receive and consider Performance Reports;*
 - (e) *to advise the Council on Capital Improvements required for the Stadium and to make recommendations to the Council about the use of the Reserve Fund;*
 - (f) *to review Naming Signage; and*
 - (g) *to review the Risk Management Plan;*

(For the purpose of avoidance of doubt, it is acknowledged that the Committee's functions do not include carrying out any of the Operational Management Services which are to be provided by Allia)."

CONSULTATION/ADVERTISING:

Not applicable.

LEGAL/POLICY:

The Local Government Act Regulations 1996 requires that Committee Meeting Minutes be reported to the Council.

STRATEGIC IMPLICATIONS:

This is in keeping with the Town's Strategic Plan - Plan for the Future 2009-2014, Objective 4.1 - *"Provide Good Strategic Decision Making, Governance, Leadership and Professional Management"* and, in particular, Objective 4.1.2 - *"Manage the organisation in a responsible, efficient and accountable manner"*.

SUSTAINABILITY IMPLICATIONS:

Not applicable.

FINANCIAL/BUDGET IMPLICATIONS:

Nil.

COMMENTS:

The reporting of the Town's Committee Minutes to the Council Meeting is in keeping with the Local Government Act 1995 and its regulations.

9.4.5 2010 International Climate Change Adaptation Conference 29 June to 1 July 2010 – Gold Coast Convention Centre, Queensland

Ward:	-	Date:	18 February 2010
Precinct:	-	File Ref:	ADM0031
Attachments:	001		
Reporting Officer:	John Giorgi, Chief Executive Officer		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council APPROVES the Chief Executive Officer and up to one (1) Council Member....., to attend the “2010 International Climate Change Adaptation Conference” from 29 June 2010 to 1 July 2010 to be held at the Gold Coast Convention Centre, Queensland at an estimated cost of \$2,855 each.

Moved Cr Lake, Seconded Cr Burns

That the recommendation be adopted with the following amendment:

“That the Council APPROVES:

- (i) the Chief Executive Officer and up to one (1) Council Member....., to attend the “2010 International Climate Change Adaptation Conference” from 29 June 2010 to 1 July 2010 to be held at the Gold Coast Convention Centre, Queensland at an estimated cost of \$2,855 each; and*
- (ii) the Chief Executive Officer to carry out a site visit of the Skilled Park Multipurpose Rectangular Stadium in Robina, Gold Coast, Queensland at an additional cost of \$287.”*

The Presiding Member called for nominations from Councillors.

Debate ensued.

Cr Buckels nominated to attend subject to being able to confirm by 5.00pm Wednesday 24 February 2010, as to whether he was available to attend.

No other nominations were received.

Debate ensued.

MOTION PUT AND CARRIED (5-3)

For: Mayor Catania, Cr Buckels, Cr Burns, Cr Harvey, Cr Lake

Against: Cr McGrath, Cr Maier, Cr Topelberg

(Cr Farrell had departed the Meeting and did not vote.)

COUNCIL DECISION ITEM 9.4.5

That the Council APPROVES:

- (i) ***the Chief Executive Officer and Cr Matt Buckels (subject to his confirmation as to whether he was available to attend), to attend the “2010 International Climate Change Adaptation Conference” from 29 June 2010 to 1 July 2010 to be held at the Gold Coast Convention Centre, Queensland at an estimated cost of \$2,855 each; and***
- (ii) ***the Chief Executive Officer to carry out a site visit of the Skilled Park Multipurpose Rectangular Stadium in Robina, Gold Coast, Queensland at an additional cost of \$287.***

Note: Cr Buckels advised on 25 February 2010 that he had work commitments and therefore was unavailable to attend the conference.

ADDITIONAL INFORMATION:

Subject to the Council’s approval, an opportunity exists for the Chief Executive Officer to carry out a site visit of Skilled Park Multipurpose Rectangular Stadium in Robina, Gold Coast, Queensland. As the Council is aware, a redevelopment of ME Bank Stadium has been under consideration for several years and as a result of discussions with the State Government, Skilled Park has been proposed as an ideal Stadium on which to model the ME Bank Stadium redevelopment.

Skilled Park was officially opened in March 2008 and was constructed over a two year period at an estimated cost of \$175 million. It has a capacity of 27,400 spectators and is used by football (Gold Coast United Football Club), Rugby Union and Rugby League (Jet Star Gold Coast Titans). It contains 100 open corporate boxes, 25 corporate suites, 2 x 450 seat function rooms and numerous food and beverage outlets and associated facilities. The Stadium has been designed without public car parking space and is located on a main rail and bus route.

An inspection of this facility would be most beneficial to the Council as it will provide valuable facility infrastructure, management and redevelopment information, which will be most useful during the forthcoming discussions with the State Government.

PURPOSE OF REPORT:

The purpose of this report is to obtain the Council's approval for the Chief Executive Officer, John Giorgi, and up to one (1) Council Member to attend the “2010 International Climate Change Adaptation Conference” from 29 June 2010 to 1 July 2010 to be held at the Gold Coast Convention Centre, Queensland.

BACKGROUND:

The “2010 International Climate Change Adaptation Conference” is co-hosted by Australia’s National Climate Change Adaptation Research Facility and the CSIRO Climate Adaptation Flagship. *“This conference will be one of the first forums to focus solely on climate impacts and adaptation. It will bring together scientists and decision makers from developed and developing countries to share research approaches, methods and results. It will explore the way forward in a world where impacts are increasing observable and adaptation actions are increasing required”.*

The conference will be attended by an international community of researchers, scientists, representatives of government, business and communities.

DETAILS:

A copy of the conference programme is attached which reveals that the speakers, topics and attendance is very diverse. An international selection panel is currently reviewing more than 800 abstracts from 55 nations.

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;

The Contract of Employment for the Chief Executive Officer entitles him to attend one interstate conference per financial year. The Chief Executive Officer did not attend any interstate professional development conferences during the 2008/2009 financial year.

Previous Attendance

The Town has not previously attended this conference.

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 - *"Attract and retain quality employees and encourage career development "*.

SUSTAINABILITY IMPLICATIONS:

The Town is committed to the principles of environmental, social and economic sustainability and is dedicated to achieving and promoting sustainable outcomes throughout its everyday functions and responsibilities.

FINANCIAL/BUDGET IMPLICATIONS:

***Note: The following Financial/Budget Implications were corrected and distributed prior to the meeting. Changes are indicated by strike through and underline.**

<u>Cost per person</u>	<u>Early Bird Registration</u>
Conference registration*:	\$850
Economy Airfare#:	\$750
Accommodation (4 nights @ \$180):	\$720
Expense Allowance (5 days):	<u>\$535</u>
	Total: \$2,855

(* Early Bird Registration is prior to 1 March 2010 – after 1 March 2010 registration is \$1,100).

(# Approximate cost, most cost efficient airfare will be used).

<u>Stadium Site Visit</u>	
<u>Accommodation (1 day):</u>	\$180
<u>Expense Allowance (1 day):</u>	\$107

Total: \$287

COMMENTS:

This conference provides an excellent opportunity to obtain the latest information relating to climate change from many world experts in their field. The recent climate change debate has provided a focus on this controversial subject. The information obtained will be most beneficial in considering a number of strategic documents relating to the Town e.g. Town Planning Scheme, Sustainable Environment Plan.

It is recommended that approval be granted for the Chief Executive Officer and up to one (1) Council Member to attend the “2010 International Climate Change Adaptation Conference” to be held at the Gold Coast Convention Centre, Queensland, from 29 June 2010 to 1 July 2010.

The Chief Executive Officer advised that it was 10.02pm.

The Presiding Member, Mayor Nick Catania stated a Procedural Motion needed to moved to extend the closure of meeting time, as the Council's Policy relating to Council meetings requires meetings to cease by 10.00pm.

PROCEDURAL MOTION

Moved Cr Lake, **Seconded** Cr Harvey

That the meeting be extended for 10 minutes.

PROCEDURAL MOTION PUT AND CARRIED (8-0)

(Cr Farrell had departed the Meeting and did not vote.)

9.4.6 Information Bulletin

Ward:	-	Date:	17 February 2010
Precinct:	-	File Ref:	-
Attachments:	001		
Reporting Officer:	A Radici, Executive Assistant		
Responsible Officer:	John Giorgi, Chief Executive Officer		

OFFICER RECOMMENDATION:

That the Council RECEIVES the Information Bulletin dated 23 February 2010, as distributed with the Agenda.

COUNCIL DECISION ITEM 9.4.6

Moved Cr Topelberg, **Seconded** Cr Lake

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Cr Farrell had departed the Meeting and did not vote.)

DETAILS:

The items included in the Information Bulletin dated 23 February 2010 are as follows:

ITEM	DESCRIPTION
IB01	Letter of Appreciation from WALGA regarding the use of the Town's Facilities for a WALGA Workshop
IB02	State Administrative Tribunal Order Nardi v Town of Vincent
IB03	Minutes of Tamala Park Regional Council Ordinary Meeting of Council held on 11 February 2010
IB04	Forum Advice – 16 February 2010

10.1 Notice of Motion – Councillors McGrath, Lake and Topelberg – Proposed Beaufort Streetscape Upgrade and Art Project

That the Council:

- (i) *AUTHORISES the Chief Executive Officer to investigate and report by no later than 27 April 2010 on a proposal to upgrade and promote the Beaufort Street retail strip between Walcott Street and St Albans Avenue, including but not limited to:*
 - (a) *the potential to create new temporary and permanent public community spaces for events and daily use;*
 - (b) *upgrades to sidewalks, kerbing and median strips/traffic islands, including provision of additional street trees and plantings in public community spaces;*
 - (c) *innovative solutions to traffic and parking problems, including facilitation of safer pedestrian movement across Beaufort Street and improvements to the Beaufort-Walcott street intersection;*
 - (d) *medium to long term goals for provision of public art and “creative streetscape” installations along Beaufort Street, including opportunities for attracting external funding of such installations in the longer-term;*
 - (e) *a supporting Capital Works Program indicating yearly expenditure required to implement the proposed upgrade works, public art and creative streetscape installations;*
 - (f) *a Community Engagement Strategy to involve residents and business proprietors in the design and implementation of the proposed works and installations; and*
 - (g) *a Promotions Strategy to recognise and promote the street’s new Tourism Precinct status and the planned investment in the retail strip by the Council;*
- (ii) *LISTS for consideration an amount of \$120,000 in the 2010/11 Draft Budget to initiate public art and “creative streetscape” installations on Beaufort Street between Walcott Street and St Albans Avenue, which would be in the form of innovative new street furniture such as seating, bike racks and rubbish bins, to be implemented in the 2010/11 year; and*
- (iii) *REQUESTS that:*
 - (a) *the public art and creative streetscape projects referred in Clause (i)(d) and (ii) be developed in consultation with the Beaufort Street Network Inc;*
 - (b) *the Town’s Art Advisory Group consider all proposed artwork and make recommendations to the Council; and*
 - (c) *a design competition be promptly prepared to develop the installations in clause (ii).*

COUNCIL DECISION ITEM 10.1

Moved Cr McGrath, Seconded Cr Topelberg

That the recommendation be adopted.

Debate ensued.

MOTION PUT AND CARRIED (8-0)

(Cr Farrell had departed the Meeting and did not vote.)

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

Nil.

12. REPRESENTATION ON COMMITTEES AND PUBLIC BODIES

Nil.

13. URGENT BUSINESS

Nil.

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

Nil.

15. CLOSURE

The Presiding Member, Mayor Nick Catania, declared the meeting closed at 10.10pm with the following persons present:

Mayor Nick Catania, JP	Presiding Member
Cr Matt Buckels	North Ward
Cr Anka Burns	South Ward
Cr Taryn Harvey	North Ward
Cr Sally Lake (<i>Deputy Mayor</i>)	South Ward
Cr Warren McGrath	South Ward
Cr Dudley Maier	North Ward
Cr Joshua Topelberg	South Ward
John Giorgi, JP	Chief Executive Officer
Rob Boardman	Director Development Services
Mike Rootsey	Director Corporate Services
Jeremy van den Bok	A/Director Technical Services
Anita Radici	Executive Assistant (Minutes Secretary)

No members of the Public were present.

These Minutes were confirmed by the Council as a true and accurate record of the Ordinary Meeting of the Council held on 23 February 2010.

Signed: Presiding Member
Mayor Nick Catania

Dated this day of 2010